

SUMMARY

The UK Government's engagement with the Middle East and North Africa (MENA), where the authoritarian governance model is dominant, has focused on cooperation in areas such as trade, energy security, defence, counterterrorism, and a desire for regional stability, essentially deemed core national interests in its foreign policy. Furthering these objectives has become increasingly challenging, due, *inter alia*, to the shift in the global balance of power. The active pursuit of a human rights agenda in the MENA region may also be viewed as an impediment. It should, however, be considered as another UK key national interest, and given due weight in its MENA engagement strategy, in support of the rules-based international order, and longer-term peace and stability.

1. INTRODUCTION

- 1.1. This evidence is being submitted by **Tony Lloyd MP, the Chair of the All-Party Parliamentary Human Rights Group (PHRG)**, one of the oldest and most active APPGs in the UK Parliament, further to its work over many decades in raising greater awareness in Parliament and more widely of serious and systematic international human rights and humanitarian violations, and encouraging the UK Government and others to take more effective action in addressing such violations. The current list of Officers and other details about the PHRG are set out in its APPG Register entry (see: <https://publications.parliament.uk/pa/cm/cmallparty/230920/human-rights.htm>).
- 1.2. The PHRG has been closely tracking developments for over 20 years in many of the countries in the MENA region, particularly **Saudi Arabia, Bahrain, and the wider GCC, which this submission will focus on**, and is also informed through its on-going engagement with Government opposition and victims of serious human rights violations from the region, relevant NGOs and IGOs, as well as FCDO officials, including Government Ministers, in person and via correspondence.

2. HUMAN RIGHTS RECORDS OF MENA COUNTRIES

- 2.1 In the first instance, the PHRG notes that the governance models in the MENA focus countries can be described as authoritarian (defined here as *highly concentrated and centralised Government power maintained by political repression and the exclusion of potential or supposed challengers*), with poor human rights records an inherent feature.
- 2.2 Common rights violations include: the repression, sometimes brutal, of Government critics, potential opposition, and human rights activists/defenders; arbitrary detention; torture and ill-treatment in detention; widespread corruption; restrictions on Freedom of Religion or

Belief and LGBT+ rights; lack of an independent judiciary and disregard for due process; impunity; and, a highly controlled media space.

- 2.3 In addition, Saudi Arabia and Egypt were among the top 5 countries which carried out death sentences in 2022, with almost 200 people executed, 81 in a single day, in Saudi Arabia that year, often after trials which did not meet international due process standards.
- 2.4 In many GCC countries, the exploitative treatment of migrant workers, especially domestic workers, through the Kafala system, also remains a concern; though there have been improvements in the relevant legal and regulatory frameworks in most of these countries, it has been noted that monitoring and enforcement mechanisms remain weak.
- 2.5 A number of emblematic cases, recent and current, serve to illustrate the serious and systematic human rights failings in the MENA region, such as those of: Abdulhadi Al-Khawaja, **Shaikh Ali Salman** (Bahrain); Mohamed Baker (Egypt); Loujain Al-Hathloul, Jamal Khashoggi, Salma al-Shehab (Saudi Arabia); Ahmed Mansoor (UAE); as have some consular cases involving UK, US and EU nationals, including Alaa Abdel al-Fattah, Giulio Regeni (Egypt); and, Ryan Cornelius, Matthew Hedges (UAE).
- 2.6 The above is also well documented in reports from a wide range of open sources, including: the UK and international media, such as The Economist, BBC, The Guardian and Al-Jazeera; international human rights organisations, such as Freedom House, Amnesty International, and Human Rights Watch; and in Governments reports, such as the UK's Annual Human Rights and Democracy Reports, and the US State Department Annual Country Reports on Human Rights Practices.
- 2.7 Further evidence has been forthcoming from first-hand testimony the PHRG has received from some in the region who have fled persecution, including from Bahrain, Saudi Arabia, Egypt, and Tunisia.
- 2.8 In light of the above, the occurrence and extent of serious and systematic human rights violations carried out by Governments in the MENA region is widely known, indeed undeniable; it can be concluded therefore that UK Ministers and officials are well aware of this.

