

NOREF Policy Brief

Human rights in the smaller Gulf states: Bahrain, Kuwait, Oman, Qatar and the UAE

Joe Stork

Executive summary

Human rights conditions in the five smaller Gulf states are quite poor overall. Political and economic power is the monopoly of hereditary ruling families. There is little respect for core civil and political rights such as freedom of expression, assembly and association. Peaceful dissent typically faces harsh repression. The administration of justice is highly personalised, with limited due process protections, especially in political and security-related cases. The right to participate in public affairs by way of election to offices with some authority is extremely limited; the only exception is Kuwait.

Women face discrimination in matters such as inheritance, divorce and the custody of children. These states, some among the world's wealthiest

in per capita terms, provide amply for basic services like health care and education, but this is limited to citizens – in countries where low-skilled and poor migrant workers make up the majority of the population. Many countries have a stateless population, known as *bidun*, in some cases quite substantial, who face systematic discrimination and marginalisation.

Where governments have established national human rights commissions, these have not taken positions critical of the government. Those that are active, like Qatar's, work mainly in non-controversial areas like disability rights.

Joe Stork is the deputy director of the Middle East and North Africa division of Human Rights Watch (HRW). Before joining HRW he co-founded the Middle East Research and Information Project, and from 1971 to 1995 was the chief editor of its bimonthly magazine, *Middle East Report*. His books include *Erased in a Moment: Suicide Bombing Attacks against Israeli Civilians* (HRW, 2002) and *Routine Abuse, Routine Denial: Civil Rights and the Political Crisis in Bahrain* (HRW, 1997).

Human rights conditions in the five smaller Gulf states (Bahrain, Kuwait, Oman, Qatar and the United Arab Emirates – UAE) are quite poor overall.

Freedom of expression and information

Electronic and print media, when not state owned, tend to be controlled by individuals close to the rulers. All these countries use press laws that criminalise “insults” and criticism of rulers and allow officials to imprison journalists and opposition activists. Self-censorship in the media and among academics and writers is common, as is official censorship of books, periodicals and films.

Regular informal gatherings, such as Kuwait’s *diwaniya*, bring together mainly men for political discussions, sometimes with outside speakers, but they avoid sensitive domestic political concerns.

To some extent the official grip on the media is offset by satellite broadcasting – indeed, Al Jazeera is based in Qatar and enjoys the ruling family’s sponsorship, but it broadcasts little that is critical of Qatar or neighbouring states; Bahrain and Kuwait have closed the station’s offices when it does.

Every country monitors Internet communications, blocks websites considered politically transgressive and prosecutes individuals for expressing critical political views on social media.

In 2012 Bahrain jailed rights activist Nabeel Rajab for “tweets” calling on the prime minister to resign, and prior to the 2010 National Assembly elections removed billboards of the opposition National Democratic Action Society containing the slogan “Enough to Corruption”. Since March 2011 the government has sharply restricted the entry of international media and human rights organisations. Bahrain’s one independent daily carefully weighs what it can publish. Bahrain and Kuwait banned several books at the time of their respective international book fairs in 2011 and 2012.

The UAE jailed rights activist Ahmed Mansoor, university professor Nasir bin Ghaith and three others (the so-called “UAE 5”) for circulating an online petition calling for democratic reforms to the constitution. A special security court in November 2011 convicted them of penal code violations that prohibit the insulting of top officials and for advocating peaceful demonstrations. The ruler subsequently commuted their sentences, but in June 2012 authorities forcibly expelled one of the five, Ahmed Abd al-Khaleq, an advocate for stateless people.

In 2011 Oman punished journalists and temporarily closed a newspaper for allegedly defaming officials. In 2012 a court convicted six people of “defaming the sultan” following social media postings that criticised Sultan Qaboos. The quasi-official National Committee for Human Rights issued a statement supporting “a freedom of opinion that pursues the public interest and not one that seeks to injure and insult others”.

Kuwait, which is the most tolerant of dissenting opinion, also prosecutes and jails bloggers and social media activists for criticising the country’s rulers or those of neighbouring Gulf states.

Freedom of association

All five states ban political parties: legally recognised “political societies” play this role in Bahrain, but in a highly restricted fashion, while in Kuwait informal political affinity groups have developed in the context of the country’s parliamentary politics. Governments prohibit civil society organisations and professional associations from engaging in “politics” and routinely use this vaguely worded stricture to dissolve groups. Conferences discussing political issues typically require official permission.

The Bahraini authorities can replace board members and directors of associations and reject applications to establish an association “if society does not need its services”. In 2004 authorities removed the legal status and confiscated the assets of the Bahrain Centre for Human Rights after its then-president criticised the prime minister, and in 2010 fined the president of the Bahrain Youth Human Rights Society BD500 (\$1,325) for

operating an unregistered organisation despite the group's five-year attempts to register. The Ministry of Social Development escalated its campaign against civil society in 2010 by dismissing the board of the Bahrain Human Rights Society. The ministry earlier denied the group's request to hold a monitoring workshop for human rights defenders in the Gulf region. In November 2011 the ministry peremptorily cancelled the election results for the board of the Lawyers' Society, Bahrain's official professional body for lawyers, and reinstated the previous board and president.

