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Inés Jiménez Llorente

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# **A Worrisome Trend: Travel Bans Imposed on Human Rights Defenders in the MENA Region**

Inés Jiménez Llorente

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## **Abstract**

Many human rights defenders (HRDs) are targeted by authoritarian governments for their work promoting and protecting human rights. These attacks can take multiple forms, though one has become increasingly common in certain countries of the Middle East and North Africa (MENA) region: travel bans. What are the trends and patterns of these travel restrictions? This article addresses this question using a qualitative approach based on a combination of desk research and field research drawn from semi-structured interviews. In focusing on how five countries –Bahrain, Egypt, Saudi Arabia, Turkey, and United Arab Emirates– utilise travel bans against HRDs, I observe that accusations linked to travel bans are often accompanied by other threats, that justifications used by authorities are frequently based on fabricated charges on national security, and that the increased use of travel bans muzzles the communication between HRDs and their regional and international partners.

**Keywords:** Travel Bans; Human Rights Defenders; Reprisals; MENA; NGOs

## **Introduction**

As a result of their work promoting and protecting human rights, many human rights defenders (HRDs) are victims of undue restrictions by their governments. With the goal of intimidation and deterrence, authoritarian governments make use of practices that can go from a warning telephone call, smear campaign, surveillance, travel ban, denial of medical assistance, torture, imprisonment, sexual assault, and even death in some cases. Around the world, reports of these attacks, threats and reprisals have increased in the past few years.<sup>1</sup> A number of international non-governmental organisations (NGOs) and international government bodies, including the Inter-American Commission on Human Rights (IACHR),<sup>2</sup> have been reporting and denouncing governments responsible for those practices. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has also been documenting alleged reprisals against HRDs who seek to

cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights.<sup>3</sup>

The array of tools some governments use to deter HRDs' work is ample; among them, one has become increasingly common in certain countries of the Middle East and North Africa (MENA) region: travel bans.<sup>4</sup> Travel restrictions are a low cost but effective measure for governments trying to clamp down on dissent. Traditionally, travel bans have been given low priority attention by international non-governmental organisations and international government bodies. After all, travel bans are relatively new and they are not as widespread as other violations.<sup>5</sup> This may explain why there are mechanisms to address certain violations such as extrajudicial executions, arbitrary arrests and enforced disappearances, but none to address the issue of travel bans beyond the opportunity to raise the issue every five years in a country-specific context under the United Nations' Universal Periodic Review (UPR).<sup>6</sup> Furthermore, travel bans impede civil society organisations' ability to inform the international community about noncompliance of treaty obligations. Thus, travel bans further serve as a mechanism for states to reduce the cost of human rights abuses by making them less visible.<sup>7</sup> These observations motivated me to examine how certain authoritarian regimes in the MENA region are justifying travel bans, their broader context, and their underlying motivation.

In order to gain deeper insight into this question, this study exposes trends and patterns of travel restrictions imposed on HRDs in five countries in the MENA region – Bahrain, Egypt, Saudi Arabia, Turkey, and United Arab Emirates. The selection of countries in this study responds to the criterion of greater number of publicly accessible travel ban cases issued on HRDs since the 2011 uprisings. Lack of available data due to the fear of reprisal is part of the study's limitations. The reported cases I relied on include those summarised in the UN Secretary General annual reports on reprisals, reports submitted to the Human Rights Council as 'Compilation of UN information' and 'Summary of stakeholders information' under the UPR, NGO reports and other publications.

This research follows a qualitative approach based on a combination of desk research and field research drawn from interviews conducted with HRDs impacted by travel bans. The interviews were semi-structured and conducted over the phone, ranging between thirty-five and forty-five minutes each. Permission to record the interviews as well as to include names was granted by the interviewees. I have deliberately omitted names and direct references to HRDs from whom no express authorisation was granted to include in this publication. The article starts by providing country-specific background and a summary of the legal instruments used against HRDs including case profiles and other prominent travel ban cases. Then, the following section provides a comparative analysis of each country's use of travel bans and a conclusion.

