

The Blockade of Qatar One Year On: Violations of Human Rights and Coercive Measures

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On 5 June 2017, the Kingdom of Saudi Arabia, the United Arab Emirates, the Kingdom of Bahrain, and the Arab Republic of Egypt cut diplomatic ties with the State of Qatar. The four States are known collectively as ‘the Quartet’. These States ordered their own citizens to leave Qatar and declared a ban on all travel to and from Qatar. They also ordered Qatari residents and visitors to leave their territories within 14 days. The Quartet imposed a blockade on Qatar, closing Qatar’s only land border and impeding air and sea traffic to and from the country. Shortly afterward, the Quartet formulated a series of demands, including the closing of the Al Jazeera network, which has its headquarters in Qatar.

These measures have had a significant impact upon the human rights of persons both within Qatar and in the four States of the Quartet. Human rights violations attributable to the measures taken by the four States of the Quartet have affected several categories of victims. First are the many Qatari nationals who were resident in Saudi Arabia, the United Arab Emirates, and Bahrain, including those studying in the four countries, who were forced to leave. They left behind family members, employment, businesses, and property. Students were forced to interrupt their studies, possibly indefinitely. Second are nationals of Saudi Arabia, the United Arab Emirates, and Bahrain who were resident in Qatar, including many who were married to Qataris. Many of them felt compelled to return to their country of origin. Third are migrant workers and their families within Qatar, where they make up the majority of the country’s population. They have suffered from the shocks to the local economy, including loss of employment and other forms of economic pressure. Finally, the populations of all five countries, Qatar, Saudi Arabia, United Arab Emirates, Bahrain and Egypt, have experienced violations of their right to freedom of movement as well as a range of other repercussions upon their civil, economic, social, and cultural rights.

The announcement of the measures was denounced by the United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein. In a statement issued on 14 June 2017, the High Commissioner expressed alarm about the possible impact on many people’s human rights of the decision to cut diplomatic and economic ties with Qatar. ‘It is becoming clear that the measures being adopted are overly broad in scope and implementation, and

have the potential to seriously disrupt the lives of thousands of women, children and men, simply because they belong to one of the nationalities involved in the dispute’, said the High Commissioner. ‘We are receiving reports that specific individuals have already been summarily instructed to leave the country they are residing in, or have been ordered to return home by their own Government. Among those likely to be badly affected are couples in mixed marriages, and their children; people with jobs or businesses based in States other than that of their nationality; and students studying in another country. I am also extremely troubled to hear that the UAE and Bahrain are threatening to jail and fine people who express sympathy for Qatar or opposition to their own governments’ actions, as this would appear to be a clear violation of the right to freedom of expression or opinion.’¹ In November 2017, the High Commissioner sent a technical mission to Qatar in order to examine the situation. Its report, published in January 2018, confirmed many of the concerns expressed by the High Commissioner the previous June.²

Several mandate-holders of the special procedures of the Human Rights Council also addressed the situation. ‘Serious concerns are expressed at the numerous rights being infringed, including the right to movement and residence, family reunification, education, work, freedom of expression, health, freedom of religious practice, and the right to private property, without discrimination on any basis’, they said in a statement.³

¹ Comment by UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein on impact on human rights, 14 June 2017.

² OHCHR Technical Mission to the State of Qatar, 17- 24 November 2017, Report on the impact of the Gulf Crisis on human rights December 2017.

³ Communication to Government of the United Arab Emirates, Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the promotion and protection of human rights while countering terrorism; and the Special Rapporteur on the right to education, 18 August 2017.

International law obligations

Although the measures taken by the Quartet States against Qatar raise a number of issues, at their heart they are a phenomenon described as ‘sanctions’ or as ‘unilateral coercive measures’. Sanctions may be imposed with respect to trade, financial activity, diplomatic activity, travel, military activity, and cultural activity. A report of the Human Rights Council Advisory Committee has proposed a working definition of the term ‘unilateral coercive measures’: ‘the use of economic, trade or other measures taken by a State, group of States or international organisations acting autonomously to compel a change of policy of another State or to pressure individuals, groups or entities in targeted states to influence a course of action without the authorisation of the Security Council’.⁴ This definition seems quite applicable to the Qatar situation.

