

**OHCHR, THE HUMAN RIGHTS COUNCIL AND THE GULF COUNTRIES:
AN ANALYSIS OF ACTIONS UNDERTAKEN SINCE 2011¹**

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List of abbreviations:

BICI-Bahrain Independent Commission of Inquiry

CAT- Committee Against Torture

CEDAW-Committee on the Elimination of all forms of Discrimination Against Women

CERD- Committee on the Elimination of Racial Discrimination

CRC-Committee on the Rights of the Child

CESCR-Committee on Economic, Social and Cultural Rights

DAW-Discrimination Against Women

FoAA- Freedom of Assembly and Association

Freedex-Freedom of Opinion and Expression

HRC-United Nations Human Rights Council

HRD- Human rights defenders

IJL- Special Rapporteur on the Independence of Judges and Lawyers

NGO-Non-governmental organisations

NHRI- National Human Rights Institutions

OHCHR-Office of the High Commissioner for Human Rights

SR-Special Rapporteur

Sumex- Extrajudicial, summary or arbitrary executions

UA-Urgent Appeal

UPR- Universal Periodic Review

VAW-Violence Against Women

WGAD-Working Group on Arbitrary Detention

WGEID- Working Group on Enforced or Involuntary Disappearance

This study, carried out in April 2014, is an analysis of the actions taken by UN mechanisms since 2011 in relation to six of the Gulf countries namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE). Actions which were examined included communications sent to the governments of these countries, the issuance of press releases, the mentioning of the Gulf States in the annual reports of Special Procedures, country visits and the field presence of OHCHR, and actions by Treaty Bodies as well as discussions at the Human Rights Council.

This analysis revealed that action taken, although strong in relation to Bahrain, has not been as extensive as is warranted relative to the grave human rights situations in these countries. This document also aimed to find a strategy for advocacy to increase the number of actions taken by UN mechanisms and as such examined the statements of interested states at the Human Rights Council, as well as recommendations made to the Gulf States during the UPR process.

1. COMMUNICATIONS²

Since the beginning of 2011, Special Procedures has sent **42 communications to Bahrain, 34 to Saudi Arabia, 25 to the UAE, four to Kuwait, six to Oman and six to Qatar**. The Special Rapporteur (SR) on the Freedom of Opinion and Expression (hereinafter Freedex) was the lead mandate in sending these, joining 66 communications, followed by the Working Group on Arbitrary Detention (WGAD) and the Special Rapporteur on torture or other cruel, inhuman or degrading treatment (hereinafter Torture), with 63 and 65 respectively. The SR on the situation of human rights defenders (hereinafter HRD) also joined many communications, having sent 61. This is a very slight anomaly, as HRD is the mandate which generally sends most communications. Unsurprisingly, the SR on Freedom of Assembly and Association (FoAA) sent or joined 38 communications, the SR on the Independence of Judges and Lawyers (IJL) 35, the SR on extrajudicial, summary or arbitrary executions (Sumex) 17, the Working Group on Enforced or Involuntary Disappearances (WGEID) 12, the SR on the right to freedom of religion ten, the SR on violence against women (VAW) ten, SR on the right to health 7 and the SR on the promotion and protection of human rights while countering terrorism (hereinafter Terrorism) seven. The SR on Migrants sent only five communications (two to Saudi Arabia, one to UAE and two to Qatar). Likewise, Minorities sent only two communications in these three years, both to Kuwait. Indeed the low numbers sent by VAW

²A full breakdown of communications sent, as well as their replies is in Annex 1

(eight) and the SR on discrimination against women (DAW) (three) are also cause for concern.

Between December 2013 and July 2014, Special Procedures sent four communications to the government of **Bahrain**. In 2013, Special Procedures sent eight communications; six of which were urgent appeals, two were letters of allegation, and replies were received to all eight. FoAA joined all eight communications, HRD joined seven; Torture joined seven, Freedex joined six, WGAD joined four, IJL) two, and WGEID, Terrorism, VAW and DAW all joined one each. In 2012, Bahrain received 12 communications from Special Procedures, two of which were letters of allegation. It replied to eleven of these communications, sometimes multiple times. FoAA joined nine of these communications; as did Freedex; HRD joined eight; Torture five; WGAD four, Health three, and IJL, VAW, Religion and Sumex one each. Special Procedures sent 18 communications to Bahrain in 2011, 14 of which were urgent appeals. It received replies to 100% of these, sometimes multiple times. Freedex joined eleven communications; HRD and Torture eight; WGAD, IJL and FoAA five; Religion, Sumex and WGEID three; Health two; and Terrorism, VAW, Education and Health one each. It is worth noting the amount of replies received by Special Procedures from Bahrain, which are generally very substantial even if they could not be considered to be entirely accurate. This would suggest that Bahrain, at some level, is conscious of the influence of Special Procedures and is eager to maintain an international reputation of some standing.

Saudi Arabia received four communications between December 2013 and June 2014. In 2013 it received nine communications, six of which were urgent appeals, and replied to three. The WGAD sent seven of these, Torture six, HRD, FoAA and IJL five, Sumex four, Terrorism two, and Migrants, VAW and DAW one each. In 2012, thirteen communications were sent to Saudi Arabia, just one of which was a letter of allegation, and to which six replies were received. Of these, WGAD joined ten; Freedex, HRD and IJL joined seven; Torture joined six; Sumex and FoAA five; Religion four; VAW two and Migrants, Terrorism, Minorities and Racism one each. Special Procedures sent eight communications in 2011, six of which were urgent appeals, and to which it received two replies. Of these eight, seven were sent by WGAD, six by Freedex, five by HRD, four by Torture; three by IJL and one each by religion, WGEID, Terrorism and Sumex. Saudi Arabia employs a policy of denial in its replies to Special Procedures, and replies in an ad-hoc fashion which betrays its contempt for the body.

From December 2013 until July 2014, the **United Arab Emirates** received three communications. In 2013 it received six one of which was a letter of allegation, and it replied

to two. Torture sent five of these; IJL, Freedex, FoAA and HRD sent four each; WGAD three and Health and Migrants one each. In 2012, it had received eight communications and replied to none. Seven of them had been urgent appeals. Freedex joined seven, HRD six, WGAD four, FoAA three, IJL and WGEID two, and Torture one. Eight communications were sent in 2011, one of which was a letter of allegation. None received replies. Of these, WGAD sent seven; Torture sent six; Freedex five; HRD three; IJL, WGEID and Terror two each. As with Saudi Arabia, the fact that the UAE replies to very few of these communications speaks to its unwillingness to co-operate fully with Special Procedures.

