

Human Rights in the Gulf: Systemic Abuses and the Struggle for Reform



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Chapter 1

The Gulf Paradox: Wealth, Stability, and the Limits of Human Rights Reform

The Gulf Paradox: Wealth, Stability, and the Limits of Human Rights Reform

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Executive Summary

Human rights violations across the Gulf Cooperation Council (GCC) states—Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE)—persist despite growing international scrutiny and internal calls for reform. These abuses range from restrictions on freedom of expression and assembly to systemic labor exploitation, gender inequality, and the persecution of minorities.

The persistence of these violations reflects deep-rooted structural factors: hereditary monarchies that resist democratization, rentier economic systems that concentrate wealth and power in ruling families, and weak judicial institutions. In addition, external geopolitical dynamics—rivalries with Iran, Western security partnerships, and fears of domestic unrest—have reinforced repressive governance.

Nonetheless, reform pressures are increasing. Global visibility during events such as the 2022 FIFA World Cup in Qatar and Saudi Arabia's Vision 2030 modernization agenda have amplified calls for greater rights protections.

International labor organizations, transnational advocacy networks, and some domestic reformers have achieved modest gains, particularly in labor rights and women's participation. Yet progress remains superficial and uneven, with governments prioritizing image management over systemic change.

This paper as an introductory chapter to this Issue explores the structural causes of human rights abuses in the Gulf, examines reform trajectories across key issue areas, and proposes a framework for sustainable human rights advancement.

It concludes that meaningful progress requires embedding legal accountability, empowering local institutions, and linking rights reforms to national development and governance modernization efforts.

Introduction

The Gulf region presents a paradox in global governance: immense economic prosperity coexisting with severe human rights constraints. The Gulf Cooperation Council (GCC)—comprising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates—has experienced unprecedented growth since the 1970s oil boom. With some of the highest GDP per capita levels in the world, these states have pursued ambitious development plans aimed at economic diversification and global influence.

Yet political liberalization has lagged behind. Civil society remains weak, independent media are virtually absent, and political opposition is either banned or tightly controlled. Human rights defenders operate in an environment where criticism of the government, monarchy, or religion can lead to imprisonment. Despite these challenges, the region is not static. Reforms—particularly in women's rights, labor laws, and judicial modernization—signal a recognition among Gulf rulers that sustained development requires at least partial institutional adaptation.

This paper situates Gulf human rights dynamics within their historical, political, and economic context. It argues that while Gulf states have demonstrated remarkable capacity for controlled reform, these efforts will remain limited unless they extend to core issues of accountability and representation.

Background: Political and Social Context

The GCC states share structural similarities that underpin their governance and human rights challenges. All are hereditary monarchies with varying degrees of centralized authority. Their political legitimacy rests on a blend of tribal heritage, Islamic identity, and the economic social contract enabled by oil wealth.

Authoritarian Resilience: Despite the regional turbulence following the Arab Spring, Gulf monarchies maintained stability through generous welfare provisions, enhanced surveillance, and selective repression. In Bahrain, protests in 2011 were violently suppressed with the assistance of Saudi and Emirati forces under the Peninsula Shield Force. The episode underscored the priority given to regime preservation over reform.

Demographic and Labor Dynamics: Migrant workers constitute between 50% and 90% of the population in most GCC states. They occupy the lowest rungs of the labor hierarchy, often

under the kafala (sponsorship) system that ties their legal status to employers. The system effectively limits mobility and facilitates abuse, despite reforms such as Qatar's 2020 abolition of the “no-objection certificate” requirement.

Regional Security and Ideological Threats: The Gulf's strategic location and historical rivalries—particularly with Iran—have heightened national security concerns. Governments have exploited these insecurities to justify extensive surveillance and the criminalization of dissent. Digital monitoring technologies supplied by Western and Israeli firms have strengthened state control over civil society.



Systemic Human Rights Abuses

Freedom of Expression and Political Repression: In all GCC states, laws restrict freedom of speech and association. Cybercrime laws, national security statutes, and anti-terror legislation are used to prosecute critics. In Saudi Arabia, online activists such as Loujain al-Hathloul and Raif Badawi have faced long prison sentences. The UAE's “cybercrime law” criminalizes content deemed to insult the state or its leaders.

Labor Exploitation and the Kafala System: The kafala system remains the structural backbone of labor exploitation. Despite some reforms, migrant workers continue to face wage theft, poor living conditions, and limited access to justice. While Qatar's labor reforms were praised by the International Labour Organization (ILO), reports in 2023 still documented widespread non-payment of wages. In Saudi Arabia and Kuwait, domestic workers—mostly women from South

Asia and Africa—remain particularly vulnerable to abuse.

Gender Inequality: Women's rights reforms have advanced unevenly across the region. Saudi Arabia's lifting of the driving ban in 2018 and recent relaxation of guardianship laws represent milestones, but patriarchal laws persist. Bahraini and Kuwaiti women face legal discrimination in nationality transmission and family law, while Qatari women require male permission for certain decisions. In the UAE, symbolic progress in education and employment contrasts with the absence of political rights.

Religious and Minority Discrimination: Sectarian and ethnic minorities face systemic exclusion. Bahrain's Shia majority suffers political marginalization, while Saudi Arabia's Eastern Province remains under heavy security control. Stateless persons (bidoon) in Kuwait and the UAE continue to live without citizenship or access to services.

Arbitrary Detention and Torture: Across the Gulf, security forces routinely employ arbitrary detention, enforced disappearance, and torture. Trials of political activists are often secret and based on coerced confessions. Reports by Human Rights Watch and Amnesty International in 2024 documented systematic patterns of abuse that remain unaddressed.

International and Regional Responses

International engagement with the Gulf on human rights has been inconsistent. Western allies prioritize energy security, counterterrorism cooperation, and arms sales over human rights advocacy. The United States and the European Union often issue statements of concern but rarely impose conditionality on trade or defense agreements.

The International Labour Organization and the United Nations have played limited but important roles in promoting labor reforms, particularly in Qatar. However, enforcement remains weak, and domestic implementation often falters. Labor-exporting countries—such as India, Nepal, Bangladesh, and the Philippines—have sought bilateral labor protection agreements, but their bargaining position is constrained by economic dependence on Gulf remittances. Regionally, the Arab Charter on Human Rights lacks binding enforcement mechanisms. No GCC-wide human rights framework exists, leaving human rights largely subject to national discretion. The Gulf's collective emphasis on sovereignty and non-interference has impeded regional accountability mechanisms.

