

BRIDGING THE GULF



Foundation for Human Security in the Gulf Region



Winter 'school' on Human Rights

Bridging the Gulf Foundation

in collaboration with
Al Salam centre for strategic studies
in Kuwait
(summary)

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Ministry of Foreign Affairs

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Bridging the Gulf Foundation for Human Security in the Gulf region organised its yearly winter school this year in Kuwait in the frame of extending its capacity building objectives fostering outreach and interaction among the network members creating a peer to peer learning process. This is the second winter school organised so far by Bridging the Gulf foundation besides different networking gatherings. This year the sessions were organised in close cooperation with *Al Salam centre for strategic studies* in Kuwait under the lead of Dr. Ghanim Al Najjar. The ‘school’ is a study gathering on civil society building and strengthening, human rights education and promotion. Creating an interactive safe space where individuals and structures with a diversity of backgrounds can learn from respectively experiences. During the sessions and at the closing of each session a live debate is meant to give the floor to participants to reflect on the topic analysed, giving their evaluation appreciations but also criticism.

The winter school was attended by nearly 63 civil society activists and human rights defenders coming from different GCC countries. The program was split in two major sessions each one of two days. The first session was an introduction to human rights topics meant for participants newly involved in the field of human rights development and civil society building and desiring to have insight in major issues relevant for their field of work or studies. The session was mostly given by trainers from the network that gained knowledge and capacities during previous sessions: trainees became trainers. The second session was meant for advanced participants who had already participated in previous Bridging the Gulf events. The purpose was to deepen participants’ knowledge on key new issues, such as Human Rights and the Internet, that require innovative thinking regarding the best strategy to deal with them in the region.



I. Introduction to major human rights topics

Professor Ghanim Al Najjar, Senior Professor of Political Science at Kuwait University is an independent expert on human rights in Somalia at the UN, and a frequent contributor to the media, including the BBC, CNN, and daily newspaper Al Jarida and talked about the **Basic Principles of Human Rights Development and Protection Tools**.

He explained that human rights are legal guarantees for individuals in relation to the government which has more power comparing to individual civilians as the monopoly of use of force and coercion rests with the state. Government has the duty to protect citizens. Also it was clear and history learned us this lesson: absolute and corrupt power will face opposition from its citizens restricted in their freedoms by rules imposed by these governments. The *Universal Declaration of Human Rights* is not a legally binding document. These are only binding legally on states that have ratified them. Regarding the implementation of human rights laid down in international conventions, there are three levels of procedures:

National: National laws should be compatible with international human rights obligations and need independent monitoring instruments, independent courts, free civil society, and free media.

Regional: At regional level, states can establish legal mechanisms to correct national implementation errors. Europe, America as well as Africa have regional human rights courts. Here in the Gulf region there is a need to see local regimes implementing similar policy on a regional level.

International: The UN has the Human Rights Council (it replaced the Commission on Human Rights in 2006), which is serviced by the Office of the High Commissioner on Human Rights (OHCHR). The Human Rights Council conducts the Universal Periodic Review to which all UN member states are subject. The Human Rights Council also has appointed a large number of Special Rapporteurs on different aspects of human rights. The Special Rapporteurs provide feedback and advice to governments on their human rights policies. The OHCHR also services the committees that are in charge of monitoring the implementation of the implementation by states of the human rights conventions that they have subscribed to.

After his lecture a lively debate took place around the issues and concepts introduced during the presentation, such as the need for a regional human rights body or institution, probably affiliated to the Gulf Cooperation Council and with real power to assess the human rights situation in the different GCC countries. According to many participants, no matter the setbacks in the field of the universally agreed human rights standards, there should be a clear commitment from the region to foster a culture of human rights regionally and worldwide. Also there is a need for more education on the subject of human rights in schools and even universities in the GCC, enabling the region to come out of stigmas and harm done but also securing stability, equalitarian and coherent societies.