As for **Kuwait**, no communication has been sent since January 2013. In 2012, two were sent, one of which, concerning a peaceful protest by the Bidun people, received a reply. They were joined by FoAA both times and once by Freedex, HRD and minorities. Two communications were also sent in 2011, both joined by WGAD and Torture, and also joined by WGEID, Freedex, Terrorism and Toxic Waste. Neither received a reply.

Special Procedures sent three communications to **Oman** between December 2013 and July 2014. In contrast, in 2013 Special Procedures sent only one communication to the country, to which it received two replies. It was sent by WGAD, FoAA, HRD and Freedex. In 2012, Oman received two communications, to which it sent two replies. Both of these were joined by WGAD, Freedex, FoAA and HRD, while IJL joined one. One communication was sent in 2011, by WGAD, Freedex, Sumex and Torture. A reply was received. The content of the replies would seem to indicate that Oman, like Bahrain, is interested in silencing international criticism of the regime.

Qatar has received four communications since 2011, and it has sent substantive replies to all four. Of these, one was an urgent appeal sent by Freedex, Torture and HRD in 2013; in 2012 Culture, Freedex and IJL sent a letter of allegation; and in 2011 WGAD, Freedex, HRD and Torture sent an urgent appeal.

The Observations on Communications issued by the HRD, FoAA, Sumex and Torture mandates are listed in Annex 2. There is comprehensive discussion of the communications and replies, however, as the SRs can only comment on communications sent, there is heavy bias towards Bahrain and Saudi Arabia in that document too.

It is worth bearing in mind that Special Procedures can only react to information that it

receives, and it always has to be sure that the information is trustworthy. The statistics on actions taken by OHCHR are *fairly* reflective of the actions sent to it by GCHR; having sent the following number of cases between 2011 and 2014; Bahrain 93, Saudi Arabia 67, UAE 60, Kuwait 40, Oman 31 and Qatar 14. This is good news for GCHR in one way, as it means Special Procedures are reacting to cases that it sends and that it considers GCHR to be a reliable source of information (assuming of course that OHCHR took action on largely the same cases which GCHR submitted). Indeed, GCHR submits cases in a format which is very helpful for OHCHR.

So how can civil society convince OHCHR to take more action, and in a more balanced way? Many of the mandates within OHCHR have a stipulation that requires consent from any persons to be mentioned in a communication to the government. When this consent is not received, protective measures can be taken and the communication can be sent anyway. However, when no information is forthcoming regarding consent or lack thereof, it can cause unnecessary delays, to the point of the communication possibly not being sent.

It is recommended that civil society could speed up the process by indicating in their communication with Special Procedures whether or not consent has been received from the person or persons who are the subject of the appeal, particularly in the case of human rights defenders. Furthermore by adhering to the requirements stipulated by each mandate on their website in relation to information for submission, more actions could be taken up and in a more timely fashion.

One issue facing OHCHR is, of course, its lack of resources, including human resources. Many of the mandates are running at below capacity, and any mandate which is running at capacity is very much the exception. As one such exception the HRD mandate has the capacity to meet with defenders personally if they are in Geneva, as do mandates such as FoAA and Freedex. If civil society is not already doing so, they should try to arrange meetings with between representatives of the mandate, particularly if they are from countries where less action has been taken to date. Trustworthy information on these countries is often thin on the ground, and naturally the human element of these kinds of meetings is significant. Indeed, cultivating personal relationships between staff members of OHCHR and personnel from civil society is of supreme importance.

It is preferable to send information into Special Procedures and all UN mechanisms in

English where possible. The working languages of OHCHR are English, French and Spanish; there is very little capacity to deal with information that arrives in other languages. Certain governments (Norway, Rep of Korea, to name two) send Junior Professional Officers (JPOs) to OHCHR. It would be worth lobbying governments to send Arabic-speaking JPOs in order to increase the capacity to work in that language. Indeed, it could be worth lobbying for more JPOs in general, in order to increase the general capacity of OHCHR.

2. PRESS RELEASES³

Between 1 January 2011 and 8 July 2014, 84 press releases were issued on the Gulf Countries; 33 on Bahrain, 16 on Kuwait, 12 on Saudi Arabia, nine on the UAE, three on Oman and two on Qatar. There is a clear discrepancy here, reflective of the general emphasis on Bahrain and the lack of action on Oman. Additionally, the human rights mechanisms have issued many more “out-of-the-ordinary”⁴ press releases on Bahrain. The relatively high number of press releases for Kuwait, for example, is due to the fact that it has ratified more Conventions, and therefore undergoes more reviews by Treaty Bodies, who issue press releases about same. Only one of the 15 press releases concerning Kuwait is “out-of-the-ordinary”. None of the nine press releases regarding the UAE could be considered “out-of-the-ordinary”. Meanwhile, the vast majority of those on Bahrain (26) are “out-of-the-ordinary”. Saudi Arabia and Bahrain have been the subject of a number of press releases in the context of reprisals, which is also reflective of the situation at the Human Rights Council. Given that the UN pays particular attention to cases of reprisals, the statistics could indicate that information on reprisals from Oman, Qatar and Kuwait has not been arriving to OHCHR, as the other alternative, that reprisals do not take place in these countries, seems unlikely.

In light of the apparent dearth of press releases on cases of reprisals in particular in relation to Oman, Qatar and Kuwait, it is recommended that civil society provide more information to mandate holders on these countries and the human rights situation and issues.

3. ANNUAL REPORTS OF SPECIAL PROCEDURES⁵

In the annual reports of Special Procedures, a pattern which reproduces itself elsewhere can

³Breakdown of and links to press releases contained in Annex 3

⁴Press releases regarding specific situations or concerns, rather than concerning periodic reviews or upcoming visits etc

⁵Details of where Special Procedures have mentioned the Gulf countries is in Annex 4

be observed. It is not very common for mandate holders to mention specific states in their reports, but they do so on occasion⁶. This analysis found that with the exception of Bahrain other Gulf Countries have received little attention in annual reports. The annual reports of the Special Rapporteurs will be discussed followed by those of the Working Groups, as they have different reporting methodologies.