Reform Trajectories and Emerging Trends

Reform in the Gulf has typically followed a top-down model, initiated by rulers seeking to modernize without democratizing. Saudi Arabia's Vision 2030, the UAE's Centennial 2071, and Oman Vision 2040 all emphasize economic diversification and social transformation. Yet these initiatives rarely address political participation or judicial independence.

Nevertheless, some positive developments exist. Qatar's collaboration with the ILO led to incremental improvements in labor inspection and wage protection. The UAE has introduced anti-discrimination laws and encouraged women's representation in corporate and government sectors. In Saudi Arabia, entertainment and cultural reforms have expanded social freedoms.

However, these reforms often serve regime image management. They are designed to demonstrate progress while preserving centralized control. The challenge lies in converting symbolic reforms into institutionalized rights protections, ensuring enforcement, and fostering civic participation.



Policy Analysis: Barriers to Reform

The persistence of human rights violations in the Gulf stems from interlocking structural and political barriers:

1. Authoritarian governance and absence of separation of powers limit institutional accountability.
2. Rentier-state dynamics discourage political mobilization by linking welfare benefits to loyalty.
3. Weak judicial institutions and lack of independent oversight undermine enforcement.
4. Geopolitical dependencies—particularly Western security partnerships—dilute international leverage.
5. Societal norms and state narratives frame human rights advocacy as foreign interference.

These factors collectively reinforce a system resistant to bottom-up reform. However, growing social awareness, generational change, and the digital public sphere are gradually challenging traditional modes of control.

Policy Options

Option 1: Incremental Institutional Reform

Encourage GCC governments to strengthen national human rights commissions, empower ombudsman offices, and enhance judicial independence. This approach builds local capacity and reduces external resistance.

Option 2: Conditional International Engagement

Tie arms sales, trade, and diplomatic cooperation to measurable human rights benchmarks. The EU's human rights clauses in free trade agreements can serve as a model.

Option 3: Strengthening Civil Society and Digital Freedoms

Support independent journalism, NGOs, and online advocacy through secure funding and

digital protection. Regional academic and cultural institutions can serve as semi-autonomous platforms for discussion.

Option 4: Regional Human Rights Mechanism

Promote the creation of a GCC Human Rights Commission with complaint-handling powers, reporting mechanisms, and cooperation with the UN system.

Policy Recommendations

1. Legal and Institutional Reform: Abolish or fundamentally revise the kafala system, guarantee judicial independence, and codify rights to expression and association.
2. Women's and Minority Rights: Align personal status laws with CEDAW obligations, grant nationality rights to women, and ensure equal access to employment and education.
3. International Action: Western governments and the UN should adopt a "principled partnership" framework, conditioning cooperation on human rights progress.
4. Civil Society Empowerment: Expand protected spaces for NGOs and media, ensure whistleblower protection, and promote regional academic collaboration.
5. Labor Rights Enforcement: Create bilateral oversight committees between GCC and labor-sending states to monitor recruitment, wages, and dispute resolution.
6. Digital Rights Protection: Limit surveillance, regulate data privacy, and uphold online expression as a protected right.

Conclusion

The struggle for human rights in the Gulf embodies a broader contest between modernization and authoritarian resilience. While rulers pursue economic transformation and global prestige, they remain wary of political openness. Sustainable stability will depend on the recognition that prosperity without justice breeds long-term insecurity. Change in the Gulf will likely remain incremental, but not impossible. Empowered local institutions, transparent legal reforms, and international accountability mechanisms can gradually align Gulf governance with global human rights norms. The path to reform is long, but its pursuit is vital for a just and stable future for the region.

Chapter 2

Human Rights in the Gulf: Systemic Abuses and the Struggle for Reform

Human Rights in the Gulf: Systemic Abuses and the Struggle for Reform

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Introduction

It is frequently supported that the vast majority of regimes in the Middle East are incompatible with global human rights standards. This is partially true for a number of reasons: (a) These regimes are not democratic and the enjoyment of most civil and political rights is accommodated only within the democratic system, (b) the application of the sharia^[1] (islamic law) by many of these states is inherently incompatible with certain rights (c) the societies in most of the Middle East countries have never experienced democracy as an applied political system in their respective countries and, therefore, it is quite difficult to promote and observe democratic principles and the human rights associated with it. The failure of the various “Arab spring” initiatives is indicative of the latter assumption.

However, the actual situation in the various Middle East countries is not identical but rather diverse, thus not allowing for generalized conclusions as to the human rights situation therein. The only group of states that can be credibly used to compare and evaluate their human rights record is the Gulf countries, more specifically the six countries comprising the Gulf Cooperation Council (GCC), namely Saudi Arabia, Kuwait, Qatar, Bahrain, Oman and the United Arab Emirates.^[2] This article will focus on the evolution of human rights in this region, their comparative development and the main challenges nowadays.



GCC Countries and International Human Rights Instruments

The Universal Declaration of Human Rights (UDHR)

The UDHR is correctly considered to be the most important human rights document ever to be produced, as it became the basis for every subsequent international human rights legal or political instrument. While the UN Charter made a few references to human rights (preamble, Art. 1, Art. 55), no specific content of the concept of human rights existed at the time. The issue was undertaken by the UN General Assembly, which adopted the Declaration in 1948 as UNGA Resolution 217 (A).^[1] In the preamble of the UDHR the GA proclaimed it as "... a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society ...".

According to Arts. 11-14 of the UN Charter, UNGA Resolutions are not binding upon member states but rather constitute recommendations for them.^[2] Exceptionally, certain UNGA Resolutions that have an abstract and normative character and were adopted unanimously, may constitute evidence of customary rules,^[1] as the ICJ has found in several landmark cases.^[2]

Nevertheless, the UDHR cannot be considered to belong to the latter category. Initially, at the time of its adoption, the UN members were 58. When new members accede to the UN, they have the legal (contractual) obligation to adhere to the Charter but not to any other UN documents, let alone that – as underlined above – UNGA Resolutions are not binding by themselves. UNGA Resolutions reflect the position of member states vis-à-vis a certain issue. States that acceded to the UN at a later stage, after 1948 (135 today), did not have anything to do with previously adopted resolutions. Additionally, even if one wanted to attach a normative character to the UDHR, it was not adopted unanimously but with a vote of 48-0-8.^[3] Therefore, it is clear that the UDHR, in its totality, did not represent universally accepted values at the time it was adopted.