Wajeaha Al-Baharna started her lecture on **Women's Rights are Human Rights** by an interactive questionnaire involving the participants on the difference between men and women regarding their rights. Many rights were seen to be equally applicable to men and women by the participants.

Discrimination against women violates the principles of equal rights and respect for human dignity and is an obstacle to the political, social, economic, cultural participation of women, on equal terms with men, in their countries. It hampers the growth of the prosperity of society

and the family, and makes more difficult the full development of the potentialities of women in the service of their country and humanity. The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) is a Convention adopted in 1979 by the General Assembly which ensures women's full equality with men without any distinction, exclusion or restriction on the basis of sex or on a political, economic, social, cultural or civil basis.

During the discussion the participants mentioned the political rights of women and their participation in the political process in their countries as major priority for the GCC countries. Although there are laws which provide women with equal opportunities these laws are often not implemented due to some cultural traditions and practices. Also was mentioned the impact of social attitudes with regard to women's full agency and participation. Women are frequently encouraged to avoid a demanding career or public life and to privilege their role as mothers, taking care of their family. The participation of women in the decision-making process was felt to be really important, yet the reality on the ground is disappointing. No females in local Majlis (parliaments), not even in local municipality councils. Some exceptions were praised as good practices, such as Oman in the past but also Kuwait with four female MPs. Women's rights to education, health care, etc, are often well established in the GCC-countries, other rights need more focus when it comes to gender issues.

Some participants were also referring to restrictions affecting women's lives such as the right to travel without permission of a male guardian (KSA), equal rights on the work floor, equal wage comparing to males for similar work, increasing women's labour participation. It was also pointed out by some participants that the Koran and the Hadith already protect and provide women with many rights, yet the society as such is failing in granting women equal rights. It is not a matter of religion but more an issue related to some cultural practices and societal behaviours worsened by the failure of local governments to enforce and implement laws that protect women and support their emancipation process.

Harry Hummel held a lecture on **Human Rights of Migrant Workers**. The definition of a migrant worker is as follows: "migrant worker" refers to a person who is engaged in a remunerated activity in a State of which he or she is not a national. In 2005 it was estimated that there were 191 million migrants, about 100 million of them economically active. In the GCC countries there are about 12, 5 million migrants.

There are different conventions which protect migrant workers: UN Migrant Workers Convention, only been ratified by around forty states, only 'sending' countries, and non 'receiving' countries. For example neither European Union states nor GCC states have ratified, and several ILO conventions. The ILO has also established the so-called Multilateral Framework on Labour Migration. For the children of migrants, the UN Convention on the Rights of the Child is applicable.

The condition in which migrants live and work often are exploitative, and a number of cases fall under the definition of human trafficking, which is the "recruiting, transporting .. of.. people ... by means of the threat or use of force.. or.. of deception... for the purpose of exploitation... The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant..." (UN Palermo Protocol). In particular female domestic workers are often in a very vulnerable position. About 800.000 persons are trafficked across international borders per year (US figure 2007) and cases of "modern-day slavery" amount to 27 million.

Some participants expressed their concerns about giving migrant workers equal rights as they outnumber native GCC citizens. Extractive industries, services, the fast growth of local economies have brought an unprecedented influx of foreign labour force. The uncontrolled growth of local economies linked to the import of migrant workers has led ultimately to a disproportionate composition of local societies. In some countries locals are becoming local

minorities. In such challenging context it is difficult to address issues related to migration. Besides those negative feelings linked to the uncontrolled influx of migrant workers, participants recognise the need to regulate the working conditions for migrant workers. According to many, there is a lot of difference between the different GCC countries concerning laws regulation working conditions. The sponsorship matter and the problems linked to such issue were discussed, many stressed the need to regulate the sponsorship issue by local GCC authorities. Also there is a need to regulate import of migrant workers to the region, providing workers equal rights on the work floor but also protection in cases of abuses.