Since 2011, **Bahrain** has been mentioned at least 14 times by mandate holders in their annual reports; in at least two reports FoAA has provided concrete examples of violations by the state; Sumex has reminded the Human Rights Council that Bahrain's constitution does not explicitly protect the right to life, and has also highlighted the mandate's resort to the use of a press release; HRD and Torture have both mentioned Bahrain in the context of pending visit requests; Freedex has referred to Bahrain in the context of surveillance, as well as in reference to a press release; likewise HRD has referred to press releases, and to the situation for women HRDs. Freedex has also mentioned Bahrain in a report to the General Assembly.

Saudi Arabia is mentioned five times, regarding its accession to the optional protocol on children and armed conflict, an outstanding request to visit by Torture, a pending visit request by HRD, and regarding the lack of protection for the right to life in its constitution, as well as an individual case, by Sumex.

Special Procedures mention the **UAE** five times; by Freedex regarding a communication sent; by the SR on trafficking in the context of a completed country visit; regarding the right to life in the constitution by Sumex; and by HRD in relation to women HRDs and a pending visit request.

In contrast, **Kuwait** has been mentioned just three times by Special Procedures in their annual reports; regarding the promotion of scientific infrastructure by the SR in the field of cultural rights, and regarding the lack of protection for the right to life in its constitution by Sumex. Most recently, FoAA reiterated the Human Rights Committee's concern regarding the new criminal offence of "imitating the opposite sex".

FoAA referred to the sentencing of eleven human rights defenders in **Oman** during 2012 at the 26th Human Rights Council. Sumex also mentions Oman in the context of the lack of

⁶States are also mentioned when they reply to questionnaires. Incidentally, Bahrain is the state who is cited as having replied to most since 2011, with four; Qatar has replied to two, and Kuwait, the UAE and Oman have replied to one.

protection for the right to life, but Oman is not mentioned in any other reports.

Qatar receives four mentions; in the context of a pending visit request from HRD, the lack of safeguards on the right to freedom of assembly and association by Sumex, and twice as an example of educational good practice by the SR on education.

In 2013, WGAD issued four opinions on Saudi Arabian cases, one on a Bahraini case and one on a case from the UAE. It sent four urgent appeals (UAs) to Bahrain, two to Oman, eight to Saudi Arabia and five to the UAE. The working group also reiterated requests to visit Bahrain and Saudi Arabia. It noted that four Saudi Arabian subjects of opinions had been released, as well as a Qatari and an Emirati subject.

The WGAD in 2012 sent six UAs to Saudi Arabia, five to the UAE, five to Bahrain and one each to Kuwait, Oman and Qatar. It issued opinions on no less than 14 Saudi Arabian cases, two on cases in the UAE and one to Qatar. It also requested to visit both Bahrain and Saudi Arabia.

In 2011, it reported that it had sent five UAs to Bahrain, two to the UAE and one each to Saudi Arabia, Kuwait and Qatar. None were sent to Oman. It issued one opinion on Qatar and another to the UAE. It also requested to visit Saudi Arabia.

At the end of 2012⁷, the WGEID reported one outstanding case each in Bahrain and Kuwait, four in Saudi Arabia and five in the UAE. It had also sent two new UAs to the UAE.

In 2012, WGEID reported that it had utilised its urgent action procedure to transmit information on cases to both Bahrain and the UAE. It had issued three UAs to Bahrain and one to the UAE. It also clarified cases from both Bahrain and the UAE.

The WGEID in 2011 reported that it had utilised its urgent action procedure to communicate new information once to the government of Bahrain, twice to Saudi Arabia and thrice to the UAE. It had also issued UAs to Bahrain and clarified a Saudi Arabian case.

The Working Group further called on Bahrain, Saudi Arabia, UAE and Kuwait to sign and

⁷The WGEID's annual report referring to 2013 is not yet available, and unfortunately its sessional reports do not include information useful for the analysis.

ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Hence, in the annual reports of Special Procedures, we can observe a strong focus on Bahrain, while there is a lack of mention of Oman. Saudi Arabia and the UAE do seem to receive attention from Special Procedures; Kuwait and Qatar less so. The WGAD pays a good deal of attention to Saudi Arabia as well as to Bahrain.

It is paramount that civil society, particularly in countries which feature less in annual reports of Special Procedures and Working Groups, provide relevant and detailed information to these mechanisms on the human rights situation in the countries to facilitate and increase action taken.

4. FIELD PRESENCE AND MISSIONS

The OHCHR Regional Office for the Middle East (ROME) was established in Beirut in 2002. The Regional Office covers nine countries: Bahrain, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, and the United Arab Emirates. There are no country offices in the Gulf States.

According to the 2011 report OHCHR in the Field: Middle East and North Africa,

“In May 2011, an agreement to integrate a human rights-based approach into the Arab Strategy for Combating Human Trafficking was reached as an outcome of the Regional Consultation on the Human Rights-Based Approach to Combating Human Trafficking organized by the Centre, in collaboration with the Qatar Foundation for Combating Human Trafficking. The Regional Consultation was attended by 70 participants from a number of Arab countries or territories, including Egypt, Jordan, Kuwait, Lebanon, the Occupied Palestinian Territory, Qatar, Saudi Arabia, Syrian Arab Republic, Sudan, United Arab Emirates (UAE) and Yemen. The Arab Strategy for Combating Human Trafficking represents a formal initiative by the League of Arab States (LAS) to strengthen regional implementation of the UN Protocol for Combating Human Trafficking (also known as the Palermo Protocol). An earlier draft of the Strategy was amended to include explicit references to OHCHR’s Recommended Principles and Guidelines on Human Rights and Human Trafficking. The Strategy also explicitly refers to OHCHR as an important partner in the struggle to combat trafficking. On the same subject, the Centre organized a workshop in December that focused on the OHCHR 2002 Recommended Principles and Guidelines on Human Rights and Human Trafficking for law enforcement officials. Members of national entities combating human trafficking from 10 countries of the region. The workshop was organized in collaboration with the Human Rights Department of the Ministry of Interior of the UAE”. (p369)

The same document informs us that the country strategy for Bahrain, which had been to integrate human rights to a low degree, had not been realised due to events taking place in the country. As part of the Saudi Arabian country strategy, OHCHR had conducted trainings on the human rights based approach, which also sensitised UN staff on the ground to the issue of internally displaced persons. (p367). There is no mention of strategies for the other Gulf countries in this document.