3. RIGHTS CONCERNS RAISED BY PARLIAMENTARIANS AND NGOs, AND UK GOVERNMENT RESPONSES, REPORTS AND FUNDING

- 3.1 The PHRG has raised multiple concerns and emblematic cases in connection with the human rights situation in the MENA region, on many

occasions with FCDO officials, including at times, directly with Ministers. Other Parliamentarians have also regularly done so, as illustrated in the significant number of Written Parliamentary Questions tabled.

- 3.2 For example, during the 2022/2023 Parliamentary session to date, about 30 WPQs have been tabled on a range of human rights concerns and cases in Saudi Arabia, while some 80 were similarly tabled in connection with Bahrain. Human rights concerns in the MENA region have also been referenced in reports from Select Committees and Committees, most recently by the International Trade Committee's Report on *FTA Negotiations with the Gulf Cooperation Council* (HC 79, April 2023).
- 3.3 Though the FCDO has acknowledged these concerns and provided assurances that these matters are raised with their MENA counterparts, their responses to PHRG communications, Written Parliamentary Questions and NGO communications are often quiet generic, and include stock phrases along the lines of *"we will continue to discuss and raise these cases and concerns"*.
- 3.4 The response by FCDO Minister David Rutley MP on 23.01.23 to a WPQ tabled by Drew Hendry MP on 13.01.23, asking what recent discussions the FCDO Secretary of State has had with the UAE about Mohammed Al-Roken's release, is illustrative in this regard: *"We are aware of reports that Mohammed al Roken was arrested in the United Arab Emirates in 2012 and remains in detention. The UK urges all countries to uphold their international human rights obligations and believes that the best approach is to promote and defend universal freedoms. The strength of the UK-UAE relationship means we can discuss issues such as respect for the right to peaceful protest and assembly, the rule of law, freedom of speech and of the press, in a frank and open way. Where the UK has cause for concern, we raise these concerns including at senior level, most recently with the UAE, Director Human Rights. We will continue to seek opportunities to do so at official and Ministerial level."*
- 3.5 In the specific case of Bahrain, Ministers' responses often mention that the Bahraini complainant/national in question should submit a formal complaint to the Independent Ombudsman and the National Institute of Human Rights for further investigation. These responses are being provided in the knowledge that numerous allegations have been made by human rights NGOs, including Human Rights Watch and Reprieve, that these organisations lack independence.
- 3.6 Deviations from the standard approach are uncommon, and apparently viewed unfavourably, as demonstrated by FCDO Minister David Rutley MP's retraction of his more forceful response to an Urgent Question in December about a recent surge in executions in Saudi Arabia, asking Hansard for the record to be *"corrected"*, to say that in Mr al-Kheir's

case "torture has been alleged", with the reference to Saudi Arabia's treatment as "abhorrent" withdrawn entirely.