The preamble to the Friendly Relations Declaration ‘[r]ecall[s] the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State’.⁵ In principle, for sanctions to be lawful they must be imposed by a competent international organ, and they must be justified as a response to a breach of an international obligation having serious consequences for the international community as a whole.⁶ The only international organ explicitly authorised to impose sanctions by the Charter of the United Nations is the Security Council.⁷ There is support for the view that the General Assembly may also impose sanctions under certain circumstances. Even sanctions that are lawfully imposed pursuant to the Charter of the United Nations may have devastating impacts upon the protection of human rights.

In the present case it is clear that the Quartet has not been authorized by the Security Council, the General Assembly or even the Gulf Co-operation Council to take action against Qatar. Sanctions that are imposed unilaterally by one or more States acting outside the

⁴ Research-based progress report of the Human Rights Council Advisory Committee containing recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability, UN Doc. a/HRC/28/74, para. 9.

⁵ Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, GA Res. 2625 (XXV), Annex, PP 9.

⁶ Alain Pellet and Alina Miron, ‘Sanctions’, in Rüdiger Wolfram, *The Max Encyclopedia of Public International Law*, Vol. IX, Oxford: Oxford University Press, 2012, pp. 1-15.

⁷ Charter of the United Nations, art. 41.

framework of any international organisation, as is the case with the Quartet, raise issues about fundamental principles of international law, the sovereign equality of States, the peaceful co-existence of States, and interference in the internal affairs of States. It might be argued that such measures of coercion constitute countermeasures in response to an internationally wrongful act, something that is contemplated by the Draft Articles on State Responsibility of the International Law Commission.⁸ However, it is clear that the conditions for the invocation of these measures are not met in this case as Qatar has committed no internationally wrongful act.

There is also growing recognition that in imposing sanctions, such as trade embargoes, account must be taken of the effects that sanctions may have on the enjoyment of economic, social, and cultural rights in the country affected, as well as on civil and political rights such as freedom of expression. Infringements on such rights when based upon discriminatory grounds, such as nationality, are impermissible. Furthermore, States that impose sanctions must effectively monitor the consequences of sanctions on the realisation of these rights and take steps to address any adverse impact on the population of the affected state. Underscoring the importance of human rights issues in the imposition of sanctions and unilateral coercive measures, in 2015, the Human Rights Council decided to appoint a Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.⁹ Work is currently underway on a draft General Assembly declaration on unilateral coercive measures and the rule of law.¹⁰

The Advisory Committee of the Human Rights Council has referred to a ‘general consensus that unilateral coercive measures, particularly those that are comprehensive in nature and manifested in the form of trade embargoes and restrictions on financial and investments flows between sender and target States, may have a serious impact on the enjoyment of human rights by the civilian population in targeted and non-targeted States alike. This is so because economic sanctions in general, including unilateral coercive measures, irrespective of their declared intent (such as preventing gross violations of human rights in targeted States), usually translate into a severe impact on the population at large, and

⁸ Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, UN Doc. A/56/10, pp. 128-139

⁹ UN Doc. A/HRC/RES/27/21.

¹⁰ Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, UN Doc. A/HRC/36/44, para. 33.

in particular vulnerable groups in the society who become the true victims of such sanction rather than the States or Governments they are supposed to target.’¹¹ In a report to the Human Rights Council, the Office of the High Commissioner for Human Rights stressed that sanctions ‘must be subject to stringent conditions as to their duration and their proportionality to the legitimate and lawful aim sought, and must include explicit human rights safeguards, including monitoring by independent expert’.¹²

According to Marc Bossuyt, in an authoritative expert report presented to the United Nations Sub-Commission on the Protection and Promotion of Human Rights, ‘[t]he most important implication of international law, especially human rights and humanitarian law, for sanctions is that the right to impose sanctions is not unlimited’.¹³ Prof. Bossuyt’s report placed great reliance on article 1 of the Charter of the United Nations, observing that sanctions or other measures undertaken to maintain international peace and security must be ‘effective’ and must be ‘in conformity with the principles of justice and international law’. Furthermore, according to Prof. Bossuyt, ‘[t]he United Nations’ purpose of promoting and encouraging respect for human rights set out in article 1, paragraph 3, necessarily limits sanctions... Sanctions, therefore, must not result in undue hardships for the people of a country.’¹⁴

Prof. Bossuyt insisted that sanctions must not be unjust and that they should not ‘violate principles of international law stemming from sources “outside” the Charter’.¹⁵ Such sources include human rights instruments such as the Universal Declaration of Human Rights and treaties that may have been ratified by the States concerned.¹⁶ Bahrain and Egypt are parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Qatar acceded to both of the Covenants

¹¹ Research-based progress report of the Human Rights Council Advisory Committee containing recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability, UN Doc. a/ HRC/28/74, para. 15.

