

# The 27<sup>th</sup> UPR Session in Geneva on Bahrain's Human Rights Record



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### **Introduction**

The Universal Periodic Review is an important, both event and mechanism, which could work as a counterbalance to evaluate and develop the situation of human rights in a particular state, by improving the relationship between the government and civil society in order to foster stronger collaboration and commitment.

Amid the increasing deterioration of the status of human rights in Bahrain, the UPR emerges to be as one of the awaited events by the independent activist and organizations to raise loudly their criticism of the systematic and ongoing violations and abuses committed by the authorities.

The government no doubt works on clearing its record, and on appearing in the international community as the custodian of human rights. However, activist and human rights defenders and organizations attempt at refuting this claim through documenting the true occurrence and violations on the ground, and presenting these evidence to the international body.

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### **Methodology**

In this report, we shed light on and evaluate the [recent UPR](#) of Bahrain that took place in May 2017, in Geneva, when 178 recommendations were released to the government of Bahrain. This report provides an analysis and evaluation of the significance of this event and its impact on the situation of Human rights in Bahrain.

The purpose of this report is to give a vivid demonstration of the effectiveness of the UPR mechanism and the assessment of the level of cooperation showed by the government to urge the international community including the most influential countries, human rights organizations, civil society organizations and human rights activists to exert effective pressure to implement the given recommendations.

### **Resources**

The report has been prepared based on the study, analysis and fact-finding of documents and reports issued by various international and local institutions, which have monitored the human rights conditions in Bahrain, including:

-Reports of international organizations concerned with the human rights situation in Bahrain.

- Reports of local international organizations that have monitored and documented human rights violations in Bahrain since February 2011.
- Newsletters and web sites focusing on the human rights situation and mechanisms, regarding Bahrain, in particular.

## **Unit 1: The Universal Periodic Review Mechanism**

### **1. UPR Mechanism**

The UPR is a unique mechanism, which involves a review of the human rights records of all the 193 UN Member States, once every four years. It is a significant innovation of the Human Rights Council, which reminds all UN Member States of their responsibility to fully respect and implement the fundamental human rights and freedoms. The ultimate aim of this mechanism is to improve the human rights situation in all countries and address human rights violations.

The UN General Assembly, created the Universal Periodic Review (UPR) on March 15, 2006, in resolution 60/251, which also established the Human Rights Council (HRC). The HRC is mandated to *"undertake a universal periodic review, based on objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States."*

The UPR provides the opportunity for each State to declare what actions they have taken to improve the human rights situations. 42 countries are scheduled for review each year, the UPR Working Group holds sessions three times a year to conduct the reviews. The HRC determined that *"the second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of human rights situations in the State under review."*

### **2. NGOs' Contribution**

There are [five main entry points](#) through which NGOs can provide input in the UPR process.

1. Contribute information at the national level through consultations with government agencies involved in drafting the report.
- 2.
3. When this is not possible or satisfactory, submit an alternative report, which will be summarized by the OHCHR
4. During the review in Geneva, observe the interactive dialogue (no statements can be made at this point)



5. Statements can be made during the plenary at the adoption of the final report
6. Assist national human rights institutions in the follow-up and implementation of the recommendations from the review

### **3. Reviews**

The UPR Working Group, which consists of the 47 members of the Council, conducts the UPR reviews; however, any UN Member State can take part in the discussion. Groups of three States, known as 'troikas', assist each state review.

The troikas are a group of three states selected through a drawing of lots who serve as rapporteurs and who are charged with preparing the report of the Working Group on the country review with the involvement of the State under review and assistance from the OHCHR.

During the first UPR cycle, the national government should conduct consultations with civil society. Additionally, in preparation for the second UPR cycle, the government also conduct another consultation with civil society. An email inbox is designed to which NGOs, civil society, and the public can send recommendations, demands, questions and concerns.

The review gives the complementary and mutually interrelated nature of international human rights law, and takes into consideration applicable international humanitarian law, and another including:

1. The Charter of the United Nations.
2. The Universal Declaration of Human Rights, human rights instruments to which a State is party.
3. Voluntary pledges and commitments made by States under review (SuR), including those undertaken when presenting their candidatures for election to the (HRC).