- 3.7 Of course, the FCDO does record a wide range of violations committed by some MENA states in its Annual Human Rights and Democracy Reports, particularly as regards Egypt, Iraq, Libya, and Saudi Arabia, which have been designated human rights priority countries, with individual entries.
- 3.8 Most entries appear fairly comprehensive, though as regards the entry on Saudi Arabia in its 2022 Report, it is noted that there is no mention of specific egregious cases, and the word "positive" is mentioned 4 times, more than in any other entry.
- 3.9 As regards Bahrain, it is difficult to understand why the FCDO has removed it from its list of human rights priority countries in its latest Human Rights and Democracy Report (2022), with this having been queried by a number of MPs, such as Sir Peter Bottomley, Sir Chris Bryant, and Martyn Day, given the human rights situation there has not improved markedly since it was added to the list in the 2015 Report.
- 3.10 In addition, there has been considerable criticism from human rights NGOs and Parliamentarians ([see: https://hansard.parliament.uk/Commons/2020-10-22/debates/1A17E46F-FA72-4AFD-B682-CE37E56F794B/IntegratedActivityFundTransparency#contribution-2C0E8E9F-3BC4-4284-AD82-7DF9388F80B6](https://hansard.parliament.uk/Commons/2020-10-22/debates/1A17E46F-FA72-4AFD-B682-CE37E56F794B/IntegratedActivityFundTransparency#contribution-2C0E8E9F-3BC4-4284-AD82-7DF9388F80B6)) about the lack of transparency around the UK Government's funding of human rights and governance programmes in GCC states, such as through the Integrated Activity Fund and Gulf Strategy Fund (GSF), which replaced the former from April 2020.
- 3.11 Though the FCDO now publicly outlines project areas being supported by the GSF, most recently in March 2023, it remains virtually impossible to assess whether such projects actually realise their intended objectives, provide value for UK taxpayers' money, respect human rights in these countries, or improve their human rights records, despite UK Government assurances, such as that of FCDO Minister David Rutley MP on 07.07.23 in response to a WPQ tabled by Dan Carden MP on 28.06.23: *"The FCDO remains committed to supporting reform in Bahrain, including through projects delivered via the Gulf Strategy Fund, itself subject to robust oversight measures and rigorous risk assessments to ensure projects are effective, consistent with our values and in line with our human rights obligations. We work closely with implementing partners to ensure that projects deliver results and value for money ..."*
- 3.12 More specifically, there does not seem to be any accountability or assessment mechanism available to those outside the FCDO or other involved UK Government Departments, with NGOs having had to submit Freedom of Information requests to obtain even quite limited information to enable some form of scrutiny.

3.13 Risk assessments may specifically reference the *Overseas Security and Justice Assistance Guidance (OSJA)*, as in the response of FCDO Minister Amanda Milling MP on 28.02.22 to a WPQ tabled by Margaret Ferrier MP on 18.02.22: *“Counter-terrorism cooperation with Saudi Arabia is important to UK national security. All security cooperation is subject to rigorous Overseas Security and Justice Assessments (OSJA) to ensure compliance with UK and international human rights standards.”*

3.14 The OSJA review process has also been criticised for lack of transparency, and ineffectiveness, by Parliamentarians (see: *Gulf States: Human Rights Abuses*, House of Lords debate, 24.11.22, Baroness Bennett of Castle Manor’s contribution), and NGOs (see: <https://reprieve.org/uk/2020/06/08/ending-aid-for-executions/>).

4. THE UK’S PRIORITISATION AND PURSUIT OF ITS GOALS IN THE MENA REGION

4.1 The UK’s relationship with most MENA countries is evidently rooted in history, complex and multi-faceted, with its priorities, particularly in the GCC, being trade and investment, defence, energy security, as well as regional security and stability, broadly reflecting its critical national interests in its foreign policy.

4.2 Focused on forging an independent trade policy after Brexit, the UK views the GCC as a key market for expansion, including through an FTA, while the GCC is already a crucial market for UK arms exports, with the Middle East by far the biggest importer. These specific priorities will no doubt be reviewed in far more detail in other submissions.

4.3 The UK, however, is finding it increasingly difficult to pursue its key interests, as acknowledged in the Integrated Review Refresh 2023 which references the UK’s *“longstanding focus on the Middle East and North Africa, where there is significant competition for influence, in the context of wider geopolitical shifts”*. China is currently one of the biggest trading partners of GCC member states, while it is the biggest importer to Egypt.

