

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights while countering terrorism; and the Special Rapporteur on the right to education.**

REFERENCE:  
UA SAU 8/2017

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the human rights of migrants; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights while countering terrorism; and Special Rapporteur on the right to education, pursuant to Human Rights Council resolutions 34/18, 33/9, 34/21, 34/35, 31/16, 31/3 and 26/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **adverse situation and the violations of human rights of Qatari migrants in the Kingdom of Saudi Arabia, as well as Saudi Arabian migrants in the State of Qatar as a result of the Saudi Arabian government's decision to suspend ties with the State of Qatar. We wish to bring particular attention to the subsequent violation of the human rights of migrant workers, including agricultural and domestic workers, who are employed by Qatari nationals in the Kingdom of Saudi Arabia.**

According to the information received:

On 5 June 2017, the Kingdom of Saudi Arabia severed ties with the State of Qatar. This involved the closure of air, land, and sea routes, in relation to both trade and migrant residents. Qatari nationals were ordered to leave the Kingdom of Saudi Arabia within 14 days, whilst Saudi Arabian citizens were given the same timeframe to leave the State of Qatar. An estimated 8,254 Saudi Arabian nationals are allegedly residing in the State of Qatar. This order has threatened the most vulnerable groups, including women, children, persons with disabilities and older persons. The Government of Qatar has reportedly not taken action against Saudi Arabian citizens.

Mixed-citizenship families have been affected and the order has caused Saudi-Qatari families to be separated. Widowed and divorced Qatari women living in the State of Qatar whose children have Saudi nationality from their father, are at risk of being separated from their children after the order for nationals to return home. Similarly, as a result of the order, widowed Saudi Arabian women living in the State of Qatar are at risk of being separated from their children who have Qatari citizenship from their father. The Saudi Arabian order has reportedly affected Qatari women married to approximately 556 Saudi men, as well as Qatari men married to approximately 3,138 Saudi women.

Moreover, Qatari nationals have reportedly been denied entry into the Kingdom of Saudi Arabia following the death of their family member. Similarly, the Saudi authorities have allegedly prohibited Saudi Arabian nationals from entering the State of Qatar for the burial of their family member's body in the State of Qatar. Furthermore, the Kingdom of Saudi Arabia has allegedly limited the citizens and residents of the State of Qatar from undertaking financial transfers and postal transactions, thereby blocking financial transfers to dependent family members, including women and children.

Qatari nationals were allegedly prohibited from entering the Kingdom of Saudi Arabia for the *Umrah* pilgrimage to Mecca. Residents were reportedly forced to leave their property in the Kingdom of Saudi Arabia and were prohibited from re-entering for *Umrah*. Qatari nationals that made reservations in hotels in the Kingdom of Saudi Arabia for the purpose of performing *Umrah* have been prohibited from entering the country and the hotels refused to refund the pre-paid hotel costs. Qatari migrants were prohibited from finishing their *Umrah* rituals, and forced to leave the Kingdom of Saudi Arabia. Qatari migrants have allegedly been prevented from travelling directly from Jeddah Airport to Doha Airport, but instead, had to fly through Turkey. This has resulted in increased stress and financial costs on the affected individuals.

Qatari migrant students in the Kingdom of Saudi Arabia and Saudi Arabian migrant students in the State of Qatar pursuing their studies in schools or universities have been prohibited from doing so because of the order asking them to leave their country of residence. Saudi Arabian students in the State of Qatar have had their exams postponed to allow for them to take their exams at a later date. This has allegedly not been the case for Qatari nationals studying in the Kingdom of Saudi Arabia, who have been unable to complete their exams and obtaining educational documents from their university in the Kingdom of Saudi Arabia.

As a result of the order for Saudi nationals to leave Qatar, Saudi Arabian migrants, including children that were being treated in hospitals in the State of Qatar have allegedly been asked to return to the Kingdom of Saudi Arabia. Similarly, Qatari migrants residing in the Kingdom of Saudi Arabia who suffer from health conditions, including persons with disabilities in need of specialised or with ongoing medical treatment in Bahrain, have allegedly had their treatments halted and their health subsequently impacted.

