Issam Fares Institute for Public Policy and International Affairs

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Research, Advocacy & Public Policy-Making

Arab States and UN Human Rights Mechanisms

Fateh Azzam*

Senior Public Policy Fellow, Issam Fares Institute for Public Policy and International Affairs, American University of Beirut
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Research Report

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Introduction

The revolts that have rocked the Arab region in 2011 have focused on demands for dignity, social and economic justice, and political freedoms. As the protests unfolded and spread from one country to another, their chants gained remarkable consistency in their rejection of unaccountable leadership and exclusionary economic and development policies that had failed for decades. The revolts were a wake-up call to all those concerned with politics and development in the region, that development can no longer be viewed as a purely economic quest in isolation from political processes and the broader human rights agenda: the guarantee and respect of economic, social, civil, political and cultural rights.

Thus the Arab Spring has brought into sharp focus, in grounded and stark reality, the interdependence of development, democracy and human rights, first articulated in the outcome document of the World Conference on Human Rights in Vienna in 1993.[1] The UN Program of Reform in 1997 reaffirmed the centrality of human rights to "peace and security, economic prosperity and social equity," and started the UN on the road to mainstreaming human rights.[2] Since then, the United Nations has been moving towards a human rights-based approach (HRBA), formalized in 2003 as "A Common Understanding Among UN Agencies," which laid out the elements of this approach.[3]

The Arab revolts demand a speedier implementation of this human rights-based approach, especially since the warning signs have been there all along, in the UNDP's Arab Human Development Report, in the statistics of the World Bank's reports (regardless of their conclusions and recommendations) and in reports of national and international human rights organizations. The warning signs were also present in the comments and observations of the UN human rights mechanisms, charged with supporting the implementation of States' international obligations under human rights law. These mechanisms include the treaty bodies formed under the various human rights treaties that look into State reports on implementation and make recommendations to the State in question, and those established under the Charter of the United Nations, and include the system of thematic and geographic experts known as mandate holders, appointed by the Human Rights Council and by the Secretary General of the United Nations. Finally, and increasingly important, is the Human Rights Council's Universal Periodic Review. Altogether, these mechanisms constitute the international human rights protection system as it currently stands.[4]

This paper will look at the role played by this protection system and how selected countries of the region engaged with it between 2005 and 2012. It will begin with a restatement of the normative framework of human rights in Section I, focusing on the interconnectedness and indivisibility of rights, as clarified in particular by the Declaration on the Right to Development adopted by the General Assembly 26 years ago.[5] This will be followed by Section II, which contains a broad review of how the treaty bodies have dealt with rights, particularly economic and social rights and some civil and political rights related to development. Section III will then present an analysis of Arab States' engagement with the Universal Periodic Review, looking into the

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1   Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights 14-25 June 1993; http://www2.ohchr.org/english/law/vienna.htm. See also A/CONF.157/23.

2   Renewing the United Nations: A Programme for Reform, Report of the Secretary General, 14 July 1997, paras. 78-79,A/51/950.

3   See   http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies

4   For an overview of United Nations Human Rights Mechanisms, see Office of the UN High Commissioner for Human Rights, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society;* available at www.ohchr.org/EN/AboutUs/CivilSociety/Pages/Handbook.aspx. The International Criminal Court, established in 2003, is also part of the system but its purview is not considered here.

5   Declaration on the Right to Development, adopted by the UN General Assembly 4 December 1986, A/RES/41/128;

issues raised by national, regional and international civil society organizations and juxtaposing them to those raised by Arab and non-Arab States and analyzing the level of acceptance of those recommendations by the States concerned. Section IV will then go on to discuss the research and consider the implications of findings for human rights policy and programming by concerned parties, including UN agencies.

This study is neither exhaustive nor comprehensive. Given the volume of data and level of detail and complexity in the available information, choices had to be made that necessarily limit the scope of research. Not all countries and not all issues were considered for the section on treaty bodies and special procedures, for example, nor for the section on the Universal Periodic Review, where broad categorizations were necessary to facilitate analysis.

I. The Normative Framework

The most significant value added by the human rights approach is that it frames governance, policies and development goals as a fulfillment of entitlements rather than simply a meeting of needs. Individuals and communities are entitled to the enjoyment of a legally established set of interdependent rights the scope of which is defined by human rights law. It recognizes that human dignity requires freedom from any kind of coercion in the civil and political arenas, and that beneficiaries of development have agency and a voice and not mere recipients of largesse.

The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly on December 10, 1948, set in motion the concept of entitlements and corresponding obligations, which later translated into legally binding treaties as well as dozens of declarations and principles. In the human rights paradigm, individuals and communities are therefore *rights holders* and governments, as *duty bearers*, are bound by international law to respect, protect, and fulfill those rights. The scope of these legal obligations may vary depending on the international treaties that each state has signed and ratified and on the specific right in question.

There are currently nine conventions and treaties that are considered "core treaties" within the human rights system. They cover the range of issues such as civil and political rights, economic, social and cultural rights, racial discrimination, torture, women, children, migrant workers, persons with disabilities and enforced disappearances.

States enter into those human rights conventions voluntarily, but once they do, they become bound to implement them as a matter of international contractual obligation. The monitoring and implementation system, however, continues to be based on voluntarism and the concept of international cooperation, rather than on legal or judicial enforcement. Indeed, the international legal system entire is based on respect for sovereignty and non-interference, and the human rights system does not stray far from that paradigm.[6]

Human rights treaties provide for the establishment of committees of experts, known as Treaty Bodies, to oversee the implementation of the provisions of each treaty.[7] States nominates the experts but they serve in a personal rather than representative capacity. The committees' role is to review State reports as well as parallel reports offered by non-governmental organizations and others and make recommendations that aim to assist States to meet their legally established obligations under those treaties in the spirit of international cooperation. Finally, the committees explain the scope and common understanding of specific rights guaranteed by the human rights treaties.

The Declaration on the Right to Development was adopted in 1986, and although it is not a legally binding instrument, it was nevertheless the first harbinger of a human rights-based approach to what was previously strictly seen as meeting economic needs. The Declaration affirmed the centrality of participation and of human rights, particularly equality and non-discrimination, and of the interdependence of politics and development. As the Declaration defines it, the Right to Development is:

> *… an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.[8]*

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6   The only exceptions are in the extreme cases of genocide, crimes against humanity, war crimes and "gross and systematic violations of human rights" that may trigger the intervention of the International Criminal Court, for example, or allow States to prosecute under a universal jurisdiction.

7   See for example Article 28(3) of the CCPR, and Article 17(1) of CEDAW.

8   Article 1, Declaration on the Right to Development, *Op. Cit.*

The Declaration further highlights that "the human person is the central subject of development" and that States have a duty to formulate appropriate national development policies that should aim at "the improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting there from."9 It affirms the interdependent relationship between economic, social and cultural rights on the one hand and civil and political rights on the other, and highlights that States "should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights."10

The current international human rights system is based on international cooperation and consequently is weak on specific enforcement measures to ensure compliance with legally binding obligations. This cooperation takes the form of discussion of States' periodic reports under each treaty and other public debates on States' human rights record such as in the Human Rights Council or under the various treaty committees. Under the rubric of 'international cooperation,' these public discussions provide little more than a soft (and politically acceptable) form of 'naming and shaming.'

Civil and political rights are considered "positive rights" in that they are results oriented and achievable with the institution of specific measures. Economic, social and cultural rights, however, are not so easily achieved or adjudicated.[11] States are exhorted to implement them through taking steps, to the maximum available resources and with international assistance and cooperation, towards progressive realization.[12] This points to an obligation of instituting effective processes for their implementation and showing that progressive steps are being seriously taken within the resources available to the State.

However, the division between economic, social and cultural rights on the one hand and civil and political rights on the other stop here. In their demands for social justice, the uprisings in the Arab region confirmed the perspective promoted by human rights advocates and formally adopted by the international community in 1993: that all human rights are indivisible and interdependent, and they are also intertwined with democracy and sustainable development.[13] As we will see below, treaty body recommendations also demonstrate that countries with failed models of development are also those that place severe restrictions on freedoms of expression, association and assembly.

State implementation of their human rights obligations should be seen as a process that combines legal requirements with social and political pressure. Civil society within the region and internationally, in pointing to shortcomings and violations, continues to galvanize and increase international pressure on States to conform to human rights standards. This pressure is growing despite weaknesses in implementation, and States – including Arab States – are increasingly responding to this pressure, including the engagement with the UN's various mechanisms and processes.

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9   *Ibid.* Article 2.

10   *Ibid.* Article 6.

11   For a broader discussion, see Shivani Sherma, *Justiciability of Economic Social and Cultural Rights – Relevant Case Law*; International Council on Human Rights, Geneva, March 2005; available at http://www.ichrp.org/en/search?q=Justiciability+of+economic

12   International Covenant on Economic, Social and Cultural Rights, Article 2(1).

13   Vienna Declaration and Programme of Action (1993), *Op. Cit.*; operative paragraphs 5 and 8.

II. UN Treaty Bodies and Special Procedures

This part of the study is concerned with two primary mechanisms within the international human rights monitoring framework: the Treaty Bodies,[14] and the system of Special Rapporteurs, the independent mandate holders appointed by the Human Rights Council and known as 'Special Procedures.'[15]

After reviewing the level of engagement of Arab States with these two mechanisms, the section will look at the human rights issues that were matters of concern raised in the discussions.

A. Status of Ratifications and Reporting to Treaty Bodies

The level of ratification of human rights treaties by Arab States is the first indicator of their willingness to engage with the system, and the results may be surprising for those who assume that human rights are somehow anathema to the region. In fact, the vast majority of the 21 States members of the Arab League are party to nearly all of the nine core human rights treaties, as the following table demonstrates.[16] The 22nd Member State is Palestine, which only recently acquired the recognition necessary to allow it to become party to these instruments, so it is not considered here.

Convention	Number of Arab ratifications
Covenant on Civil and Political Rights (CCPR)	16
Covenant on Economic, Social and Cultural Rights CESCR)	16
Convention on Elimination of Racial Discrimination (CERD)	21
Convention Against Torture (CAT)	18
Convention on Discrimination Against Women (CEDAW)	19
Convention on the Rights of the Child (CRC)	20
Convention on Migrant Workers and their Families (CMW)	6
Convention on Persons with Disabilities (CPD)	15
Convention on Enforced Disappearances (CED)	3

Judging by their ratification of treaties, Arab States appear to be almost universally committed to international human rights standards, and their level of ratifications is consistent with global trends. Sudan and Somalia and the Comoros appear to be the least willing to sign on to human rights conventions, bringing the total ratifications down from universal acceptance of CAT, CEDAW, and the CRC. In addition to the Comoros, four of the countries of the Gulf Cooperation Council are not parties to CCPR and CESCR: Oman, Qatar, Saudi Arabia, and the United Arab Emirates. The problematic convention is the CMW, and indeed the issue of migrant workers and their rights is a serious problem in the region. The low ratifications of the CED may be due to the fact that it is the newest convention, having entered into force only on 23 December 2010; we may see further Arab ratifications in the coming years.

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14   For this study, the following are considered: The Committee on Economic and Social Rights (CESCR); the Committee for the Elimination of all forms of Discrimination against Women (CEDAW); the Committee on the Rights of the Child (CRC); the Committee on the Elimination of Racial Discrimination (CERD), and the Human Rights Committee under the International Covenant on Civil and Political Rights (HRC). ILO conventions and the views of the ILO Committee of Experts were not considered for the purposes of this study.

15   A full list of Special Procedures thematic and geographic mandate holders is available at: http://www2.ohchr.org/english/bodies/chr/special/themes.htm

16   For more detailed information, see appended ratification chart in Annex I. Data extrapolated from Office of the High Commissioner for Human Rights; *Ratification Status of Human Rights Treaties*, http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx

Another indicator is how States undertake their periodic reporting to the treaty bodies, and there the picture differs somewhat. OHCHR data shows that over half of the States in the region are seriously late in presenting their reports, some as many as 13 years late or more. For CCPR, for example, 10 States are late, two of them by one or two years, and the rest for at least five years or more.[17] Interestingly, the only conventions where Arab States appear to be more diligent about reporting and discussing their implementation records are the women's convention and the child rights convention. Only two States, Bahrain and Mauritania, are one and two years late, respectively. Similarly, six countries are only about one to two years late in reporting on the child rights convention. This is generally consistent with global trends, however, as being a few years late is a common practice across the globe in human rights reporting, and it becomes a problem when delays increase by more than three or four years.

States can voluntarily sign onto optional protocols to the various treaties. Most of these protocols allow the treaty bodies to examine individual complaints of human rights abuses by the signatory State, and to communicate with the State in question about redress. In this, Arab States demonstrate a clear lack of willingness to be subject to such international scrutiny. For example, as the chart in Appendix I shows, only five States have ratified the Optional Protocol to the CCPR,[18] and none to the OP to the CESCR. Four have declared that they accepted the Committee on Torture's competence to review individual complaints as provided by Article 22 of that convention,[19] and only three have ratified the OP to CAT, committing themselves to create a national prevention mechanism and accepting the authority of the international Sub-Committee for the Prevention of Torture.[20]

Certainly the implementation of obligations under those treaties, including the harmonization of domestic law with their standards, and the institution of effective procedural safeguards against their violations, is the real test of engagement. This is the work of human rights advocacy and what the treaty bodies aim at in their observations and recommendations. These are discussed in Section C below.

B. Engagement with Special Procedures

As of the end of 2012, there were 36 working groups and independent experts appointed by the Human Rights Council or directly by the Secretary General of the UN to work with States on specific human rights themes and issues.[21] These are called Special Procedures and are mandated to review the situation and to communicate with States and offer observations and recommendations aimed at improving the enjoyment of the specific human right under their individual mandates. The work of Special Procedures, or mandate holders as they are sometimes called, is varied and complex and requires its own study. For our purposes here, the discussion will necessarily be limited.

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17 See Office of the High Commissioner for Human Rights, chart on global reporting status at: http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx

18 Algeria, Djibouti, Libya, Somalia and Tunisia.

19 Algeria, Bahrain, Morocco and Tunisia.

20 Lebanon, Mauritania and Tunisia.

21 List of thematic mandates available at http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx

The working groups and mandate holders receive information and complaints from any sources and may communicate with the concerned State regarding this information. The State is expected to reply to these communications with explanations and clarification. The following table demonstrates the engagement of Arab States in communications with the mandate holders during 2011 and 2012.

Spec. Proc. Communications	2011		2012	
	Sent	Replies	Sent	Replies
Bahrain	18	18	12	12
Egypt	13	5	17	5
Iraq	7	2	7	3
Libya	7	0	0	0
Morocco	8	7	0	0
Saudi Arabia	8	0	13	0
Sudan	0	0	8	3
Syria	15	3	11	1
UAE	8	0	8	0

Based on these numbers, Arab States' rates of response can only be described as patchy and inconsistent, but it must be said that the frequency of replies from Arab States does not differ markedly from the global trend, which is also patchy and inconsistent.[22] What can be noted from the table is that Bahrain and Morocco are the only States that appear to take this communication seriously while the rest, particularly Saudi Arabia and the UAE, do not. The substance of these communications is beyond the scope of this study, but the observations and comments of the independent experts and working groups are included in the section below.

Mandate holders may also visit countries that invite them specifically, to engage proactively and constructively with them. The records show that Arab States are generally not very willing to host visits by the various experts and working groups for purposes of discussing their human rights record under the various thematic headings. Since the late 1990s, some countries have received up to four or five visits, while others have received as many as five, and others still have never received them.[23] To date, only five countries in the region have standing invitations to those independent experts,[24] but this does not necessarily mean that they will agree to the specific timing of a requested visit. All countries in the region have numerous unanswered requests for visits.

C. Observations and Comments to Arab States on Human Rights Issues and Practices

The following is a summary of pertinent conclusions, observations and recommendations addressing selected Arab countries' implementation of their human rights obligations. They focus on human rights relevant to development, including the right to work, poverty issues and the right to an adequate standard of living, as well as the rights to health and education. Finally, in order to make the connection between democracy and development, freedoms of expression, association and assembly are also considered.