4.4 As the Financial Times notes *“from a Gulf perspective, China offers something the US and other western powers cannot — an autocratic, state-led development model that resonates with the Gulf’s dynastical rulers”*, adding the following quote from an unnamed Saudi official: *“There’s a lot to learn from China and its ability to develop the way it has is predicated on the fact it’s not a democracy... it can make the*

decisions and it has to be state led.” (FT, “‘More of China, less of America’: how superpower fight is squeezing the Gulf”, 20.09.21)

- 4.5 Furthermore, the countries in the MENA region are now more powerful, and have, or are seeking, a greater profile and standing on the international stage.
- 4.6 Given the above, the UK is having to invest significant political capital to further cooperation in key strategic priority areas with key MENA players, with regular high-level engagement, such as the Foreign Secretary’s meeting in September with GCC member states’ Foreign Ministers; and, the upcoming state visit of the Saudi Crown Prince.

5. CONSTRAINTS IN ADVANCING HUMAN RIGHTS IN THE MENA REGION

- 5.1 The UK may view the more vigorous promotion of a human rights agenda as another potential impediment in the pursuit of its perceived key national interests in the MENA region.
- 5.2 Repeatedly raising concerns about human rights, particularly in public but perhaps even in private, could be perceived by the MENA state in question as an attack, including on state sovereignty, which may serve to antagonise them, and make them less willing to cooperate on other issues the UK deems more important.
- 5.3 In this connection, it was widely reported that past attempts by the EU to negotiate an FTA with the GCC foundered, at least in part, because of the EU’s insistence on the inclusion of human rights clauses, which the GCC member states had viewed as *“interference in their domestic affairs and as indirect criticisms of their ruling systems”*. (FT, 09.07.08, *“GCC-EU Free Trade Agreement must be saved”*)
- 5.4 The UK Government has unsurprisingly therefore gone to considerable lengths to separate out its current FTA negotiations from any human rights agenda, as illustrated in the Government Response to the International Trade Committee’s Report on *FTA Negotiations with the Gulf Cooperation Council* (HC 1626, June 2023), paras 9 and 10: *“The government monitors human rights globally through the FCDO’s Annual Human Rights and Democracy Reports. This is undertaken separately from trade negotiations.”* and, *“We encourage all states to uphold international human rights obligations and will continue to speak frankly about these issues with our GCC partners through Ministerial and diplomatic channels. This is undertaken separately to negotiations on FTAs.”*
- 5.5 In addition, the growing power imbalance between the countries in the MENA region, particularly the GCC countries, and the UK, will have given

it less leverage to help bring about improvements in the human rights records of countries in the MENA region.

- 5.6 The UK's desire for stability in the MENA region may also limit its willingness to be more outspoken about human rights violations and more supportive of democratic movements and activists, in the region, particularly given that the outcomes of the so-called Arab Spring, when nominally democratic forces challenged a number of authoritarian regimes, were short-term instability and, ultimately, the replacement of one authoritarian regime by another (Egypt, Tunisia), or continued repression by the Government already in power (Bahrain).
- 5.7 The UK's preferred approach now seems to back what could be termed "modernisation initiatives" in some MENA countries, such as Saudi Arabia's Vision 2030, UAE's Vision 2031, and Kuwait's Vision 2035, which may result in positive change, in connection, for instance, with giving women greater professional and personal autonomy; lessening the influence of conservative religious leaders; increasing institutional competence and service delivery; generating local employment opportunities; and, driving the green economy forward. In this connection, a top-down governance model may even be seen as useful for pursuing such modernisation, which could otherwise be resisted by more conservative societal and religious actors and communities.

6. CONTINUING IMPORTANCE OF RULES-BASED INTERNATIONAL SYSTEM AND INTERNATIONAL HUMAN RIGHTS FRAMEWORK

- 6.1 The UK has repeatedly made references to the rules-based international system and its importance, for example, stating in connection with its participation in a rules-based international system conference in 2018 that: *"The rules-based international system (RBIS) is founded on relationships between states and through international institutions and frameworks, with shared rules and agreements on behaviour. It works for UK interests in multiple ways It also encourages states, and a wide range of non-state actors, to create the conditions for open markets, the rule of law, democratic participation and accountability."*
- 6.2 Though the Integrated Review 2021 and the Refresh 2023 seem to signal a different approach to the RBIS, with the defence of the post-Cold War RBIS deemed no longer sufficient on its own in light of intensifying competition between states over interests, norms and values, it appears its position, as opposed to the terminology, has not in fact changed much.
- 6.3 The Refresh 2023 states: *"The UK will work to shape an open and stable international order of well-managed cooperation and competition between sovereign states on the basis of reciprocity, norms of responsible behaviour and respect for the fundamental principles of the UN Charter and international law."* And that: *"Working towards the*

