

**Submission from the Bahrain Institute for Rights and Democracy | 28 January 2022**  
**International Trade Committee Submission: Agreement with the Gulf Cooperation Council**

**INTRODUCTION**

*The Bahrain Institute for Rights and Democracy*

1. The Bahrain Institute for Rights and Democracy ([BIRD](#)) is an independent, London-based, not-for-profit organisation that advocates for human rights and democracy in Bahrain and across the Gulf region. BIRD conducts investigative research on human rights violations on the ground in Bahrain and works collaboratively with international human rights organisations, UN processes, policymakers and other influential actors. BIRD also monitors and scrutinises UK-Bahraini relations in order to assess the human rights and democracy impact of this relationship.

**SUMMARY**

2. This submission details BIRD's concerns at the omission of human rights as part of the negotiations concerning a Free Trade Agreement (FTA) between the UK and the Gulf Cooperation Council (GCC), outlining the main human rights abuses in the GCC States, and concludes with recommendations.

*Reason for submitting evidence*

3. BIRD is submitting evidence out of serious concern that the current preparations for an FTA with the GCC have entirely failed to incorporate human rights considerations. It appears that human rights will not feature in any agreement that takes place and it is our opinion that this would put Gulf populations at serious risk of continued abuse and human rights violations, as well as putting the UK government in a position of facilitating such abuse. We hope that the Committee will take these concerns under close consideration and scrutinise the government accordingly.

**OMISSION OF HUMAN RIGHTS AMIDST PREPARATIONS FOR AN FTA WITH THE GCC**

4. The UK government has so far failed to raise human rights during these trade negotiations. There has been no discernable mention of human rights or democracy so far during the preliminary talks and official statements regarding the upcoming FTA between the UK and the GCC.
5. It is of serious concern that despite rights groups and MPs having raised the alarm over human rights upon the announcement of the government's preparations for an FTA with the GCC, there has since been no indication whatsoever that the government is incorporating, or has even mentioned, human rights into these preparations.
6. The omission of human rights from negotiations and from any agreement, which would be a catastrophic oversight, could put the government at serious risk of facilitating ongoing rights abuse inflicted by its GCC partner countries against their populations, should no provisions or safeguards be in place to ensure compliance with international law amidst the conduct of commercial and trade activities.

*Omission of human rights and democracy from public statements*

7. The government's public statements regarding these FTA negotiations and ensuing statements by government officials have all failed to make any mention of human rights, democracy, or considerations of risk or safeguarding:
  - a. On 8 October 2021, the government released a [public statement](#) announcing preparations for a trade deal with the GCC. This announcement made no mention of human rights or democracy and did not outline any safeguarding measures, instead government statements have emphasised [economic incentives](#).

- b. In an [interview](#) published on 6 January 2022, Her Majesty's Trade Commissioner (HMTC) for the Middle East and Her Majesty's Consul General (HMCG) to Dubai commented upon the negotiations and the impending FTA. His comments focused upon business and economic concerns of the agreement and did not mention human rights or democracy.
- c. On 20 January 2022, the Parliamentary Under-Secretary for International Trade commented upon the impending FTA during [Oral Questions](#) to the Department of International Trade. Human rights and democracy concerns were not mentioned.

Omission of human rights and democracy from official negotiations

8. Of even greater concern is that human rights [appear](#) not to have been discussed in meetings with high-level GCC representatives. On 20 December 2021, the Foreign Secretary [met](#) with senior GCC officials, including the Bahraini Foreign Minister, Abdullatif bin Rashid AlZayani, and the Saudi Arabian Foreign Minister, Faisal bin Farhan Al Saud.
  - a. In the government's [press release](#) regarding these meetings, which included comments from the Foreign Secretary, no mention was made of human rights or democracy.
  - b. In the government's [policy paper](#) published on 20 December 2021, in the wake of the Foreign Secretary's meeting with high level GCC officials, no mention was made of human rights or democracy.
  - c. When asked directly by a Forbes journalist whether human rights were discussed during these meetings, the government [refused](#) to disclose this information. Published on 22 December 2021, the article reports:
    - i. *"When asked for this article, the Foreign, Commonwealth and Development Office declined to say whether Truss had raised human rights concerns in her meetings with her Gulf counterparts in mid-December. There has been criticism from some quarters about the seeming absence of any discussions about human rights issues."*
  - d. BIRD submitted a Freedom of Information Request asking whether issues of human rights in Bahrain were discussed at the meeting on 20 December 2021 (FOI2021/34125). On 25 January 2022, the government refused to disclose this information under Section 27(2) of the Freedom of Information Act.
  - e. These meetings were held during parliamentary recess thus limiting their potential to be scrutinised by either House of Parliament.