Saudi Arabian nationals working in the State of Qatar, as well as Qatari nationals working in the Kingdom of Saudi Arabia risk losing their jobs following the issued instructions by the Saudi authorities to leave their jobs and return to their homeland. Individuals who are dependent on the travel between Qatar and the Kingdom of Saudi Arabia have also reportedly been affected. For those completely financially reliant on the flow between both countries, this order has led to a cutting of their only source of income. For example, business owners have allegedly had their income levels affected as a result of the halt of trading convoys, and the expiration of large quantities of food or health supplies.

Furthermore, migrant workers relying on free movement between both countries have allegedly lost their jobs and proper compensation has not been ensured. Individuals who own factories in the Kingdom of Saudi Arabia and who supply their produce across the border to the State of Qatar have also experienced alleged losses following the severed trade route. Reportedly, Saudi nationals working in the public and private sectors in Qatar have also been forced to return to the Kingdom of Saudi Arabia resulting in the loss of employment without compensation. Similarly, Qatari nationals working in the Kingdom of Saudi Arabia have also lost their employment without compensation.

Saudi Arabian migrants in the State of Qatar working in media outlets have allegedly been pressured to resign from their jobs by the Kingdom of Saudi Arabia. Those who have not yet submitted their resignation have allegedly been pressured to do so by the Saudi Arabian authorities. In addition, the Kingdom of Saudi Arabia has reportedly imposed penalties of up to 5 years' imprisonment and fines of up to 3 million riyals for "sympathizing" with Qatar, considering any word, "like" or tweet an internet crime.

Qatari migrants in the Kingdom of Saudi Arabia that have leased land and that own livestock, such as camel and sheep, in the Kingdom of Saudi Arabia have also been affected. Following the 5 June 2017 order, assets and property have reportedly been confiscated, consequently prohibiting Qatari migrants from using their property or disposing of it. Qatari migrants fear losing their livestock and are uncertain about the future for their properties. The freezing of the assets of Qatari migrants in the Kingdom of Saudi Arabia has allegedly resulted in difficulties

transferring money. If this condition endures, the anticipated consequences are loss of property, or lawsuits for owners who fail to pay monthly debts. In addition, Qatari nationals have allegedly been unable to withdraw money in bank accounts in the Kingdom of Saudi Arabia.

Temporary migrant workers, including agricultural and domestic workers, from countries including Bangladesh, India, Pakistan and Nepal, that have been hired under Qatari issued and approved work permits that allow them to reside in the Kingdom of Saudi Arabia have been affected by their Qatari employers being barred from entering the Kingdom of Saudi Arabia. The Kingdom of Saudi Arabia has allegedly provided three month visas for the migrant workers of Qatari employers that arrive in the Kingdom of Saudi Arabia under the Qatari employer's sponsorship. The Qatari nationals that have been sent back to the State of Qatar have allegedly been unable to leave with migrant workers under their sponsorship. In addition, Qatari nationals are not in a position to renew their migrant workers' work permit and are unable to renew work visas when expired. There is an alleged risk of subsequent sanctions and penalties against migrant workers sponsored by Qatari national. This group of migrant workers fear getting caught by the police with expired visas, being deported for overstaying their visa or for having a Qatari employer and being banned from returning for years. These migrant workers have not been able to travel out of the Kingdom of Saudi Arabia and have found themselves without access to shelter and monetary income to provide for their basic needs such as food. Certain Qatari nationals have allegedly lost contact with migrant workers and are trying to find ways to provide for their basic needs. Hundreds of migrant workers have allegedly been affected by Qatari employers being unable to pay salaries as a result of financial transfer services being halted. This has resulted in the loss of jobs, loss of income, potential loss of status and the displacement of migrant workers within the Kingdom of Saudi Arabia.