¹² Proceedings of the workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, in particular their socioeconomic impact on women and children, in the States targeted, Report of the Office of the United Nations High Commissioner for Human Rights, UN Doc. A/HRC/27/32, para. 5.

¹³ ‘The adverse consequences of economic sanctions on the enjoyment of human rights Working paper prepared by Mr. Marc Bossuyt’, UN Doc. E/CN.4/Sub.2/2000/33, para. 18.

¹⁴ *Ibid.*, para. 26.

¹⁵ *Ibid.*, para. 24.

¹⁶ *Ibid.*, para. 26.

on 21 May 2018.¹⁷ The Covenants will enter into force for Qatar on 21 August 2018. Bahrain, Saudi Arabia, and the United Arab Emirates are parties to the Arab Charter on Human Rights (2004). Egypt has signed but not ratified the Arab Charter. Qatar has been a party to the Arab Charter since 2009. Qatar and the four States of the Quartet are all Parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

Article 2(1) of the International Covenant on Economic, Social and Cultural Rights requires a State Party ‘to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures’. Furthermore, article 2(2) requires States Parties ‘to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’. According to article 37 of the Arab Charter on Human Rights, all persons ‘have a duty to give effect to the values of solidarity and cooperation among them and at the international level with a view to eradicating poverty and achieving economic, social, cultural and political development’.

The extraterritorial scope of obligations under treaties like the International Covenant on Economic, Social and Cultural Rights is a matter of debate. Matthew Craven has asked whether they may extend ‘to the point at which a State imposing sanctions might be held responsible for any consequential deprivation (of the right to food or health care, for example), even if the sanctioning State exercised no formal jurisdiction or control over the population concerned’.¹⁸ In the opinion of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights of the Human Rights Council, ‘there are strong and convergent legal arguments pointing to the existence of extraterritorial State obligations under the Covenant that may cover situations of imposition of international

¹⁷ Qatar: Accession, C.N.260.2018.TREATIES-IV.3 (Depositary Notification); Qatar: Accession, C.N.262.2018.TREATIES-IV.4 (Depositary Notification).

¹⁸ M. Craven, ‘The violence of dispossession: extra-territoriality and economic, social, and cultural rights’, in M. Baderin and R. McCorquodale, eds., *Economic, Social, and Cultural Rights in Action*, Oxford: Oxford University Press, 2007, p. 71.

sanctions... It seems difficult to deny that sanctions come within the category of situations where States can influence situations located abroad.¹⁹

It is often, perhaps even generally, the case that sanctions are in fact directed at the people of a country rather than at the State or the Government as such. This appears to be the case of the sanctions imposed by the Quartet upon Qatar. The measures taken by the Quartet have been widely condemned as being unlawful, unjustified and disproportionate.

Technical Mission of the Office of the High Commissioner for Human Rights

In November 2017, the United Nations High Commissioner for Human Rights dispatched a technical mission to Qatar in order to examine the human rights situation in relation to the crisis resulting from the actions of the Quartet. The conclusions of the technical mission were as follows:

60. The team found that the unilateral measures, consisting of severe restrictions of movement, termination and disruption of trade, financial and investment flows, as well as suspension of social and cultural exchanges imposed on the State of Qatar, had immediately translated into actions applying to nationals and residents of Qatar, including citizens of [the Kingdom of Saudi Arabia] KSA, [the United Arab Emirates] UAE and Bahrain. Many of these measures have a potentially durable effect on the enjoyment of the human rights and fundamental freedoms of those affected. As there is no evidence of any legal decisions motivating these various measures, and due to the lack of any legal recourse for most individuals concerned, these measures can be considered as arbitrary. These actions were exacerbated by various and widespread forms of media defamation and campaigns hated against Qatar, its leadership and people.

61. The majority of the measures were broad and non-targeted, making no distinction between the Government of Qatar and its population. In that sense, they constitute core elements of the definition of unilateral coercive measures as proposed by the Human Rights Council Advisory Committee: 'the use of economic, trade or other measures taken by a State, group of States or international organizations acting autonomously to compel a change of policy of another State or to pressure individuals, groups or entities in targeted States to influence a course of action without the authorization of the Security Council'. Moreover, measures targeting individuals on the basis of their Qatari nationality or their links with Qatar can be qualified as non-disproportionate and discriminatory.