### **Bahrain: Systematic Mass Travel Bans**

In early 2011, within the Arab uprisings framework, pro-democracy protestors took to the streets demanding political and constitutional reform. Over a six-week period, the government's use of force against protestors escalated up to a complete crackdown with the declaration of a 'State of

National Safety.’ A number of HRDs and opposition figures, known as the Bahrain Thirteen, were tortured and hauled before a military tribunal accused of plotting against the government.<sup>8</sup> Since then, authorities have drastically stepped-up threats against Bahrainis who criticised the system of government or state policy on social media which, after the 2017 closure of the independent newspaper *al-Wasat*, had been the only venue left for dissident political speech.<sup>9</sup> HRDs in Bahrain report there is now a much higher risk of doing their work.<sup>10</sup>

A pattern of reprisals has emerged in Bahrain in the past few years to prevent HRDs from reporting on severe rights abuses in the country and/or engaging with the UN. Travel bans are one common practice. The legal instruments used are based on Law No. 58 of 2006 on the Protection of Society from Terrorist Acts, Law on Political Associations, and repressive provisions of the Penal Code.<sup>11</sup>

Some of the most prominent travel bans are those imposed on the founding member of the MENA Civil Society Coalition to Counter Incitement to Hatred and Director of Bahrain Interfaith (August 2015), Secretary General of the Bahrain Nursing Society (June 2016), a Bahraini journalist and women’s rights advocate (July 2016), and on the president of Bahrain Transparency Society (April 2017). Between June and September of 2016 twenty-four individuals were banned from leaving the country while on their way to the Human Rights Council’s thirty-second and thirty-third sessions.<sup>12</sup> Similarly, in April 2017, eighteen HRDs were put under travel bans. They were participating in Bahrain’s UPR in Geneva before the UN Human Rights Council in May.<sup>13</sup> According to estimates gathered by local HRDs, over twenty-five defenders and members of civil society have been banned from travel in Bahrain since June 2017. The issuance of mass travel bans by state authorities happens systematically prior, and during, Human Rights Council sessions, as well as during Bahrain’s UPR.<sup>14</sup>

Head of Women and Children Rights Advocacy at the Bahrain Centre for Human Rights (BCHR), Nedal Al-Salman, has been prevented from travel a number of times. In August 2016, while on her way to Geneva to participate in the UN Human Rights Council, officials at Bahrain International Airport told her she was not allowed to travel. A couple of days later she was summoned for questioning and only then she learnt there was an open investigation against her regarding her participation in an ‘illegal gathering’.<sup>15</sup> She denied that she participated in the gathering and the police let her go.

About a year later, while on her way to Canada to attend a meeting of the global IFEX network dedicated to promoting freedom of speech, and after confirming with the government’s online service that no travel ban had been issued against her, she was again stopped and prevented from boarding her flight. She was summoned for questioning regarding her participation in the same ‘illegal gathering’ she had been asked about before. No charges were filed against her. About a year later, she was stopped at the airport for about four hours upon her arrival from a trip to Geneva and questioned about the reasons for the trip. After that, she was allowed to come and go from Bahrain until she was again denied exit to attend the EU-NGO Forum for Human Rights. She and her colleagues were also followed a few times when attending meetings with embassies’ officials. Al-Salman described this as a signal for them to stop doing that work.<sup>16</sup> Al-Salman was eventually

able to travel again. She figured Bahrain's government was allowing some HRDs to travel internationally to show 'certain openness.'<sup>17</sup>

In describing civil society's situation in Bahrain, Al-Salman said that 'most human rights defenders have been silenced or forced to exile. They are afraid of reporting their cases. They have to be very careful. Speaking out in Bahrain means you put yourself in trouble.'<sup>18</sup> She added that although 'men can be watched more closely than women, women can face harsher reprisals, such as sexual harassment, threats, defamation... Living in a country that is conservative and where families care about reputation, it may be harder on them [women]. The government is still worried of arresting more women specially with the community rejecting that idea, although this might change any time.'<sup>19</sup> When asked about what international organisations can do, she said that 'raising awareness about their cases and what's happening in Bahrain helps, especially given the blackout from the media. When a statement comes from an international organisation, it has more credibility than when it comes from a local organisation. The government cares for its reputation.'<sup>20</sup>