Regarding the Gulf countries, only Saudi Arabia existed as a state at the time and abstained on two grounds: (a) it considered that the UDHR reflected Western values rather than universal ones (b) conflicted directly with Islamic principles governing religion and conversion, as well as family law. More specifically, the Saudi delegate emphasized that "... apparently the authors of the draft declaration had for the most part taken into consideration only the standards recognized by western civilization".^[1] The main points of objection referred to Article

16 (Gender equality in marriage) and Article 18 (the right to change religion).

The only other country in the Arabian Peninsula existing at that time, Yemen did not participate to the voting process citing similar considerations as Saudi Arabia in addition to the fact that it had a very limited participation in the whole drafting process.

International legally binding Human Rights Instruments

The International Covenants of 1966

After a long negotiating process, the volume of the rights proclaimed in the UDHR was incorporated in two legally binding documents: The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural rights of 1966. Notwithstanding the fact that more than 170 states are today parties to the two Covenants, participation of Gulf States is limited.

Thus, the ICCPR has been ratified by Bahrain (2006), Kuwait (1996) and Qatar (2018), while Saudi Arabia, Oman and the UAE have not even signed it.^[1] It should be noted however, that even the states that ratified the ICCPR, have appended reservations, virtually cancelling many of the rights contained therein. Thus Bahrain made a reservation stating that "The Government of the Kingdom of Bahrain interprets the Provisions of Article 3, (18) and (23) as not affecting in any way the prescriptions of the Islamic Shariah". Kuwait made a reservation which reads as follows: "The Government of Kuwait wishes to formulate a reservation with regard to article 25(b). The provisions of this paragraph conflict with the Kuwaiti electoral law, which restricts the right to stand and vote in elections to males ...".^[2] Qatar made a reservation and several "statements" that read as follows: "The State of Qatar does not consider itself bound by the following provisions ... Article 23.4, for it contravenes the Islamic Sharia". Its statements include the following: "1. The State of Qatar shall interpret the term "punishment" in Article 7 of the Covenant in accordance with the applicable legislation of Qatar and the Islamic Sharia. 2. The State of Qatar shall interpret Article 18, paragraph 2, of the Covenant based on the understanding that it does not contravene the Islamic Sharia. The State of Qatar reserves the right to implement such paragraph in accordance with such understanding" ... 4. The State of Qatar shall interpret Article 23, paragraph 2, of the Covenant in a manner that does not contravene the Islamic Sharia. The State of Qatar reserves the right to implement such paragraph in accordance with such understanding".^[1]

Several states including the Netherlands, Latvia, Estonia, Canada, Australia, Ireland, Italy,

Hungary, Sweden, Mexico, Portugal, Slovakia objected to the reservations made by Bahrain considering that they contradict the object and purpose of the Covenant.^[2]

Similar, but fewer in number, objections were raised in relation to the reservations made by Qatar.^[3]

The ICESCR has been ratified by Bahrain (2007), Kuwait (1996), Qatar (2018) and Oman (2020) while Saudi Arabia and the UAE have no form of participation. Kuwait placed a reservation reading “The Government of Kuwait reserves the right not to apply the provisions of article 8, paragraph 1 (d)”. (the Article provides for the right to strike).

Oman made a similar reservation stating that “... [the Government of Oman makes] a reservation in respect of article 8, paragraph 1, subparagraphs (a) and (d) of that Covenant, regarding the right to form trade unions and the right to strike, in so far as the employees of government units are concerned”. Qatar made a reservation and a statement with the following content:

“Reservation: The State of Qatar does not consider itself bound by the provisions of Article 3 of the International Covenant on Economic, Social and Cultural Rights, for they contravene the Islamic Sharia with regard to questions of inheritance and birth.

Statement: The State of Qatar shall interpret that what is meant by “trade unions” and their related issues stated in Article 8 of the International Covenant on Economic, Social and Cultural Right[s], is in line with the provisions of the Labor Law and national legislation. The State of Qatar reserves the right to implement that article in accordance with such understanding”.^[1]

The above provoked objections from several states including Austria, Belgium, Canada, Estonia, Finland, Greece, Hungary, Ireland, Italy, Moldova, the Netherlands, Norway, Portugal, Sweden, Switzerland, specifically targeting the reservations / statements made by Kuwait and Qatar as going contrary to the object and purpose of the Covenant.^[2]

It is worth noting that the Gulf States were not the only targets of objections (eg. Pakistan and Maldives attracted many objections to its own reservations for similar reasons) but analysis is confined to the Gulf States (see introduction).

Other International Legal Instruments

Apart from the two Covenants, which incorporate the vast volume of internationally recognized human rights, there are a number of other international treaties that are considered by the UN to be of paramount importance, safeguarding certain categories of vulnerable persons and prohibiting activities that run contrary to fundamental human rights.

On the positive side, all Gulf States have ratified the 1989 UN Convention on the Rights of the Child^[1] and the two additional Protocols on the participation of children to armed conflicts^[2] and on child trafficking and pornography.^[3] However, a number of reservations made by several Gulf States significantly limit the scope of application of the Convention. Thus, Kuwait made a reservation, upon signing the Convention providing that “ [Kuwait expresses] reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect”. Qatar entered a “general reservation concerning provisions incompatible with Islamic Law”, which it partially withdrew in 2009. Similarly, Saudi Arabia “[The Government of Saudi Arabia enters] reservations with respect to all such articles as are in conflict with the provisions of Islamic law”, the latter still being in force. The UAE made a number of reservations, *inter alia* regarding Article 14 (freedom of thought, conscience and religion) stating that “The United Arab Emirates shall be bound by the tenor of this article to the extent that it does not conflict with the principles and provisions of Islamic law”.^[4]