Two clusters of countries are considered: four countries in the Levant: Lebanon, Syria, Jordan and Yemen, and the six oil-exporting members of the Gulf Cooperation Council.:

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22 See Annual Reports of Special Procedures, available at http://www.ohchr.org/EN/HRBodies/SP/Pages/Publications.aspx

23 Information on these visits by country, and the reports, are available at UNDP, http://www.arabhumanrights.org/en/countries/mhr.aspx?cid=22

24 Jordan, Kuwait, Lebanon, Qatar and Tunisia.

It should be noted that the commentaries and observations by the treaty bodies and Special Procedures do not cover all of the countries under consideration. This is because not all States are parties to all of the relevant human rights treaties, and thus the committees under those treaties do not take up an assessment of or make recommendations to those countries. This review therefore should be seen as indicative and not representative or comprehensive in its scope.

1. The Right to Work, Women's Employment and Other Labor-Related Rights

Not surprisingly, a review of reports revealed commentaries focusing on shortcomings in the region with respect to the equal enjoyment of rights by men and women, and by non-citizens generally. Women's rights to work and to equal treatment in wages and benefits received a significant share of treaty bodies' attention, pointing to the inadequacy of legislation to guarantee equality and non-discrimination in the labor sector. Across the region the situation of migrant workers, particularly domestic workers who are primarily women, was a focus of the committees' attention and concern, which they described at times as conditions "close to slavery." The commentaries also reveal discrepancies between rural and urban areas, and between the public and private sectors of employment. Child labor came in for much criticism as well, with poverty being a major cause of child labor. These problems appear to be common to the countries under consideration, despite considerable variance in income and available resources between the Net Contributing Countries of the Gulf region, and those classified as middle-income and less developed.

CESCR noted persistently high levels of unemployment and poverty in Jordan, and excessive restrictions on the right of public sector employees to participate in trade union activities and on the right to strike. Non-Jordanians are denied participation in any trade union activities, and excluded from enjoying minimum wage provisions or participation in the social security system.[25] Both CESCR and CRC voiced concern that the labor code in Jordan does not provide protection for persons working in family-owned and agricultural enterprises, which involve largely female and child labor in hazardous work.[26] CEDAW criticized the labor code for not prohibiting discrimination against women or guaranteeing the same entitlements for female employees as for males, and noted in particular the lack of day-care facilities, which limits women's ability to join the labor force. The Committee also noted the exclusion of migrant domestic workers, nearly all women, from Jordan's domestic law.[27]

Similar concerns were voiced about Yemen's high level of unemployment, along with reference to the lack of a national minimum wage resulting in significant wage disparities. The CESCR decried the restrictions on forming autonomous unions outside of Yemen's General Federation of Trade Unions and retaliatory action by private sector employers against trade union members.[28] CEDAW expressed concerns over the lack of enforcement of the legal prohibition of child labor and over the low number of women employed. It noted limited opportunities in the private sector and occupational segregation in the public sector resulting in women representing only 17 percent of the work force; many women are concentrated in the unpaid agricultural sector.[29] Three years earlier the CRC had raised concerns about the wide acceptance of child labor in Yemen and the fact that child laborers, "notably children working as domestic servants," are too vulnerable to abuse and completely lack protection.[30]

The CRC's comments on Syria echoed those on Yemen in their focus on women in the labor force and the growing phenomenon of child labor, resulting in higher school dropout rates and significant danger as children can perform hazardous work from age 15. The CRC expressed concern that inadequate information and lack of

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25   Concluding Observations of CESCR (2000); E/C.12/1/Add.46, paras 12, 18,19

26   Concluding Observations of CRC (2006); CRC/C/15/1/Add.125; para 57.

27   Concluding Observations of CEDAW (2007); CEDAW/JOR/CO/4; para 31,33.

28   Concluding Observations of CRC (2006); CRC/C/15/1/Add.125; para 57.

29   Concluding Observations of CRC (2006); CRC/C/15/1/Add.125; para 57.

30   Concluding Observations of CRC (2006); CRC/C/15/1/Add.125; para 57.

updated disaggregated and gender specific data on the incidence of child labor hampered national efforts to address the problem. The Committee also focused on girls in domestic service working in slave-like conditions and on children in hazardous agricultural work.[31] The Committee on Migrant Workers noted occupational segregation between women and men in the labor market and said that the lack of day care facilities hampered women's access to employment.[32]

Lebanon has not recently reported on the CESCR Convention, but it came in for criticism for its treatment of domestic workers by CEDAW, which expressed concern at the exclusion of domestic workers from labor law.[33] This criticism was reiterated by the Special Rapporteur on trafficking in persons,[34] and by CERD, which also sought more information on a proposed new law that would protect domestic workers and provide specific protection against their being subject to discrimination[35]

Kuwait came in for the same criticisms as the above countries because of a lack of a minimum wage in the private sector and the unfair terms of employment and working conditions for migrant workers, including their exclusion from the protection of Kuwait's labor law. CESCR described the situation of Domestic workers in particular as not dissimilar to a situation of forced labor, with insufficient remuneration and the usual deprivation of freedom of movement by the withholding of their passport, a common feature of the *Kafala* (sponsorship) system.[36] For its part, the CEDAW Committee referred to Kuwait's non-compliance with ILO Convention 111 on discrimination in employment, citing credible reports on harassment of migrant domestic women workers, who already suffer under multiple violations and abuses of their rights.[37]

The above issues recur in Bahrain as well, where migrant domestic workers are also excluded from labor law protection and where no alternative complaints and redress mechanisms are provided.[38] CERD noted allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, as regards their working conditions, and went further to accuse Bahrain of racial discrimination against migrant workers and their enjoyment of economic, social and cultural rights.[39] The CRC expressed its concern about Bahrain labor law, which allows for exceptions to the minimum age of employment that create a child labor problem, and encouraged the government to strengthen its monitoring and labor inspection beyond the industrial sector, to include domestic work especially.[40]

Oman, Qatar, Saudi Arabia, and the United Arab Emirates are not States Party to the International Covenant on Economic, Social and Cultural Rights, but they are party to CEDAW, which reviewed their records on the treatment of women workers, especially domestic workers, and criticized the same practices in those States as in the others. Criticism focused on impediments resulting in the low rate of female employment in those countries, on the sponsorship (*Kafala)* system and on the lack of protection for women domestic workers.[41] CERD also made special note on the exclusion of domestic workers from the UAE's labor law.[42]

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31   Concluding Observations of CRC (2011); CRC/C/SYR/CO/3-4, p. 16-17.

32   Concluding Observations, of CMW/C/SYR/CO/1 (2008) p. 6.

33   Concluding Observations of CEDAW; CEDAW/C/LBN/CO/3; para 30.

34   Report on Mission to Lebanon by SR Sima Huda, E/CN.4/2006/62/Add.3, para 16.

35   Concluding Observation of CERD; CERD/C/64/CO/3; para 11.

36   Concluding Observations of CESCR; E/C.12/1/Add.98; paras 15-18.

37   Concluding Observations of CEDAW; CEDAW/C/KWT/CO/3-4; para 40.

38   Concluding Observations of CEDAW; CEDAW/BHR/CO/2; para 34.

39   Concluding Observations of CERD; CERD/C/SR.1700; para 14,15.

40   Concluding Observations of CRC; CRC/C/BHR/CO/2-3; para 65.

41   Concluding Observations: CEDAW/C/OMN/CO/1 para 27, 42; CEDAW/C/SAU/CO/2 (2008) p. 7; CEDAW/C/ARE/CO/1, para 36;

42   Concluding Observations of CERD; CERD/C/ARE/CO/17 paras 15-16;

2. Poverty and the Right to an Adequate Standard of Living

There is wide variance in the standards of living and levels of poverty between the ten countries reviewed in this study. Gulf States offer significant social and economic benefits to their populations – mostly for their citizens but also limited benefits to non-citizens -- which the poorer States with larger populations such as Yemen and Syria cannot do. Poverty levels in those countries are high and, understandably, that's where the concerns of the treaty bodies and committees have focused.

In Syria, economic grievances were strong in traditionally poor areas, re-enforcing long-standing issues of discrimination and neglect of regions and communities. Most recently, the Committee on the Rights of the Child's review of Syria report took note of:

> *"…the establishment of the National Social Assistance Fund to protect the most disadvantaged and marginalized families, but remains concerned that a more sustained strategy to address the structural determinants of poverty is not being adopted. The Committee is also concerned at the poor management of and deterioration of natural resources that have led to constant migration from rural to urban areas and has contributed to the increasing prevalence of poverty […] and about the situation of poverty of children and families living in arid and semi-arid regions, of nomad children and of children living in slums who are exposed to poor quality of air and contaminated drinking water."*[43]

Similarly in Yemen, the CESCR noted "with concern that the Social Welfare Fund benefit levels, in particular pension levels, are not sufficient to ensure an adequate standard of living for recipients and their families. The Committee was also concerned about "the reported misappropriation of social insurance benefits by State officials or tribal leaders."[44] CEDAW recommended that Yemen take measures through its mainstreaming efforts and Poverty Reduction Strategy (PRS) to address the specific vulnerability of women in poverty, including efforts to ensure women's representation in the participatory approaches taken in the management of poverty reduction programs. It urged Yemen to utilize temporary special measures to this effect. CRC for its part recommended that Yemen pay particular attention to children in it poverty reduction strategies and in other programs, and encouraged it to reform the social security system with a view to broadening its coverage.[45]

The Special Representative of the Secretary-General on internally displaced persons as well as the Special Rapporteurs on summary executions, the right to health, adequate housing, and the right to food visited Lebanon in 2006, following the Israel's bombings in July and August. They made a number of recommendations to the Government regarding the reconstruction process, including with regard to the health system and the health needs of the displaced, and the adoption of a comprehensive strategy to assist internally displaced persons and returnees.[46] CEDAW's concerns focused on the situation of rural women given their precarious living conditions and lack of access to justice, health care, land ownership, education, social security and other services essential for an adequate standard of living. The Committee highlighted the particular vulnerability of women and girl refugees and asylum seekers, given the lack of legislation in general in this area.[47] This concern was echoed by CERD which focused on the non-enjoyment of the Palestinian refugees of all the rights in the anti-discrimination convention, urging Lebanon to "take measures to ameliorate the situation of Palestinian refugees … and at a minimum to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens."[48]

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43 Concluding Observations of CRC (2006); CRC/C/15/1/Add.125; para 57.

44 Concluding Observations of CESCR (2011): E/C.12/YEM/CO/2, p. 4.

45 Universal Periodic Review of Yemen before the Human Rights Council, Compilation of stakeholder report.

46 A/HRC/2/7, para. 104; A/HRC/2/8, paras. 31 (j) and (m).

47 Concluding Observations: CEDAW/C/LBN/CO/3 paras. 36, 40.

48 Concluding Observations: CERD/C/64/CO/3, para. 12.

3. The Right to Health

In the countries of the region, the right to health is generally State-provided. However, as is the case with regard to other rights, the enjoyment of this right is only partial and limited to nationals of the respective countries and a substantial gap exists between urban and rural areas. As the Committee on the Rights of the Child pointed out in the case of Jordan, disparities exist in the enjoyment of the rights to health and education by children belonging to vulnerable groups, including those living in rural regions of the country and those living in unofficial or officially unrecognized Palestinian refugee gatherings.[49]

In Lebanon, the CRC noted disparities in the provision of and access to health services and national health programs such as immunization, even as it praised the country's generally well-developed health-care system.[50] CEDAW also expressed concern regarding the geographical disparity in the delivery of services, thus preventing adequate access to health care for women and girls from poor and rural areas as well as disabled women.[51]

In Yemen, health issues were a major concern of these committees, which pointed to limited access, especially for rural women, to health care services and family planning and leading to high infant, child and maternal mortality rates. Social restrictions on women, including early age marriage and harmful traditional practices such as female genital mutilation came in for criticism by both the CRC and CEDAW as serious impediments to women's health.[52]

The Special Rapporteur on the right to Health visited Syria in November 2010, and welcomed significant progress in the country in areas such as health coverage, coverage rates and reduction of infant mortality rates, but raised questions regarding the enjoyment of these benefits by vulnerable groups such as the Kurdish community in the Northeast of the country. The Special Rapporteur noted: "still more work needs to be done in the context of sexual and reproductive rights … a persistent urban/rural divide … and gender-based violence."[53] Echoing his concern with women's rights, the CMW expressed concern about women and girls' access to adequate health care, particularly in rural areas.[54]

In 2009, CRC's comments on Qatar focused on trends in obesity, psychological and mental health problems, and the Committee welcomed efforts to raise general awareness of HIV/AIDS among adolescents.[55] For the United Arab Emirates, however, non-nationals were again the focus of the CRC, which noted disparities in the enjoyment of economic and social rights in general, particularly to health and education, between national and non-national children.[56] On Saudi Arabia, the CRC noted the lack of data in general, and on access by non-nationals and by women and girls from rural areas to adequate health services.[57]

For Kuwait, the treaty bodies focused on adolescent health, HIV/AIDS and women's health and urged the country to strengthen its data collection and provide disaggregated data on these issues.[58] CEDAW expressed particular concern regarding the continued practice of seeking a male guardian's consent to medical treatment of women

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49   Concluding Observations: CRC/C/15/Add.125; paras 31, 43, 45, 47.

50   Concluding Observations: CRC/C/LBN/CO/3, para. 52.

51   Concluding Observations: CEDAW/C/LBN/CO/3, para. 34.

52   UPR Compilation on Yemen's human rights obligations, prepared for the Universal Periodic Review; A/HRC/WG.6/5/YEM/2, paras.39-41.

53   Preliminary Observations of the UN Special Rapporteur on the Right to Health, Damascus, 14 November 2010.

54   Committee on the Protection of the Rights of all Migrant Workers and Members of their Families, Concluding Observations (2008): CMW/C/SYR/CO/1, pp. 5-6

55   Concluding Observations (2009): CRC/C/QAT/CO/2, para. 52.

56   Concluding Observations: CRC/C/15/Add.183, para. 23.

57   Concluding Observations (2006): CRC/C/SAU/CO/2; p. 11.

58   Concluding Observations: CESCR (2004) E/C.12/1/Add.98 para 24; CRC (1998) CRC/C/15/Add.96 para 27.

and the lack of a policy to monitor and report on domestic violence. It further noted "several incidents of involuntary psychiatric hospitalization of women for social misbehavior or breaking societal norms." While appreciating that health care is available to all citizens, the Committee noted that migrant domestic workers' health is the sole responsibility of the employer with few State guarantees, a situation that subjects them to potential abuse.[59] The problem of male permission for women's access to health care also exists in Bahrain, as noted by CEDAW,[60] and the CRC recommended comprehensive national programs on adolescent health, including reproductive health.[61]

4. The Right to Education

The treaty bodies agreed on the dire state of education in Yemen. The Committee on Economic, Social and Cultural Rights noted in 2011 its concern about the continued high rate of illiteracy in the State party, especially among women and girls in rural areas, and about low enrolment rates in basic and secondary education, particularly in the case of girls.[62] The same note had been struck by CEDAW in 2008, which added that the high illiteracy rates for women and girls "manifests patterns of indirect discrimination under article 10 of the Convention."[63] Three years earlier the CRC had said that the deficient quality of education, and the level of illiteracy amongst women, negative stereotypes of girls in school curricula, urban/rural disparities and lack of training all negatively affect the qualifications of those entering the labor market.[64]

For the other three countries of the Levant, the situation is markedly better according to the treaty bodies, but some of the same problems recur. The CRC commended Syria on significant progress achieved over the years in enrolment, literacy and gender parity in primary education, welcoming incentives to reach out to remote areas, but continued to be concerned about the higher percentages of girls dropping out of school "due notably to early and forced marriages" and the discrimination against Kurdish minority children who face difficulty enrolling and obtaining education.[65] Similarly, while the CRC commended Jordan for its progress in providing near-universal education, concern was raised about disparities experienced by children in rural areas and by children in Palestinian refugee camps.[66] Low enrolment rates for Palestinian children, especially girls, in secondary education was also flagged by the CRC for Lebanon, and the Committee noted concern with poor quality of public education compared to the costly private system as well as the poor quality of technical and vocational education and training.[67] CEDAW for its part decried "the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men … which reflected in women's educational choices, their situation in the labor market and their low level of participation in political and public life," adding that those stereotypes are reflected in school textbooks and curricula.[68]

Also in the Gulf countries women and girls fare less than boys in education according to the committees. While acknowledging progress in Saudi Arabia on efforts to remove stereotyped images of women and men, the CEDAW Committee was concerned about the high rate of illiteracy among women, betraying an ongoing pattern of direct and indirect discrimination. This discrimination continues in relation to women's access to certain fields of study and to higher education where their numbers are still low compared to males.[69] In Oman, CEDAW's focus was more

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59   Concluding Observations (2011): CEDAW/C/KWT/CO/3-4; paras 42, 46.