### **Saudi Arabia: De Jure Travel Bans in Combination with Prison Sentences**

The Arab uprisings of 2011 did not gain as much traction in Saudi Arabia as it did in other neighbouring countries. The Crown banned protests as they started taking place in Riyadh and the Eastern Province where Saudi Shias mostly concentrate. Hundreds of people were arrested and tried on various charges including disobeying the ruler.<sup>21</sup> In subsequent years, demonstrations continued sporadically in Shia towns and other parts of the country by reform advocates and women's rights activists. In May 2018 another wave of repression swept the country with authorities targeting women HRDs who had peacefully advocated for the right of women to drive and overall gender equality.<sup>22</sup> Saudi Arabia's systematic repression of freedom of expression and human rights has seen unprecedented international criticism in recent years. In 2019, Saudi authorities announced several reforms affecting women's rights.

The Law on Associations excludes any mention of human rights and extends wide discretionary powers to the Ministry of Social Affairs, including denial of licenses to new organisations and disbandment if deemed to be 'harming national unity.'<sup>23</sup> No independent human rights organisation has been able to register since the law entered into force in 2016. Since 2011, judges of the Specialized Criminal Court have been drawing extensively on Saudi's counter-terror law and Anti-Cybercrime Law to issue up to thirty-year sentences followed by travel bans. Journalists, HRDs, writers, and women's rights activists have been subjects of these reprisals in which their travel bans are a de jure form of punishment passed by the court in combination with prison sentences.<sup>24</sup> Some of these cases include a fifteen-year travel ban following fifteen years' imprisonment imposed on the head of the Monitor of Human Rights in Saudi Arabia in July 2014, a ten-year travel ban following five years in prison imposed on a blogger and human rights activist in November 2014, and a ten-year travel ban following a four-year prison sentence imposed on the co-founder of Saudi Civil and Political Rights Association (ACPRA) in March 2015.<sup>25</sup>

Amnesty International and the Saudi independent human rights NGO, ALQST, have reported that at least thirteen Saudi Arabian writers and journalists have been under travel bans since February 2019.<sup>26</sup>

### **The United Arab Emirates: A Routine to Stop HRDs' International Engagement**

In March 2011, while political change was sparking protests across the region, 133 citizens of the United Arab Emirates - including judges, lawyers, academics, and journalists - signed a petition and handed it to state authorities. They called for democratic reform of the Federal Nation Council, free elections by all citizens and reform of the legislation governing the parliament to include legislative and monitoring authorities. The authorities responded with a campaign of repression on freedom of expression, assembly and association resulting in a reduction of civil society activities, including NGOs engaging with the UN Human Rights Council.<sup>27</sup> Since then, more than a hundred peaceful activists and critics of the UAE government have been imprisoned on broad and vague national security-related charges.<sup>28</sup>

The most common legislation used by UAE authorities is the 2014 Counter-Terrorism Law. This instrument provides state authorities with broad powers to prosecute HRDs and peaceful critics. The vague and overly broad definition of terrorism has been used widely against HRDs, spanning from travel bans to lengthy prison terms.<sup>29</sup> Freedom of association has been severely restricted under the Federal Law No. 2 of 2008 on National Societies and Associations of Public Welfare. This law grants the government broad discretionary powers over the registration of NGOs, which has led to the dissolution of established organisations on vaguely defined grounds.

Travel bans as a tool to stop HRDs in their international engagement efforts have been commonly used since 2012 when many HRDs were prevented from travelling to international human rights meetings.<sup>30</sup> Among those targeted by the measure is a member of the Gulf Centre for Human Rights (GCHR), and the Advisory Committee of Human Rights Watch's Middle East and North Africa Division (2011). The GCHR expressed concern for the increase in the number of travel bans being imposed on HRDs in the UAE and believes that such bans are directly related to their peaceful human rights activities, their calls for reform and the legitimate exercise of the right to freedom of expression.<sup>31</sup>

### **Egypt: All HRDs are Suspected Criminals**

As part of the Arab uprisings movement, the Egyptian uprising of 2011 led to the overthrow of long-time president Hosni Mubarak. A narrow election victory brought the Muslim Brotherhood to power. The continued economic hardship, the government's aimlessness and Morsi's successive power grabs led to more anti-government protests in 2013.<sup>32</sup> That same year, the military, headed by Abdel Fattah al-Sisi, ousted Egypt's first democratically elected president. In the years that followed, Egypt witnessed a rise of violence by Islamist insurgents, and a severe crackdown on the Muslim Brotherhood. In May 2014, al-Sisi won the election and became the new president of