Mohammed Al-Roken spoke about **Children's Rights**. Children's rights are important because of the child's vulnerability, easy exploitation and exposure to risks, physical and psychological, their large numbers and because crimes against them also affect others. The Convention on the Rights of the Child (CRC) entered into force on 2 September 1990. By now, all countries of the world have adopted the Convention, with the exception of Somalia and the USA.

Mohammed Al-Roken jointly with participants reviewed and discussed the different laws on children's rights in the GCC countries. Also through an interactive exercise via the slideshow they analysed the implication and impact of each article of the Convention on the Rights of the Child. GCC-countries made some reservations to the Convention on articles which were seen as incompatible with Islamic and local laws like Article 14 (freedom of belief), Article 21 (adoption) and Article 7.

Said Al-Hashemi gave an **introduction on the technicalities of the UPR process based on his own experience as local human rights defender and civil society leader** in drafting a shadow report related to the UPR of Oman of January 2011. The *Universal Periodic Review* (UPR) of the Human Rights Council applies to all Member States of the United Nations (192 in total). Every four years countries are reviewed on their performance in the field of human rights. The review is done with reference to the *Charter of the United Nations*, the *Universal Declaration of Human Rights*, international covenants and human rights instruments to which a state is party, and voluntary pledges and commitments. States are required to provide prior written information and encouraged to have a national dialogue with all relevant stakeholders (local human rights activists and defenders, independent non-governmental organizations, governmental institutions and individuals).

There are five different forms of participation by non-governmental organizations:

1. Participation in any prior consultations organised by the authorities and/or by National Human Rights Institutions
2. Send requests directly to the Office of the High Commissioner prior to the review;
3. Lobby with members of the Working Group in preparing a formal report;
4. Take the floor during the plenary session and before the adaptation of results;
5. Monitor the implementation by the state concerned of the commitments it has entered into as a result of the review.

There are many regulations related to the submission of the reporting whether the official reports submitted by local authorities or shadow reporting submitted by independent NGOs. Joint submissions by a large number of stakeholders are encouraged and stakeholders are encouraged to consult with each other on the universal periodic review requests. The submitted document if received within the deadlines will be made public. There are three public documents:

1. Information prepared by the State under review (National Report);
2. Compilation of information from the United Nations on the state under review;

3. Information submitted by other relevant stakeholders (non-governmental organizations).

The Omani Society for Authors and Writers submitted a shadow report in which they shed light on issues of concern and identified possible recommendations and /or best practices. It covers the period 2006-2010. To do reporting, you need to have a clear insight regarding the reality on the ground regarding the implementation of national laws and the internationally agreed conventions and instruments. According to Said Al-Hashemi, previous to your assessment you need to define the legal framework that you will be assessing: The human rights standards ratified and applicable by the country should be assessed, the National Constitution, legislations and policies and mechanisms analysed but also national plans of action, and the implementation of legislation and plans.

Harry Hummel gave a lecture on **International Human Rights NGOs**. Non-Governmental Organizations (NGOs) are characterized by not being part of the state power structure or aiming to obtain the power.

Human rights NGOs can adapt several strategies:

- Campaigning to influence government policies, by using mass media and making direct approaches to government institutions or other influential bodies or persons. Usually this campaigning would be based on documenting and publicizing legislation, policies or practices that violate human rights;
- Human rights education and other forms of human rights awareness-raising, for example to influence the thinking or the behaviour of people towards discriminated groups;
- Direct reform of institutions by working e.g. with the legal sector or with the police or prison service.

According to many participants human right education is about skills, attitudes, philosophy of education and willingness to accept and work on changes in mentalities. It is not only about curriculum but also about stimulating people to be active and respect others opinions and societal behaviours as long as it bear no harm and is not in contradiction with the internationally agreed human rights norms and standards.