In 2011, the High Commissioner reported that OHCHR, in collaboration with the Diplomacy Training Programme and Migrant Forum in Asia, brought 25 participants from NGOs and National Human Rights Institutions (NHRIs) from the Middle East and Asia-Pacific together in a pilot workshop (A/HRC/19/21). Fellows of Afro-descendent from the Middle East were also trained in the UN human rights system. She further reports that,

“The Commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking was launched by OHCHR in the Republic of Moldova in November and in the United Arab Emirates in December. Capacity-building activities on the rights- based approach to combatting trafficking were undertaken in Belarus and the United Arab Emirates for law enforcement officials from CIS countries and the Middle East and North Africa region respectively. OHCHR participated in the first Gulf Forum for Combatting Human Trafficking, held in the United Arab Emirates, where the human rights-based approach was presented and adopted by the Forum as the methodology to address trafficking in persons. A regional consultative meeting on combating human trafficking was organized in Qatar in cooperation between OHCHR and the Qatar Foundation for Combating Human Trafficking, which aimed to further the implementation of the Arab Initiative to build national capacities to combat human trafficking.”

OHCHR also participated in workshops on transitional justice in the Middle East during 2011. In 2012, OHCHR organized a meeting with women human rights defenders from the Middle East and North Africa to discuss how the UN could support them in the challenges they face. Together with SR on truth and the UNDP in Cairo, in November 2012 OHCHR co-organised a consultation on transitional justice in the region. (A/HRC/22/17). In December 2012, the UPR Voluntary Fund contributed to an OHCHR assessment mission to Bahrain, at the invitation of the Government, to identify capacity-building needs and areas of possible cooperation for technical assistance to implement universal periodic review recommendations.

OHCHR has hosted fellows for staff members of “A” status NHRIs, including from Qatar. It has further provided advice and/or assistance on strengthening or establishment of NHRIs in Kuwait, Qatar, Oman and the UAE. OHCHR has also provided legal advice on draft legislation in Kuwait, Oman and the UAE (A/HRC/20/9).

In 2013, “As Chair of the Working Group on Protecting Human Rights while Countering Terrorism of the Counter-Terrorism Implementation Task Force, OHCHR, together with the Task Force Office, launched a major training and capacity-building project for law enforcement officials on human rights, the rule of law and prevention of terrorism, which in 2013 covered the Middle East, the North and West Africa regions, and the Sahel” (A/HRC/25/19, para 42).

There is scope for advocacy for a country office in the Gulf, and countries such as the UK have expressed support for this at the Human Right Council⁸. This would facilitate and increase direct engagement with civil society and the most pressing issues in the country. It is recommended that civil society in the Gulf countries lobby for the establishment of country offices.

COUNTRY VISITS

Since 2011, only two visits *for which a report is available* took place in the Gulf countries. The **UAE** was visited by the **SR on trafficking** from 11-17 April 2012. The SR raised concerns about a lack of coherence in the national framework on trafficking, as well as the lack of a national strategy, meaning that there are no clear guidelines or uniform standards to deal with the issue. She was also of the opinion that the UAE had not addressed the root causes of the phenomenon, nor was it collecting adequate data. The UAE was not identifying or prosecuting enough cases, nor was it providing adequate support to victims. She recommended that the government engage with civil society, particularly experts in the area, on the issue.

The Special Rapporteur recommended the ratification of the Convention on Migrant Workers, and a review of national legislation to bring it into line with international standards. She further recommended that the government collect data on trafficking, consult with victims where possible, build capacity among law enforcement officials through training, co-operate informally with other countries on the issue, prosecute and punish the perpetrators of the crime, protect migrant and domestic workers, establish a hotline for victims, increase number and capacity of shelters for victims including male victims and the non-penalisation and

⁸See statements of countries attached in the Annexes

compensation of victims. Moreover, she recommended a campaign of awareness raising, more co-operation with the UNHCR and that the National Committee to Combat Human Trafficking have its mandate strengthened and funding increased.

The Special Rapporteur on **IJL** also visited the **UAE** in February 2014, however the report for this visit is not yet available.

Qatar received the Special Rapporteur on the human rights of **migrants** from 3 to 10 November 2013. The SR recognised that the fact that migrants in Qatar outnumber Qatari citizens presents special challenges, however he concluded that not enough was being done to protect their human rights. He was particularly concerned regarding the sponsorship (kafala) system, as well as the practice of confiscating migrant workers' passports, which he viewed as a source of exploitation and abuse of migrants, and he recommended its abolition. Additionally, he was concerned about the exclusion of domestic workers from labour law, as well as the presence of xenophobia in the country and the working conditions of migrants employed in the building of infrastructure for the 2022 World Cup. The SR further noted the responsibility of countries which send migrants to Qatar, as well as that of the private sector. He recommended the ratification of all relevant international treaties, as well as the enforcement and amendment of domestic law.

Qatar also received the SR on trafficking in 2006 and the SR on IJL in 2014.

Bahrain has been visited by the SR on trafficking and the WGAD. Requests are pending from Migrants, FoAA and HRD, as well as for a follow-up visit from WGAD. A visit by Torture was cancelled by the Government on two occasions, most recently in April 2013, with no alternative dates being proposed, resulting in much controversy and the SR expressed his deep disappointment.

Kuwait has received only one visit, from the SR on racism in 1996, and one request to visit from the SR in trafficking in 2005. This is despite the fact that it issued a standing invitation to Special Procedures in 2010.

The SR in trafficking visited **Oman** in 2006 and a visit by FoAA is scheduled for September 2014. It has also accepted a request from the SR on the sale of children whilst a request from HRD is pending.

Saudi Arabia was visited by IJL in 2002, and by the SR on violence against women in 2008. Requests to visit are pending from Torture, Trafficking, Sumex, Religion, Freedex, WGAD, HRD and FoAA.