60   Concluding Observations (2008): CEDAW/C/BHR/CO/2; para 36.

61   Concluding Observations (2011): CRC/C/BHR/CO/203; paras 55, 59.

62   Concluding Observations (2011) CESCR: E/C.12/YEM/CO/2, p. 7.

63   Concluding Observations (2008) CEDAW/C/YEM/CO/6, P. 4-5.

64   Concluding Observations (2005) CRC/C/15/Add.267, p. 12.

65   Concluding Observations (2011): CRC/C/SYR/CO/3-4, p. 15.

66   Concluding Observations (2006): CRC/C/15/Add.125, para 31.

67   Concluding Observations (2006): CRC/C/LBN/CO/3, paras 23, 63-67.

68   Concluding Observations: CEDAW/C/LBN/CO/3, para 24.

69   Concluding Observations (2008): CEDAW/C/SAU/CO/2, p. 6.

on primary education and the lack of compulsory free education for all, but the Committee also noted: "traditional views of both students and teachers orient female students into areas of study perceived as appropriate to their social roles and participation in public life."[70]

In Bahrain discrimination has an institutional basis, as certain areas of education such as industrial and vocational training are available only to boys, according to CEDAW.[71] The CRC noted the same and added that the curriculum stereotypes women's role in the first three grades.[72] Kuwait also was criticized for stereotyping gender roles but also for institutionalizing discrimination in education against married students by preventing them from attending day schools making for higher dropout rates.[73] The same criticism on girl exclusion from certain studies is repeated for the UAE, with added concern for the education of non-citizens.[74]

5. Freedom of Expression, Association and Assembly and the Right to Participate in Public Life

The last area of this review is to look at the remarks of treaty bodies and other mechanisms regarding the practice of States in the protection of the freedoms of expression, association and assembly, and whether issues of participation and access to public life have been duly considered. A broad look at the state of enjoyment of those rights reveals how difficult it is for concerned members of society to be involved in the discussion and debate of policies on development in the region. Space does not allow for the volumes that have been said in this regard, so a very brief but indicative summary will give an idea of practice of States in the region. This section will depend primarily on the compilations of comments and observations by treaty bodies, Special Rapporteurs and other UN bodies, prepared by the Office of the High Commissioner for consideration of each country's Universal Periodic Review (UPR) before the Human Rights Council.[75] States' adherence to ILO conventions they have ratified relevant to freedom of association is also not considered in this study.

Laws governing freedom of expression are vaguely framed and overly open to interpretation. To give a few examples, Syria prohibits publication of material that "harms national unity, tarnishes the image of the State or threatens the goals of the revolution" as noted by UNESCO in its submission to the UPR.[76] In 2005, the Secretary General's Representative on Human Rights Defenders criticized Bahrain, charging that the use of criminal charges such as "encouraging hatred of the State" and "distributing falsehoods and rumors" effectively suppress legitimate free speech.[77] Similarly in Oman, a 2009 amendment to the press law further tightened censorship that already included any material deemed "politically, culturally or sexually offensive," including making it illegal to criticize public officials, according to court judgments.[78] In the UAE as well, lawyers and human rights activists have been arrested on charges of insulting public officials, including a well-known case in 2005 that was criticized by a number of thematic mandate holders.[79]

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70   Concluding Observations (2011): CEDAW/C/OMN/CO/1, para 35.

71   Concluding Observations (2008): CEDAW/C/BHR/CO/2, para 32.

72   Concluding Observations (2011): CRC/C/BHR/CO/2-3, para 61.

73   Concluding Observations (2011): CEDAW/C/KWT/CO/3-4, para 38.

74   Concluding Observations: CEDAW/C/ARE/CO/1, para.34; CRC/C/15/Add.183, para 38.

75   See the following documents: A/HRC/WG.6/1/BHR/2; A/HRC/WG.6/4/JOR/2; A/HRC/WG.6/8/KWT/2; A/HRC/WG.6/9/LBN/2; A/HRC/WG.6/10/OMN/2; A/HRC/WG.6/7/QAT/2; A/HRC/WG.6/4/SAU/2; A/HRC/WG.6/12/SYR/2; A/HRC/WG.6/3/ARE/2; and A/HRC/WG.6/5/YEM/2. They are all found on: http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx

76   UNESCO Submission to UPR, 2011, para. 2-24, 26. See A/HRC/WG.6/12/SYR/2, para. 70.

77   Hina Jilani, Special Representative of the Secretary General on Human Rights Defenders, E/CN.4/2005/101/Add.1, para. 48.

78   Joint UN submission to the UPR on Oman (2010), paras. 12-14, See A/HRC/WG.6/10/OMN/2, para. 40.

79   Joint submission reported by Leonardo Despouy, Special Rapporteur on the independence of Judges and Lawyers, 2007 report: A/HRC/4/25/Add.1, para. 376.

As activities that fall under the protected right to freedom of expression are criminalized in such a fashion, arrest, detention and conviction of activists follow, and human rights bodies have rallied to the defense of journalists, trade unionists, and human rights defenders who have been victims of these laws. The Special Rapporteurs and Representatives with thematic mandates regularly receive allegations of violations of freedom of expression across the region. The Special Representative of the Secretary General on the situation of human rights defenders has reported on these violations in Bahrain, Saudi Arabia, and Yemen.[80] CAT criticized persistent acts of harassment and persecution of activists in Syria,[81] and the Human Rights Committee expressed concern over the Syrian government's regular blocking of internet web sites used by activists and rights defenders.[82]

Freedom of association is tightly regulated across the region, making it difficult for like-minded civil society activists to join forces to promote or defend their common interests. Instead of simple registration, associations and non-governmental organizations need to be approved and licensed under restrictive conditions. Countries in the region have been repeatedly called upon to review this legislation and open the space for civil society participation in public life. Criticism of limits on NGO registration in Bahrain have been expressed by CAT, for example,[83] and the Special Representative of the Secretary General encouraged the country to review the law and relevant legislation in order to freely protect the right to organize.[84] According to Oman's regulations, approval of the Ministry of Social Development is needed for associations to join international coalitions or to invite outside experts to their functions.[85] The CRC recommended in 2006 that Oman open the space for non-governmental organizations and involve them systematically in all stages of implementing the Child Rights Convention.[86] The CRC also called on Qatar to do the same in 2009.[87] CEDAW encouraged Syria to amend its law of association and to lift the restrictions on NGOs, and women's organizations in particular, to enable them to operate independently of government.[88]

Such tight regulation of freedom of association has a direct bearing on the political life in the region as well, and on participation in general in the discussion and debate of development and other policies. This is seen in starkest mode in the Gulf countries in particular. UN human rights comments focused on the right to political life and the formation of political parties, as was the case for Kuwait and Bahrain, for example.[89] Concerns were particularly expressed on the issue of women's participation in public and political life in several countries. For example, the Special Representative on human rights defenders called on Saudi Arabia not to target those working for political reform and democratic rights, especially those advocating for greater rights for women,[90] while in Oman, a joint UN submission to the UPR noted that despite governmental efforts, "the rate of women's participation in the political process had nonetheless remained low" requiring the direct appointment of 14 women to higher office or senior positions.[91]

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80 Bahrain: A/HRC/4/37/Add.1 para.35; Saudi Arabia: E/CN.4/2006/95/Add.5 para. 1424; E/CN.4/2005/101/Add.1, para. 473; A/HRC/4/37/Add.1, paras. 584, 585, and 586; A/HRC/7/28/Add.1, paras. 1738, 1741, 1744, and 1746; and Yemen: E/CN.4/2006/55/Add.1, paras. 1117-1118 and 1121; A/HRC/7/14/Add.1, paras. 745-747.

81   Concluding Observations: CAT/C/SYR/CO/1, para. 34.

82   Concluding Observations: CCPR/CO/84/SYR, para. 13.

83   CAT/C/CR/34/BHR, paras. 6-7.

84   Hina Jilani, *Op. Cit*. para. 49.

85   Joint UN submission for Oman's UPR , Op. Cit. paras. 15-16.

86   Concluding Observations (2006): CRC/C/OMN/CO/2, para. 21.

87   Concluding Observations (2009): CRC/C/QAT/CO/2, para. 21-22.

88   Concluding Observations (2007 : CEDAW/C/SYR/CO/1, para. 36

89   Kuwait: A/55/40, para. 493-4; Bahrain: Concluding Observations CERD/C/BH/CO/7

90   Saudi Arabia: E/CN.4/2006/95/Add.5 para. 1424.

91   Joint UN submission to the UPR on Oman (2010), para. 19, See A/HRC/WG.6/10/OMN/2, para. 44.

III. Arab Engagement in the Universal Periodic Review

This part of the paper reviews the engagement of Arab States and civil societies in the UPR seeking answers to the following questions: how seriously did the Arab States engage with UPR and how did they respond to NGO concerns and State recommendations? What was the quality of their responses and what do those responses indicate in terms of intention to change behavior or laws? As a side issue, the study asked the question of whether the uprisings of 2011 had an effect on the UPR discussions and outcomes.

It's important to note that the study does not attempt to assess the veracity of claims made by civil society organizations or by governments, nor does it analyze or discuss the detailed nuances of claims or recommendations of the UPR. Rather, it will focus more broadly on what issues were deemed of concern or priority and by whom, trends and directions in the discussions, and whether Arab and other governments participating in the UPR at the Human Rights Council paid note to the advice and claims of civil society organizations. As a whole, it is hoped that the study will help to understand to what extent the process, as a process, succeeds in pointing to future priorities and areas of work.

Given the complexity of these questions, and the extremely detailed and nuanced discussions in the UPR review process itself, it should be assumed that this study only scratched the surface of what can be thought through and analyzed. It is based in large part on quantitative and – to a degree – qualitative data collected from reports and documents officially submitted to the UPR, as well as other studies and analyses of the UPR globally.

A Word on Methodology

Given the volume of material and the limited time, not all Arab States were considered here. Rather, a representative sample of 10 countries was chosen on the basis of criteria that sought broad representativeness of the region as a whole and of the issues of priority and concern. Countries selected for this study were reviewed in the first, fourth, fifth, seventh, eighth, ninth and tenth sessions of the UPR and thus cover the range of how the process itself developed over time. Three of the countries chosen had uprisings that resulted in regime change in 2011, after their first UPR session.[92] Four countries have now had their second UPR session of the new cycle.[93] Four of the countries considered are resource-poor with significant development problems, as they have populations of tens of millions of people.[94]

It should be noted that some of the wealthier countries of the Gulf were not included primarily because they do not legally allow or otherwise tolerate the work of civil society organizations; their inclusion may very well have skewed this study.[95] The following table lists the countries considered in this section, their sub-regional distribution and summarizes the above rationale behind choosing them.

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92   Egypt, Tunisia and Yemen.

93   Bahrain, Algeria, Morocco and Tunisia.

94   Algeria, Morocco, Egypt and Yemen. All population figures are World Bank estimates for 2011; http://data.worldbank.org/indicator/SP.POP.TOTL?cid=GPD_1

95   Saudi Arabia, Qatar and the United Arab Emirates.

North Africa	Algeria	36 million	Minor disturbances	1st UPR Session(2008)
	Morocco	34 million	No disturbances	1st Session (2008) 13th Session (2012)
	Tunisia	10 million	Regime change	1st Session (2008) 13th Session (2012)
Middle East	Egypt	82 million	Regime change	7th Session (2009/10)
	Jordan	6 million	Minor disturbances	4th Session (2009)
	Lebanon	4.3 million	No disturbances	9th Session (2010)
Gulf	Bahrain	1.3 million	Serious disturbances, no regime change	1st Session (2008) 13th Session (2012)
	Kuwait	2.8 million	Minor disturbances	8th Session (2010)
	Oman	2.8 million	Initial minor disturbances	10th Session (2010)
	Yemen	24.8 million	Regime change	5th Session (2009)

Throughout the study, reference to 'Arab States' undergoing the review or responding to recommendations will be limited to the ten countries considered in the analysis, and not to all Arab States. However, references to 'Arab States' making recommendations will include all 22 Arab States in the region including Palestine which participated in the discussions.

It should be noted that numbers alone cannot tell the whole story, but can give only an approximation and a general sense of trends and directions. For the UPR in particular, numbers can be deceptive, as the actual number of recommendations does not correspond to the number of issues raised, for example, and certainly cannot speak to the quality and focus of the recommendations. Where appropriate, the sections in this paper will explain how numbers were used and for what purpose.

A. The Universal Periodic Review; A New Mechanism

The Universal Periodic Review (UPR) was established in 2006 by the General Assembly of the United Nations in its Resolution 60/251 as one of the functions of the newly re-constituted Human Rights Council.[96] The UPR is designed to assist States in the fulfillment of their human rights commitments through interactive dialogue and sharing of best practices and mutual cooperation. It is intended to be action-oriented and to complement other UN human rights mechanisms:

> *Being more of a policy plus practice model, the UPR serves as a merging mechanism for the whole UN human rights protection system, including the Treaty Bodies and the Special Procedures.[97]*

The UPR's unique addition to the international human rights protection system, however, lies in its universal and periodic character and its potential for follow-up. First, all States undergo the review regardless of which human rights treaties they have signed or ratified.[98] Second, the Human Rights Council reaffirmed the universal and interrelated nature of all human rights and thus all rights enumerated in the Universal Declaration and human rights treaties are considered in the Review.[99] Third, all concerned parties and stakeholders may contribute, including national

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96 Formerly the Commission on Human Rights. General Assembly Resolution 60/251, 3 April 2006; A/RES/60/251, operative paragraph 5(e).

97 UPR-Info, *Analytic Assessment of the Universal Periodic Review 2008-2010 (May 2010)*, www.upr-info.org.

98 Human Rights Council Resolution 5/1 (June, 2007), A/HRC/RES/5/1, para. 3(c) and (d), paras. 5-14.

99 *Ibid*. para. 1,3 and 3(a).

institutions and non-governmental organizations, whether or not the latter have Consultative Status with ECOSOC.[100] Finally, the process is repeated for each State once every four years, thus its periodic nature. In sum, the UPR involves all countries, is about all rights, all those concerned are involved and it happens at regular intervals.

Each review is based on three essential documents: the national report of the State under review, a compilation of UN information drawn from Treaty Body and Special Procedures comments and observations, and a summary of the reports provided by any stakeholder wishing to contribute to the process.[101] Based on those documents, States submit a list of questions in advance to the concerned State, and during the review session the State presents its national report and responds to those questions. An inter-active dialogue follows and the summary of the entire process is provided, along with a list of recommendations to the State, which decides to accept or reject them or to examine them and provide answers at a later session.[102] The entire process is shepherded by a "troika" of rapporteurs from among State Members of the Human Rights Council, with technical support and assistance provided by the Office of the High Commissioner for Human Rights (OHCHR).[103]

The first cycle of the Universal Periodic Review required 12 sessions that began in March 2008 and ended in December 2011. The process established by the Human Rights Council continued to develop and improve over the four years, and the UPR saw increasing participation and engagement by States, evidenced by the growing number of recommendations from one session to the next. In the first session of the UPR, a total of 418 recommendations were made by States, while in the fifth session, this number nearly quadrupled to 1,665.[104] This may indicate that States became more comfortable with, and perhaps less threatened by, the UPR process as the sessions followed one another.