Some participants referred to the increase of local GONGOs (Government-organized NGOs) who sometimes actively denounce the work of independent NGOs. Local authorities also interfere in the functioning of the few independent networks and groups. Experience has shown frequently that GONGOs are not capable of providing clear image about the reality and the real issues that need to be addressed. Data produced by such structures may tend to be not accurate; measures promised to be initiated are partially if not at all implemented.

Amal van Hees emphasized the need to see and perceive yourself as part of the solution equally to the others involved in your context; this includes local governments, even GONGOs and other local stakeholders. You need to talk to them, involve them by at least exposing the issues you are seeking redress for. At the end of the run it is the local authorities that will need to change and implement the laws that we were keen as civil society structures to see implemented. We should be inclusive, engaging all openly and transparently. Exclusiveness, lack of transparency do more harm than help, it's not easy in the challenging context of the GCC but we should keep trying.

Ahmed Abdelmalik introduced **the Concept of Civil Society**. Civil society covers the institutions and bodies, associations, cultural, social and economic work in which people meet

voluntarily for the benefit of society and independent of the state. Civil society is closely interlinked with democracy and cannot function well without it. One of the core functions of civil society is the promotion of the development of legislation in line with the need of local societies. Developing a culture of civic democracy is perhaps the most important function carried out by civil society: spreading and deepening a civic culture that reinforces the values of respect for volunteer work, teamwork, and acceptance of differences, conflict and peaceful competition and confirm the values of self-initiatives and institution-building, all these values are core values for democracy.

In developing the work of civil society institutions, a range of challenges can be identified. The state considers the role of civil society, as interference in its affairs so it does not allow these institutions to use the official media, limits their capacity to work and to deliver. Frequently they are not even allowed to register and their work is not tolerated and they are perceived as trouble-makers and not really as part of the solution. Although there are clear provisions in the constitutions of the different GCC countries on the right of association, including for the institutions of civil society, these laws are often not implemented. Furthermore, in some countries the laws prevent these institutions to accept donations or support from international bodies.

Important steps are required which include 1. Amending laws and legislations to ensure that these institutions can function fully and independently in the society. 2. Stimulation and confirmation of the right of citizens to engage in the work of these and not to consider these institutions as hostile or "opposition" to the state. 3. Urge the media to support the work of these institutions and their role in serving the community in a positive way, and explain the noble purposes for the society. 4. Lay the foundations of a proper contact, mutual understanding, and where relevant, cooperation between the state and these institutions. 5. lift the culture of fear that exists in the GCC community in connection with the work and being linked to these institutions. 6. Remove the misunderstanding established by some religious groups that the concept of civil society is a 'Western 'concept that seeks to undermine Islamic values.

The presentation of **Amal van Hees on the reality of the Civil Society in the Arab world in general and the GCC region in particular** put emphasis on differences and common characteristics shared by civil society across the region such as:

- Evolution from tribal societies;
- The dominance of Islam: although some countries have other small religious minorities, culture is largely rooted in Islam;
- Freedoms of association and expression, vital elements for fostering civil society, remain under strict control;
- In some countries prolonged states of emergency, restrictive legislation or special courts provide regimes with sweeping powers to regulate political parties and civil society organisations;
- Rapid population growth in recent decades and young populations;
- High levels of unemployment, especially among young (mainly in North Africa, Yemen, Syria but we see it also as worrying tendency in countries as KSA);
- Rapid urbanisation and a significant concentration of population in capital cities;
- High rates of emigration, forced migration and brain drain.

But:

- Uneven development of civil society;
- Uneven distribution of wealth;
- Uneven pace of spread of literacy and modern education.

According to Amal van Hees, civil society organisations (CSOs) have frequently failed to define what role they want to play and how they will achieve it. They need to build better

capacity to understand the issues upon which they are focusing and define strategies and plans. There is a danger of CSOs getting politicised. If political tendencies have excessive influence on CSOs, this can easily lead to internal problems and splits and less focus on real social change. CSOs should be more open and concerned with how to make themselves accountable to governments, funders, peers and beneficiaries.