higher goal of an open and stable international order is therefore an 'end' of UK strategy, alongside our core national interests."

- 6.4 The international human rights and humanitarian legal frameworks are largely underpinned by treaty and customary law, and integral to the rules-based international system.
- 6.5 The UK has acknowledged this by again repeatedly restating the importance of all countries upholding their international human rights obligations, including states in the MENA region.
- 6.6 In the Integrated Review, there is also a specific commitment to act as a force for good in standing up for human rights around the world, and to use the independent (Magnitsky-style) sanctions to hold to account those involved in serious human rights violations and abuses. The Refresh 2023 states that: *"Our global interconnectedness ... is also reflected in the commitment to free speech and universal human rights that underpins our democracy"*.

7. WHY A HUMAN RIGHTS AGENDA IN MENA STILL MATTERS

- 7.1 The PHRG strongly believes that it remains important for the UK to raise human rights concerns and cases with their counterparts in the MENA region, not only privately, but also more publicly, and consistently, and to continue engaging with local human rights defenders.
- 7.2 The UK's downgrading of human rights in its engagement with the MENA region, including in much of its public human rights discourse, such as in the Refresh 2023 where condemnation of rights violations is limited to those occurring in perceived "enemy" states, i.e., China and Russia, not only damages its credibility as a champion of the rules-based international system and the international human rights framework, but brings into question the applicability of that system and framework globally.
- 7.3 If the UK and its allies do not acknowledge and unequivocally condemn flagrant violations of the international human rights framework by Governments in the MENA region, and try and hold those Government to account, in fear of jeopardising their key national interests there, other countries are further empowered to prioritise their own national interests at the expense of the rules-based international system.
- 7.4 For example, the UK's reluctance to acknowledge allegations of serious violations of humanitarian law by Saudi Arabia in Yemen is likely to have wider negative repercussions, by chipping away at respect for the international humanitarian legal framework, and emboldening other states involved in armed conflicts to ignore it.

- 7.5 In addition, reluctance to raise human rights concerns and cases with its counterparts, including those in the MENA region, may in fact help bring about what the UK fears most.
- 7.6 That is, repression and the lack of “safety valves” providing outlets for some non-violent criticism and opposition can stoke discontent, division, scapegoating, and extremism, and may well result in instability in these countries, or even violent internal or inter-state conflict, with knock-on effects regionally and internationally.
- 7.7 The authoritarian model, when put under severe strain, is often brittle and prone to imploding, often drawing in other powers with their own agendas, with Syria being a salient example in this regard.
- 7.8 This reticence to raise human rights concerns and challenge authoritarian regimes, including those in the MENA region, may also have negative impacts on democracy in the UK, by limiting legitimate scrutiny of UK Government spending and policy, undermining its anti-corruption efforts, and eroding academic freedom of its Higher Education Institutions.
- 7.9 As regards the latter, the UK’s International Education Strategy 2019, as updated, has identified Saudi Arabia as one of its key growth markets for UK education exports, with no consideration of the potential negative impacts such collaboration could have on academic freedom, and consequent reputational damage for UK Higher Education Institutions.