Egypt. Four years later he won a second term facing virtually no competition. Since al-Sisi took office, authorities have jailed tens of thousands of peaceful critics and increased controls over traditional and social media.<sup>33</sup>

The most common legal references used to incriminate civil society in Egypt are the Penal Code, the 2018 Media and Cybercrime Law, the 2013 Protest Law, the NGO law, and Law 95 of 2015 for Confronting Terrorism. Among them, the NGO law represents one of the key pieces of legislation affecting NGO workers and HRDs. The numerous hurdles it creates for NGOs seeking to properly register and receive funding has restricted the ability to exist for most of them and for many HRDs to do their work.<sup>34</sup>

In 2011, security personnel raided the offices of multiple non-profits followed by the prosecution of forty-three Egyptian and non-Egyptian civil society workers, then sentenced them from one to five years in prison on charges of illegally receiving foreign funds and operating without a license. After considerable international controversy and degradation of US-Egypt relations, in December 2018 all foreign NGO workers were acquitted, ending the first phase of the case.<sup>35</sup> As part of the second phase, twelve Egyptian organisations were charged with illegally receiving funds from abroad and with operating through an unlawful entity using these funds for criminal purposes. In 2015 and 2016, the investigative judge put thirty-one heads of rights organisations under travel bans and issued orders to freeze the assets of several organisations, their founders and families.<sup>36</sup> According to rights groups, 217 people were banned from travel between June 2014 and September 2016.<sup>37</sup> The Irish-based human rights organisation Front Line Defenders has reported that at least thirty-one HRDs were under travel restrictions in 2019.<sup>38</sup>

Some of these travel ban cases were imposed on the president, vice president and project manager of the Egyptian Democratic Academy (December 2014), the executive director of the Egyptian Commission for Rights and Freedoms (June 2015), the founder of the Arab Network of Human Rights Information (February 2016), the founder and three other members of the Egyptian Initiative for Personal Rights (February 2016), the executive director of the Arab Centre for Independence of Judges and the Legal Profession (June 2016), the director of the Egyptian Centre for Economic and Social Rights (November 2016), the founder of the Centre for Egyptian Women's Legal Assistance (November 2016) and the chairman of the Egyptian Association for Community Participation Enhancement (October 2017).

HRD, feminist activist and executive director of Nazra for Feminist Studies, Mozn Hassan was banned from travelling at Cairo International Airport on 27 June 2016 while on her way to attend a meeting of the Women Human Rights Defenders (WHRD) Regional Coalition for the Middle East and North Africa. Since then, she has been systematically targeted on the grounds of the Case No. 173/2011, also known as the Foreign Funding Case. Hassan's personal assets as well as those of her NGO, Nazra for Feminist Studies, were also frozen. On 18 July 2020, the Criminal Court of North Cairo rejected her appeal against the travel ban and assets freeze.<sup>39</sup>

In my interview with Mozn Hassan, she said 'we are all suspected criminals' referring to HRDs and NGO workers in Egypt, adding that by banning them from travel, 'they want to stop our voices internationally, so people don't hear about us.' She described this harassment as a 'political tool

intended to make you afraid all the time and unable to plan your life; expect to be arrested anytime, killing any mental stability. It has also the effect of limiting your accessibility to the people you want to work with. They are making us pay the price of being connected to people locally, regionally and internationally.’<sup>40</sup>

Looking ahead, ‘it is risky to continue doing this work’ Hassan said. ‘Many people [working with her] have already left because it became so risky on them. Sometimes, you see yourself alone. It is a hard price I’m paying, but I’m proud of the work I’m doing.’<sup>41</sup> When asked about what international organisations could do for her and other HRDs in similar situations, Hassan said ‘because of the length of the process, we can easily be ignored and forgotten. This is something risky that could bring other bad consequences, so [what international organisations can do is] to continue to raise awareness and keep asking the Egyptian government to lift the travel ban and close this case.’<sup>42</sup>

Egypt Office Director of the Cairo Institute for Human Rights Studies (CIHRS) and recipient of the 2017 Martin Ennals Award, Mohamed Zaree, was banned from travelling internationally in May 2015 followed by an order issued by the investigative judge in the Foreign Funding Case. Charges against Zaree include receiving foreign funds with the intent of harming the state’s national security and interests. Zaree was released on bail while the Egyptian state’s prosecution of him, including the ban on travel, continues.