It must be added, however, that the entire process should be seen as a learning experience in its first four-year cycle. As the sessions progressed, OHCHR, providing all Secretariat support to the Human Rights Council and the UPR, streamlined its organization of data and developed better, more efficient procedures for handling the volume of information, particularly in the area of presentation of questions, issues and categorization of recommendations.

Like other Member States of the United Nations, countries of the Arab region engaged fully and actively with the UPR process, as this study will demonstrate. All States that underwent the review followed the procedures closely and met all requirements, including timely submission of their national report, response to advance questions and full participation in the inter-active dialogue. Like other States, they accepted or rejected recommendations and left others to be examined at a later date.

Beyond their own review, Arab States also engaged in the inter-active dialogue for each other's UPR. All Arab States offered recommendations to the 10 countries covered in this study during the first cycle of the UPR, raising various issues around 227 times.[105] The issues and priorities raised in those recommendations are discussed and analyzed in Section B below, while the type and general tenor of the recommendations are discussed in Section C.

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100 *Ibid*. para. 3(m).

101 *Ibid*. para. 25.

102 It's important to note here that the inter-active dialogue in the UPR allows the participation of States not members of the Council as observers.

103 *Ibid*. para. 18(a).

104 *Analytic Assessment*, UPR-Info, Op. Cit. p. 9.

105 This refers to the number of issues raised, not the number of recommendations as counted in the reports of the UPR Working Group.

B. Human Rights Issues of Focus in the Arab UPR Reviews

While each country is certainly unique in terms of its priority issues, the attempt here is to undertake a broad-brush analysis of the region as a whole. The first task was to identify the human rights issues of concern as discussed in the UPR of the ten Arab studies considered. The approach was to analyze percentages that specific issues were raised for each of the countries reviewed. While this may not be an exact science, it nevertheless may provide a general sense of State and civil society perceptions of issues of concern in the region.

The data was collected from two primary sources. The first was the summaries of stakeholder reports prepared by OHCHR, where issues raised by national, regional and international NGOs and civil society organizations were identified and tabulated. These were separated into national/regional NGOs on the one hand, and international NGOs on the other. The second source was the Working Group reports for each country's UPR, where the issues raised in State recommendations were noted and tabulated as well. These were divided into recommendations made by Arab and non-Arab States and accepted or rejected by the State under review.

It's important to note here that the number of times issues were raised do not necessarily correspond to the number of recommendations. Some recommendations raised more than one issue or combined a specific human rights issue with an action or process. For example, in a recommendation to ratify or harmonize national legislation with the Torture Convention both the ratification and the concern with torture were tabulated.

1. Issues Raised by NGOs

In the first cycle of the UPR, national/regional NGOs made 347 mentions of various human rights issues, while international NGOs made 420 mentions in their submissions on the ten countries reviewed here. Human rights issues were grouped under nine broad categories:

• Human rights education and training, capacity building

• Armed conflict and counter-terrorism measures

• Minorities, refugees, trafficking in persons

• Women's status and rights, family law

• Economic social and cultural rights

• Civil and political rights

• Administration of justice, independence of the judiciary, detentions and prison conditions

• Legislative and institutional protection of human rights

• Implementing treaty obligations, lifting reservations

Percentages refer to the number of times an issue was raised relative to the total number of issues raised by each of the two categories of NGOs. A number of observations may be drawn from those percentages.[106]

• All civil society interventions demonstrated the highest concern with civil and political rights (CPRs) in the ten countries reviewed. However, international and national/regional NGOs prioritized them differently. For the internationals, concern with CPRs represented 45.7% of all their interventions; nearly twice of that for the latter, with that percentage standing at 27.7%.

• The administration of justice, including due process, detentions and prison conditions – arguably also civil rights – received almost equal attention from NGOs and INGOs as high priorities for work in the countries reviewed.

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106 Annex II, Graph 1.

- For the national and regional NGOs, economic, social and cultural rights were identified as priorities in the ten countries reviewed, representing 17.6% of all their interventions, much more than that of the INGOs' with 10.2%.

	NGOs	INGOS
Women's rights and status, family law	10.7%	5.2%
Minor./refug./traffick.	10.4%	5.5%

Stakeholders identified the protection of vulnerable groups including women, migrants, refugees and stateless persons as a serious need. Interestingly, NGOs demonstrated a higher degree of concern with this than did the INGOs, noting the issues roughly twice as many times.

NGOs and INGOs appeared to be equally concerned with legislative and institutional protection of human rights. Their comments included criticisms and recommendations to the countries in question to amend or adopt legislation and to create structures such as national human rights institutions and other preventive mechanisms to strengthen protection.

It is interesting to note that NGOs brought up the ratification of human rights treaties and withdrawal of reservations, such as to CEDAW, more than three times as frequently as INGOs.

Finally, compared to other issues, human rights education and training was not highly prioritized either by the NGOs or INGOs.

A more detailed discussion is needed for the highest categories above in order to help us to better understand the priority themes and the nuances within those categories.

Civil and political rights

To state the obvious, not all civil and political rights are relevant to each State under review, at least not to the same degrees. Few States, for example, have issues of enforced disappearance, and there are differences between one country and the next in terms of the exercise of the various rights and freedoms mentioned herein. The following observations provide a closer look at the specific rights under this heading, summarizing all NGO comments for all States:[107]

- The data confirms that international NGOs were more concerned with each individual civil and political right than national and regional ones were.

1=highest	For NGOs	For INGOs
1	Expression	Expression
2	Torture	Religion
3	Association	Torture
4	Assembly Religion	Association
5	Excessive force	HR Defenders
6	Elections HR Defenders	Assembly
7	Enforced disappearance CSOs	Elections Death penalty
8	Death Penalty	Enforced disappearance
9	Movement	Movement
10		CSOs

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107 Annex II, Graph 2. Percentages are relevant to total observations made, not to those only in the area of civil and political rights. This is the case also for all other tables.

- The only exceptions were two areas that were mentioned by NGOs more frequently than INGOs: the protection of and cooperation with civil society organizations, and the issue of citizen security and excessive use of force by the State. The first would reflect the natural tendency of organizations, working on the ground and under direct threat, to seek recognition, protection and a more accepted role in public life.

- Put together, the freedoms of opinion and conscience, expression, association and assembly topped the list of issues of concern for both national and international organizations. These are all rights essential for civic participation in public life, without which any kind of democratic practice is simply not possible.

- The comments and recommendations made by national and international civil society organizations in the area of freedom of expression covered the gamut of detail, including freedom of the press and imprisonment of journalists, publications and censorship laws, and internet freedoms including blogs, web site blocking and free access to information. NGOs and INGOs both identified this as the highest priority in this set of rights.

- Freedom of conscience issues focused almost entirely on religion and the free exercise of religious belief. This was highlighted as a second priority for INGOs and the fourth for NGOs along with freedom of Assembly.

- Torture was also a major concern for both NGOS and INGOs, as the data demonstrated.

Economic, social and cultural rights

According to the collected data, comments and interventions related to economic, social and cultural rights represented 17.3% of all interventions by national and regional NGO in their stakeholder reports, and 10.2% of INGOs' comments in theirs. This is broken down into a number of specific rights, netting the following observations:[108]

- National NGOs noted concerns with most of the specific economic and social rights far more often than INGOs did, on average more than 4.5 times the frequency.

- Understandably, topping the list were generalized references to economic and social rights, social security and issues of poverty and an adequate standard of living, housing rights and other rights not otherwise mentioned in the table. It's surprising that most of those comments were aimed at countries that are large in populations and poorer in resources.109

- Concerns with the rights of children in the ten countries covered were evident in the comments of all civil society organizations. The comments spanned the range of issues, from child labor to education to child victims of trafficking and children of migrants and disadvantaged communities.

- Only international NGOs made comments on the issue of sexual orientation, a controversial subject in the region. National and regional NGOs steered clear of this in their stakeholder reports. There was only one INGO reference to the broader question of privacy in all of the interventions.

2. Issues Raised by States in the Recommendations Made at the UPR

This part will look at the recommendations made to the ten countries considered in this report by both Arab and non-Arab States participating in the UPR. The data was drawn from the reports of the Working Groups for each of the countries undergoing the UPR, measuring the frequency with which issues were raised by Arab and non-Arab States, relative to the total number raised by them in all of the recommendations accepted by States under review. The focus is only on the issues raised in the recommendations that were accepted by States, leaving a review of the rejected recommendations to Section III below. Looking at the same nine general categories of rights, the following observations can be made:[110]

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108 Annex II, Graph 3.

109 Egypt, Morocco and Yemen.

110 Annex II, Graph 4.

- Economic, social and cultural rights issues were raised by both Arab and non-Arab States in their recommendations more frequently than the other categories of rights, with Arab States exceeding the others by more than 10%. It should be added here that the recommendations of Asian and African States augmented the statistic for non-Arab States.

- In the area of civil and political rights, however, non-Arab States made recommendations almost four times more frequently than Arab States did (17.3% to 4.4%).

- Also high on the priority list was concern with women's rights and issues. Interestingly, Arab States' interest in this equaled that of non-Arab States. This is further unpacked below.

- States' legislative frameworks and institutional structures for rights protection also came in as important in the recommendations made to the ten countries reviewed here by both Arab and non-Arab States. Arab States frequently encouraged one another to establish or strengthen the work of national human rights institutions.

- The rights of non-citizens, including migrant workers, refugees and stateless persons received significant attention in the recommendations accepted. A majority of comments in fact related to migrant labor and migrant domestic workers in particular for nearly all the countries reviewed. Few comments were made on minority issues, most relating to religious minorities. These were covered under freedom of conscience and religion as well.

- Encouraging the State to undertake human rights education and capacity building programs accounted for 10% of the times all issues were raised by Arab States, more than twice that of non-Arab States.

- The reverse is true for encouraging the State to ratify and accede, or withdraw reservations, to human rights conventions and treaties. Non-Arab States raised these recommendations four times more frequently than Arab States did.

Civil and political rights[111]

- Arab States, compared to others, made recommendations much less frequently and on far fewer issues under civil and political rights, as the data demonstrates.

- Of particular note is that Arab States made no comments whatever on issues related to citizen security, excessive force and torture.

- They were also silent on issues of elections and democratic participation, freedom of association and assembly, all of which are essential civil rights for citizen involvement in public life.

- While some Arab countries included comments on the death penalty in their interventions, none of their recommendations included the abolition of the death penalty or encouraging States to implement a moratorium on its use.

Economic, social and cultural rights[112]

- Arab States most frequently raised the right to education, children's rights and the broader issues of poverty and development. Together they represented 23% of all the issues raised by Arab States in their recommendations.

- This is followed by the rights of persons with disabilities and to a lesser extent, labor and related rights.

- Non-Arab States followed closely this prioritization, albeit with less frequency in terms of the totality of their recommendations than Arab States. Non-Arab States, however, expressed concern with labor rights more than twice the times Arab States did.

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111 Annex II, Graph 5.

112 Annex II, Graph 6.

Women's rights

• A more detailed look at States' references to the rights and status of women in the ten countries reviewed is that Arab States were generally as actively engaged in raising those issues as non-Arab States were.

• Of particular interest, and perhaps surprising, is that Arab States encouraged the countries reviewed three times more frequently to work towards improving women's participation in political processes and their access to decision-making positions, including in the judiciary.

• While they did not include violence against women as frequently in their recommendations as non-Arab States, countries of the region did pay attention to the seriously problematic issue of the status of women under personal status laws, noting it more frequently than non-Arab States did.

Institutional and legislative protection of human rights

• Arab States' recommendations did not differ markedly from other countries' recommendations encouraging States to strengthen institutional protections and legislative measures to protect rights.

• Nearly 10% of Arab States' recommendations included references to establishing or strengthening the work of national human rights institutions working in compliance with the Paris Principles.

• Arab States evidently viewed working with the established international human rights mechanisms as important, evidenced by the number of references to cooperation with those mechanisms made in their recommendations. Comments included timely submission of reports to treaty bodies, and invitations to Special Procedures mandate holders.

C. Arab States' Acceptance/Rejection of Recommendations

It should be remembered that the Human Rights Council is a political body composed of State representatives, and like other such bodies, it is not immune to pollitical dynamics. Groupings of States with shared interests tend to work together and support one another. Nevertheless, and despite occasions of mutual praise and soft-pedaling on issues, it is one of the surprising aspects of the Council's Universal Periodic Review process that it managed to keep those dynamics within reasonable bounds and not suffer the same accusations of over-politicization that the previous Commission on Human Rights was accused of, at least not to the same degree.

The political dynamic, however, does have a direct effect on the recommendations made in the interactive dialogue of the UPR. These recommendations were numerous, highly nuanced and with varying degrees of specificity. The tone and sometimes hidden (or not so hidden) assumptions in the language of a particular recommendation can affect the attitude of the State under review, and whether or not this recommendation is accepted or rejected.

	ARAB	OTHER	TOTAL	%
ACCEPTED	204	449	653	71%
REJECTED	0	152	152	17%
TO EXAMINE	2	110	112	12%
TOTAL	206	665	871	

The data demonstrated that Arab States subject of this study accepted around 71% of all recommendations made, a third of which came from fellow Arab States, while rejecting 17%. In Working Group reports, the States under review left the remainder of the recommendations to be examined and reported on in later sessions of the UPR.[113]

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113 Reports of later sessions were not reviewed to learn the final outcome of those postponed responses.

But what kind of recommendations were they? In an analysis of the first cycle of the Universal Periodic Review, Professor Edward McMahon utilized five categories of recommendations:

• Category 1: Calling on the State to share experiences, request assistance or cooperate with others.

• Category 2: Encouraging the State to continue current actions or policies.

• Category 3: Suggesting to the State to "consider" taking an action, or to "review" its action, i.e. to think about actions it may take.

• Category 4: Encouraging the State to take an action of a general nature such as "taking measures…" or "taking steps towards…" or to "accelerate" or "enhance" its efforts without specifying what actions these efforts may entail.

• Category 5: Calling on the State to take an action of a more specific nature, like amending legislation or ratifying a treaty, i.e., adopting a specific course of action. [114]

This section will rely on the above categorization to assess the attitudes of reviewed States to the recommendations made by both Arab and non-Arab States. It should be emphasized that the percentages discussed below are based on numbers that do not necessarily correspond to the specific number of recommendations as summarized by OHCHR in the reports of the Working Group on the UPR. Several of those recommendations in fact include more than one category of recommendation covering one or more issue.

1. Recommendations Accepted by Arab States

The tabulation of the information gleaned from the Working Group reports counted 204 recommendations made by Arab States and 449 made by non-Arab States to the ten States subject of this study. The first chart looks at the percentage of recommendations made in each category by each of the two groups of States relative to the total number of accepted recommendations (653) made by both. The data points to the following: [115]

• Arab and non-Arab States did not differ markedly in the types of recommendations offered to the States reviewed here, following closely the priorities of categories 2 then 4 then 3 and 1. The difference emerges in category 5.

• As a percent of all accepted recommendations, those by Arab and non-Arab States were the highest in category 2, with a total of 35.4% of all recommendations lauding the State under review and encouraging it to continue its efforts and work. This is followed by category 4, where 25.4% of all recommendations encouraged it to take some general action, and category 3 suggesting that the State "consider" some type of action (18.5%).

• Arab States were clearly much more hesitant to suggest specific actions to the States under review as their recommendations in category 5 was one-tenth the number of those made by other States at a mere 1.7% of all recommendations in that category.

• Another interesting note is that the recommendations of non-Arab States were fairly evenly distributed across the categories, ranging from the highest at 19.8% to 13.8%, except for those in category 1 where the percentage was significantly less at 4.3%. For Arab States, there was more variance:

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114 Edward R. McMahon, The Universal Periodic Review: A Work in Progress; An evaluation of the First Cycle of the New UPR Mechanism of the United Nations Human Rights Council; Friedrich Ebert Stiftung, Dialogue on Globalization series, September 2012, p. 14-15.