62. The considerable economic impact of the crisis takes over the dimension of an economic warfare, with significant financial losses for the State, companies and individuals, and the confidence of investors being eroded. To date, the wealth of Qatar and its human potential have allowed the country to promptly absorb the shock and protect the population from potentially disastrous economic and social consequences. However, the shock of the decision and the immediate and serious effect of unilateral coercive measures on many individuals have had a major psychological impact on the overall population. This has been exacerbated by a hostile media campaign that flared up from early June and is ongoing. All interlocutors met by the team evoked the lack of trust or even fear this situation has generated, and concerns about the social fabric of very closely-knit societies eroding.

63. In some cases, Qatari institutions, notably the [National Human Rights Commission] NHRC, have proactively sought prompt solutions, especially for individuals whose studies were interrupted. The NHRC immediately, and for several weeks following 5 June, received a considerably number of complaints. They undertook a series of communications with regional and international mechanisms and have endeavoured to

¹⁹ Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, UN Doc. A/HRC/36/44, para. 33.

engage with the national human rights institutions of KSA, UAE, Bahrain (to no avail to date) and Egypt (the latter has reportedly cooperated). The team received a detailed report prepared by the National Compensation Claims Commission on the impact of the crisis on individuals (including on human rights impact), and was informed that the National Compensation Claims Commission had hired a private American law firm company to look at options for potential legal actions against the States of KSA, UAE and Bahrain. The commission indicated that the legal file was in the hands of the Government for its consideration.

64. The majority of cases remain unresolved and are likely to durably affect the victims, particularly those having experienced family separation, loss of employment or who have been barred from access to their assets.

65. The crisis has been characterised by the absence of dialogue among the States concerned, with the mediation efforts initiated by Kuwait having stalled. The team noted strong resentment about the lack of action by regional organizations and about the role of the [Gulf Cooperation Council] GCC, which many considered as de facto defunct. Given the origins and ramifications of the crisis in KSA, UAE and Bahrain, it would be critical to pursue opportunities to engage with the Governments of these countries to obtain a more comprehensive understanding of the situation, notably of the actions they have taken and the impact on their own citizens and residents.²⁰

The four countries of the Quartet released a relatively brief statement denouncing the report of the technical mission of the Office of the High Commissioner for Human Rights. They charged that the report contains ‘methodological and procedural errors’, although without specifying what these might be. In fact, the report of the technical mission clearly explains the circumstances under which it was established and the nature of the investigations that it undertook. It carefully distinguishes between its own findings, based largely upon interviews, and information that it was provided by various official bodies. This is the work of a ‘technical mission’, no more and no less.²¹

The statement by the Quartet did not address any of the specific allegations but fell back on generalities, including the very unsatisfactory claim that ‘the four countries’ boycott of Qatar falls under the practice of their sovereign rights to protection and defence of national security’. The four states also ‘affirm that their measures do not target the Qatari people’. Whether or not this is the case seems quite irrelevant. The issue is not whether the Qatari people were targeted but rather whether they are victims of the measures.²² It would be bizarre indeed for those who have imposed measures of coercion to argue that these are without effect or consequences. This probably explains why the Quartet’s response objects on

²⁰ OHCHR Technical Mission to the State of Qatar, 17- 24 November 2017, Report on the impact of the Gulf Crisis on human rights December 2017.

²¹ ‘Joint Statement issued by the 4 boycotting countries in response to the report of OHCHR Technical Mission following its visit to Doha in November 2017’, January 2018 (available at <http://www.mofa.gov.bh/Default.aspx?tabid=7824&language=en-US&ItemId=8411>).

²² ‘Joint Statement issued by the 4 boycotting countries in response to the report of OHCHR Technical Mission following its visit to Doha in November 2017’, January 2018 (available at <http://www.mofa.gov.bh/Default.aspx?tabid=7824&language=en-US&ItemId=8411>).

procedural matters but does not attempt to challenge the core findings of the technical mission.

Freedom of movement

The measures taken by the Quartet have had a huge impact upon the movement of persons within their own borders as well as in and out of Qatar. For example, Saudi Arabia has apparently closed its border with Qatar. As the report of the technical mission of the Office of the High Commissioner for Human Rights explained, limitations on freedom of movement between Qatar and the other countries is sanctioning Qataris and residents of Qatar, as well as residents of the other three Gulf States in the Quartet.