Failure to effectively address concerns over omission of human rights and democracy

9. These glaring omissions provide a highly concerning indication of the government's strategy ahead of these upcoming talks, where trade ties are prioritised while human rights concerns are shelved. This also appears to be a retreat from [commitments](#) made by Foreign Secretary Liz Truss that "trade policy does have to reflect our values" given the repeated failures of Gulf countries to uphold human rights and democratic values.
10. On 8 October 2021, Brendan O'Hara MP and BIRD Director, Sayed Ahmed Alwadaei, sent a letter to the International Trade Secretary, the Foreign Secretary and the Parliamentary Under Secretary of State for International Trade, expressly raising human rights concerns in relation to preparations for an FTA with the GCC (Annex A).
  - a. The letter highlighted egregious human rights violations committed by Bahrain, Saudi Arabia and the UAE and called upon the government to *"make any FTA contingent upon tangible human rights improvements in these countries"*. It went on to state that *"it is crucial that the promotion of human rights and democracy are placed at the centre of trade negotiations and any future agreement signed with the GCC"*.
  - b. On 21 October 2021, the Minister for International Trade replied with a letter that made no mention of human rights in the context of the government's preparations for an FTA with the GCC (Annex B). Indeed, the Minister did not respond to calls made by BIRD and Mr O'Hara, and only mentioned rights once in a general context, stating: *"British values guide all aspects of our*

*international policy, so we will continue to show global leadership in encouraging all states to uphold international rights and their responsibilities.”*

- c. Although these concerns and calls for human rights to be centred were brought to the government’s attention in October, and despite the Minister’s 21 October response claiming that “*having ever strong economic relationships with partners enables us to continue to have open discussions on these and other important issues*”, in subsequent announcements and meetings it appears that human rights and democracy issues have received no mention or consideration, as outlined in the above section “Omission of human rights and democracy from official negotiations”..
11. BIRD strongly encourages the Committee to refer to the answers to two written parliamentary questions submitted by Sarah Olney MP on 26 January 2022, Question [112655](#) and Question [112654](#), both of which ask the government about human rights considerations amidst FTA negotiations with the FTA. Although the government’s responses were due on 28 January 2022 (today) they had not been received at the time of this submission:
    - a. Question 112655 asks whether human rights were discussed during the Foreign Secretary’s 20 December 2022 meeting. We encourage the Committee to review the information contained in the response and to what extent it answers the question posited.
    - b. Question 11655 asks “what steps the Government plans to take to ensure that any FTA with the GCC does not risk facilitating ongoing human rights violations in those countries” and BIRD strongly encourages the committee to review the quality of the government’s response.
  12. The government has long justified it’s close relationship with Gulf countries on the basis of using avenues, such as trade policy, in order to have influence over democratic and human rights. James Cleverly MP, Minister for the Middle East and North Africa, has repeatedly [emphasised](#) the significance of a "close and important relationship" with states such as Bahrain, as it provides the opportunity for "ongoing, open and genuine dialogue" creating a dynamic which allows the UK to raise human rights concerns. In this month alone, January 2022, statements have [argued](#) that close relationships allow the UK government to “drive improvements in countries like Bahrain”. However, these claims are seriously undermined when government officials fail to use the opportunity of trade negotiations to raise any concerns, and when they express no intention to incorporate human rights considerations into negotiations themselves or indeed any trade agreement with the GCC.

## **UNEXPLAINED U-TURN IN GOVERNMENT POLICY**

### *Contradiction to former Foreign Secretary’s statement on trade agreements with human rights abuses*

13. The launch of these negotiations with the GCC presents a clear U-turn in UK policy, as they are in direct contradiction to the [assertion](#) made by former Foreign Secretary, Dominic Raab, that the UK “*shouldn’t be engaged in free-trade negotiations with countries abusing human rights [...]*”.

### *Contravention of the UK’s human rights commitments*

14. The failure to even mention human rights in the preparations for a FTA with the GCC seriously undermines the UK’s numerous commitments to human rights and democracy.
15. The UK Foreign Secretary has recently insisted that the UK and it’s Western allies [will stand up to 'dictatorship'](#), yet seeking a trade deal with the GCC, which includes six states, all of which are dictatorships, without incorporating human rights or democracy considerations, critically undermines this rhetoric.
16. By seeking to conduct a trade deal in this manner, without raising concerns about human rights, the government will reinforce accusations that it is [neglecting its commitment to fundamental human and labour rights](#) through rushed trade deals, as well as setting a dangerous precedent when it comes to future post-Brexit trade negotiations.