115 Annex II, Graph 7.

Category	2	4	3	1	5
Percentage	15.60%	6.10%	4.00%	3.80%	1.70%

A look at the recommendations accepted per category as a percentage of the total number of recommendations made by each of the two groups of States further clarifies the picture:[116]

The first striking observation here is that 50% of Arab States' recommendations were in category 2, more than two and a half times their recommendations in the next highest category 4, and nearly twice that of other countries. In contrast, only 5.4% of recommendations by Arab States called on the reviewed State to take any specific actions towards improving one or more human rights (category 5). Non-Arab States' recommendations in category 5 were nearly four times that percentage.

Categories 1 through 3 are all generally framed and non-committal, i.e., they do not call on the State to take any action whatever, only to work together with others, continue their own good work or "consider" taking actions. These three categories together represent 75% of all Arab States' recommendations, a third more than non-Arab States' percentage of recommendations for the same categories.

2. Recommendations Rejected by Arab States

As noted above, rejections were made for a variety of reasons, some of which had more to do with the language or tone of the recommendations rather than the subject matter. Several observations and recommendations were rejected because the reviewed State considered them technically or factually incorrect or simply because of the State making them (such as Israel) when the State accepted the same or very similar recommendations from others.[117]

• One glaringly obvious observation is that no recommendations made by fellow Arab States were rejected. This may be due to the fact that, as mentioned above, 75% of the recommendations made by them were non-committal and quite easy to accept. We can also assume that the *quid pro quo* nature of these discussions was a major factor.

• Importantly, the Arab States reviewed here rejected nearly 57% of recommendations in category 5. These are all recommendations that the State undertake a specific act, leaving little maneuver for interpretation. States clearly did not wish to commit themselves so specifically.

• Then again, even in category 3, where the calls were for the State to simply "consider" taking measures, more than 30% of recommendations were rejected.

• For category 4, States rejected 9.2% of the recommendations calling on it to take some general action.

A look at the human rights issues that were the subject of these rejections will help clarify some of the rejections and the reasons for them. The table below lists only some of the issues most frequently rejected in recommendations, by order of frequency:

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116 Annex II, Graph 8.

117 Annex II, Graph 9.

Death penalty	27.3%
Ratify Conventions and Optional	14.5%
Migrants/Refugees	12.7%
Women's rights	9.7%
Sexual orientation	4.2%
Labor rights and issues	3.6%

- All recommendations on the use of capital punishment were rejected, including those that only called for establishing a moratorium rather than the abolition of the death penalty.

- While Arab States have indeed ratified a majority of international human rights treaties, the recommendations that were rejected herein referred mostly to optional protocols and other measures that required State acceptance of individual complaints and other forms of international authority and scrutiny.

- Many of the rejections on the issue of migrants and refugees related to the treatment of migrant domestic workers, as were many of the rejections on recommendations in the area of labor rights. Fully half of the rejections were by Lebanon on its treatment of Palestinian refugees.

- The bulk of rejections on women's rights issues were on questions of family or personal status laws, especially on granting women the right to give nationality to their children.

3. Comparison Against Global Trends

Comparing the UPR's process and outcomes in the Arab region against global trends has proved difficult for two reasons: Very few studies and analyses have been conducted to date, and the focus and direction of those studies have differed from those in this study. Nevertheless, a few observations can be made based on a best effort to find consistent data that makes comparisons possible.

	Arab States	Global
Accepted	71%	73%
Rejected	17%	15%
To be Examined	12%	
General Response		6%
No Response		6%

Broadly speaking, the ten countries reviewed in this study, arguably indicative of the disposition of all States in the in the Arab region, did not appear to have behaved markedly differently from the rest of the global trend, at least not in terms of the overall total rates of acceptance or rejection of recommendations made. However, a closer look at the comparative table below, organizing the data by category, produces clearer results:[118]

- The first observation is that the rates of acceptance or rejection of recommendations by the Arab States was generally remarkably consistent with global trends in most categories, albeit at lower percentages.

- Arab States tended to accept (and reject) fewer recommendations in categories 3-5 compared to the global rates. The difference is made up for in categories 1 and 2.

118 Annex II, Graph 10. Global trends calculations by McMahon, *Op. Cit.*, p. 13. It should be kept in mind that our ten Arab States' response rates here were relative to all recommendations made to them, and that these responses were also included in the global tally.

• The above would suggest that Arab States do not differ from the rest of the international community in terms of their willingness to accept the various degrees of general or targeted recommendations. They are however much more comfortable with generalized recommendations rather than specific calls to action.

When it comes to issues of focus in the recommendations, it was possible to make a comparison between the Arab and global pictures in only four areas where the data can be easily consistent or comparable enough for the purposes of this study. These are detailed herein below:[119]

	Arab	Global
TREATY OBLIGATIONS/RESERVATIONS	0.9%	28%
ADMIN OF JUSTICE/JUDICIARY/DETs/PRISONS	1.8%	11.6%
WOMEN'S RIGHTS & STATUS/FAMILY LAW	18.5%	17.3%
HUMAN RIGHTS EDUCATION/TRAINING/CB	10.1%	4.4%

What becomes immediately apparent is that only women's status and rights was the issue where there was relative consistency between Arab States' recommendations to the ten reviewed countries here, and what the rest of the international community focused on in all countries' UPR. For the other three categories there was significant variance, with Arab States demonstrating much less concern with legal structures and protections, preferring to tread the safer ground of generally calling on States to do more in the area of human rights education, training and capacity building.

4. UPR First and Second Cycle Comparisons

Algeria, Bahrain, Morocco and Tunisia have already undergone two cycles of the UPR. Bahrain and Tunisia experienced massive protests in 2011, with Tunisia's protests resulting in a regime change. Those protests triggered what is now commonly referred to as "the Arab Spring." This part of the study will look at whether or not any significant changes or developments can be noted from one cycle to the next in general terms.[120]

Comparing the number of submissions by stakeholders and the number of recommendations made by States in the first and second cycles of the UPR, the main observation is the great increase in the number of recommendations made in the second cycle of the UPR. This, however, was not a unique phenomenon to the four countries here, nor is it necessarily related to an 'Arab Spring' effect. Rather, it demonstrates how the UPR process itself developed over its first four-year cycle. Already by the sixth session of the UPR, an almost five-fold increase was noted in the total number of recommendations made in each session, from 418 recommendations in the first session to 2,039 in the sixth.[121]

It may be more instructive to look at the discussions of the issues to see if the concerns changed in four years' time. Bahrain and Tunisia are useful comparative examples, as Tunisia's protests became a revolution that ousted the regime of former President Ben Ali, while Bahrain saw major protests but the government succeeded in maintaining the *status quo*. Morocco offers a contrast as it remained stable throughout the period, but had been engaged for some time in reform measures aiming to improve the human rights situation there.

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119 Collated from McMahon, *Ibid*. p. 20. McMahon' study did not provide information on the broad categories of civil/political or economic, social and cultural rights, preferring to focus on specific rights most frequently raised by States. His data showed torture, child rights and minorities as the three most raised.

120 Annex II, Graph 11.

121 Edward R. McMahon and Marta Ascherio, *Analysis of Recommendations of the Universal Periodic Review Sessions I-VI;* Friedrich Ebert Stiftung; Berlin, October, 2010; p. 6.

Focusing on five categories of human rights issues, the tables below count the number of times stakeholders raised them in their submissions, and the number of times these issues appeared in States' UPR recommendations:[122]

TUNISIA	Cycle 1		Cycle 2	
	Stkhldr Reports	State Recoms.	Stkhldr Reports	State Recoms.
HR Mechanisms/treaties	0	4	10	18
Civil and political rights	54	16	28	41
Econ. social & cultural rights	6	18	38	35
Administration of justice	0	11	34	20
Women	1	6	21	15

- For Tunisia, one notes a clear gap between stakeholder submissions and State recommendations during the first cycle of the UPR. This is not explained simply by the limited number of UPR recommendations in the first cycle (12) as opposed to the number of CSO submissions (39), as the gap is also within the categories of issues themselves.[123]

- In that first UPR of 2008, CSOs appeared to be almost exclusively focused on civil and political rights, raising the danger signs on the former government's record. However, it appears that the warnings were not sufficiently taken up in the recommendations by States. Curiously, in the second, post-revolution UPR cycle, States raised CPRs 30% more often than NGOs' reports.

- In the second UPR cycle concerns with the five categories of rights seemed to be more evenly spread across both stakeholder submissions and State recommendations to Tunisia, even with fewer stakeholder submissions (27) and multiple State recommendations (107).

BAHRAIN	Cycle 1		Cycle 2	
	Stkhldr Reports	State Recoms.	Stkhldr Reports	State Recoms.
HR Mechanisms/treaties	3	6	8	31
Civil and political rights	47	10	42	56
Econ. soc. & cultural rights	8	6	18	13
Administration of justice	13	4	19	18
Women	7	4	3	17

- In the first UPR cycle a similar pattern may be noted with respect to civil and political rights in Bahrain as in Tunisia, with stakeholders expressing concerns that are not well taken up by States' recommendations.

- The focus on CPRs and the administration of justice continued in the second cycle, with many of the stakeholders' comments and State recommendations expressing concerns regarding the handling of protests and the work of the emergency national "Safety Courts."

- The issue of women's rights in Bahrain gained more prominence in States' recommendations during the second cycle of the UPR.

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122 The exponential increase in the number of recommendations from the first sessions of the UPR's first cycle to those from the beginning of the second cycle, should be kept in mind when reviewing those numbers.

123 The number of submissions is not congruent with the number of issues raised in those submissions. The tables on issue categories are based on the latter.

It should be kept in mind that Bahrain was the first country to undergo the UPR in 2008 when it was still a new and untested process. Bahrain was keen to show serious engagement and total commitment to the process and to making it work. It received many positive comments from Arab and other countries, considering Bahrain a "model" to be followed for the UPR. Four years later, serious civil disturbances continued and recommendations in Bahrain's Review look different.

MOROCCO	Cycle 1		Cycle 2	
	Stkhldr Reports	State Recoms.	Stkhldr Reports	State Recoms.
HR Mechanisms/treaties	1	16	18	21
Civil and political rights	23	10	39	31
Econ. soc. & cultural rights	18	13	35	37
Administration of justice	11	6	20	15
Women	6	15	15	35

• The case of Morocco appears to differ from that of Bahrain and Tunisia in that the concerns were, comparatively, more evenly spread across all categories of human rights in both cycles. The gaps in concerns between stakeholders and States in the first UPR cycle appeared to narrow in the second.

• Also in both cycles concerns with economic, social and cultural rights appeared to be high on the agenda of both civil society and States.

• It's interesting to note that women's rights were more frequently addressed in States' recommendations in both cycles than they were in stakeholders' submissions.

The last note on women's rights in Morocco also applies to the other two countries, where States raised them more frequently than stakeholders' did.

For all three countries, States seemed to be particularly keen on encouraging the States under review to ratify and withdraw reservations to human rights treaties, cooperating with UN mechanisms, including inviting Special Procedures mandate holders to visit. Civil society organizations paid more attention to this in the second UPR cycle.

The categories of States' recommendations also changed from the first to the second cycle of the UPR. Here we look at the comparative data of Tunisia and Morocco:

MOROCCO accepted recoms. By category	Cycle 1	Cycle 2
1 - Share	35.7%	2.9%
2 - Continue	42.9%	35.7%
3 - Consider	0.0%	6.4%
4 - General	0.0%	32.1%
5 - Specific	21.4%	25.7%

TUNISIA accepted recoms. by catego zry	Cycle 1	Cycle 2
1 - Share	14.2%	0.0%
2 - Continue	50.0%	24.7%
3 - Consider	35.7%	62.0%
4 – General	0.0%	28.1%
5 - Specific	0.0%	41.1%

For Tunisia All of the recommendations in the first cycle were in categories 1-3, with no general or specific recommendations. In the second cycle, however, recommendations were more evenly spread and focused in their majority on actions or consideration of actions.

Changes in Morocco's recommendations occurred primarily in two categories. There were far fewer recommendations of the broad "sharing experience" nature (category 1) in favor of more recommendations for actions of a general nature. This change can probably be ascribed to the more developed nature of the UPR process itself, with States feeling more comfortable with making targeted recommendations one full cycle later.

IV. Discussion and Policy Implications

It should be stated at the outset that what seems like a *tour-de-force* above is neither exhaustive nor comprehensive. It is more of an indicative summary that nevertheless reveals some common issues and problems across the ten countries reviewed, many of which should have been warning signs of Arab public dissatisfaction. This broad-brush analysis of percentages and trends can only point the way to more in-depth research and analysis contextualizing the role of UN human rights mechanisms in an understanding of the reality of the human rights situation in each country, the political dynamics at work, and the general regional and international environment. Nevertheless, the juxtaposition of information gleaned from this review nets some interesting indicators that can at least help build some general policy directions and strategies.

1. Assessing Arab States' engagement

The data demonstrates that States in the region have been active and engaged in United Nations human rights protection machinery, perhaps less with the treaty bodies and special procedures than with the Universal Periodic Review process. It should also be added that Arab States' engagement in these mechanisms has not strayed far from global trends. This engagement will probably continue and even improve, as long as the international oversight process remains "cooperative" and does not require submission to any mandatory international scrutiny.

States in the region have fairly high ratification rates of international human rights treaties and conventions, as the table in Section II (A) shows. Membership in the two core Covenants reaches 75% of States, 86% for the torture convention and near universal regional ratification for the child right and women's rights conventions. Every State member of the Arab League is a party to the convention on racial discrimination. Interestingly, those three treaties that enjoy such high ratification in the region deal with quite problematic human rights issues in the region.

Arab States appear to be less willing to deal with the independent experts of the human rights system. They are hesitant to discuss specifically their human rights performance, or to risk a public "naming and shaming" process since the visit reports of the experts. However, the fact that they are less than enthusiastic about inviting Special Rapporteurs and Working Groups does not mean that their performance is not discussed. Those Special Procedures do rely on communications received from complainants and the States as well as generally available information, such as from human rights organizations' reports, in making their assessments and including them in their annual reports to the Human Rights Council.

The interesting new development is the Universal Periodic Review Process, and Arab States have demonstrated active engagement with it. They submitted their reports in a timely fashion, engaged in the public discussions of their records, and accepted the majority of recommendations made. It's clear from Section III, however, that they accepted the recommendations that did not condemn their human rights practices outright and did not require them to take any specific actions.

2. Human Rights Issues

The comments and observations of treaty bodies, Special Rapporteurs, and the UPR took up the full gamut of human rights as areas of concern, but the following issues were subjects of focused discussion and commentary. It should be remembered that the research on treaty body observations was limited to selected rights, so this summary should be seen as indicative and not comprehensive. It will highlight some of the issues but without prejudice to the total picture of human rights in the region.

What emerges is a difference between the Arab and non-Arab world in a number of but not all areas of concern. In the UPR reports and recommendations, civil and political rights concerns were raised twice as frequently by international NGOS and four times more by non-Arab States than they were by national/regional NGOs

and Arab States respectively. The focus was in particular on problems in the areas of freedom of conscience, expression, association and assembly as rights not protected in the region. Arab States were almost silent in their recommendations on those rights, and entirely silent on issues of the physical security of citizens, including protection from torture.

Treaty body observations also noted the tight regulation of freedoms of expression, association and assembly, which has placed severe constraints on civil society in the region and consequently, on effective participation in the articulation of policies. Open discussion of policies is made very difficult when criticism of government is not allowed.

In the area of economic and social rights, this trend is reversed, with region-based national and international NGOs and Arab States focusing on those rights twice as frequently as INGOs and non-Arab States did. Arab States focused in their recommendations on improving education, protection of children and on efforts to reduce poverty. They focused less on labor rights, an area that was of more concern to the non-Arab States in their recommendations. The situation of children was also highlighted in the treaty body observations, in particular child labor and health and children's access to equal educational opportunities.

According to the treaty bodies and independent experts, States were seriously remiss in guaranteeing women's enjoyment of the full range of their rights, including equal access to development and to employment, education and training opportunities. Beyond discrimination and the inherent violation of women's rights, the region is missing out on the participation of half its population in moving forward on development. For women, children and for the population as a whole, a number of comments were made about the urban-rural divide. Populations living in the urban areas where services are more accessible and political attention focused generally fare better than their counterparts in the outlying and rural areas. States clearly did not live up to their responsibility to guarantee equality of access and equal enjoyment of rights.