All Gulf States are parties to the 1966 UN Convention on the Elimination of Racial Discrimination.^[5] Saudi Arabia made a reservation reading as follows: “ [The Government of Saudi Arabia declares that it will] implement the provisions [of the above Convention], providing these do not conflict with the precepts of the Islamic Shariah”.^[6] They are also parties to the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).^[7]

All Gulf States are parties to the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)^[1] but the number and scope of reservations they made virtually strip the Convention of any meaningful context in their respective territories. Thus Bahrain made a reservation rendering all Articles referring to aspects of equality subject to the Sharia law and, in its revised version of 2016 changed the wording of some phrases by replacing the previous texts with “without breaching the provisions of the Islamic Shariah”.^[2] Similarly, Kuwait made reservations covering, *inter alia* Art. 16 (equality on issues of marriage and family relations) stating that “The Government of the State of Kuwait declares that it does not consider itself bound by the provision contained in article 16 (f) inasmuch as it conflicts

with the provisions of the Islamic Shariah, Islam being the official religion of the State". In the case of Oman, there is a general reservation on "All provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman ...". Qatar made reservations on several articles by virtues of their contradiction to the Islamic Law and the family law of the country (which is also the Sharia). Saudi Arabia was even more explicit in the formulation of its reservation: "In case of contradiction between any term of the Convention and the norms of islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention". The UAE also made a significant number of reservations. Characteristically, the one on Art. 16 provides that "The United Arab Emirates will abide by the provisions of this article insofar as they are not in conflict with the principles of the Shariah".

The above reservations attracted a rather high number of objections. Thus Austria, Finland, the Netherlands, Sweden and the Czech Republic objected to reservations by each and every Gulf State, and most other States on fewer. The most straight forward explanation was provided by Canada, which stated that "The Government of Canada considers Articles 2 and 16 to be core provisions of the Convention. As such, reservations to those articles, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the object and purpose of the Convention and therefore impermissible".



Regional Documents

At the regional level, the most important document is the Arab Charter on Human Rights,^[1] which basically covers the majority of rights enshrined in the ICCPR. The preamble of the Charter explicitly states that “Reaffirming the principles of the United Nations Charter, the Universal Declaration of Human Rights, the provisions of the two United Nations International Covenants, on Civil and Political Rights and on Economic, Social and Cultural Rights ...”.

While many provisions are adapted to appear closer to the Sharia, the wording is quite similar to the ICCPR and the word “Shariah” is only mentioned once in relation to the positive discrimination for women (Art. 3 § 3). A comparison between the original version of 1994^[2] and the revision of 2004 exposes a significant shift towards the wording of the 1966 UN Covenants. Despite their numerous reservations to most human rights treaties, all Gulf Countries have ratified the ACHR.

Mention should also be made to the 1990 Cairo Declaration on Human Rights in Islam (CDHRI),^[3] which was adopted in the context of the Organisation of Islamic Cooperation (OIC). Although it is not a legally binding document it reflects the common perception of all Islamic countries on the content and width of fundamental rights. In the eyes of many stakeholders and governments in the Islamic world it was seen as a complement to the UDHR,^[4] but also as a way “...to establish their own human rights system, which will have its roots in Qur'an ...”.^[5]

The OIC countries apparently realized that, in order to retain a viable OIC human rights instrument the Cairo Declaration should be revised.^[6] Thus, after years of preparation and delays, in November 2020, the OIC adopted the OIC Declaration of Human Rights (ODHR).^[7]

The ODHR does not intend to nullify or substitute the CDHRI but it significantly departs from the wording of the latter, thus resembling more to the west oriented human rights documents (UDHR, ICCPR, ICESCR). At the conceptual level the ODHR seems to have shifted from religious notions to mainstream human rights language. As a commentator observed, “... at the normative level it moved from Sharia-based particularism to an inclusive universalism”.^[1]

Although the ODHR was celebrated by the OIC states as a major breakthrough in the protection of human rights,^[2] following the incorporation of human rights as an objective of the Organization in 2008,^[3] it is not a legally binding document, it omits basic rights, like the freedom of assembly and association (Art. 20 UDHR), access to legal remedies for rights violations (Art. 8 UDHR), social security (Art. 22 UDHR) and it frequently refers to national

legislation, which means sharia legislation for many of the OIC states, certainly for the Gulf countries.

Despite the fact that the CDHRI and the ODHR were adopted in the context of a much larger organization, the OIC, therefore reflecting far more diverse views on human rights than the ones that appear to be prevailing in the Gulf States, participation of the latter in this process should be considered as complimentary to the aforementioned international instruments.

Institutional Challenges to Human Rights in the Gulf Countries

The Regimes of the Gulf Countries

All Gulf countries have a similar type of regimes, being Emirates, Sultanates or Kingdoms. This corresponds to a form of governance incompatible with any democratic values. As most of the fundamental human rights can develop in the context of a democratic regime, their evolution and protection in these countries is inherently problematic.

However, to be fair, this is not a problem solely attributed to the Gulf States – or other Arab countries – since democracy, as an applied political regime, is a minority around the world. According to the Economist Democracy Index of 2024 only 71 countries enjoyed full or flawed democracy, while hybrid regimes (democratic electoral processes but authoritarian rule) and authoritarian regimes amounted to 96.^[1] The relevant data display that only 45% of the global population lives in a democracy. According to another index, V-Dem, 88 States are liberal or electoral democracies and 91 are autocracies. However the relevant share of democracies in the global population is considered to be 28%.^[2] The difference between the two indicators is that the latter does not consider India, the biggest democracy in the world, to be one. Nevertheless, there does not appear to be any difference between the two indexes as to the status of the Gulf countries, which are characterized as autocracies.

The “kafala” system

The Kafala system is a visa sponsorship system whereby the UAE allows foreign workers to come to the country and work in different fields. According to the explanatory definition provided by the US TIP Report of 2021 “The kafala system is a sponsorship-based visa category that gives employers full control over the migrant workers’ residency permits,

movements in and out of the country, and ability to change employers. Under this sponsorship system, migrant workers who leave their place of employment without permission from their employer forfeit their legal status and thereby increase their risk of arrest and deportation".^[1] This system is primarily flourishing the Gulf Cooperation Council (GCC) countries —Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates— but also in Jordan and Lebanon (to a lesser extent).