The SR on racism visited **UAE** in 2009, as did the SR on the sale of children. The SR on trafficking visited in 2012, and IJL in 2014. The UAE has accepted a request for invitation from the Working Group on business and human rights, but requests from the SRs on education and HRD are still pending.

In this context, Special Procedures have shown an interest in engaging with the Gulf countries, but unfortunately its hands are tied when it is met with resistance such as that shown by Saudi Arabia and Bahrain. Nonetheless, the SRs could certainly be encouraged to carry out a mission to Kuwait, given that there is a standing invitation. It is worth bearing in mind, also, that the outgoing SR on freedom of opinion and expression, Mr Frank La Rue, often conducted unofficial country visits. Advocacy on this point obviously depends on the personality of the SRs themselves, but is certainly something worth thinking about.

It is recommended that civil society should lobby and encourage both UN mechanisms and States to carry out country visits.

6. TREATY BODIES

Upcoming Reviews

Bahrain should submit its fourth report to **Committee on the Elimination of all forms of Discrimination Against Women** (CEDAW) by February 2018.

Kuwait should submit its state party report to the **Committee on Civil and Political Rights** (CCPR) by 2 November 2014. It should have its report to the **Committee on Economic, Social and Cultural Rights** (CESCR) by 30 November 2018. The **Committee on the Elimination of Racial Discrimination** (CERD) expects a report by 4 January 2016. The **Committee on the Rights of the Child** (CRC) will need the combined third to sixth (overdue) reports by 19 November 2018. It should submit a report to **CEDAW** by October 2015.

Oman should submit its next report to **CEDAW** by October 2015.

Qatar should report to the **Committee Against Torture** (CAT) from 3-28 November 2014. It should submit its report to **CERD** by 21 August 2015. **CEDAW** will seek a report by February 2018.

UAE will be reviewed by **CRC** from 14 September to 2 October 2015; list of issues to be submitted between 2 and 6 February 2015.

The Pre-sessional working group for the Committee on Economic, Social and Cultural Rights met from 26 to 30 May 2014, in Palais Wilson in Geneva. The 66th session of the CRC took place from 26 May to 13 June 2014, also in Palais Wilson. The Sub-Committee on the Prevention of Torture had its 23rd session from 2 to 6 June 2014. CEDAW's 58th session will be from 30 June to 18 July 2014.

A summarised list of all concluding observations made to Gulf states since 2011 can be found in Annex 5.

Civil society should call for all Treaties to be signed and ratified by all Gulf Countries in accordance with recommendations made by the Treaty Bodies and ensure that reports are submitted in time and in full.

7. HUMAN RIGHTS COUNCIL

In his address to the 24th session of the Human Rights Council (HRC), the Secretary-General discussed the **death penalty**, and made particular reference to Saudi Arabia and the United Arab Emirates. With regard to Saudi Arabia, he specifically mentioned the execution of children and migrants, as well as the threat of capital punishment for LGBTI people (A/HRC/24/23). In her opening statement at the same session, the High Commissioner lamented the ongoing dire situation for human rights in **Bahrain**. With regard to **reprisals** (A/HRC/24/29) for co-operation with UN mechanisms, the Secretary-General mentioned cases in Bahrain (those of Mohammed Al-Maskati, Maryam Al-Khawaja, Dr. Nada Dhaif, Dr. Mondher Alkhour, Jalila Al-Salman and Said Yousif), Saudi Arabia (Abdullah Al Hamid of ACPRA) and the UAE (UAE 94). He further commented on the case of Mohammad Fahad Al-Qahtani, following up on a previous reference to the defender.

The Secretary-General, in his report on **reprisals** to the 21st HRC session (A/HRC/21/18), had mentioned Bahrain in the context of defamation by a well-known Bahraini newspaper of human rights defenders who had participated in the UPR process. He also followed up on the cases of Abdulhadi Al-Khawaja, Abduljalil Al-Singace, Hassan Mushaima, Abdul Ghani Al-Kanja and Nabeel Rajab. Regarding Saudi Arabia, the Secretary-General highlighted the cases of Mohammad Fahad Al-Qahtani and Fadhel Al-Manasif.

Also at the 21st HRC session, OHCHR highlighted the CRC's concerns regarding **corporal punishment** as a sentence for children in Saudi Arabia, as the practice amounts to cruel, inhuman or degrading treatment (CID) (A/HRC/21/25). Indeed, the High Commissioner then underlined the use of **detention of children** for minor offences, as well as the practice of **trying children under an adult system** in Qatar (A/HRC/21/26).

In his report on the **death penalty** at the same session, the Secretary-General reported that Bahrain had overturned nine death sentences which had been rooted in unfair trials. He went on to discuss Saudi Arabia's application of capital punishment in crimes not considered to be “most serious”, such as apostasy. He pointed out that 79 people had been executed in Saudi Arabia in 2011, amongst them many migrants. Further, he highlighted that juveniles had been executed in Saudi Arabia during the reporting period and some executions had been carried out in public. The Secretary-General also noted with concern that in 2012, the Kuwaiti parliament had voted to make blasphemy a crime punishable by death (A/HRC/21/29).

At the 19th HRC session, the deputy High Commissioner singled out Bahrain as a country in which human rights violations occurred in the context of **peaceful protest** and reminded the government of its duty to promote and protect human rights (A/HRC/19/40).

The Secretary-General addressed the issue of **reprisals** (A/HRC/18/19) at the 18th HRC session. He highlighted the situations of Abduljalil Al Singace, Hassan Mushaima, Abdul Ghani Al Kanja, Abdulhadi Alkawaja and Nabeel Rajab in Bahrain, as well as the case of Fadhel Al Manasif in Saudi Arabia. He also addressed the **death penalty**; regarding the sentencing of pro-democracy activists in Bahrain, for drugs-related offences in Kuwait, Saudi Arabia and the UAE. Further he reported on the imposition of capital punishment on minors in Saudi Arabia and the UAE (A/HRC/18/20).