It should be noted and emphasized that human rights law is clear on the legal obligations of States under human rights law to protect the rights of non-citizens as well as citizens, without prejudice to citizenship-related political rights such as the right to vote and be elected. Human rights bodies focused concerns on non-citizens, including refugees and migrant workers, commenting especially on the treatment of women migrant domestic workers in nearly all of the countries of the region. The issue received similar attention in the recommendations to Arab States of the UPR process.

None of this is surprising, of course, and national, regional and international NGOs as well as specialized organizations (UNDP, ILO, UNICEF, WHO) and research centers have the detailed reports, studies and analyses. Indeed, volumes have been written from economic, political, sociological, anthropological, religious, historical, gender and other perspectives to describe the current state of affairs in the Arab region, and to explain the reasons behind it. What the UN mechanisms have added is reminding States in the region that they have a legal obligation to take measures to ameliorate the situation, and proposing specific recommendations and actions to help them do so.

3. The 'Arab Spring' Effect

The 'Arab Spring ' revolts began in December 2010, and continued throughout 2011. Has it had any effect on NGO or State engagement with the UPR in terms of issues and recommendations? The treaty bodies and Special Procedures will not be considered here given that each of their processes occur once every few years, and only a few countries can be considered at a time whereas in the UPR all countries are considered for all rights once every four years.

The answer to the above question is obfuscated because of the changing and developing nature of the UPR. The Arab revolts began halfway through the first cycle of the UPR, but as the sessions progressed, States became more and more comfortable with the process itself, and recommendations increased exponentially. Whether the Arab revolts had a direct effect on the number and quality of those recommendations is more difficult to discern.

We may be able to draw some tentative conclusions from the data analysis of the first and second cycles of the UPR. It may be that in situations of political tensions, where repressive policies and severe restrictions on civic life are in practice, NGOs highlight civil and political rights, but State recommendations remain broad and only mildly critical, but with a significant focus on economic, social and cultural rights. Conversely, in situations of relative stability, opportunities arise for CSOs to engage the government on fine-tuning its human rights practices, and their concerns are spread more evenly across the spectrum of human rights issues. State recommendations are also equally spread and tend to be more detailed and nuanced. This is evident in our comparison of Tunisia and Bahrain on the one hand, and Morocco on the other.

In the case of Morocco, NGOs continued to demonstrate concern with civil and political rights, but shared with States their focus on economic and social rights. While it's difficult to extrapolate this to a general observation, it may be that if a country is relatively stable and not facing significant political crises, everyone – States and civil society – can be free to pursue the necessary agenda of development and focus more on important economic and social issues facing the country. This is further borne out by a review of the categories of States' recommendations and how they changed from the first to the second cycle of the UPR.

For Tunisia, it was a changed government that presented the country's second cycle report. It had already rapidly begun to institute reforms and make changes, and consequently, the type of recommendation changed significantly.

The second cycle for Bahrain, with its continuing political crisis, netted a much higher number of recommendations in the civil and political rights, State obligations under human rights law and the administration of justice categories together comprising nearly 80% of all recommendations as opposed to 66% in the first cycle. In both cycles, economic, social, cultural and women's rights lagged behind.

One may conclude from the foregoing that an 'Arab Spring effect' may be discussed for the countries that have directly undergone a regime change or significant political crisis, but is more difficult to discern in other countries where the situation has tended to remain relatively stable.

4. The Growing Role of NGOs

NGOs at the national and regional levels have also utilized the UPR as a new mechanism for holding States accountable, bringing the traditional methods of "naming and shaming" into new perspective. Thus the UPR may indeed represent an important 'social accountability' mechanism, defined as

> …an approach towards building accountability that relies on civic engagement, i.e., in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability.[124]

Can we assume that 'social accountability' was at work in the human rights processes of the UN? Certainly civil society organizations at the national, regional and international levels work towards holding States accountable for their actions in the human rights field; it's their *raison d'être.* For the past four decades, national, regional and international NGOs have been submitting shadow reports to the treaty bodies, have met with the mandate

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124 Carmen Malena, with Reiner Forster and Janmejay Singh, Social Accountability: *An Introduction to the Concept and Emerging Practice*, The World Bank, Participation and Civic Engagement Paper No. 76, December 2004, p. 3.

holders appointed by the Human Rights Council (and the Commission on Human Rights before it). The case of the UPR was no exception, and CSOs took advantage of the space opened up by the process and engaged actively with the review of each of the States.

The answer is more complicated on their success in "exacting accountability;" whether States actually paid heed to CSO interventions, and took account of the issues civil society organizations raised in their recommendations to the States under review. A full answer to this question is beyond the capacity of this study, as it would require interviewing each and every state delegation to the UPR, and consideration of inter-state relations and global political dynamics, all of which directly affect the type of recommendations States make as well as tone and focus.

A review of the record of the inter-active dialogue held for each UPR session did not provide any insight either, as no direct references appear to have been made by State representatives to the stakeholder reports or concerns of NGOs.

This brings us back to what we can glean from the numbers. The data paints a varied picture, as the following table demonstrates. Here, the frequency with which all NGOs raised the nine categories of rights is compared against the frequency with which those issues were noted in Arab and non-Arab States' recommendations that were accepted by the State under review.[125]

	ALL NGOs	All States
CIVIL & POLITICAL RIGHTS	37.2%	13.3%
ECONOMIC SOCIAL & CULTURAL RIGHTS	13.9%	28.1%
ADMIN OF JUSTICE/JUDICIARY/DETs/PRISONS	16.8%	3.9%
WOMEN'S RIGHTS & STATUS/FAMILY LAW	9.5%	18.3%
LEGISLATION/INSTITUTIONAL PROTECTION	6.7%	15.7%
MINORITIES/REFUGEES/TRAFFICKING	7.6%	9.3%
CONFLICT AND COUNTER-TERRORISM	4.8%	1.9%
TREATY OBLIGATIONS/RESERVATIONS	3.0%	4.0%
HUMAN RIGHTSEDUCATION/TRAINING/CB	0.5%	5.5%

Looking at the percentages in this table, it is difficult to discern a consistent pattern or even a direct relationship between what CSOs felt were important human rights priorities requiring action, and what States considered and the ten countries accepted in their recommendations. The two issues of most concern to NGOs were civil and political rights and administration of justice questions, raised, respectively, three and four times as frequently as States raised them. On the other hand, economic, social and cultural rights, women's status and rights, and the institutional structures of human rights protection topped the list of State concerns, and were raised in the recommendations twice as often as NGOs noted them in their stakeholder reports. NGOs raised problems with human rights protection in the context of States' counter-terrorism efforts two and a half times more frequently that States did, but the reverse is true for human rights education and capacity building.

Both appear to be equally concerned with States' ratification and implementation of international treaty obligations and cooperation with UN human rights mechanisms, including the issue of withdrawing reservations to treaties (most of which related to CEDAW), and with resolving the growing problems faced by migrants, refugees and trafficking in persons.

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125 Percentages based on the data in Section II above.

A closer look within the region might help discover to what degree the national and regional NGOs' issues of priority accorded with what Arab States considered important in their own recommendations to the ten countries reviewed. As the following table shows, the gaps appear even more clearly in most areas, particularly in the top five categories listed. This leads to the obvious, but perhaps superficial conclusion that, comparing the frequency with which issues were raised, there is little agreement between what national/regional NGOS believe and what States think are important human rights issues that the reviewed State needs to work towards improving or at least pay attention. This is not to say that NGOs, within the region and internationally, have had no effect or no influence whatever on State recommendations in the UPR, only that it would be difficult to show.

	Nat'l/R NGOs	Arab States
TREATY OBLIGATIONS/RESERVATIONS	4.9%	0.9%
LEGISLATION/INSTITUTIONAL PROTECTION	7.2%	17.6%
ADMIN OF JUSTICE/JUDICIARY/DETs/PRISONS	17.3%	1.8%
CIVIL & POLITICAL RIGHTS	27.7%	4.4%
ECONOMIC SOCIAL & CULTURAL RIGHTS	17.6%	31.7%
WOMEN'S RIGHTS & STATUS/FAMILY LAW	10.7%	18.5%
MINORITIES/REFUGEES/TRAFFICKING	10.4%	8.8%
CONFLICT AND COUNTER-TERRORISM	2.6%	1.3%
HUMAN RIGHTS EDUCATION/TRAINING/CB	0.9%	10.1%

Regardless of the degree of their success in influencing matters, the Universal Periodic Review did provide a greater opportunity than ever before for civil society organizations, at the national level in particular, to be part of formal discussions of human rights conditions in their countries. The process encouraged organizations to contribute to the stakeholder summary either individually or through joint submissions with others. Many training workshops were held by a number of non-governmental organizations, UN agencies and donors on the new UPR process.

To help gain some perspective, we rely on a previous study, commissioned by OHCHR Middle East Regional Office, into Arab NGO engagement with UN treaty body mechanisms. The research found that between 2004 and 2009, national NGOs within the region made 66 submissions to 9 treaty bodies, more than a third of which were to the CEDAW and CRC committees alone.[126] Comparatively, for the four years of the first cycle of the UPR, national NGOs offered 192 submissions to the UPR process, mostly individually but many in joint submissions as national coalitions or with regional or international NGOs.[127]

Further evidence of the increasing engagement and growing importance of NGOs in the UPR process, is that for the four countries that have undergone a second cycle of the UPR, NGO submissions nearly doubled: from 35 in the first cycle, to 60 in the second.

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126 Joseph Schechla, *The Use of Human Rights Mechanisms by Human Rights Defenders in the Middle East, 2004–09*, unpublished research commissioned by the Middle East Regional Office of the High Commissioner for Human Rights, Beirut, June 2010, p. 12.

127 While this may be a debatable comparison, it nevertheless gives us some indication as to the degree of engagement by Arab CSOs. The complicated variable here is that treaty body interventions only dealt with the countries reporting to those committees during the five-year period 2004-2009, while the UPR submissions were aimed at the ten countries considered in this study in the four years 2008-2011.

As noted above, NGOs also contributed to the preparations of some governments' national reports. For some countries, this was the first opportunity for them to engage directly with their governments on the issues. Arguably, it was also the first time that some governments opened their doors to direct discussions with civil society on human rights issues. In the UPR, this is an expectation built into the modalities of the process and it is evidently here to stay.[128]

It remains to be seen whether or not NGOs will work – or be allowed to work -- in partnerships with governments in implementing the recommendations accepted at the UPR. The relationship between States and Civil Society certainly varies from country to country and serious problems remain in most countries of the region. The cooperative framework of the Universal Periodic Review has put into motion a reconsideration of this relationship in a number of countries. UN agencies working in human rights, governance, development and related fields can play a crucial bridging role here, provided they can maintain the trust of both as neutral arbiters that nevertheless insist on the human rights-based approach as mandated by the United Nations.

5. Human Rights Mechanisms and Implications for Human Rights Policy and Development Programming

Since human rights are a matter of entitlement devolving from the legal obligation of States, they should be considered in all programming in the region both as a focus and a methodology. Indeed, the human rights-based approach (HRBA) was formalized in 2003 as "A Common Understanding Among UN Agencies," which laid out the elements of this approach.[129] UNDP in particular has made a significant commitment to this direction in its Governance portfolio with its focus on human rights, access to justice and to information, and accountability in public administration.[130]

This query is whether human rights mechanisms, particularly the new UPR process, can offer any suggestions as to programming priorities in the Arab region, for the United Nations and others. One approach to finding an answer is to see which were areas of common concern or interest for both the NGO community and for States. One may assume that the issues of concern most focused on by both NGOs and recommending States would be areas of attention in human rights programming in the region. Given that the reviewed States accepted these recommendations, they may have potential for more positive response and engagement by States, and may be arenas for cooperation.

For that, we return to an analysis of the data collected this study for some guidance to compare the frequency of attention to the listed broad categories of human rights concerns as raised by national/regional and international NGOs and in the recommendations offered by Arab and non-Arab States and accepted by the States reviewed.[131]

Economic, social and cultural rights emerge as an area of most accord. This is followed by women's rights and by legislative and institutional protection of human rights, which are in turn followed by issues related to refugees and trafficking in persons.

Human rights education was not much focused on by NGOs, but quite frequently by Arab States in their recommendations. They seemed to intimate that once people know about human rights, and once officials and the public are "educated" or "trained" there would be improvement. At the same time, States did not offer many recommendations that deal with human rights as legal obligations under international treaties. This false dichotomy may present problems in any future collaborative programs. Individual behavior by those responsible

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128 Human Rights Council Resolution 5/1 , *Op. Cit.* para 3(m).

129 See http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies

130 http://www.undp.org/governance/focus_intro.shtml

131 Annex II, Graph 12.

is certainly important, but protecting and guaranteeing human rights is more a matter of having clear legislative provisions and effective institutional accountability mechanisms as the treaty obligations require.

The following table looks in more detail at specific economic and social rights and orders them by the priority accorded by NGOs and States (priority meaning frequency of mention in the interventions at the UPR):

NGOs	Priority	States
ESCR-general, poverty, social security, adequate standard of living	1	Right to education
Right to work, labor rights	2	ESCR-general, poverty, social security, adequate standard living Child rights
Right to health Child rights	3	Right to health
Persons with disabilities	4	Persons with disabilities
Right to education	5	Right to work, labor rights
Environment/pollution	6	Environment/pollution

Both NGOs and States are generally in accord on the priorities accorded most ESCRs, with the exception of the right to education, which tops the Arab States' list but comes 5th on the NGO list, and labor rights which comes 2nd for NGOs but 5th for States. Framed as support for States' implementation of accepted UPR recommendations, Programming in these areas of closest accord may net good results in terms of State responsiveness to collaboration with civil society organizations.

WOMEN[132]	NGOs	Arab States
Violence against women/FGM	3.17%	1.76%
Rights and status of women, family law	3.46%	3.08%
Discrimination against women in employment, wages	2.88%	7.49%
Political role of women, women in parliament	1.15%	6.17%

Interestingly, Graph 12 shows that States generally raised women's rights more frequently in their recommendations than NGOs did in the stakeholders' reports. A more detailed look further reveals that States encouraged an increase in the role of women in public life and their holding of public office such as in parliaments as this table shows. Similarly, States were concerned about strengthening the role of women in the economic sector, and eliminating discrimination against them in employment, wages, benefits etc. It should be noted that most of the interventions in the area of family law and the general status of women related to women's rights to give nationality to their children.

Another more detailed look at the third category of common interest, the issue of legislative and institutional protection of rights, one notes the strongest focus by both national NGOs and States on the establishment of national human rights institutions (NHRIs) or the strengthening of existing ones. This has been a growing phenomenon in the Arab region, and NHRIs have flourished although their degrees of compliance with the

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132 Percentages are relative to the total number of issues raised by NGOs and States respectively.

Paris Principles vary a great deal.[133] Another concern within this category is cooperation with UN human rights mechanisms. Interestingly, 5.7% of recommendations by the Arab States related to encouraging the reviewed State to invite Special Procedures mandate holders. This can be an area where UN offices can play an important supportive role, facilitating the three-way communication and exchange of information between governments, civil society actors and thematic or country mandate holders.

   The issue of migrants and refugees represented 6.6% and 4.3% respectively of the issues raised by NGOs and States respectively. As mentioned above, many of their comments related to migrant workers, and migrant domestic workers in particular and the importance of solving some of the outstanding problems in this arena has been steadily growing. States have clearly expressed an interest in dealing with this issue but have not yet found the right formulas that can break the old *kafeel* (sponsorship) system in use throughout the region.

   This paper does not suggest that civil and political rights should be de-emphasized in programming because they were less frequently noted in the recommendations of Arab States, nor emphasized because they were most frequently raised by NGOs, along with administration of justice issues. The inevitable conclusion is that any programming in any area, if it is to involve the participation of civil society organizations at any stage, must include attention to those rights. CSOs cannot contribute at any level if their freedoms of opinion, expression, association or assembly are not guaranteed and respected in law and practice.