17. Under the terms of [the EU-UK Trade Agreement](#), the UK is committed to respecting human rights as a shared value and to respecting ‘international human rights treaties to which they are parties’.
18. In December 2021, the government sought to reaffirm its commitment to human rights by signing a [Joint Statement on Human Rights and Fundamental Freedom](#), alongside 48 participant states. [Speaking](#) about the statement on 16 December 2021, the UK Deputy Ambassador Deidre Brown commented: “*As we look ahead to 2022, the UK will continue to actively call out human rights violations and abuses wherever they occur, working with human rights defenders, civil society and the media to uphold democracy based on the rule of law, human rights and fundamental freedoms.*” These represent commitments that would be critically undermined should the continued pursuit of this trade agreement fail to incorporate human rights stipulations.
19. Whether it be on issues regarding [Bahrain’s political prisoners, medical negligence and inhumane treatment of political prisoners like Dr Abduljalil AlSingace](#), or the general [continued deterioration of human rights in Bahrain](#), we believe there is no reason why the UK government should not abide by their own guidelines for entering into such agreements with human rights as a central part of the discussion.

#### Court ruling against arms sales to GCC countries

20. In June 2019, a UK court [ruled](#) that arms sales to Saudi Arabia were unlawful due to a “clear risk” that the weapons may be used in “serious violation of international law” in Yemen, where Saudi Arabia is leading a devastating military campaign with the participation of Bahrain, Kuwait, Oman and the UAE that has led to what the UN [termed](#) the “world’s worst humanitarian crisis”. This unprecedented ruling demonstrates both the extent and seriousness of the risk of violations of international law, should trade with GCC countries be pursued:
  - a. In September 2019, The Times [reported](#) that the UK government apologised after going against the court’s decision, in an article entitled: ‘*Liz Truss apologises to Court of Appeal for breaking ban on arms sales to Saudis*’.
  - b. In July 2020, Liz Truss reinstated arms sales to Saudi Arabia, a decision that received wide [condemnation](#) by rights groups including Amnesty International.
  - c. In October 2020, Campaign Against the Arms Trade (CAAT) [applied](#) for a Judicial Review into the legality of the UK government’s decision to renew arms sales to Saudi Arabia.
21. The ongoing preparations for an FTA with the GCC, and their failure to mention human rights, should be viewed in the context of these deeply concerning reports.

#### **GCC STATES’ APPALLING HUMAN RIGHTS RECORDS**

22. GCC countries have abysmal human rights records, with the dictatorships of Bahrain, Saudi Arabia and the United Arab Emirates (UAE) continuing to arbitrarily apply the death penalty, torture prisoners, violently persecute peaceful dissents and widely curtail fundamental freedoms of expression, opinion, assembly, association and religion in flagrant violation of international law.

#### Bahrain’s human rights record

23. According to the Human Rights Watch 2022 Annual Human Rights [Report](#), concerning the events of 2021, “*Bahraini activists commemorated the 10th anniversary of the 2011 uprising in Bahrain amid continuing heavy repression. Since 2017, Bahraini authorities have banned all independent media in the country and dissolved all significant opposition groups. Authorities failed to hold officials accountable for torture and ill-treatment. Oversight mechanisms are not independent of the government. Three detainees died in Bahraini prisons in 2021 amid allegations of medical negligence. Health and hygiene conditions in Bahrain’s overcrowded prisons remain serious, leading to two major Covid-19 outbreaks. Prison authorities violently suppressed a peaceful sit-in at the Jau Prison, and security forces summoned for interrogation and arrested individuals who participated in protests calling for the release of their family members from detention.*”