Freedom of movement is recognised by the Universal Declaration of Human Rights although its scope is confined within the borders of each State. However, the Committee on the Elimination of All Forms of Racial Discrimination has observed that the prohibition of racial discrimination may have application in the case of expulsions of persons under certain circumstances. Interpreting the International Convention on the Elimination of All Forms of Discrimination in its General Recommendation No. 30, the Committee has said that States Parties should ‘[e]nsure that laws concerning deportation or other forms of removal of non-citizens from the jurisdiction of the State party do not discriminate in purpose or effect among non-citizens on the basis of race, colour or ethnic or national origin, and that non-citizens have equal access to effective remedies, including the right to challenge expulsion orders, and are allowed effectively to pursue such remedies’.²³ Measures adopted by members of the Quartet directed at the expulsion of persons on the grounds that they have Qatari nationality are plainly discriminatory and thereby violate the International Convention on the Elimination of All Forms of Discrimination.

The Committee, in its General Recommendation, also declares that States Parties should ‘ensure that non-citizens are not subject to collective expulsion, in particular in situations where there are insufficient guarantees that the personal circumstances of each of the persons concerned have been taken into account’.²⁴ In addition, the Committee has said

²³ General recommendation XXX on discrimination against non-citizens, UN Doc. CERD/C/64/Misc.11/Rev.3, para. 25.

²⁴ *Ibid.*, para. 26.

they should ‘avoid expulsions of non-citizens, especially of long-term residents, that would result in disproportionate interference with the right to family life’.²⁵ State Parties should ‘ensure that States parties respect the right of non-citizens to an adequate standard of physical and mental health by, inter alia, refraining from denying or limiting their access to preventive, curative and palliative health services’.²⁶

Articles 11 to 13 of the Convention set out a mechanism for the settlement of complaints by a State Party that another States Party is failing to give effect to its provisions. It involves several stages, including the establishment of an Ad Hoc Conciliation Commission, with the consent of all of the Parties to the dispute. All States Parties to the Convention are subject to this mechanism.²⁷ Failing settlement of the dispute, article 22 of the Convention provides that it may be submitted to the International Court of Justice. When they ratified or acceded to the International Convention on the Elimination of All Forms of Discrimination, Saudi Arabia, Bahrain, and Egypt formulated reservations to article 22 of the Convention. However, neither Qatar nor the United Arab Emirates have made such a reservation.

Separation of families and issues of nationality and residence

The Universal Declaration of Human Rights states that ‘[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the State’. Article 33(2) of the Arab Charter on Human Rights affirms: ‘The State and society shall ensure the protection of the family, the strengthening of family ties, the protection of its members and the prohibition of all forms of violence or abuse in the relations among its members, and particularly against women and children. They shall also ensure the necessary protection and care for mothers, children, older persons and persons with special needs and shall provide adolescents and young persons with the best opportunities for physical and mental development.’

The measures taken by the Quartet against Qatar have had terrible consequences for family life, causing temporary and possibly permanent disruption to families. These have

²⁵ Ibid., para. 28.

²⁶ Ibid., para. 36.

²⁷ Patrick Thornberry, *The International Convention on the Elimination of All Forms of Racial Discrimination, A Commentary*, Oxford: Oxford University Press, 2016, pp. 55-56.

created huge strains on families in their efforts to cope with displacement and financial loss. The technical mission of the Office of the High Commissioner noted that the crisis has underscored the urgency of addressing long-standing issues of nationality and residence throughout the region. ‘[T]he non-Qatari spouses and children of Qataris have faced acute uncertainties, even if the majority have reportedly remained in Qatar’, says the report. It cites the National Human Rights Commission, which reported a high number of calls from women fearful of applying to renew their national passport and Qatar residence ID. Many were concerned about expulsion from Qatar or about being compelled to return to their country of origin, with the separation from their husband and children that might result.²⁸

In their statement of 17 August 2017, the mandate-holders of the special procedures of the Human Rights Council addressed the possible impacts of the measures taken by the Quartet:

Concerning the family separation, especially of widowed and divorced women from their children, we would like to refer to the rights of women. We would further like to refer your Excellency’s Government to Article 16 of the [Universal Declaration of Human Rights] that states that “the family is the natural and fundamental group unit of society and is entitled to protection by the society and the State”. It provides that the State Party shall take appropriate measures within its available resources to ensure the realization of this right. Furthermore, Article 10 of the Convention on the Rights of the Child (CRC), to which the United Arab Emirates acceded to on 3 January 1997, which establishes, inter alia, that “applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by State Parties in a positive, humane and expeditious manner”. This should be read in the light of Article 3 of the Convention which provides that the best interests of the child shall be a primary consideration. In this connection, I would like to recall to your Excellency’s Government Paragraph 10 of the General Assembly Resolution 62/156 which “urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations and take into account, in conformity with their international obligations and commitments, the principle of the best interest of the child and family reunification”. Moreover, Article 9 of CRC provides that States Parties “shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child”.