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133 The Paris Principles are a set of guidelines for NHRIs established as an annex to General Assembly Resolution 48/134. See OHCHR, *National Human Rights Institutions: History, Principles, Roles and Responsibilities*; Professional Training Series No. 4 (Rev.1); New York and Geneva 2010, p. 164-7; available at http://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf

Concluding Remarks

In the Outcome Document of the 2010 Millennium Summit States recognized the interconnectedness of human rights, development, peace and security (paras.3, 13), Gender equality (12, 53), participatory, community-led strategies (23e), reform of international financial institutions and their role in development (40). "Inclusive and equitable economic growth" appeared throughout the text, (43, 47, and elsewhere), and finally, the re-affirmation that "respect for and promotion and protection of human rights is an integral part of effective work towards achieving the Millennium Development Goals." (para. 53, and 55).[134]

Certainly, Arab governments may resist using human rights as a basis for development or other engagement. They are nevertheless UN Member States and participated in the adoption of policies and declarations, including the entire human rights treaty system, the Human Rights council, and the Outcome Document of the Social Summit above. The connection needs to be made, however, between international development cooperation and domestic and international legal obligations. The latter must inform the former. International treaty commitments and the willingness to cooperate are both entered into voluntarily, and they are both designed for the benefit of societies and each individual within society. UN and other program and donor agencies, as well as governments around the globe are bound to consider the legal protection of human rights in this cooperation.[135]

While there may still be some general resistance to the human rights paradigm in some circles in the region, States and societies in the Arab region have recently moved on from the view that human rights are a form of 'Western neo-colonialism.' This is evident in the discussion of ratifications and engagement above. The more common discourse now is that Arab and Islamic culture are equally valid sources of human rights concept, and that Islam already guarantees rights in a manner largely consistent with human rights law. This debate, while important to help encourage States to sign and ratify human rights treaties, becomes immaterial to the fact that once they do ratify those treaties (and they have), they become legally obligated to implement them.

Despite some protestations to the contrary, States in the Arab region are cognizant of these legal obligations. This has been demonstrated in their engagement with the treaty bodies and more recently in their active engagement with the Human Rights Council's Universal Periodic Review. It is time to move away from the view that the human rights paradigm is a sensitive matter that cannot be broached in the Arab region. Indeed, UPR discussions have proved very useful in pointing to human rights issues of concern and these issues can indeed form a basis for programming and development work. Interested stakeholders, including NGOs, UN agencies and aid agencies have the potential now to frame their work in the context of assisting States to implement the UPR recommendations that they have accepted during their review.

The uprisings in North Africa and the Middle East in 2011 were clear expressions of people's frustrations with unaccountable government, ineffectual economic policies, rampant corruption, and the exclusion of the intended beneficiaries of development from any participation in the debates on public policy. Despite some successes in some countries at regime change, this situation has not yet markedly improved and the change will not be sustainable without a change in *modus operandi*. Incorporating a human rights lens and practical strategies and approaches in any new development model is imperative, not only because of the legal requirements to do so, but because it offers an opportunity to try something new. The challenge before national civil society organizations, the UN and other international organizations is to consider how to work cooperatively with governments while at the same time insisting that governments change their methods of work and do what they legally must do.

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134 *Keeping the Promise: united to achieve the Millennium Development Goals*, Outcome Document (22 September 2010) GA Document A/65/L.1

135 See, for example, *Summary of the Draft Guidelines on a Human Rights Approach to Poverty Reduction*, available at http://www2.ohchr.org/english/issues/poverty/docs/SwissSummary1.doc (March, 2004). See also *The Right to Development and Practical Strategies for the Implementation of the Millennium Development Goals, Particularly Goal 8.*, UN Document E/CN.4/2005/WG.18/TF/CRP.1. (November 2005)
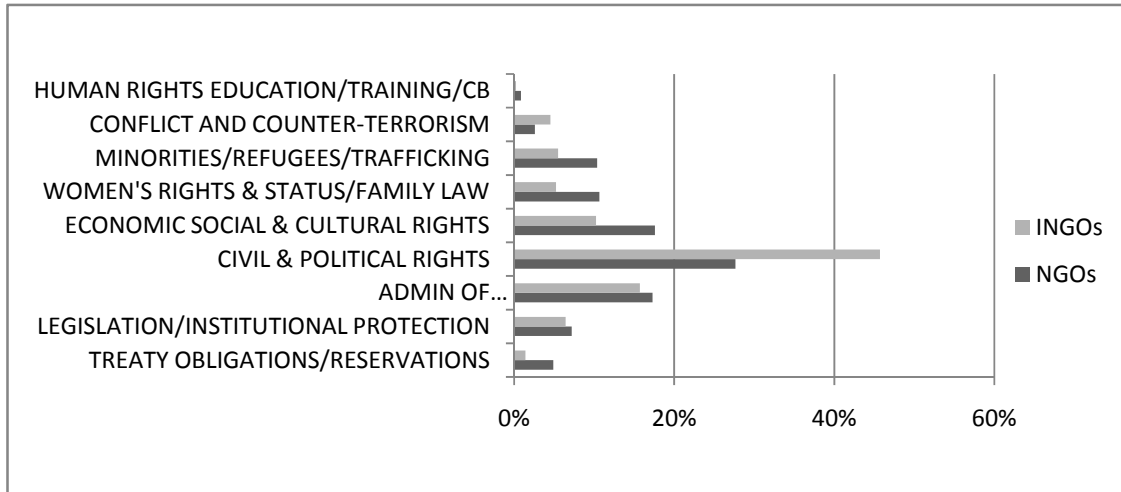
Annex I

Arab States' Ratification of Human Rights Instruments (As of 13/02/2013)

Data Extrapolated from Office of the High Commissioner for Human Rights, Link to *Ratification Status of Human Rights Treaties, http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx*

| Legend Yes (1), No (0)	Yemen	UAE	Tunisia	Syrian Arab Rep.	Sudan	Somalia	Saudi Arabia	Qatar	Oman	Morocco	Mauritania	Libya	Lebanon	Kuwait	Jordan	Iraq	Egypt	Djibouti	Bahrain	Comoros	Algeria	Instrument
21	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	CERD
2	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	CERD: Art. 14
16	1	0	1	1	1	1	0	0	0	1	1	1	1	1	1	1	1	1	1	0	1	CCPR
5	0	0	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	1	OPT. PROT.
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	2nd OP
16	1	0	1	1	1	1	0	0	0	1	1	1	1	1	1	1	1	1	1	0	1	CESCR
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	OP-CESCR
18	1	1	1	1	0	1	1	1	0	1	1	1	1	1	1	1	1	1	1	0	1	CAT
4	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1	CAT : Art. 22
3	0	0	1	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	OPCAT
19	1	1	1	1	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	CEDAW
2	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	CEDAW: OP
20	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	CRC
19	1	0	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	CRC:OPSC
16	1	0	1	1	1	0	1	1	1	0	1	0	1	1	1	1	1	1	0	1	1	CRC:OPAC
0	0	0	0	0	0	0	0	0	0	S	0	0	0	0	0	0	0	0	0	0	0	CRC:OPIC
6	0	0	0	1	0	0	0	0	0	1	1	1	0	0	0	0	1	0	0	0	1	CMW
15	1	1	1	1	0	1	1	1	1	1	1	0	0	0	1	1	1	1	0	0	1	CRPD
8	1	0	1	1	1	0	1	0	0	1	0	0	0	0	1	0	0	1	0	0	0	CRPD: OP
3	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	CPPED
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	CPPED Art. 31
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	CPPED Art. 32

Annex II

Graphs

1. General categories of human rights raised by NGOs (Source: UPR stakeholder reports)
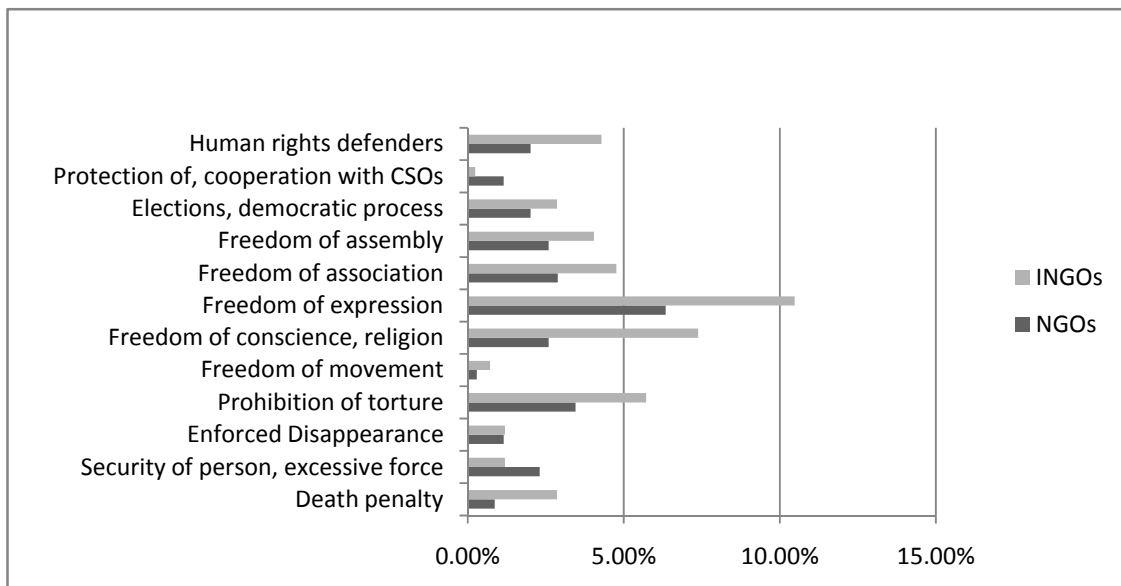
**2. Civil and political rights issues raised by NGOs (Source: UPR stakeholder reports)**
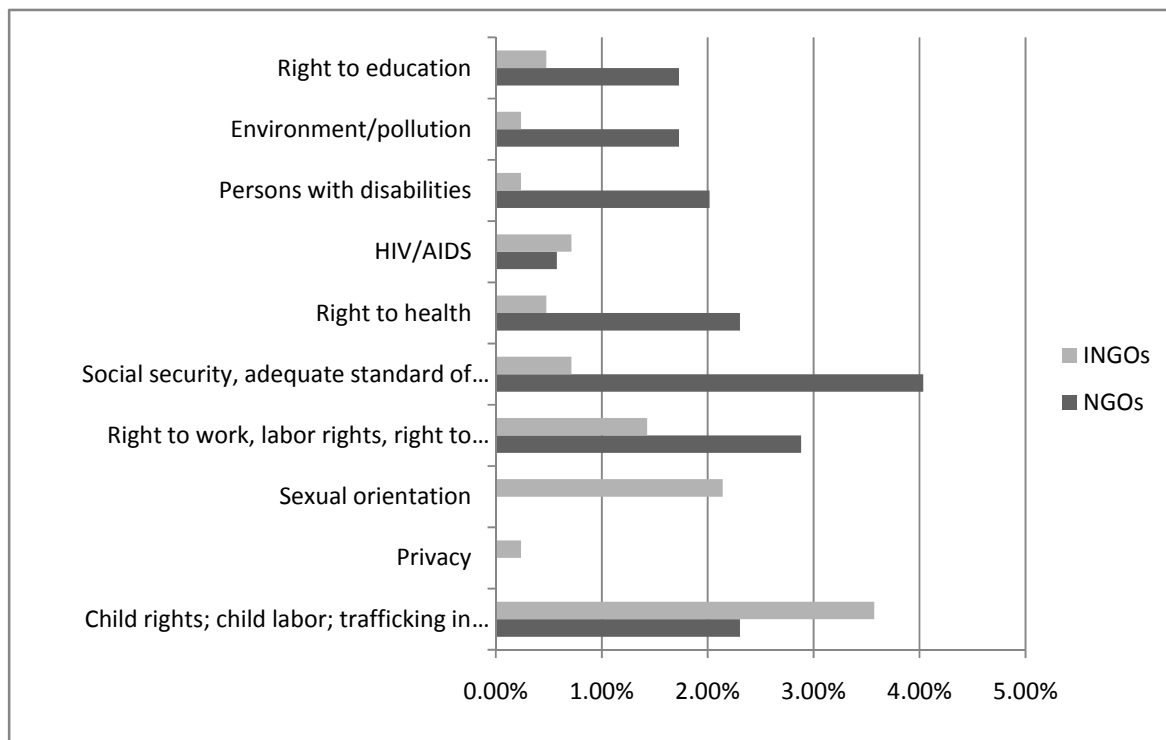
**3. Economic, social and cultural rights issues raised by NGOs (Source: UPR stakeholder reports)**
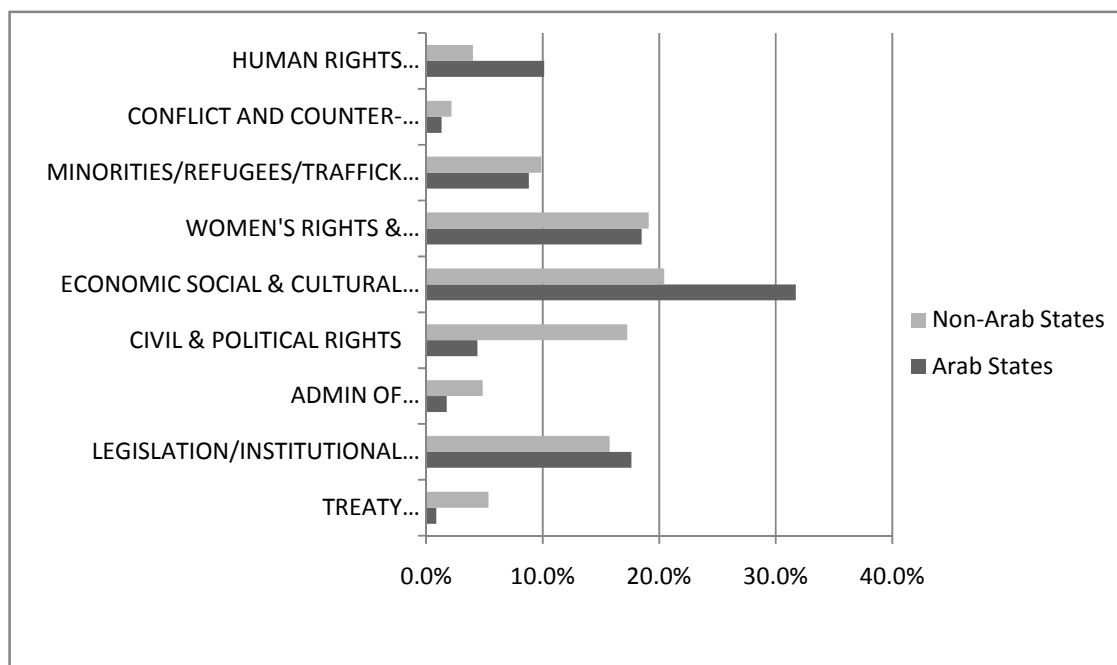
4. General categories of human rights raised in the recommendations accepted by States (Source: UPR Working Group reports)
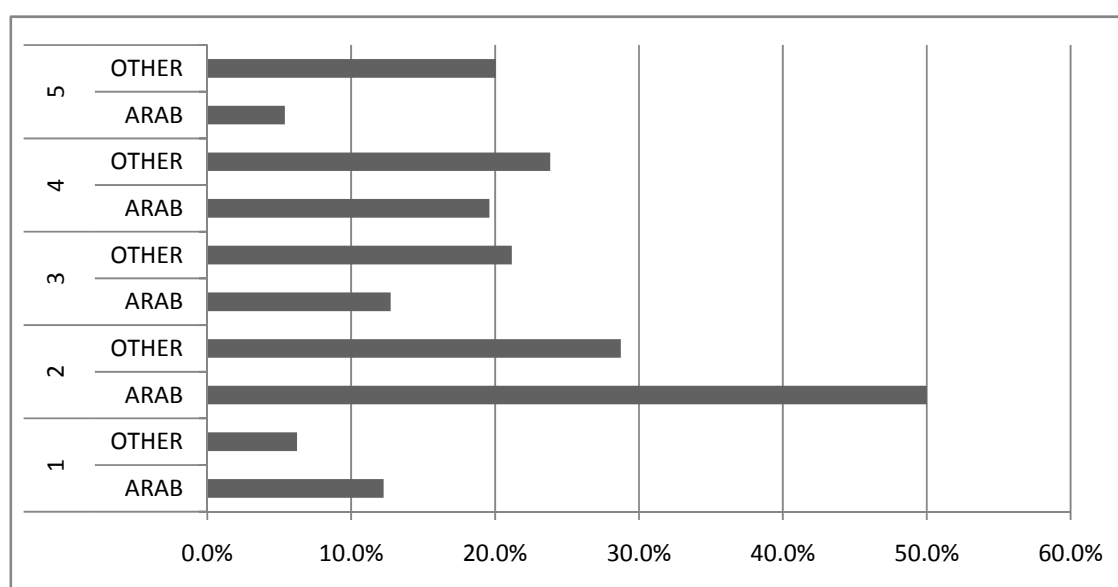
5. Civil and political rights raised in the recommendations accepted by States (Source: UPR Working Group reports)
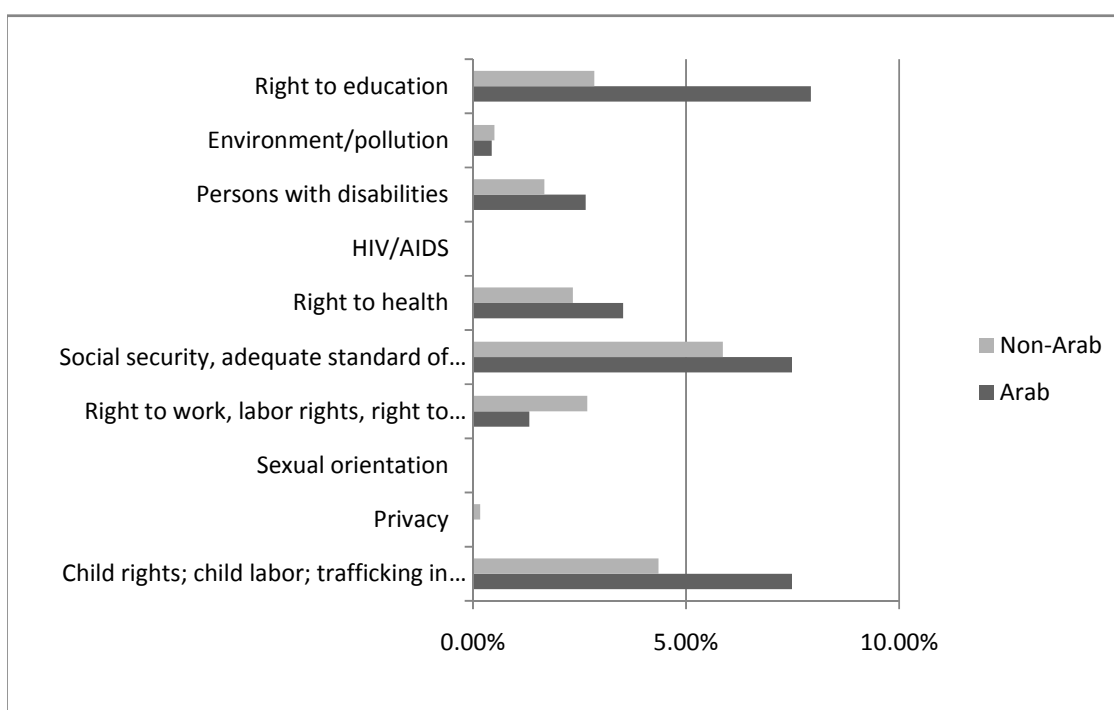
6. Economic, social and cultural rights in the recommendations accepted by States (Source: UPR Working Group reports)
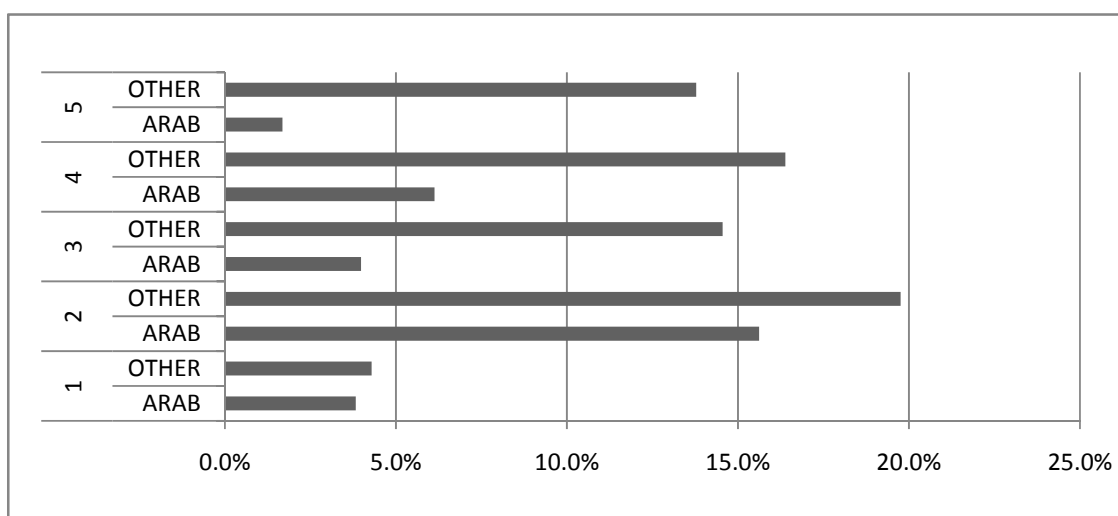
7. **Percentage per category of all recommendations accepted (Source: UPR Working Group Reports)**