Migrants impacted by the situation fear revealing their identity due to the potential measures and actions such as arbitrary punitive action and other forms of sanctions that could be subsequently taken against them if they lose status in Saudi Arabia or fail to comply with the Kingdom of Saudi Arabia's order.

On 11 June 2017, the Kingdom of Saudi Arabia issued a royal order to take into account the humanitarian situation of mixed Saudi-Qatari families who were affected by the ban. However, no implementation mechanism has been indicated or established. Furthermore, there has been no compensation or alternatives offered to families and individuals who have had their human rights violated and been affected by the blockade.

Given the harm this order has on thousands of Qatari residents in the Kingdom of Saudi Arabia, Saudi Arabian residents in the State of Qatar, as well as migrant workers living in the Kingdom of Saudi Arabia, we consider the alleged situation of extreme gravity. Serious concerns are expressed at the numerous rights being infringed, including the right to movement and residence, family reunification, education, work, freedom of expression, health, freedom of religious practice, and the right to private property, without discrimination on any basis.

While we do not wish to prejudge the accuracy of these allegations, particular concern is expressed regarding the precarious situation, particularly the uncertainty about their work permits, the lack of income, food and shelter that migrant workers working for Qatari employers in the Kingdom of Saudi Arabia are experiencing.

In connection to the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government's to its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the regional Arab Charter on Human Rights. We would like to recall that, while States have a sovereign right to determine conditions of entry and stay in their territories, they also have an obligation to respect and protect the human rights of all individuals under their jurisdiction, regardless of their nationality, origin or immigration status.

We would like to bring to the attention of your Excellency's Government Article 7 of the Universal Declaration of Human Rights (UDHR) that states that "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination." We would furthermore like to stress the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), acceded to by the Kingdom of Saudi Arabia on 23 September 1997. Article 5 provides for the enjoyment of civil rights including: the right to freedom of movement and residence within the border of the State; the right to leave any country, including one's own, and to return to one's country; the right to own property; and, the right to freedom of opinion and expression. It further provides for the enjoyment of economic, social and cultural rights, including: the rights to work, to free choice of employment, and to protection against unemployment; the right to housing; the right to public health, medical care, social security and social services; the right to education and training; and, the right of access to any place or service intended for use by the general public, such as transport and hotels.

Furthermore, we would like to bring your attention to the General Comment No. 30 of the Committee on the Elimination of Racial Discrimination, on discrimination against non-citizens. In specific, non-citizens should be ensured equal access to effective remedies, including the right to challenge expulsion orders, and non-citizens are allowed

to effectively pursue such remedies. The State Party should “ensure that non-citizens are not subject to collective expulsion, in particular in situations where there are insufficient guarantees that the personal circumstances of each of the persons concerned have been taken into account”. In addition, it should “avoid expulsions of non-citizens, especially of long-term residents, that would result in disproportionate interference with the right to family life”. State Parties should “ensure that States parties respect the right of non-citizens to an adequate standard of physical and mental health by, inter alia, refraining from denying or limiting their access to preventive, curative and palliative health services”.

We would like to bring your attention to Article 9 and Article 12 of the UDHR that stipulate that “no one shall be subject to arbitrary arrest, detention or exile”. Article 13 articulates that “everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and to return to his country”. Your Excellency’s Government has further obligations under the Arab Charter on Human Rights (ACHR), acceded to by your Excellency’s Government on 15 April 2009, Article 26 that provides that “every person lawfully within the territory of a State Party shall, within the territory, have the right to liberty of movement and freedom to choose his residence in accordance with applicable regulations”. Article 27 further articulates that “no one shall be arbitrarily or unlawfully prevented from leaving any country, including his own, nor prohibited from residing, or compelled to reside, in any part of his country”.