The aforementioned rights are raised again in the [Arab Charter on Human Rights] ACHR. It states in Article 33 that the family is the natural and fundamental unit of society. The State and society are obliged to provide for the protection of the family and its members, for the strengthening of its bonds. They undertake to provide outstanding care and special protection for mothers, children and the elderly. Young persons have the right to be ensured “maximum opportunities for physical and mental development”.²⁹

²⁸ OHCHR Technical Mission to the State of Qatar, 17- 24 November 2017, Report on the impact of the Gulf Crisis on human rights December 2017, para. 33.

²⁹ Communication to Government of the United Arab Emirates, Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the promotion and protection of human rights while countering terrorism; and the Special Rapporteur on the right to education, 18 August 2017.

Freedom of expression

Freedom of expression is guaranteed by article 19 of the Universal Declaration of Human Rights. Article 32 of the Arab Charter on Human Rights ‘guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries’. The measures taken by the Quartet have not respected this most fundamental of all rights. According to the United Nations Human Rights Committee, ‘[a] free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.’³⁰

According to the technical mission of the Office of the High Commissioner for Human Rights, the Governments of Saudi Arabia, the United Arab Emirates, and Bahrain suspended circulation and broadcasting of Qatari media as well as Qatar-based media, and prohibited commercial entities such as hotels from allowing access to these sources.³¹ One of the demands imposed by the Quartet as a condition for the lifting of the sanctions has been the closing of the Al Jazeera media outlet and other news outlets that are allegedly supported by the Government of Qatar. The ultimatum to close Al-Jazeera also affects its affiliated channels, including Arab 21, the New Arab, Sharq and the Middle East Eye. Such demands are quite unprecedented and constitute an extraordinary interference with freedom of the press as well as with the right of everyone to seek and receive information.

Reacting to reports of the attempts to close Al Jazeera, the Special Rapporteur on freedom of opinion and expression of the United Nations Human Rights Council, David Kaye, said: ‘This demand represents a serious threat to media freedom if States, under the pretext of a diplomatic crisis, take measures to force the dismantling of Al-Jazeera.’ Prof. Kaye said everyone’s right to access information was deeply affected when the safety and the freedom of the media was not secured. ‘I call on the international community to urge these

³⁰ General comment No. 34 Article 19: Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34, para. 13.

³¹ OHCHR Technical Mission to the State of Qatar, 17- 24 November 2017, Report on the impact of the Gulf Crisis on human rights December 2017, para. 20.

governments not to pursue this demand against Qatar, to resist taking steps to censor media in their own territory and regionally, and to encourage support for independent media in the Middle East', he said.³² Recently, the United Nations Working Group on Arbitrary Detention spoke of Egypt's policy of 'collective punishment for Al-Jazeera's purported political opinion', noting discrimination on the basis of 'journalistic affiliation to an international broadcaster blacklisted by the Government for its political opinion'.³³

The technical mission of the Office of the High Commissioner for Human Rights commented on the 'instrumentalisation of the media', especially in Saudi Arabia and the United Arab Emirates, saying it was 'a prominent feature of the crisis'. It referred to reports that measures taken by the Quartet 'have been accompanied by a widespread defamation and hatred campaign against Qatar and Qataris in various media linked to the four countries as well as on social media, and by the introduction of criminal sanctions against people expressing sympathy for Qatar and Qataris'.³⁴ The mission was informed 'that at least 1,120 press articles and some 600 anti-Qatar caricatures were published in KSA, UAE and Bahrain between June and October 2017, which has been documented by media professionals and the NHRC. Such material included accusations of Qatar's support to terrorism, calls for a regime change or a coup d'état, attacks against leading figures and symbols of Qatar, as well as appeals for attacks on, and murder of Qataris'. The technical mission referred to 'a Saudi tweeter with five million followers has been issuing "religious opinions" calling for the killing of the Emir of Qatar. Another Saudi tweeter warned he could send one million Yemeni suicide bombers to Qatar'.³⁵ Abusive use of media is not *per se* a human rights violation, but if it amounts to incitement to violence it loses any protection under international human rights law.