**8.** **Percentage per category of recommendations accepted within State group (Source: UPR Working Group Reports)**
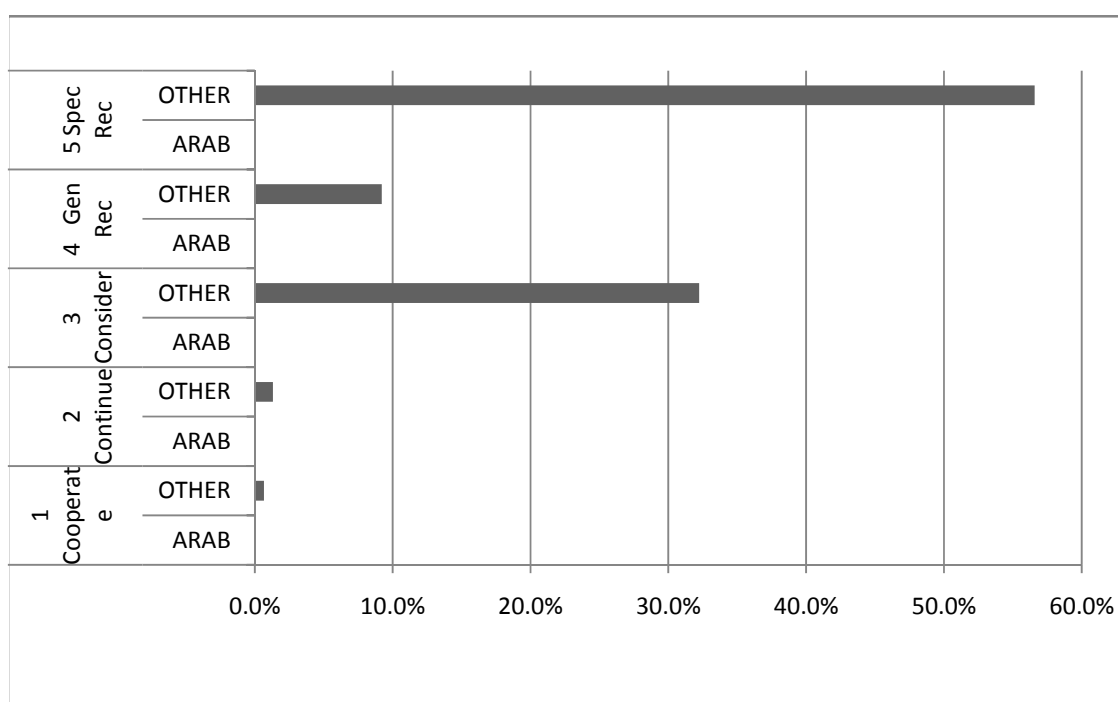
9. Recommendations rejected by category as a percentage of all categories (source: Working Group reports)
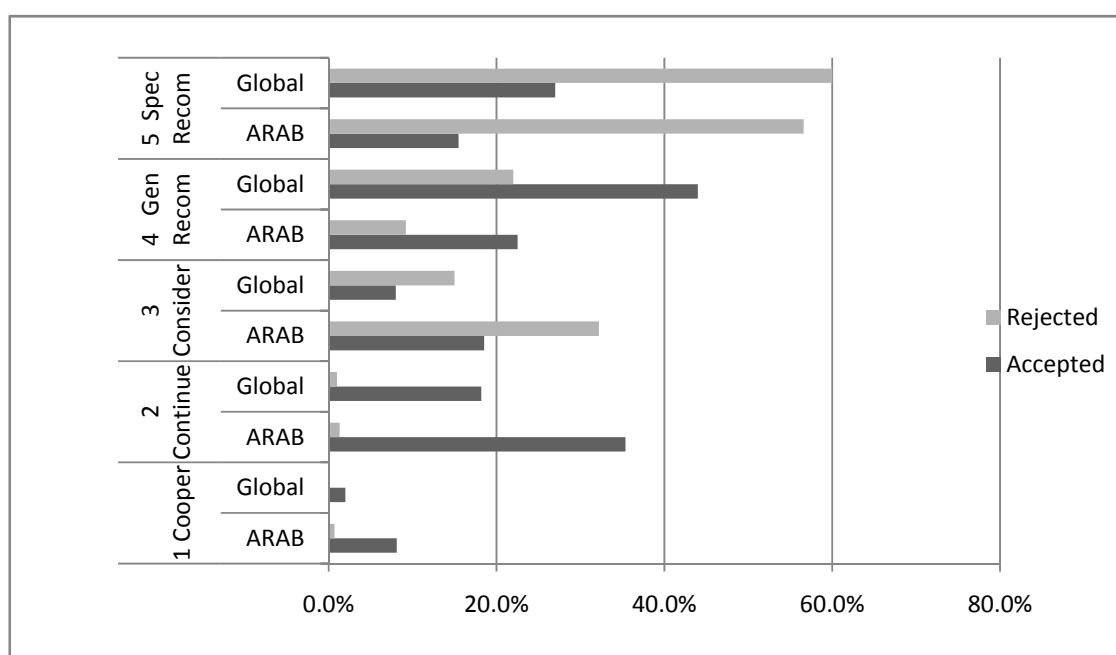

10. Comparative responses to recommendations as percent of category.[136]

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136 Sources: UPR Working Group reports and McMahon, Op. Cit. p. 18. Global percentages are approximations as McMahon's study only provided a bar graph without actual percentages. The remaining three categories (to be examined, no response, general response) were not included because it was too open-ended and inconclusive to assist in any deductions.
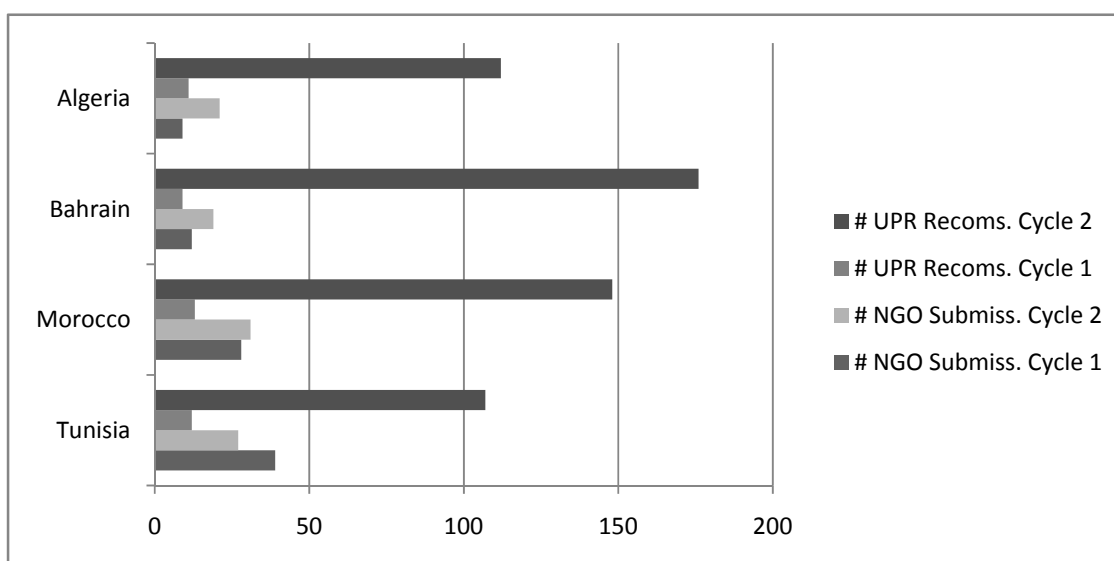
11. Recommendations and submissions comparison (Source: UPR stakeholder reports and Working Group reports)
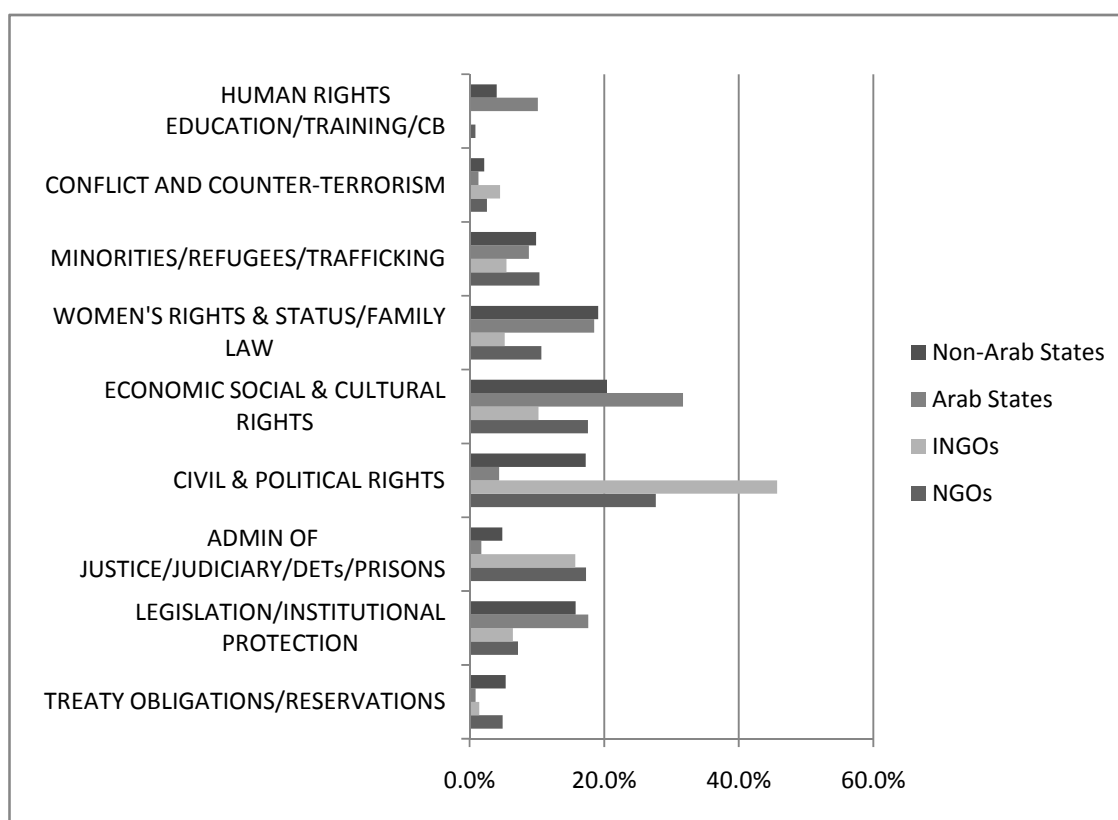
12. Human rights issues in stakeholder submissions and State recommendations (Source: UPR stakeholder summaries and Working Group reports)