In 2011 UAE authorities replaced the board of the Jurists Association, the closest thing in the country to an independent rights group, and in 2012 arrested former heads of the association and other members (among many others) after they petitioned for democratic reforms. Membership of associations is restricted to citizens, which excludes some 89% of the population.

Kuwaiti activists report that it is becoming more difficult to register associations: a large number of applications reportedly are pending and some have been denied. Membership is restricted to citizens, which means that more than 100,000 *bidun* (stateless people) have no legally recognised associations.

Migrant workers in Bahrain can join independent trade unions; in Kuwait they may only join as non-voting members after five years, in effect preventing labour from organising in migrant-heavy sectors such as construction. In most of these countries, public sector workers are not permitted to organise or strike.

Freedom of assembly and the use of force to disperse demonstrations

There have been no reports of citizens attempting to assemble peacefully for political purposes in Qatar. The UAE has forcibly dispersed demonstrations by striking migrant construction workers protesting against abusive conditions, followed by arrests and deportations. In 2010 the authorities arrested four activists who had called for a peaceful demonstration to protest

against rising fuel prices. In 2011-2012 Kuwait forcibly dispersed peaceful demonstrators protesting against the government's failure to act on citizenship applications by the country's more than 100,000 stateless people and prosecuted some participants.

In February and March 2011 Bahrain employed firearms against mostly peaceful demonstrations, killing dozens of protesters and bystanders, and has since routinely used crowd-control weapons such as teargas and pellet guns with sometimes lethal effect. Several thousand people, including leaders of opposition political societies, were seized in night-time raids on their homes by masked and armed security forces. Uncounted hundreds were wounded, and most avoided hospitals and clinics for justifiable fear of arrest and ill-treatment.

Beginning in early 2011, Oman has forcibly dispersed mostly peaceful demonstrators demanding jobs and protesting against corruption. The authorities were particularly harsh with those who demonstrated in support of striking workers at the state oil company.

Arbitrary detention, torture and judicial independence

Arbitrary detention, torture and the failure to hold perpetrators accountable constitute a serious problem in Bahrain. Numerous incidents have also been reported in the UAE, where flogging is judicially sanctioned, as it is in Qatar. Cases of torture and suspect deaths in detention have also occurred in Kuwait.

After largely ending torture after 2001, Bahraini security forces revived the practice as political temperatures rose and street protests increased. Most convictions in political and security cases are based on uncorroborated confessions. During the political crisis of 2011 at least five people died as a result of torture in detention. A few prosecutions of alleged perpetrators took place in 2012, but none involved high-ranking officers or officials, despite the finding of independent experts that arbitrary detention and torture were systematic.

In 2011 Bahrain arrested thousands and convicted hundreds of people before special military courts in trials that lacked basic due process protections, while civilian courts showed a similar disregard for fair trial rights in political cases. Protest leaders received long prison terms solely for expressing their opinions and taking part in peaceful assemblies – activities that are fundamental human rights under international law.

Following the end of a state of emergency in June 2011, the Bahraini government permitted a number of large opposition rallies, but in 2012 generally denied permission and forcibly dispersed demonstrations, peaceful or otherwise. Human rights defender Nabeel Rajab received a three-year sentence for his role in three peaceful, but “illegal” protests.

Starting in March 2012, the UAE conducted a wave of arbitrary arrests that by mid-August had reached 51, including prominent human rights lawyers. According to the state news agency, they were detained for “harming ... the country and spreading false information to ... distort its shining image before the world”.

Rights groups reported several cases of arbitrary detention in Qatar in 2011.

Judicial independence is extremely limited in politicised cases. Many judges in these countries are from other Arab states working on contract and sensitive to the political desires of the states that employ them, compromising judicial independence.

Migrant workers

In all five smaller Gulf countries, foreign workers must have a sponsor, whose permission is required to change or leave their jobs, restricting workers’ ability to leave abusive situations, which in some cases amount to forced labour. Bahrain and the UAE have curbed some exploitative practices, but abuses remain. Except in Bahrain and Oman, foreign workers cannot join unions (which do not exist in the UAE) and this right is restricted elsewhere as well. The right to strike is extremely restricted. Migrant workers can access

judicial and administrative remedies only with difficulty, if at all.

In all five countries, migrant domestic workers, almost all women, are confined to their employers’ homes and are particularly vulnerable to abuses that include unpaid wages, food deprivation, long working hours, forced confinement and sexual exploitation.

Women’s rights

Family and personal status issues such as inheritance and divorce are heard before Islamic law courts. Kuwait and Bahrain have a written personal status law, but in Bahrain this applies only to Sunnis. Judges have little or no formal training and their rulings, based on their understanding of Islamic law, privilege men. The UAE permits men to have polygamous marriages, and its penal code allows men to use physical violence to discipline their wives and children.

Since 2005 Kuwaiti women can vote and run for office, and four were elected to parliament in 2009, but women are not allowed to become judges or prosecutors. Women hold cabinet positions in several countries, however.