In my interview with Zaree, he said that travel bans issued on HRDs in Egypt is a tool the government is using to avoid human rights violations being exposed internationally. When he found out about his travel ban, he said he expected the worst, aware of the human rights violations already underway in his country. Zaree also sees the ban as a punishment the government is inflicting on HRDs for the work they are doing.<sup>43</sup> Zaree and a group of other HRDs have tried to challenge their travel bans and assets freeze. First, after the acquittal of foreign NGO workers in December 2018; they thought the court’s reasoning in the verdict could be used in their favour. The motion they filed was adjudicated by the same judge that acquitted the foreign NGO workers.

However, the request was rejected. In July 2019, Zaree together with other HRDs filed another request asking for their travel bans and assets freeze to be lifted, but in July 2020 the motion was denied.

After nearly five years under a travel ban, Zaree says he is starting to see this as a permanent ban aimed to isolate him from international partners. He fears having lost the momentum and being forgotten.<sup>44</sup> Zaree insisted that ‘raising awareness is key, otherwise we risk normalizing this violation.’<sup>45</sup> With regards to the ruling issued by an appeals court in Cairo on 5 December 2020 in which the court ordered the closure of the investigations into twenty organisations accused of illegally receiving foreign funds, Zaree offers a very different viewpoint. He says that the twenty organisations the court refers to were never harassed or under investigations before. Their staff was not even under a travel ban. Referring to this court’s decision, he calls it a show to make it look as if the case was being closed, but ‘actually no positive thing happened and no HRDs have had their travel bans lifted.’<sup>46</sup>

## **Turkey: A Blanket Ban**

Turkeys' growing intolerance for dissent started around 2013 and reached a turning point after the 2016 coup attempt. The government responded with a massive crackdown on civil servants and civil society. According to Human Rights Watch, nearly 90,000 civil servants were dismissed, hundreds of media outlets and NGOs were shut down, and judges, academics, journalists, activists and MPs were detained.<sup>47</sup> The government justifies the purges, arrests, and detentions as measures to combat terrorism, but local and international rights groups allege the government is using the attempted coup and terrorism as a pretext to silence any dissenting voices.<sup>48</sup> HRDs and activists have been specifically targeted to the point where their prosecution has become normalised.<sup>40</sup> Anti-terrorism laws and trumped-up coup related charges are used to target and silence peaceful dissent. More than 1,300 NGOs have been permanently closed under the state of emergency for unspecified links to 'terrorist' organisations.<sup>49</sup> Between 2013 and 2018, almost 100,000 cases have been opened under the Prevention of Terrorism Act.<sup>50</sup> Beyond terrorist group membership, other common charges against HRDs refer to 'disrupting the unity of the state', or 'inciting public to hatred and enmity.'<sup>51</sup> HRDs and anyone critical of the government are afraid that at any moment they may be banned from travel, taken into police custody and remanded in pre-trial detention on baseless charges.<sup>52</sup>

Long-standing and prominent human rights campaigner, Özlem Dalkiran, is among a group of HRDs, known as the Istanbul 10, who were detained on 5 July 2017 outside Istanbul on Büyükada Island, as they attended a human rights workshop. Dalkiran is an active member of the Citizens' Assembly as well as a founding member, former head of media and former chair of Amnesty International Turkey. Dalkiran and some of her colleagues were detained for 113 days before being released on bail on 25 October 2017, following their first hearing in the Istanbul 35<sup>th</sup> High Criminal Court. Dalkiran was informed at that time she was under a travel ban and other judicial restrictions. About two months later at the next court hearing, Dalkiran's travel ban was lifted. However, when she attempted to travel, she was stopped at the airport and told her passport was invalid.<sup>53</sup> Restrictions had not been removed from her passport record. Although this was eventually fixed, Dalkiran was not allowed to leave the country on that occasion. On 3 July 2020, Dalkiran was sentenced to a twenty-five months' imprisonment for 'aiding an armed terrorist organisation knowingly and willingly'.<sup>54</sup> The court's decision cited no grounds for the conviction. Dalkiran and other colleagues in the case are currently free while they appeal the verdict. In my interview with Dalkiran, she mentioned other cases in which travel bans were imposed without prior notification. She said that 'the number of individuals impacted by travel bans is so large that the measure seems rather a blanket ban. Those affected include not only HRDs but also academics, lawyers, journalists, film directors and others.'<sup>55</sup> She said, 'if you are lucky and are not arrested, almost for sure, you'll be placed under travel ban.'<sup>56</sup>