However, there have also been occasions during which the omission of Gulf countries from certain reports has been surprising. For example, the summary of the Human Rights Council panel discussion on the promotion and protection of **freedom of expression on the Internet** (A/HRC/21/30) makes no reference to the Gulf. Nor does the summary of the high-level panel discussion of the Human Rights Council to highlight, examine and suggest ways in which **sport and major sporting events**, in particular the Olympic and Paralympic Games, can be used to promote awareness and understanding of the Universal Declaration of Human Rights and the application of the principles enshrined therein (A/HRC/20/10) mention Qatar, though it mentions both Brazil and Russia twice. The report on Discriminatory laws and practices and acts of violence against individuals based on their **sexual orientation and gender identity** (A/HRC/19/41) makes no mention of Gulf countries and Kuwait is not mentioned once in A/HRC/19/41, Human rights and **arbitrary deprivation of nationality**. OHCHR's report on the safety of **journalists**, A/HRC/24/23, does not refer to the Gulf. A/HRC/23/22 on **conscientious objection to military service**, A/HRC/23/23 on women and nationality, and A/HRC/25/25 on violence against women and girls are all silent on the Gulf.

CONCERNED STATES⁹

There are a number of states which have taken a keen and sustained interest in the human rights situation in the Gulf countries, particularly Bahrain and Saudi Arabia. At the 26th HRC session, Switzerland took the leadership on a joint statement co-signed by 47 states under agenda Item 2. In its statement, Switzerland acknowledged the efforts made by the Government of Bahrain, especially by the Office of the Police Ombudsman, the Special Investigation Unit, the Prisoners' and Detainees' Rights Commission and the creation of an NHRI. On the other hand, Switzerland together with the other 47 States noted that the human rights situation in Bahrain remains an issue of serious concern. In particular, they expressed concern with regard to freedom of peaceful assembly and association and lack of sufficient guarantee of fair trial. Concerns over peaceful demonstration, continued harassment and imprisonment of persons exercising their rights to freedom of opinion and expression, including human rights defender and journalist were highlighted. Finally, cases of arbitrary deprivation of nationality without due process were raised. The statement called on the Government to release all the persons imprisoned solely for exercising their rights, those arbitrarily detained according to the WGAD. They finally called on the OHCHR to establish a country office with a full mandate. At the 25th HRC session, during item 4, Ireland made

⁹Statement from concerned states can be found in the annex ?

reference to Bahrain and Switzerland to Saudi Arabia. At the 24th HRC session, Ireland again mentioned Bahrain, as did Switzerland, during items 4 and 2 respectfully. During the 23rd HRC session, Austria and Norway discussed the situation in Saudi Arabia, and Switzerland, Norway and Slovakia all referred to Bahrain. Switzerland referred to the use of the death penalty in Saudi Arabia during the 22nd HRC session. At the 21st HRC session, Switzerland, Norway, Ireland and Slovakia all discussed Bahrain. Switzerland also discussed Saudi Arabia. During the 20th HRC session, Norway, Spain, Switzerland, Austria, Ireland and Slovakia all deplored the situation in Bahrain. Switzerland issued a joint statement. At the 19th HRC session, Canada, the EU and Norway brought up the situation in Bahrain, and Norway also mentioned Saudi Arabia. During item 4 at the 18th session, the EU, Switzerland, Norway and Ireland mentioned Bahrain, and Switzerland also mentioned Saudi Arabia. At the 17th HRC session Switzerland and the US discussed Bahrain.

In sum, since 2011, Switzerland has brought up the situation in **Bahrain** at least six times, once together with 47 other states, as well as being the impetus for two joint statements. Norway and Ireland have each mentioned the state five times in the same period. Slovakia has done so three times, the EU twice, and concern has also been iterated by the US, Spain, Austria and Canada at least once. Meanwhile, Switzerland has brought up the situation in **Saudi Arabia** on four occasions, Norway has done so twice, and Austria twice.

Thematically, these countries have declared themselves interested in a number of issues which are pertinent to the Gulf countries; on **LGBTI**, Austria, Canada and Ireland have made statements; on **HRDs** and **civil society** Norway and Ireland are particularly strong and both these countries are also vocal in their support for **women's** rights; Norway, the EU and the US are all strong advocates on freedom of expression, whilst Austria is strong on **journalism**; Switzerland and Canada are strongly opposed to **child marriage**; Austria to the death penalty; Canada is a loud voice for freedom of **religion**; Austria is concerned for **minorities** and Switzerland has mentioned the importance of **peaceful protest**.

Norway has the reputation of being principled at the HRC, as well as having a skilled diplomatic team and being a world leader on human rights defenders. It could be encouraged to look into country situations which it has overlooked so far. Similarly, **Austria's** strong stance on journalism could be a factor for it to engage with situations such as those in the UAE, Qatar, Oman and Kuwait.

Ireland, similarly to Norway, has the reputation of being impartial at the HRC and, further, is an emerging leader on civil society. However, its concentration on Bahrain has led it to neglect completely the other Gulf states. The Irish government recently came under fire in the domestic setting when it visited the Gulf on a trade mission and congratulated the Saudi government on its election to the HRC. The Irish Prime Minister defended the government's position by saying that the HRC was the place to address human rights issues.

Switzerland has an excellent reputation for taking a principled stand on human rights at the HRC, and it has not been afraid to tread where other Western countries are fearful to go. However, it has not yet mobilised itself fully on the Gulf situation the way it did with regard to Bahrain in 2012 and 2013. It would be stronger still if it could be convinced to do so.

Despite some issues being highlighted by particular States, with the exception of Bahrain and Saudi Arabia the lack of mention of the Gulf countries has been disappointing. In general, States have failed to address serious human rights violations in most Gulf states at the HRC, both in their statements before the Body or through formal actions such as the creation of resolutions. According to their rhetoric, some of the above countries should be good targets for advocacy as they have expressed interests in issues pertinent to Gulf countries.

It is recommended that civil society provide information to the HRC relating to the human rights situation in the Gulf countries and encourage States to make statements at the HRC and to take formal action through resolutions.

8. UNIVERSAL PERIODIC REVIEW (UPR)

A breakdown of recommendations to countries, as well as the strength of these recommendations, is provided below. A scale has been devised, based on a rating system for recommendations used by the website UPR-info, which allows a score to be assigned to recommending countries based on both the strength and number of their recommendations, thus allowing a better analysis of the UPR process. This analysis can be found after the breakdown by country.

BAHRAIN

Next review:

January 2017

The countries who have been strongest and most vocal in their recommendations to Bahrain are: Austria (37), Uruguay (32), Rep of Korea, Norway, France (all 28), Slovenia and Germany (27), Slovakia (24), Belgium (23), Switzerland (22), Chile and Spain (21).