During the UPR session, three documents are considered:

1. The national report, provided by the State under review.
2. The UN report, compiled by the Office of the UN High Commissioner for Human Rights (OHCHR), which includes information provided by relevant experts such as human rights treaty bodies and UN Human Rights Special Rapporteurs.
3. The stakeholders report, compiled by OHCHR consisting of information provided from non-governmental organizations (NGOs) and national human rights institutions.

### **3. Review Sessions**

Reviews take place through an interactive discussion between the State under review (SuR) and other UN Member States, at a meeting conducted by the UPR Working Group. The duration of the review is three hours and 30 minutes for each country.

The troikas may group issues or questions to be shared with the State under review to ensure that the interactive dialogue takes place in a smooth and orderly manner. Further, any UN Member State can pose questions, offer comments, and make recommendations to the States under review.

The State under review is entitled to use one hour of the allotted to:

1. Present its report and present its conclusions.
2. Respond to any written questions it may have received prior to the review
3. Respond to oral questions, comments and recommendations from the floor

### **4. The Aftermath of the Review**

Following the review, the troika prepares an 'outcome report' with assistance from the OHCHR. It summarizes the discussion during the review, the recommendations made to the country under review, and the responses by the reviewed country.

The State under review has the option of accepting or declining any of the recommendations resulting from the review, and must inform the troika of its decisions for inclusion in the outcome report. The outcome report is first adopted by the Working Group, and then adopted at the following plenary session of the HRC.

The 'outcome report' is debated for one-hour, divided as follows:

1. 20 minutes, in which the State under review makes a statement, clarifies issues addressed during the review, discusses any recommendations and commitments, and comments on the outcome report.
2. 20 minutes, in which UN Members and Observers comment on the outcome report.
3. In the remaining time, civil society organizations and national human rights institutions to make short two-minute interventions to express their views on the outcome report.

### **5. Recommendations Process**

The UPR Committee can make concrete recommendations to states on how to correct serious deficiencies or violations as an important tool for civil society to hold states

accountable. The international focus can furthermore help create space for democratic dialogue and reforms.

The State under review has the primary responsibility to implement the recommendations contained in the outcome. The UPR ensures that the national government is accountable for progress or failure in implementing these recommendations.

During the second review, the national government is expected to provide information on what they have been doing to implement the recommendations, as well as any developments regarding human rights.

The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with the country concerned. If necessary, the Council will address cases where national governments are not cooperating.

## **Unit 2: A summary of Bahrain's Experience in the past years**

### **1. Bahrain UPR**

[Bahrain](#) was elected to membership in the inaugural election of the HRC, in May 2006, and was re-elected on May 21, 2008. By system of draw, Bahrain's first Universal Periodic Review (UPR) of the UN Human Rights Council (HRC) took place on April 7, 2008. The UPR is the main mechanism for reviewing each member state of the United Nations with regard to the fulfillment by each State of its human rights obligations and commitments. The Ministry of Foreign Affairs in Bahrain is responsible for preparing the National Report.

### **2. Bahrain National Institute for Human Rights**

The Bahraini government established the Bahrain National Institute for Human Rights (NIHR), in 2009, to be an independent body tasked with monitoring human rights conditions in the country. However, the king continues to appoint the institution's 11 members, many of whom maintain direct ties to the government, and instead dilutes Bahrain's national human rights discourse and fails to fulfil its mandate:

- It has failed to bring it into full compliance with the Paris Principles, a set of international guidelines for national human rights institutions
- It is not sufficiently independent, it lacks adequate investigatory powers
- It has ultimately had little positive effect on the country's human rights situation.

- It has even endorsed government action that is in clear violation of international human rights standards

### **3. Summary of Bahrain's First 2008 UPR**

Bahrain was the first State to be reviewed by the UPR mechanism of the Human Rights Council in April 2008. After Bahrain's first UPR, HRC stressed that Bahrain should assess this legislation and recommend steps to bring existing legislation, especially in the areas of freedom of association, freedom of assembly, freedom of expression, and accountability.