II. Advanced training for practitioners, academics, human rights defenders, civil society leaders on Internet and civil society development and on the challenges posed by the UN Universal Periodic Review

The advanced gathering is meant to deepen network members' knowledge regarding new and ground breaking developments relevant for the region. The purpose is to create this platform where individuals come with ideas and share the best strategies based on their own experience and work at the grassroots level. The regional network meeting includes also a thematic component, this time the UPR review: impact, limitations and utility by Professor Cees Flinterman.



A researcher from the Kuwaiti University, **Shaikha Al-Musallam** under the lead of Professor Ghanim Al Najjar gave an insight in the **use of internet in human rights work** and the development of civil society in general. The purpose of her presentation was to introduce some facts regarding the use of Internet and opening the floor to participants who are in their majority active users of internet, to give their feedbacks and impression regarding the utility and limitations of using Internet. Shaikha Al-Musallam's main focus is the study of the use of Internet and its impact on society and GCC society in particular, including the Internet as a social medium. Shaikha Al-Musallam explained how activists can use the Internet as a tool for their campaigns, activities, linking and learning.

The Internet has already played a positive role in the work of human rights advocacy

networks and one can have easy access to information. It became possible to get raw information from anywhere in the world quickly. We can use the Internet to connect and coordinate among the members of the network, which increases its efficiency. For the human rights defenders communities the major hardship they are suffering is however the censorship; many bloggers have become subjected to harassment.

Regarding the civil society in the region, internet had a huge impact, starting by giving names and voices to the voiceless, building bridges with the outside world, emancipating and empowering women and youth. We are in a context of closed states, where societies are divided among lines of tribes, families, etc. Yet more than 50% of houses in the UAE do have access to the Internet. KSA has the highest numbers of bloggers, e-communities in the Gulf region and the government tries to regulate those tendencies. In the region, people hardly read local newspapers; news is frequently limited and much of the same, reflecting the official line avoiding taboo and touchy issues; not really stimulating mainly for the youth. There is a great gap between the official channels and the Internet sphere where there is a lot of freedom.

Professor Cees Flinterman has been a member for a number of years of the Committee which monitors state implementation of the CEDAW convention and has recently been appointed member of the United Nations's human rights committee. He held a lecture on **the UPR and its significance for Human Rights NGOs**.

He discussed the following topics:

1. A brief look at the UN;
2. Supervision by the international community;
3. The UPR and its significance.

The Commission on Human Rights was upgraded to a Human Rights Council in 2006. The Council introduced the UPR-mechanism which means that all states are subject to review every four years by the other states in the Council ('peer review'). The countries have to submit reports and NGOs are encouraged to participate in the process. The culture of human rights is however still fragile. NGOs should take the UPR-mechanism seriously in a way that strengthens the process.

Participants launched the debates by referring to the inefficiency of the UPR process. International treaties and the UPR in particular are being dealt with by local MoFAs, but usually MoFAs are not the structures in charge of implementing the commitments made so far. The implementation at local level suffers from deficiency due to lack of coordination nationally by the different entities involved in implementing the internationally agreed commitments. Also civil society and local NGO's are not involved in the implementing and awareness raising process. Participants agreed that shadow reporting provided a window of hope. And the UPR-mechanism benefited the NGOs and represents them as professional partners.

The session was closed by a distribution of a diplomas of attendance with the promise to remain in contact and to meet next year in a yearly gathering in the hope that another country will be able to host us as we were hosted in Kuwait in a peaceful climate of solidarity, generosity hospitality made feasible by a team of dedicated Kuwaiti volunteers and civil society leaders. This experience of working horizontally involving local capacities is unique and innovative for the region. It's our responsibility all to keep it vivid and successful. An open and safe space where we all can gather and think from a civil society perspective on the future of the region.

For the full report, please contact Bridging the Gulf foundation at: bridgingthegulf@nhc.nl