Article 23 of the UDHR further expresses the right of everyone “to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”. Furthermore, the ACHR articulates the right to work in Article 34, which provides for the freedom to work and equality of opportunity without discrimination of any kind as to any statuses, including national origin. It states that every worker has the right to enjoy “just and favourable conditions of work”, and every State Party shall ensure protection to workers migrating to its territory in accordance with the laws”.

Further, we would like to stress that Article 19 of the UDHR provides that everyone has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. This right applies to “everyone”, regardless of their citizenship or any other form of status. Its application across frontiers is furthermore stipulated in Article 32 of the ACHR.

We would like to draw your Excellency’s Government attention to Article 18 UDHR, which states that everyone has the right to freedom of thought, conscience and religion and to manifest his belief in teaching, practice, worship and observance. Further

and according to Article 30 of the ACHR, everyone shall, have the freedom to manifest or practice one's religion or beliefs or to perform rituals.

Concerning the family separation, especially of widowed and divorced women from their children, we would like to refer to the rights of women. We would further like to refer your Excellency's Government to Article 16 of the UDHR that states that "the family is the natural and fundamental group unit of society and is entitled to protection by the society and the State". Furthermore, Article 10 of the Convention on the Rights of the Child (CRC), acceded to by the Kingdom of Saudi Arabia on 26 January 1996, which establishes, inter alia, that "applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by State Parties in a positive, humane and expeditious manner". This should be read in the light of Article 3 of the Convention which provides that the best interests of the child shall be a primary consideration. In this connection, I would like to recall to your Excellency's Government Paragraph 10 of the General Assembly Resolution 62/156 which "urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations and take into account, in conformity with their international obligations and commitments, the principle of the best interest of the child and family reunification". Moreover, Article 9 of the Convention on the Rights of the Child provides that States Parties "shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child".

The aforementioned rights are raised again in the ACHR. It states in Article 33 that the family is the natural and fundamental unit of society. The State and society are obliged to provide for the protection of the family and its members, for the strengthening of its bonds. They undertake to provide outstanding care and special protection for mothers, children and the elderly. Young persons have the right to be ensured "maximum opportunities for physical and mental development".

Lastly, we would like to refer to Article 16 of the CRC that stipulates that "no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation". The right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health is recognized in Article 24. It further states that States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. In addition, Article 28 provides that State Parties recognize the right of the child to education, ensuring in particular that primary education is compulsory and available free to all, and take measures to encourage regular attendance at schools and the reduction of drop-out rates.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. What measures have been taken to ensure that families with mixed Saudi-Qatari nationalities are prevented from separation?
3. What measures are in place to ensure that Qatari nationals are able to exercise their right to freedom of religion, without discrimination on any basis?
4. What measures have been taken to guarantee the protection of the human rights of migrant workers employed by Qatari nationals in the Kingdom of Saudi Arabia, without discrimination on any basis?
5. How has the right to health been guaranteed in relation to Saudi Arabian migrants living in the State of Qatar and Qatari nationals residing in the Kingdom of Saudi Arabia?
6. What actions have been taken to guarantee access to education for Qatari migrant students in the Kingdom of Saudi Arabia, as well as Saudi Arabian migrant students in the State of Qatar to pursue their education at schools and universities, without discrimination on any basis?
7. Please provide information on the compliance with international and regional instruments in guaranteeing the right of freedom of movement and residence.
8. Has compensation been provided to migrants, particularly those who own property and businesses, affected by the severed relations between the Kingdom of Saudi Arabia and the State of Qatar?



9. Please provide information on how the criminalization of online expression based on grounds of “sympathizing with Qatar” is applied and enforced, and explain how this is legal basis for restricting expression is compatible with international human rights standards.
10. What measures have been taken to guarantee the aforementioned human rights of migrants, without discrimination on any basis in compliance with your government’s obligations under international law?

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We wish to inform you that a letter with similar content has been sent to the authorities of Bahrain and the United Arab Emirates.

Your Excellency’s Government’s response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Felipe González Morales  
Special Rapporteur on the human rights of migrants

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

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