The HRC mainly urged Bahrain to:

- Resume its de facto moratorium on executions.
- Restrict any application of capital punishment to the most serious crimes, and to consider removing capital punishment from all legislation where it is currently prescribed.
- Endorse the recommendations of the special rapporteur on human rights and counterterrorism proposing amendments to the 2006 counterterrorism law in order to ensure that the law is not used improperly to infringe on protected rights of peaceful dissent and to bring the period allowed for detention without charge or judicial review into line with international standards.
- Amend the Penal Code to remove all criminal penalties for alleged libel offences.
- Halt the prosecution of journalists and other writers solely for the expressing views critical of government policies, and cease blocking Internet sites.
- Amend Law 32/2006 to bring its provisions into compliance with Article 21 of the International Covenant for Civil and Political Rights.
- Codify family laws and ensure that those laws do not discriminate based on gender, afford women equality before the law, and are consistent with international human rights standards.
- Clarify publicly that Decree 56/2002 does not apply to grave crimes such as torture.

### **4. Summary of Bahrain's Second 2012 UPR**

Just over a year after the suppression of the popular pro-democracy protests in 2011, Bahrain entered its second four-year cycle of the Universal Periodic Review of Human Rights (UPR), in May 2012. Several delegations expressed concern about human rights violations throughout February and March 2011. The Working Group raised many issues and questions. These included, among others:

- The numbers of those detained during protests and high number of persons in detention in general and the steps taken by the State to effectively prosecute human rights abuses during last year's unrest;

## Bahrain's third four-year cycle of the Universal Periodic Review of Human Rights

- Lack of accountability for alleged acts of torture;
- Restrictions for international NGOs;
- Amendments to strengthen the rule of law;
- Laws to combat the trafficking of persons;

On 6 July 2012, the Human Rights Council (HRC) submitted 176 recommendations to the Bahrain, addressing a wide range of issues. States participating in the discussion recommended that Bahrain immediately:

- Implement the recommendations of the BICI, and to establish an adequate period for it.
- To take immediate actions to restore peace and ensure the respect of all human rights in view of the recent events in the country and those from February and March 2011.
- To respect the rights of all citizens to freedom of expression and assembly.
- To urgently conduct new trials of all defendants convicted in military courts;
- To prosecute security agents who have tortured protesters and to develop new legislation to guarantee the accountability of security forces for human rights violations;
- To enhance training for law enforcement officials;
- To invite the Special Rapporteur on torture;
- To establish a standing body to investigate all acts of torture and
- To ratify the optional protocol to CEDAW, the OPCAT, the Convention of Enforced Disappearances; and the Rome Statute on the ICC;
- To establish a moratorium on the death penalty;
- To release prison detainees imprisoned in connection with the freedom of expression;
- To accept the visit of the Special Rapporteur on the right to peaceful assembly
- To amend the penal code and the press law to bring it in line with article 19 of the ICCPR
- To guarantee the rights of person with disabilities and to revise national legislation and awareness raising programs to do away with discrimination against children with disabilities;
- Take further steps to advance women's rights and promote gender equality and to pursue the enactment of law to safeguard the position of women in society;
- To take steps to grant citizenship to children of Bahraini mothers in the same fashion as Bahraini fathers;
- To step up efforts to protect the rights of migrant workers.

In October 2012, the government partially or fully accepted 158 of these recommendations, pledging to take the requisite steps to bring the country's practices in line with international human rights standards.



## **5. Evaluation of the 2012 Recommendations' Implementation**

Bahrain has committed to introduce reforms recommended by the Bahrain Independent Commission of Inquiry (BICI) in 2011, nonetheless no tangible reforms were achieved, and almost certainly, most of the recommendations have not been properly implemented.

At the end of Bahrain's second cycle, Bahrain technical implementation of its second-cycle UPR recommendations has become a missed opportunity. Furthermore, its efforts to resolve the country's major political and human rights challenges has become yet another great failure. Actually, Bahrain intensified its campaign against civil society and peaceful political opposition, imposing increasingly draconian restrictions on basic freedoms that have stifled progress across the spectrum of human rights.

The Government of Bahrain entirely failed to fully implement 133 of its 176 second-cycle UPR recommendations, 23 recommendations were technically implemented with little to no substantive impact, only two had seen a significant progress toward implementation. No one recommendation saw full implementation during the period under review, and the government rejected the remaining 18.