Austria made recommendations concerning the visit of the SR Torture, the ratification of ICCPR OPII (death penalty), as well as on torture, justice, freedom of religion and freedom of information and the press. **Uruguay** recommended ratification of the international legal instruments to which Bahrain is not yet party as well as the extension of an open invitation to special procedures, on democratic reform and dialogue, and on women's and children's rights, particularly regarding the transmission of nationality. **Republic of Korea** made recommendations concerning torture and women's rights, as well as on the Bahrain Independent Commission of Inquiry (BICI) recommendations. **Norway** made recommendations on human rights defenders, women's rights, freedom of the press, the BICI recommendations and freedom of assembly. **France** had advice regarding enforced disappearances, forced marriage, the freedoms of expression and assembly and the ratification of international instruments. It also encouraged Bahrain to allow the visit of the SR on freedom of assembly and association.

Of 188 total recommendations, Bahrain rejected only 18 (9.6%), indicating that the regime may be paying lip-service to human rights at the HRC. 11 of these concerned the ratification of international instruments, such as OP-CAT, ICCPR and its OPs and the Rome Statute. 6 concerned the death penalty. It would appear that Bahrain is rejecting only the recommendations which can be very concretely measured, and is playing for time in other situations.

KUWAIT

Next review:

January 2015

The countries who have made the most and strongest recommendations to Kuwait are: Austria (36), France (32), Netherlands (29), Norway (28), Italy (28), Chile (28), Israel (24), Spain (21), Switzerland (21) and Slovakia (21).

Austria made three recommendations on CEDAW, as well as one on female migrant workers, the death penalty, the Rome Statute and migrants in general. **France** made recommendations on women's rights and violence against women, the ratification of the Conventions on Statelessness, abolishing the death penalty, establishing an NHRI, labour, civil society and extending an open invitation to Special Procedures. **The Netherlands** recommended

legislation on labour, the ratification of the Conventions on Statelessness, and abolishing the death penalty. **Norway** recommended the issuance of a standing invitation, the eradication of discrimination in law and the housing programme, to revoke the sponsorship system, withdraw reservations to treaties and submit overdue treaty reports.

The strong rating of Israel here must be tempered by rejection of three of its recommendations, indicating Kuwait may not be interested in taking Israel's recommendations on board. Of 160 total recommendations, Kuwait rejected 27 (16.9%), at least 11 of which were regarding the death penalty. Six were on women's rights. Unfortunately, UPR-info does not record recommendations regarding statelessness and the Bedoun consistently; they are variously marked as “minorities”, “asylum-seekers”, “other”, “general”, “international instruments” or “stateless persons”. However, a cursory glance at rejected recommendations would seem to confirm that many are rejected for touching upon this subject. Countries who have attempted to address the situation of the Bedoun include: Switzerland, Norway, Israel, France, Netherlands and Slovakia.

OMAN

Next review:

October 2015¹⁰

The countries taking the most active interest in Oman's human rights situation during the UPR are: Norway (36), Spain (28), Canada (27), Sweden (26), Italy (24), Australia (21) and the UK, Morocco and France (all 20). Brazil, Slovenia and Sudan are all worth considering for advocacy efforts in this case; they score lower only because Oman has only experienced one UPR cycle until now.

Norway made recommendations concerning violence against women and gender equality, human rights defenders, freedom of association and civil society, freedom of the press and journalism, and the revoking of the sponsorship system. **Spain** made recommendations on the ratification of treaties, the extension of an open invitation to special procedures, strengthening the NHRI, the death penalty, gender equality and people with disabilities. **Canada** made recommendations regarding women's and children's rights, labour, justice and freedom of expression. **Sweden** made two recommendations on sexual orientation and gender identity, two on the death penalty, and also on women's rights, CEDAW and freedom of expression.

Of 166 recommendations, Oman rejected just 12 (7.2%), but made no response to 51 (30.7%). In particular, Oman often made no response to the recommendations of stronger wording, from countries not usually considered allies, and with regard to international instruments. Of

¹⁰Oman had yet to go through its second UPR cycle at the time of writing this report

103 recommendations accepted, only 11 were very strong.

QATAR

Next review:

January 2019 ¹¹

During the second cycle review, the countries which are strongest in their stance regarding Qatar are: Norway , Chile , Brazil , Spain , Slovenia and the UK. In contrast to the first cycle, it is interesting to note that Netherlands did not make any recommendation, while it made 19 Qatar's first review. **Norway** made recommendations regarding women's rights (3), international instruments (3), labour (2), UPR process (1) and death penalty (1). Surprisingly, it made only one recommendation on civil society and one on human rights defenders. **Chile** made recommendations on torture (2), treaty bodies (2), rights of the child (2), civil and political rights (1) and women (1). **Brazil** made recommendations on rights of the child (3), international instruments (3), torture (2), women's rights (2), migrant, civil and political rights and economic social and cultural rights (1). **Spain** made recommendations on women's rights (2), death penalty (2) detention conditions (1) enforced disappearances (1), torture (1), and international instruments (1) and special procedures (1). **Slovenia** made recommendations on women's rights (2), rights of the child (2), civil and political rights (1), economic, social and cultural rights (1), treaty bodies (1) and death penalty (19).

Information regarding statistics of recommendations accepted and rejected during the second cycle are not yet available on the website.

SAUDI ARABIA

Next review:

April 2018¹²

New Zealand is likely to be a good target for advocacy work on Saudi Arabia, having scored 33 on this scale. Other countries worth approaching could be: Canada (25), Norway (23), Switzerland and France (both 19), Mexico (18) and Chile, Italy and the UK (all 15). Brazil, which is vocal on the other Gulf countries, is notably absent.

New Zealand recommended the ratification of the ICCPR, ICESCR and CEDAW and made other recommendations concerning civil society, freedom of opinion and expression, labour, migrants, torture and the death penalty. **Canada** recommended ratification of ICCPR and ICESCR, as well as conformity with the provisions of CAT and CRC, gender equality and

¹¹

¹²Figures based on first cycle only, as not enough data was available from October 2013

CEDAW, and freedom of opinion and expression. **Norway** made recommendations on human rights defenders and women's rights, as well as allowing visits by special procedures. **Switzerland** recommended the ratification of the ICCPR and CEDAW, with a view to protecting human rights defenders and civil society. It also made recommendations regarding women's rights, torture and the death penalty. **France** recommended the ratification of CEDAW and the Rome Statute, as well as making recommendations on women's rights and justice.