8. DOING MORE TO ADVANCE HUMAN RIGHTS IN THE UK’S ENGAGEMENT WITH THE MENA REGION

- 8.1. The UK professing that its belief in and commitment to the rules-based international order and the international human rights framework, is not enough: its policies and practice must clearly demonstrate that, including in the MENA region. This could be done in the ways now set out below.
- 8.2 The UK should be more forceful in expressing concern, privately *and* publicly, to their MENA counterparts about the most egregious violations of international human rights and humanitarian law in their countries, and emblematic cases, when those directly involved believe this would be beneficial, with a view to, in the first instance, protecting life, liberty, and physical and psychological health.
- 8.3 To maximise impact and to provide collective cover, this should be done with like-minded allies, such as the EU, Canada and the US. The backlash encountered by Sweden and Canada when they forcefully raised specific human rights concerns with Saudi Arabia shows that going it alone is

more likely to result in political and diplomatic isolation than the desired human rights improvements.

- 8.4 The UK should be more transparent about what it is currently doing to help promote human rights reform in these countries, how these programmes are being assessed and reviewed, and risks identified and mitigated.
- 8.5 The UK should do more to help to foster less authoritarian governance by, for example, more focused engagement with youth and providing scholarships or mentorship programmes to emerging leaders and key officials.
- 8.6 The UK should also focus more on economic and social rights, including through supporting better delivery of public services, when openings in political space emerge. This would have been particularly helpful in Tunisia when it was trying to move towards a more democratic governance model; the on-going significant economic challenges it faced were at least in part a factor in fostering widespread civilian discontent which helped enable the President Kais Saied's takeover in July 2021 and a return to authoritarian rule.
- 8.7 The UK should do much more to ensure it does not facilitate corruption by authoritarian regimes, including those in the MENA region, by, for example, continuing to strengthen its banking, corporate and money-laundering regulations.
- 8.8 Attempts at "reputation laundering" by MENA leaders, and individuals and organisations connected to them, should also be countered, by ensuring there is enhanced scrutiny of investments in sports and cultural organisations, and UK Higher Education Institutions.
- 8.9 On-going engagement with, support for, and protection of local human rights defenders in the region would also help demonstrate the UK's commitment to the international human rights framework, challenge these countries' lack of respect for it, sustain those taking risks, build capacity and resilience of individuals and communities, and, enable it to gain greater insight into what is happening on the ground, particularly important given the restrictions on media freedom in the MENA region. The form that engagement, support and protection takes must be guided by the human rights defenders themselves, as they are best-placed to assess this.
- 8.10 In that connection, the UK could do more to protect civil society groups and human rights defenders from electronic surveillance, with tools such as Pegasus having been used by a number of MENA Governments to track and scare them. This could be done by reviewing and, if necessary, further strengthening, the regulation of export licenses for such

technology, and sanctioning/blacklisting companies transferring or selling spyware to authoritarian regimes.

- 8.11 The UK could also do more to provide and/or support 'rest and respite' schemes for human rights defenders being persecuted in their countries.
- 8.12 Finally, at the very minimum, the UK must adopt a "Do No Harm" approach, by ensuring it does not help to cover up or minimise human rights violations by MENA Governments.
- 8.13 An example of exactly the opposite was the visit by the UK Ambassador to Bahrain, Roddy Drummond, to Jau prison in Bahrain, which holds many high-profile political prisoners, in May 2021, which he then described as a "well-run facility". This statement was made when the UK Embassy and Government were aware of, and may have been trying to deflect attention from, credible reports in April 2021 that Bahraini security officials violently broke up a sit-in held by prisoners protesting against their poor treatment, and the subsequent short-term disappearance and incommunicado detention of some of those involved in the sit-in.

CONCLUSION

The UK naturally seeks to advance its national interests through its foreign policy, including in the MENA region. These are most obviously trade, defence, energy security, counter-terrorism, and regional stability. It is important, however, for the UK to recognise the promotion of greater respect for the international human rights framework, including the expression of concern, both privately and publicly, about the most egregious violations, and support for civil society actors and human rights defenders, is a key national interest also, and a fundamental component of the rules-based international system which it seeks to preserve, and as such must form an important part of its engagement strategy in the MENA region.

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