In order for someone outside the Gulf region to understand the system, attention must be drawn to the fact that in most Gulf countries the massive migration flows since the 1990s, due to their huge economic development, created a situation where the citizens of the respective countries are grossly outnumbered by foreigners. In the case of the UAE and Qatar the ratio is about 9:1.

Since the state authorities are incapable of handling all aspects related to massive migration, the Kafala system largely places the administration of the system to the private sector (agencies and employers), while states are supposed to retain a supervisory role.^[1]

The term Kafala itself derives from the Arab root K-F-L which means "guardian" or "take responsibility" for someone.^[2] As a legal practice, Kafala has roots in Sharia, in which a party (kafil) provides a legal guarantee on behalf of another party (makful), undertaking his legal responsibilities in case the latter is unable to.^[3] However, in the Gulf states, Kafala does not function as part of the Sharia, but has been incorporated in the labour legislation and regulations, totally disconnected from its religious background.

The Kafala system's rules and procedures differ from state to state. Nevertheless, the common denominator which characterises this system is the principle of "private sponsorship" where the workers need to have a "sponsor" (Kafeel), usually the employer, before they come to work in the country. Kafala controls foreign labour through citizen sponsorship, which any citizen may do. Foreign employees, on the other hand, are unable to select their sponsor because it is assigned to them by their agency.

According to this procedure the sponsored migrant labourer has no legal right to enter the respective country except through having a sponsor.^[4] This constitutes the core of the sponsorship system, where the state delegates the authority needed for a migrant to enter the country to the citizen employer.^[5] It is important to stress that the Kafala scheme also emphasizes racial hierarchy, as the Kafala, in most cases, does not put the worker and his/her employer on equal terms with respect to wages or



benefits and the worker cannot quit the contract or find another sponsor once it is made, regardless of how bad or dishonest he might be.^[1]

This system has been responsible for significant human rights abuses against migrant workers who often get their passports held by their sponsors and, in some cases, they are detained by their employers. Given the amount of control over the workers by their employees, the lack of proper governmental supervision in most of the GCC countries and the number of migrant workers that are stuck within this system (several millions), violations span across the full spectrum of human rights. The problem is not isolated or confined within certain states but represents a systemic problem, mainly but not exclusively, within the GCC countries. According to the well known for his studies on the Gulf States journalist and author Kakande "There is no other currently operating system that is as widely criticized as Kafala. It ranks as badly as apartheid in South Africa".^[2]

The Sharia Legal System

Throughout this article it became evident that, in the Gulf countries, the Islamic law spans across every aspect of life, from family law to international relations. Therefore, the impact of the application of the Sharia on human rights is equally significant.

It should be underlined though that not all Gulf countries observe the Sharia in the same manner. Thus for Saudi Arabia, the Qur'an and Sunnah are the constitution of the country. For Qatar, Kuwait, Bahrain and Oman, Sharia is the main source of legislation, while the UAE, despite primarily following civil law, many fields are influenced by Sharia, and its application differs in the various Emirates.

In relation to the impact of the Sharia upon fundamental human rights, in a totally different environment, the European Court of Human Rights, in the case *Refah Partisi v. Turkey*^[1] categorically stated that "sharia is incompatible with the fundamental principles of democracy, since principles such as pluralism in the political sphere and the constant evolution of public freedoms have no place in it and a regime based on sharia clearly diverges from Convention values".^[1]

Of course, the Gulf States are not subject to the European Convention of Human Rights or the Court's rulings, nor are they obliged to accept principles that have not endorsed and are not legally binding upon them. Moreover, there is a widespread perception in the Arab and Moslem world that human rights, in the manner they evolved and are incorporated in the relevant international legal instruments represent only western values and never took into consideration the cultural and religious values of those States. In the words of the Prime Minister of Malaysia Dr. Mahathir Bin Mohamad "There is a sincere belief amongst many in the West that their values and beliefs are universal -- universally valued and believed in by all civilised and civil men and women everywhere. There is the sincere belief amongst many in the West that there are only universal values -- and that these values are, as you already guessed -- the values which they hold. There is also the sincere belief amongst many in the west that the advocates and champions of Asian values or other values are merely justifying oppression, dictatorship and uncivilised behaviour".^[2] The latter statement reveals the core of the debate over the universality of human rights and the extent to which societies that do not adhere to the so-called western values are obliged to accept them.

Among the number of countries that, for various reasons, do not accept the universal nature and content of fundamental rights the Gulf countries represent a striking example because the

exploitation of their vast natural resources and the immense economic and technological progress did not bring about the same level of social progress. Without addressing the issues associated with the respective political regimes, the degrading of women by virtue of dubious religious and social traditions, the exploitation of millions of migrant workers and the total lack of other fundamental rights, such as the freedom of expression, render the position of the Gulf States vis-à-vis these issues highly problematic and – to many – unacceptable or even intolerable.

As humanity progresses we need to accept that human rights – at the very least the most fundamental ones – have become nowadays not a maximalist target, but the minimum level of protection for all human beings. The 1993 Vienna Programme of Action, which was adopted unanimously by all UN Member States, held that “While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms”.^[1]



Chapter 3

Gender-based discrimination against women human rights defenders in the Gulf

Gender-based discrimination against women human rights defenders in the Gulf

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Abstract

Women human rights defenders in the Gulf face a pervasive pattern of gender-based discrimination and repression that affects both their identity as women and their role as advocates for rights. Over the past decade, authorities have intensified their use of counter-terrorism and cybercrime legislation, travel bans, online harassment, and selective reforms to limit women's participation in public life and suppress criticism, especially on social media. This section provides an overview of recent findings from UN mechanisms, major INGOs, and verified media sources to explore the legal and policy environment, highlight emblematic cases, and evaluate reform narratives. It concludes with practical recommendations based on international standards and regional evidence.