24. According to BIRD's research, there are currently 26 individuals on death row in Bahrain; 12 are sentenced on political charges, 11 allege torture, and all of them have exhausted legal recourse and are at imminent risk of execution, meaning that they could be executed on any given day with little or no warning to either themselves or their families. In June 2021, BIRD co-published a [report](#) with the charity Reprieve, which revealed that since the Arab Spring in 2011, there has been a 600% rise in death sentences.
25. Over ten years later, human rights defenders and political opposition leaders arrested for their participation in the pro-democracy movement, whose torture is documented in the 2011 [Bahrain Independent Commission of Inquiry \(BICI\) report](#) and whose findings are [accepted](#) by the UK, remain behind bars in prisons notorious for their poor sanitation and overcrowded conditions as documented in a [2021 report](#) by the All-Party-Parliamentary-Group on Human Rights and Democracy in the Gulf. In June 2021, a prisoner died following an [outbreak of Covid-19](#) at Bahrain's infamous Jau Prison. Protests that erupted in the same prison in response to these conditions were responded with a [violent crackdown](#) by prison authorities.
26. Imprisoned human rights defender, blogger and opposition leader, Dr Abduljalil AlSingace, who turned 60 on 15 January 2022 and suffers from a wide range of medical conditions including post-polio syndrome, is currently on a [hunger strike](#) exceeding 200 days. Dr AlSingace has frequently complained of medical negligence whilst imprisoned, a practise [documented](#) by Human Rights Watch.
27. [Hassan Mushaima](#), a 70-year-old opposition leader and human rights activist sentenced to life imprisonment during the same trial as Dr AlSingace, has likewise been subjected to medical negligence whilst in detention. His son, Ali Mushaima, twice began a hunger strike in solidarity with his father and Dr AlSingace – the first time, in August 2018, outside the Bahraini Embassy in London to demand his father receive regular check-ups to ensure his cancer, which he had been treated from years before, did not return. Ali also said Hassan suffered from high blood pressure, diabetes, and a urinary infection, and that authorities had refused to supply him with the necessary medication. He [told Reuters](#), “*They are killing my father slowly, because when you are denying a 70-year-old man his medicine, his body will not take it.*”
28. Since 2011, the UK Government has failed to publicly raise concerns over the cases of Dr AlSingace and Mushaima despite widespread cross-party MPs [calling](#) upon the government to urge for them to be released.
29. Further to this, over the past decade, the Bahraini government's consistent mistreatment of political prisoners has not been limited to adult prisoners. According to an investigation from Al Jazeera, At least [607 children were subjected to various forms of torture by Bahraini authorities](#) while in detention over the past decade. While in detention children have described being threatened, intimidated, and even physically abused. In 2021, BIRD, in collaboration with Human Rights Watch [documented multiple instances of the abuse of multiple child prisoners](#) who were arrested on charges related to a protest held in February 2021 to mark the ten-year anniversary of the pro-democracy demonstrations in 2011.
30. Additionally, activists on UK soil have repeatedly been subjected to cyberattacks by GCC dictatorships, including using Israeli tech firm [NSO spyware to hack the phones of nine Bahraini activists](#) living abroad, including two individuals who had been granted asylum and are currently living in London. Just last week, an investigation led by Front Line Defenders (FLD) found that women's rights activist Ebtisam Al-Saegh, who had been arbitrarily detained, interrogated and physically, verbally and sexually abused by Bahrain's National Security Agency in 2017, had likewise had [her phone hacked by NSO spyware](#).

#### Human Rights Record of other GCC countries

31. According to the Human Rights Watch 2022 Annual Human Rights [Report](#), concerning the events of 2021, “*Saudi authorities in 2021 carried out arbitrary arrests, trials, and convictions of peaceful dissidents. Dozens of human rights defenders and activists continued to serve long prison sentences for criticizing authorities or advocating political and rights reforms.*”
32. Human Rights Watch further [stated](#) that “*In 2021, United Arab Emirates (UAE) authorities continued to invest in a “soft power” strategy aimed at painting the country as a progressive, tolerant, and rights-*

*respecting nation, yet the UAE's intolerance of criticism was reflected in the continued unjust imprisonment of leading human rights activist Ahmed Mansoor and others."*

33. In 2021, Qatar [continued](#) to abuse and exploit the country's large migrant workforce "despite the introduction of labor reforms, in part because of ineffective implementation and because certain elements of the kafala (sponsorship) system remained in place. Women in Qatar continued to face severe discrimination and violence due to abusive male guardianship policies. In July, Qatar passed new laws to regulate its first legislative election, which took place in October; however, the laws effectively disenfranchised thousands of Qataris from voting or running because of their nationality by lineage. [...] Politically motivated arrests and detentions followed."

Saudi-led military coalition in Yemen

34. According to [Human Rights Watch](#), in 2021, "Bahrain continued to participate in Yemen military operations as part of the Saudi Arabia-led coalition, which is responsible for serious laws of war violations."
35. According to [Human Rights Watch](#), in 2021, Saudi led "the coalition that began military operations against Houthi forces in Yemen on March 26, 2015, [and] has committed numerous violations of international humanitarian law. As of August, at least 8,773 civilians had been killed in the conflict and 9,841 wounded since 2015, according to the Yemen Data Project, although the actual civilian casualty count is likely much higher. Most of these casualties were a result of coalition airstrikes that have hit homes, markets, hospitals, schools, and mosques. Some of these attacks may amount to war crimes."

**RECOMMENDATIONS**

36. In order to avoid the risk of facilitating ongoing human rights and international law violations in GCC states, BIRD advises the UK government to immediately implement the following recommendations:
- a. Refrain from entering into any Free Trade Agreement with the GCC or with GCC states.
  - b. Put human rights and democracy issues at the centre of trade negotiations with the GCC states going forward.
  - c. Pledge to ensure that any trade agreement with the GCC that does take place is contingent upon those countries' strict compliance with international law, including international human rights law and humanitarian law. **This should be a red line for the government.** To do this the government should include human rights clauses in any trade agreement with the GCC.

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Annexes not published