The Istanbul 10 case exposed Turkish authorities' assault on human rights and sparked reactions and condemnation worldwide. Many other cases remain in the dark. In January 2020, Turkey underwent its third UPR before the Human Rights Council in Geneva. The summary of

stakeholders' submission reported that 'after the coup attempt serious restrictions imposed on freedom of travel, including the cancellation of more than 230 thousand passport by administrative decisions, have been expanded as such which causes systematic arbitrary treatments.'<sup>57</sup>

## **Analysis and Conclusion**

Among the general worldwide rise of reprisals against HRDs, I have seen certain countries in the MENA region intensifying the use of a particular tool, travel bans. According to international human rights standards, any restrictions on travel should be issued in only exceptional circumstances, for reasons stated clearly and publicly, and be open to legal challenge.<sup>58</sup> None of the countries highlighted in the study adheres to this standard. Either as a de facto or de jure legal punishment, travel restrictions as a countermeasure against human rights monitoring are consistent with the backlash unleashed against the pro-democracy calls in the framework of the Arab uprisings. Ten years later, men and women engaged in the defence and promotion of human rights in the region are bound hand and foot and find themselves in an even less free world than the one they lived ten years ago.

In Bahrain, mass travel bans are regularly used by state authorities, especially before and during Human Rights Council sessions, and during Bahrain's UPR sessions. Bahrain is the only country that has an official service to check travel bans online. The Ministry of Justice, Islamic Affairs and Endowments launched it in July 2008 aiming to 'assist citizens and residents to easily obtain information concerning their legal status in relation to travel bans before considering travelling abroad.'<sup>59</sup> Nevertheless, the service is not always reliable. HRD Nedal Al-Salman was prevented from travelling on one occasion despite the online service's previous green light. Reprisals against HRDs and journalists who collaborate with the treaty bodies and the Human Rights Council are particularly common. This has raised concerns within the UN, which highlighted this trend in its 2019 reprisals report.<sup>60</sup> In Bahrain's latest UPR, the summary of submissions from stakeholders' highlighted Bahrain's failure 'to address adequately many of its recommendations related to the rightful activities of human rights defenders and to introduce any meaningful reform' adding that 'instead, they intensified their clampdown and oppressive security measures on human rights defenders and civil society.'<sup>61</sup>

In Egypt, travel bans are one of the most common tools used against HRDs. In only a few cases, travel bans are applied without further consequences; usually, they are part of an investigation opened by the public prosecutor or an investigative judge. Some individuals, however, are kept under the ban for years 'pending investigations' without being summoned for interrogation or having any recourse to appeal. Orders to freeze assets often go hand in hand with travel bans, applied to both personal and NGO assets. Case 173/2011 is at the heart of Egypt's crackdown on civil society. The 2018 resolution of the first phase of the case, in which all foreign NGO workers were acquitted, generated hope in Egyptian NGO workers linked to the case. However, this apparent de-escalation of restrictions is far from being the case for Egyptian HRDs whose

fundamental rights continue to be eroded with travel bans, asset freezes, detentions, and judicial harassment, leaving no hope on the horizon that a similar resolution could be applied to them.

In Saudi Arabia, the repression can be extreme, sometimes to a level not seen under previous Saudi leadership. HRDs continue to be banned from travel, arrested, prosecuted, imprisoned, and in some cases, killed for their peaceful activities and human rights work. Travel bans are in many cases handed down by the court as a *de jure* form of punishment in combination with prison sentences.

In Turkey, the increased clampdown on civil society over the last ten years reached alarming levels during the state of emergency that followed the coup attempt of 2016 and continues today through the legislation introduced immediately after the state of emergency was lifted. The common arbitrary use of travel bans has impacted hundreds of people, generating a climate of fear that is hostile to anyone with a dissenting view. A difference worth highlighting in Turkey's model is the use of a 'blanket ban' rather than a targeted approach more common in other countries.