Of all 113 recommendations put to Saudi Arabia, it rejected 20 outright (17.7%). These recommendations mainly concerned international legal instruments, as well as torture, religion, women, children and the death penalty.

UNITED ARAB EMIRATES

Next review:

October 2017

France is very strong in its recommendations to the UAE, scoring 50 on this scale. It is followed by: Norway (43), Austria (38), Switzerland (30), Slovenia (29), Chile and Canada (27), Italy (26), as well as Belgium, Brazil, Mexico, Netherlands, Spain, Sweden and the UK.

Many of **France's** recommendations concerned the ratification of International Conventions and Treaties, as well as on foreign workers, women's rights, the death penalty, freedom of association and freedom of opinion. **Norway** made recommendations on women's rights, an NHRI, freedom of opinion and expression, labour, human rights defenders and freedom of association and assembly. **Austria** recommended the ratification of ICCPR, OP-CAT and the Rome Statute as well as the withdrawal of reservations to other treaties and on women, human rights defenders, basic freedoms, migrants and the death penalty. **Switzerland** recommended the ratification of ICCPR and ICESCR, as well as OP-CAT and the removal of reservations, as well as recommendations on the death penalty.

The UAE rejected 51 of the 279 recommendations made to it (18.3%). Further, it made a general or no response to 79 (28.3%). Of the rejected recommendations, 16 concerned the death penalty, and 16 international legal instruments.

RECOMMENDING STATES

Norway, of course, is strong on all six states. It is also very strong on human rights defenders, with 13.6% of its recommendations being on the topic (compared to 9.8% of its recommendations generally). The delegation could be worth lobbying on this topic, particularly with regard to Kuwait, to whom it has not yet mentioned human rights defenders.

Norway is one of the only countries that is strong both during the Human Rights Council and the UPR.

Sweden is strong on Oman and the UAE, average on Bahrain, Qatar, and Saudi Arabia, but silent on Kuwait. At HRC 25, Sweden expressed interest in the rights of the child, and could be worth lobbying on this point.

Austria, though strong on Kuwait, the UAE and Bahrain, has not made a single recommendation to Oman or Qatar. It is worth noting that Austria made all 8 of its recommendations to the UAE during the 2nd cycle, likewise with Bahrain. It has a score of 16 based on Saudi Arabia's first cycle, and thus may be worth approaching during the second cycle.

Switzerland is silent on Oman and Qatar, despite being strong on the other countries. Given its strong stance at the human rights council, this is an anomaly and should be looked into.

France is strong on all states, and extremely so on the UAE, but is comparatively weak on Qatar. **Slovenia** is vocal on the UAE and Bahrain and could possibly be an interesting target for advocacy on the other countries. **Spain** stays completely silent on Saudi Arabia, despite strong recommendations to the other five states.

Interestingly, despite not having a strong showing at the Human Rights Council on the Gulf countries, some Latin American countries are relatively good on the region at the UPR. There are indications that the group of Latin American and Caribbean states could be an interesting area for advocacy on the Gulf.

Uruguay is strong on Bahrain and the UAE at the UPR but has made no recommendations to any of the other states. It could be a state worth approaching on this topic. At the Human Rights Council, Uruguay has been an advocate of civil society

Chile has been good on the Gulf countries, with the exception of Oman, where it has made only weak recommendations so far. However, it has been particularly strong on Qatar, in contrast to the European states. Chile also has the reputation of being principled at the Human Rights Council, and a dependable supporter of country-specific action. It was also a signatory of the joint statements on Bahrain.

Brazil, which is quite vocal on Kuwait, Oman, Qatar and the UAE is all but silent on Bahrain and Saudi Arabia, something which is worth investigating. **Mexico** shows strongly on Saudi Arabia and the UAE, and is also interesting with regard to Bahrain and Qatar. It was also a signatory of the joint statement on Bahrain.

CONCLUSION

This study has shown that all branches of the UN human rights mechanisms, with the exception of the UPR, have shown a heavy bias towards taking action on Bahrain. The mechanisms have also paid attention to Saudi Arabia and the UAE, but have been almost neglectful of Qatar, Kuwait and particularly Oman. It is hoped that the study has also provided indications of which countries may be best to approach for advocacy purposes, and that this may help to improve the dire situation of populations living under these highly uncooperative regimes.

RECOMMENDATIONS:

1. The number of actions taken in the form of communications could be increased if more information is supplied to Special Procedures by civil society. This information should adhere to the requirements set out by each mandate. The provision of relevant information in a timely manner will facilitate the process of issuing communications resulting in faster action and a greater number of cases being taken up. Where possible information should be provided in English.
2. Civil society members, particularly from countries where less action has been taken to date, should try to arrange meetings with mandate holders in order to provide them with information and outline the human rights situation and relevant cases for action.
3. Where possible it is recommended to lobby governments to send Arabic-speaking Junior Professional Officers to the OHCHR in order to increase the capacity to work in that language.
4. In light of the apparent dearth of press releases on cases of reprisals, in particular in relation to Oman, Qatar and Kuwait, it is recommended that civil society provide information to mandate holders on this issue.
5. It is paramount that civil society, particularly in countries which feature less in annual reports of Special Procedures and Working Groups, provide relevant and detailed information to these mechanisms on the human rights situation in the countries to facilitate and increase in action.
6. It is recommended that civil society in the Gulf countries lobby at the Human Rights Council for the establishment of country offices. In particular this would facilitate and increase direct engagement with civil society and with the most pressing issues in the country.
7. It is recommended that civil society lobby and encourage both UN mechanisms and States to carry out country visits.

8. Civil society should call for all Treaties to be signed and ratified by all Gulf Countries in accordance with recommendations made by the Treaty Bodies and ensure that reports are submitted in time and in full.
9. It is recommended that civil society provide information to the HRC relating to the human rights situation in the Gulf countries particularly in relation to those countries which have featured little at the HRC and encourage States to make statements at the HRC and to take formal action through resolutions.