³² 'Demand for Qatar to close Al-Jazeera "a major blow to media pluralism" – UN expert', 28 June 2017.

³³ Opinion No. 83/2017 concerning Mahmoud Hussein Gomaa Ali (Egypt), November 2017, UN Doc. A/HRC/WGAD/2017/83, para. 87.

³⁴ OHCHR Technical Mission to the State of Qatar, 17- 24 November 2017, Report on the impact of the Gulf Crisis on human rights December 2017, para. 14.

³⁵ *Ibid.*, para. 16.

Right to education

The right to education is guaranteed by article 26 of the Universal Declaration of Human Rights. According to art. 41(4) of the Arab Charter on Human Rights, States Parties ‘guarantee to provide education directed to the full development of the human person and to strengthening respect for human rights and fundamental freedoms’. The measures taken by the Quartet have resulted in serious violations of the right to education.

The report of the High Commissioner’s technical mission described the expulsion of Qatari students who were studying in Saudi Arabia, United Arab Emirates, Bahrain and Egypt and explained that this had a detrimental effect on the right to education. Qatari students were prevented from either pursuing their studies or passing their exams. Many students in these countries were ordered to immediately return to Qatar, often by the administration of universities.³⁶ This information was also confirmed in an Amnesty International report issued shortly after the measure were implemented. Amnesty International said it interviewed several Qatari students who were concerned about threats to continuing their education in the United Arab Emirates and Bahrain. According to Amnesty International, one student said all her classes in the United Arab Emirates for the rest of the year had been cancelled with immediate effect.³⁷

In the case of Egypt, the report of the technical mission of the Office of the High Commissioner said that although the Government did not issue a formal order to Qatari citizens to leave its territory, Qatari students attempted to return to Egypt in August 2017 following the summer recess were denied visas or were required to obtain security clearance upon obtaining visas. On its visit in November, the technical mission interviewed students who said they still had not obtained security clearance. According to the technical mission, Egypt’s National Council for Human Rights informed the National Human Rights Commission of Qatar that it had lifted restrictions for some categories of the Qatari population and that students would be granted visas. The mission said it was too early to assess whether this was actually taking place.³⁸

³⁶ Ibid., para. 50.

³⁷ Amnesty International, ‘Families ripped apart, freedom of expression under attack amid political dispute in Gulf’, 9 June 2017.

³⁸ OHCHR Technical Mission to the State of Qatar, 17- 24 November 2017, Report on the impact of the Gulf Crisis on human rights December 2017, para. 27.

The measures taken by the Quartet resulted in great disruption of the university studies of students from Qatar who were studying abroad. The High Commissioner's team reported that the management and professors of Qatar University said they had initially received 171 requests for the placement of students who had had to leave the four Quartet countries. They said that Qatar University was able to accommodate 66 students while it transmitted the 105 other cases to the Ministry of Education for the review of the students' transcripts. It appears that the students who were affected by the expulsions had the option of registering at Qatar University, where they generally were required to take extra credit hours, or to study in other countries such as Jordan and Malaysia.

However, transfer to other universities was hampered by difficulties in obtaining transcripts from the Quartet universities. The University of Cairo apparently told Qatari students that they were required to collect their transcripts in person, something that they were not able to do because they were being denied visas. The team of the High Commissioner for Human Rights reported that some universities in the United Arab Emirates blocked access of Qatari students to their websites.³⁹

According to the Ministry of Education of Qatar, at least 201 Qatari students were unable to pursue their university studies. This was mainly because of the problem of obtaining transcripts and the equivalence of credits although in some cases the specialised area of studies being pursued abroad was not available in Qatar. For example, medical studies were only recently introduced at Qatar University. Medical students reaching their fifth year in a Quartet University were therefore not able to enrol at Qatar University.⁴⁰

Right to health

The Universal Declaration of Human Rights, in article 25(1), affirms that '[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...' More elaborate provisions on the right to health are found in the International Covenant on Economic, Social and Cultural Rights. Article 38 of the Arab Charter on Human Rights declares: 'The States parties recognize the right of every member

³⁹ Ibid., para. 52.

⁴⁰ Ibid., para. 53.

of society to the enjoyment of the highest attainable standard of physical and mental health and the right of the citizen to free basic health-care services and to have access to medical facilities without discrimination of any kind.’