In the United Arab Emirates, state authorities have routinely targeted HRDs in their quest to silence critical speech. The reduction of civil society activities, including the engagement of NGOs with the Human Rights Council through travel bans, has been common in the UAE since 2012. Explanations outlining the grounds for the restrictions are often denied or omitted altogether. Human rights organisations have also reported that these cases are frequently sent to be heard before specific judges with political affiliations rather than being designated to a judge at random in conformity with usual court procedure.<sup>62</sup>

Despite the differences, there appears to be an emerging pattern in the motivations and contexts behind travel bans across all five countries. First, accusations linked to travel bans issued to rights advocates rarely come alone. Frequently, they are followed by a de-legitimisation campaign that undermines HRDs' work and erodes public support, asset freezes, interrogations, detentions, confiscations of passports, and/or terrorist-related charges. These repressive practices render it virtually impossible for HRDs to continue doing their work. This is particularly hard on women HRDs living in traditional and conservative cultures such as those of Gulf countries where they often also confront the anger of families and communities that consider them to be jeopardising both honour and culture.<sup>63</sup> Intimidation and harassment are often also used against family members, either as a measure of deterrence for the HRD or as retribution for their work. In the United Arab Emirates, for instance, HRDs' relatives have faced travel bans, revocation of citizenship, and restrictions on their access to jobs and higher education.<sup>64</sup> Similar cases have been reported in Saudi Arabia,<sup>65</sup> Egypt,<sup>66</sup> and Bahrain.<sup>67</sup>

Second, the primary justification used to stifle critical speech is protecting the state from terrorist threats. Reported cases include individuals being charged with terrorism or links to it, blamed for cooperation with foreign entities or accused of spreading false news in order to threaten state security. For instance, in Egypt, tougher regulations under the anti-terrorism law led to cases where suspects were detained for months, sometimes years, without ever being referred to trial based on clandestine national security investigations.<sup>68</sup> In Turkey, the large number of prosecutions indicates that articles 6 and 7(2) of the Prevention of Terrorism Act are used to

systematically harass journalists and others on the basis of their expression. Between 2013 and 2018, almost 100,000 cases were opened in Turkey under the Prevention of Terrorism Act.<sup>69</sup> Laws also contain multiple provisions that are not fully defined. This vagueness gives government officials the power to make decisions based on unfair or discriminatory motives and invites arbitrary enforcement.

Third, the increased use of travel bans interferes with the cycle of information between HRDs and their regional and international partners. Less human rights monitoring by civil society worsens states' compliance with human rights commitments.<sup>70</sup> The international pressure governments receive to respect human rights deflates while allowing them to exert a greater control over the population. In light of this, there are a number of reasons why travel bans are becoming more popular. They are effective in blocking human rights monitoring without a real international mechanism to address it, they hardly represent a cost for governments, and because they are a relatively new practice, they are given low priority attention by the international community.

In order to facilitate the end of this human rights violation, the travel ban, this study suggests that it is important that, on one hand, the states of Bahrain, Egypt, Saudi Arabia, Turkey and the UAE abandon any restrictions on or obstacles to the activities of HRDs and any individual and organisation engaged in the protection and promotion of human rights, and allow independent civil society actors to carry out their work. This includes ensuring that HRDs can travel freely in order to attend international human rights events and access international human rights networks and mechanisms. It is key that these states also cooperate fully with UN treaty bodies and facilitate visits from the Special Procedures of the Human Rights Council. On the other hand, it is necessary that the UN Special Rapporteur on the situation of human rights defenders, and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, establish a mechanism to better collect information and track travel ban cases on HRDs by requesting all UN entities to report more regularly on such cases and encouraging them to take appropriate measures. And lastly, the UN ought to establish a mechanism to challenge travel ban cases imposed on HRDs, and their relatives, as a measure of reprisal.

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## **About the Author**

*Inés Jiménez Llorente* is a human rights advocate and a graduate of the University of Michigan's Gerald R. Ford School of Public Policy. Her research interests are in human rights, international migration, immigrant integration, democracy and global governance.

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