Key words: human rights defenders, women, civil society, digital repression, gender-based discrimination

Introduction

To understand the issues faced by women human rights defenders (hereinafter WHRDs), we must first define them as individuals, mainly women and girls, but also people of any gender dedicated to advancing and safeguarding human rights.^[1] According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), this includes those who defend civil, political, economic, social, or cultural rights, as well as those who specifically stand for women's rights and gender equality.^[2] WHRDs may take many forms, including grassroots activists, lawyers, journalists, health or social-care providers, community organisers, members of non-governmental organisations, or even individuals acting independently.^[3] Their work often involves advocating for equality, justice, and social change, challenging entrenched power structures and systemic discrimination, including gender-based norms and patriarchal traditions that limit rights and freedoms.^[4]

International law recognizes the unique role and vulnerability of WHRDs. The 1998

Declaration on Human Rights Defenders, adopted by the United Nations General Assembly, grants all human rights defenders the right to peacefully promote and protect human rights, and obliges states to ensure their protection.^[5] Over time, UN mechanisms and civil-society networks have emphasised that WHRDs face specific risks, often more severe than those faced by male defenders, because they challenge not only political or legal injustices, but also deeply entrenched social and gender norms.^[6]

Across Gulf states, governments publicize notable policy changes affecting women (e.g., expanded mobility, employment opportunities, or family-law updates). Yet parallel to these reforms, authorities have maintained, and in some instances escalated, restrictions on expression, association, and digital activism that disproportionately impact women human rights defenders.^[7] The resulting contradiction is notable, as legal regulations may indicate progress, but enforcement practices still penalize women who organize, advocate, or even post online about gender equality. This dynamic is particularly visible in Saudi Arabia and the United Arab Emirates (UAE), where counterterrorism and cybercrime frameworks, coupled with broad prosecutorial discretion, enable severe punishments for peaceful speech.^[1]



This analysis focuses on WHRDs as a distinct group, women journalists, lawyers, researchers, community organizers, educators, and online influencers, whose advocacy intersects with gender norms and state sensitivities. The UN system recognizes WHRDs' specific exposure to harassment, threats, and legal reprisals, and recent UN expert engagements with Gulf governments have emphasized that reforms must be measured by outcomes, protection from violence, access to justice, and freedom to participate publicly, not by headline-grabbing announcements alone.^[1]

The 2024 EEAS report underscores that in Gulf countries, including the United Arab Emirates (UAE), the Kingdom of Saudi Arabia (KSA), Qatar, Oman, and other members of the Gulf Cooperation Council, civil and political rights remain significantly constrained despite surface-level legal reforms.^[2] While some governments publicly emphasize progress in socioeconomic spheres or gender-related reforms, the report documents persistent restrictions on freedom of expression, media pluralism, civil society activity, and political representation.^[3] This gap between formal proclamations and practical realities reveals a pattern: reforms and human-rights commitments often coexist with repressive practices, censorship, crackdowns on dissent, limited civic space, and a lack of independent oversight. As a result, despite official rhetoric about modernization and inclusion, the environment for human rights defenders and critical civil-society actors remains fragile and risky.^[4]

Why WHRDs are a distinctly at-risk group

The UN Working Group on Discrimination against Women and Girls highlights that women human rights defenders face intersectional and gender-specific harms when advocating for rights. It notes that gender norms make women's public activism seem more socially "transgressive", leading to reprisals tailored to their perceived social roles, including caregiving responsibilities.^[1] This dynamic explains why travel bans, online harassment, and smear campaigns are so effective: they directly target the personal and professional lifelines that WHRDs rely on.^[2] UN human rights bodies further emphasize that WHRDs are especially vulnerable to intimidation, stigmatization, and gendered threats, all of which threaten their safety and limit their ability to participate in public life.^[3]

Complementing UN findings, research conducted by international organizations, particularly Kvinna till Kvinna's global survey of WHRDs, confirms that women defenders worldwide face distinctive, gendered threats, including online harassment, sexualized smear campaigns, surveillance, and restrictions on funding and mobility.^[4] These vulnerabilities are heightened in

authoritarian contexts, such as several Gulf states, where governments utilize licensing laws, civil society regulations, cybercrime frameworks, and counter-terrorism statutes to criminalize or heavily restrict women's rights activism. This alignment between structural gender inequality and state governance tools demonstrates how Gulf governments can manipulate administrative and legal frameworks to suppress women's human rights efforts while publicly claiming reform.^[5]

Legal and policy environment - the architecture of constraint

Amnesty International and Human Rights Watch document extensive reliance on counter-terrorism statutes and cybercrime laws to criminalize peaceful expression, including women's rights advocacy. Charges often refer to "spreading false information", "harming public order", or "support for terrorism" applied to online posts.

These frameworks enable long prison terms, secretive proceedings before specialized courts, and post-release restrictions.^[1]

Reporters Without Borders' World Press Freedom Index situates Gulf states near the bottom of global rankings, reflecting systemic constraints on journalism and public debate. While the index measures press freedom broadly, its findings illuminate the legal environment that WHRDs navigate, one in which independent media is minimal and online expression is heavily surveilled and penalized.^[2]



Amnesty's submission to the CEDAW review of Saudi Arabia (2024) details legislative changes that continue to institutionalize gender-based discrimination and highlights an ongoing crackdown on women activists. The report emphasizes the persistence of de facto male-guardianship practices in critical life areas despite partial reforms. UN and civil society coalitions have urged authorities to align reforms with international obligations, pointing to ongoing gaps affecting both ordinary women and WHRDs.^[3]

In the UAE, the UN Special Rapporteur on violence against women and girls carried out an official country visit and published a 2025 report to the Human Rights Council. The visit emphasizes the importance of turning high-level commitments into effective protections against gender-based violence and ensuring women's participation in public life, which also influences the environment in which WHRDs work.^[4]

Patterns of repression targeting WHRDs

A visible pattern involves prosecuting women for social media activity that falls squarely within protected expression under international law. The case of Manahel al-Otaibi illustrates this: in 2024, a Saudi specialized court secretly sentenced her to 11 years under anti-terrorism laws, with authorities later describing the conviction as "terrorist offences" rather than speech-related, despite detailed documentation by rights groups linking the charges to advocacy against male guardianship and women's empowerment posts. Reuters, The Guardian, and Amnesty documented the case, noting solitary confinement and injuries during detention.^[1]

The prosecution of online speech is not isolated. HRW's July 2024 report on a 20-year sentence for tweets underscores the breadth of criminal exposure for digital expression and the use of specialized courts to impose severe penalties. Although that case involved a male defendant, similar legal tactics are frequently applied against women, including WHRDs and influencers.^[2]