The measures taken by the Quartet against Qatar have had serious consequences on the implementation the right to health. The technical mission of the Office of the High Commissioner for Human Rights raised several issues relating to medical consequences of the crisis. It offered the example of patients from Qatar who were residing in Saudi Arabia and who were transferred to Turkey and Kuwait because they could not pursue their medical treatment Saudi Arabia. There are also consequences to persons who have been displaced and who have lost employment, because medical insurance associated with their work may no longer apply.⁴¹

Disruption of trade has had consequences for access to medicines and medical supplies. According to the report of the technical mission, prior to 5 June 2017 50 to 60 percent of pharmaceuticals used in Qatar came from suppliers in the Gulf region, most of them in the United Arab Emirates. Although alternative suppliers were found quickly for most medicines, there are exceptions for some products available only locally. An example given to the technical mission of the Office of the High Commissioner was an antidote to snake venom that is largely used in Qatar and that can only be produced with snakes from the region, and that has therefore not been available.⁴² Obtaining supplies from outside the region has increased the costs of products and has led to delays. Also, the technical mission was told that the opening of new hospitals was delayed because shipment of construction materials was blocked.⁴³

⁴¹ Ibid., paras. 44-46.

⁴² Ibid., para. 47.

⁴³ Ibid., para. 48.

Economic rights and right to property

The Universal Declaration of Human Rights, in article 17, recognises the right of everyone not to be deprived of property arbitrarily. Article 31 of the Arab Charter on Human Rights declares that '[e]veryone has a guaranteed right to own private property, and shall not under any circumstances be arbitrarily or unlawfully divested of all or any part of his property'.

The technical mission of the Office of the High Commissioner reported that Qatari nationals working in Saudi Arabia, the United Arab Emirates, and Bahrain, as well as Qataris with business interests in those countries were denied access to their companies and other sources of activity and income. It said that a national compensation claims commission established in Qatar had documented at least 1,900 cases related to the right to property by the end of November 2017, with claims pertaining to private residences, stock shares, financial assets, and livestock.⁴⁴ The technical mission interviewed some of the claimants, who confirmed that financial transactions between Qatar and the other States were suspended, and that this prevented people from receiving salaries, pensions, and rents, paying bills, and supporting relatives. The persons interviewed cited an absence of litigation mechanisms to enforce their rights because of a suspension of legal cooperation. They said that lawyers in these countries would be unlikely to defend Qataris because this could be interpreted as an expression of sympathy towards Qatar.⁴⁵

⁴⁴ Ibid., para. 39.

⁴⁵ Ibid., para. 40.

Concluding Observations and Recommendations

The measures taken by Saudi Arabia, Bahrain, the United Arab Emirates, and Egypt directed against Qatar result in a number of violations and abuses of fundamental human rights. This brief report highlights some of the more important issues, including discrimination with respect to freedom of movement, freedom of the press, family rights, the right to education and to health, and the right not to be arbitrarily deprived of one's property. The violations affect the nationals of all five countries as well as those who are resident in them, including migrant workers. International institutions charged with protecting and monitoring human rights, including the High Commissioner for Human Rights and several of the mandate-holders of the Human Rights Council have expressed their concerns.

In light of all of the circumstances examined in this report the following recommendations are made:

- Other international mechanisms should also be considered, including submissions to the Human Rights Council within the framework of the Universal Periodic Review.
- The Special Rapporteur of the Human Rights Council on the negative impact of unilateral coercive measures on the enjoyment of human rights should be invited to examine the situation without delay. A Resolution by the Human Rights Council urging the Special Rapporteur to undertake a mission should be considered.
- The reports from these bodies should be passed on to the General Assembly for urgent consideration and appropriate measures. The human rights violations should be highlighted and condemned by the United Nations so that concrete steps can be taken to end the blockade.

- It would also be desirable for the procedures set out in the International Convention on the Elimination of All Forms of Racial Discrimination to be invoked.⁴⁶
- Should the mechanisms in the Convention not result in a settlement of the dispute, and should other efforts at negotiation between Qatar and the Quartet not bear fruit, Qatar should consider a submission to the International Court of Justice (ICJ) pursuant to article 22 of the Convention.

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5 June 2018

⁴⁶ We have been informed that the Government of Qatar has already laid a complaint against the Quartet under Article 11 of the Convention on the Elimination of All Forms of Racial Discrimination. As this complaint remains confidential at this stage we have not been able to verify its contents. Doubtless it raises arguments similar to those contained in this report.

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