Beyond imprisonment, authorities deploy long travel bans, probationary conditions, and targeted surveillance to constrain formerly detained WHRDs. High-profile figures, including women previously released, report continued restrictions that function as a "second sentence", inhibiting their human rights work, employment, study, and family life. Verified media and international organizations' reports show that these measures can extend to family members, creating a chilling effect on advocacy networks.^[3]

Documents from international organizations and regional civil society groups to UN mandate holders highlight issues such as gendered harassment, smear campaigns, reputational damage, and threats of sexualized violence, which are especially severe for women organizing online. These strategies often accompany legal threats aimed at discouraging involvement and suppressing dissent.^[1]

HRW reported in April 2025 that, despite releases of some prisoners jailed for peaceful speech, many others remain imprisoned or newly detained under similar charges, signaling that individual case resolutions have not altered the structural underpinnings of repression. For WHRDs, this uneven pattern fosters uncertainty and risk calibration: who is released, who is re-arrested, and under what conditions often appears discretionary.^[2]

In 2024, the UAE sentenced 43 activists to life in one of its largest trials, condemned by rights groups as unfair, with due process concerns and torture allegations. While not exclusively about women, the scale illustrates the broader civic-space environment in which WHRDs, journalists, and lawyers operate. Such trials signal to women advocates that legal jeopardy can be profound even without overtly “gendered” charges.^[3]

Academic and international literature documents a growing pattern of technology-facilitated violence and abuse against women human rights defenders (WHRDs), including doxxing, online harassment, coordinated trolling, and threats of sexualized violence. These tactics exploit entrenched gender stereotypes to undermine women’s authority, discredit their public engagement, and silence participation, while also increasing legal risks associated with online expression. Emerging scholarship on gender activism in digital spaces further shows that activists are highly aware of cross-border surveillance practices and ongoing gaps in platform moderation, which often fail to provide effective protection for women users.^[4]

Within this context, the concept of “digital repression” describes the systematic use of internet- and social-media-based tools to suppress activism, including arrests linked to online expression, private harassment or violence against digital activists, state-led surveillance, and information-control strategies designed to weaken protest and influence dissent^[1] Building on this framework, technology-facilitated gender-based violence (TFGBV), such as online harassment, non-consensual image sharing, doxxing, and coordinated threats, is now widely recognized as a direct extension of offline gender-based violence. UN Women warns that such abuse systematically undermines women’s safety, public participation, and access to justice, especially for women human rights defenders.^[2]

From a human-rights law perspective, such online violence can trigger state obligations to prevent, investigate, and provide remedies, especially where state actors tolerate, amplify, or fail to address patterns that foreseeably deter women's participation in public life. UN Women and broader UN reporting have repeatedly warned that gender backlash, online and offline, undermines equality commitments and increases the cost of public engagement for women.^[3]

Concluding Remarks

Women human rights defenders in the Gulf are at the forefront of critical reform debates, challenging male-guardianship systems, demanding institutional accountability, and expanding the boundaries of civic participation. Yet the evidence shows that their activism is too often treated not as a contribution to public life but as a threat to state security. Long prison sentences, travel bans, digital harassment, and punitive surveillance reflect a dual form of repression in which WHRDs are targeted both as women and as rights defenders. This creates a stark contradiction: even as governments announce reforms related to women's mobility, employment, or legal autonomy, many of the women advocating for those very reforms continue to face criminalization, intimidation, and severe penalties for peaceful expression.

The distinction between legal reforms "on paper" and the lived experiences of women defenders reveals a deeper structural issue. Legislative changes that signal progress are frequently undermined by practices marked by pressure, arrests, opaque legal processes, and digital repression. WHRDs who attempt to turn formal rights into real social change, whether as activists, journalists, or community advocates, encounter systemic barriers that expose the limits of official narratives of modernization. Their experiences underscore that genuine reform cannot be measured by legal amendments alone, but by whether women can speak, organize, and participate in public life without fear.

A credible path forward is well established in international standards and in the region's own stated ambitions for global leadership. Gulf governments should align their legal frameworks with human-rights obligations by decriminalizing peaceful expression, reforming counterterrorism and cybercrime laws, and ensuring that no woman is prosecuted for online advocacy. Travel bans, conditional releases, and other restrictive measures must be lifted, while specialized courts must guarantee due process, transparency, and independent review. Protecting WHRDs also requires addressing gendered online abuse through clear complaint mechanisms, timely institutional responses, and trained law-enforcement personnel, supported by publicly available, disaggregated data.



Sustained progress further demands genuine consultation with WHRDs in policymaking processes, consistent with CEDAW guidance, and strong accountability from international partners.

External actors, including corporations, sports bodies, media organizations, and diplomatic partners, should condition cooperation on measurable human-rights improvements such as the release of detained WHRDs and the repeal of discriminatory laws. UN bodies and international organizations must maintain robust country-level monitoring and invest in protection measures, legal aid, emergency relocation, digital security support, and psychosocial services, tailored to the needs of WHRDs and their families.

Ultimately, the women most affected by restrictive environments are those who use newly expanded rights to push for more meaningful reform.

Their courage exposes the gap between symbolic change and transformative justice. It is within this gap, between formal modernization and practical repression, that ongoing monitoring, advocacy, and international engagement remain essential. Only when reforms move beyond symbolism and begin to reshape the everyday realities of women and defenders can the region genuinely claim progress.

Chapter 4

The Long Road from Reform to Rights

The Long Road from Reform to Rights

Edwin Austin, Journalist and International Correspondent, Kenya.

The Gulf states occupy an odd moral and strategic position: enormous wealth, global markets and marquee events; persistent autocracy and pervasive human-rights abuses. That paradox “prosperity without political pluralism” has been the operating logic of the six monarchies for decades. Their elites have rewritten the social contract in the language of development: jobs, infrastructure, tourism and global brand. But development plans and glossy megaprojects are not substitutes for rights; they are instruments by which power is consolidated and dissent managed. The result is reform as marketing and repression as governance. The evidence is visible across Saudi Arabia, the United Arab Emirates and, in a bloodier register, in Yemen, each case showing how security, patronage and strategic calculation trump legal reform and human dignity.

In Riyadh, the kingdom’s partial social liberalization, women behind the wheel, entertainment districts and foreign investment drives, has been accompanied by a reminder: progress on the streets does not equal liberty in the courts. Authorities continue to deploy specialized criminal tribunals, counterterrorism laws, and administrative coercion against critics and women human-rights defenders, locking away prominent voices and chilling online speech that should be protected. Amnesty and Human Rights Watch have documented long prison terms, secret trials and the instrumental use of counterterror charges in cases that are plainly about expression. The sentencing and lengthy detention of activists, often with restricted family access and little transparency, underline a simple fact: modernization without accountability is modernization without justice.

Take the treatment of women defenders: what looks like selective concession on paper, steps to relax guardianship or expand employment rights, has been paired with the prosecution and prolonged detention of the very women who demanded the changes. Cases publicly documented by major rights organizations reveal secret hearings, draconian sentences under anti-terror laws, and opaque appeals processes. The state’s message is plain: modernize the economy, but do not challenge the political or moral order. Those who do are treated not as reformers but as security threats.

The Emirates’ approach [1]has a different texture but the same logic. Abu Dhabi and Dubai have traded on an image of cosmopolitan openness while building a sophisticated state

security apparatus that tolerates almost no political pluralism. The mass trials and recent life sentences handed down in highly publicized cases are reminders that the Gulf's hospitality industries, international forums and climate summits coexist with a systemic intolerance for dissent. The UAE's criminal justice practices, mass adjudications, long sentences and allegations of torture and unfair process, are not defects; they are features of a system that prioritizes stability and regime continuity over justice. That disparity between global image and domestic practice has become a national security export: other authoritarian governments study the playbook.

Nowhere is the human cost more visible than in Yemen[1]. The last decade of conflict has produced a humanitarian calamity and legal questions that demand accountability. Saudi- and Emirati-backed operations, Houthi offensives, and the proliferation of non-state armed groups have left civilians exposed to airstrikes, siege and deprivation. Independent investigators and international bodies have repeatedly flagged attacks that appear to violate the laws of war; millions face food insecurity and the destruction of hospitals and infrastructure. Moreover, the Houthis' detention and referral of U.N. staff and aid workers to military courts, and the reported arbitrary detention of hundreds, underscore that abuses in Yemen are not the province of a single actor but of a fragmented, regionalized conflict in which outside patrons share responsibility for conduct on the ground. The war's casualties and deprivation are not incidental to geopolitics; they are a stain on every party that has enabled or failed to prevent them.



Labor and migration policy form another axis of systemic abuse. The region's dependence on migrant labour, often the majority of urban workforces, is enforced through sponsorship systems and labour practices that strip workers of basic protections. The kafala architecture, while rebranded in places and partially reformed in others, continues to leave millions exposed to wage theft, confiscated passports, and limited legal recourse. International organizations have praised incremental steps, the ILO's engagement [1] in Qatar is an example, but praised reform cannot mask the fact that exploitation remains embedded in the region's labour model. Until labour mobility is real and judicial remedies are meaningful, the Gulf's workforce will remain second-class, a human cost of growth that the region's rulers have accepted as collateral.

Two common threads run through these cases. First, legal change without institutional change is cosmetic. New laws or decrees, even those that move policy in the right direction, fail if courts are not independent, ombudsmen are toothless, and security agencies act with impunity. Second, external partnerships have blunted accountability. Strategic ties, arms sales, counterterrorism collaboration and energy diplomacy, create a political currency that governments can trade for silence on human-rights abuses. Western governments issue statements; rarely do they impose meaningful conditionality that would encourage structural reform. The result is a permissive international environment in which autocrats can modernize economies while maintaining political monopoly.

That permissiveness has consequences beyond the Gulf. The export of surveillance technology, legal techniques for internet repression, and models of managed reform syndicates authoritarian practice globally. Private corporations and international institutions have a role to play: where business and diplomacy reward cosmetic reform without safeguards, they underwrite repression. Responsible engagement should therefore include hard benchmarks for rights compliance and real support for independent monitoring, not only because it is consistent with international obligations, but because long-term stability depends on legitimacy, not just capability.

What, then, is the realistic path forward? First, civil-society space must be incrementally protected in ways that are verifiable and enforceable: independent legal aid, unhindered access to counsel, transparent judicial proceedings and the genuine autonomy of national human-rights institutions. Second, labour migration must be governed by enforceable bilateral agreements and domestic law that provide immediate remedies for wage theft and abuse; piecemeal administrative reforms will not suffice. Third, external actors, Western states,



multilateral institutions and major corporate partners, should adopt a principled partnership approach linking high-level cooperation to measurable human-rights milestones, coupled with channels for civil-society monitoring and independent verification. Finally, the conflict in Yemen requires a concerted diplomatic push that conditions regional support on compliance with humanitarian law and secures mechanisms for accountability for violations committed by all sides.

None of these measures are quick fixes. They require patience, calibrated pressure and realism about the limits of leverage. But patience is not the same as acquiescence. International actors can continue to prize strategic cooperation while demanding transparency, accountability and legal reform. That dual approach, engagement tied to enforceable standards, is the only credible strategy for aligning the Gulf's aspirations with the rights of its peoples.

The Gulf's future will be judged not by skylines or sporting stadia but by whether its citizens, residents and the most vulnerable in its labour force enjoy the basic protections of rule-of-law systems: free expression without fear, fair trials instead of secret sentences, and judicial remedies that are more than ceremonial. Until such protections are institutionalized, the region's modernization will remain partial, a prosperity without full citizenship, a stability bought at the price of rights. The report before you has catalogued how that bargain has been struck. The closing challenge is to insist that prosperity be redefined: not simply as GDP growth or global prestige, but as the extension of the basic liberties that make nations resilient and just.

About

The World Center for Human Rights (WCHR) is a non-profit, non-governmental organization dedicated to safeguarding and promoting human rights and freedoms worldwide, with a special focus on vulnerable communities and ethnic minorities. Our mission is to ensure that fundamental rights are upheld and protected for all, particularly those who are most at risk of discrimination and marginalization.

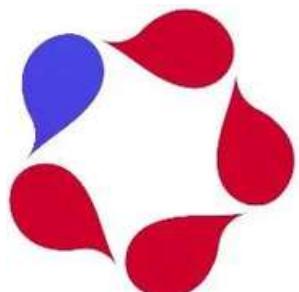
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