According to an [assessment](#) done by three independent HR organizations on the implementation of the second-cycle recommendations, 76% of the recommendations, are wholly unimplemented, include issue as:

- Illegal Justice
- Freedom of Expression
- Media, and Press
- Treaties and International Human Rights Mechanisms
- National Dialogue
- Implementation of BICI
- Religious and Cultural Rights

13% have seen only technical progress such as:

- Compensation for Victims
- Women's Empowerment
- Children's Rights
- Welfare

1% have been partially implemented:

- Establish an Arab Court of Human Rights
- Rebuild Shia Religious Sites

10% were rejected by Bahrain outright, regarding:

- Abolish the Death Penalty
- End Violence and Impunity
- Release Political Prisoners (specifically Abdulhadi Al-Khawaja)
- Ratify Specific Treaties including the Rome Statute, Strengthen Cooperation with UN Human Rights Mechanisms
- Facilitate Country Visits by the UN Special Procedures

Generally, some issues had reflected tactual improvement, such as women's rights and gender equality. Yet, Bahrain has significantly subjected women human rights defenders for reprisal, and has issued controversial new policies such as a male guardianship system for female religious pilgrims.

### **Unit 3: Bahrain's Third 2017 UPR**

#### **1. The Working Group**

On 13 February 2017, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Bahrain: Cuba, Ghana and Japan.

In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Bahrain:

1. A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/27/BHR/1);
2. A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/27/BHR/2);
3. A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/BHR/3).

The Working Group on the Universal Periodic Review (UPR) Twenty-Seventh session, established in accordance with Human Rights Council resolution 5/1, held its twenty-seventh session between the first to 12 of May 2017. The delegation of Bahrain was headed Mr. Abdulla Bin Faisal Al-Dosari, Assistant Foreign Minister of Bahrain. At its 10th meeting held on 5 May 2017, the Working Group adopted the report on Bahrain.

## **2. Consultation with Civil Organizations**

Independent Bahraini, local and diaspora, civil human rights organizations did not receive any consultation from the Foreign Ministry, which chairs Bahrain's High Coordinating Committee for Human Rights, and is responsible for preparing the UPR National Report. Instead, the authorities restrict the consultation, and prevented members of these groups from traveling to engage with international human rights mechanisms, i.e. the UPR.

ADHRB, an independent human rights organization noted that it submitted a 12-page visa application and formal request to travel to Bahrain, and directly contacted the Government requesting to take part in the national consultation process, but never received a response. However, the government-organized NGOs, funded and/or sponsored by the government neither face the same restrictions as independent groups, nor apply scrupulously the law to GONGOs, in addition, among their members are government officials.

## **3. Official Delegation**

The Bahraini government dealt seriously with the UPR event. It showed a special importance before and after the session, which reveals that Bahrain has been dealing seriously with the issue which has a great influence on. The official delegation was prepared well, and given ready speeches to deliver. The delegation included representatives of:

1. Ministry of Foreign Affairs
2. Ministry of Education
3. Ministry of Labor
4. Ministry of Defence
5. The Royal Court
6. The Shura Council

The delegation of the Government of Bahraini wanted to appear in Geneva as the custodian of human rights. The opening statement by the Bahraini delegation focused on efforts made in Bahrain to promote human rights, including:

- Capacity building in the executive and judiciary branches
- The National Plan for the Advancement of Bahraini Women
- Providing equal opportunities and lack of discrimination for persons with disabilities
- Implementation of an ombudsman
- Launching a prize with UNESCO
- Meeting the 2030 education goals, provision of information on religious-based tolerance and training

- Launching housing projects for low and medium income groups, and unified law in the family

The delegates also claim that the legislative framework in the area of religious tolerance and hate speech is very clear and in line with a conference on the religion and culture dialogues, which they hosted in 2013. The delegates also claim that allegation of attacks on Christians and other groups, according to paragraph 50 of the summary by stakeholders, are false, stating, "The Kingdom is a model in freedom of belief." It was noted specifically "the king has reiterated that reform is an ongoing process" and that Bahrain continues to support human rights and development and is "proud to continue our efforts despite challenges such as external interference," the threat of violence, and attempts to politicize human rights for the goals of politicians.

#### **4. National Report**

The Office of the High Commissioner for Human Rights (OHCHR) published the Bahraini governments' National Report to the UPR Working Group in all five UN languages. Bahrain's National Report presents an accurate picture of the government's adherence neither to its UPR commitments nor to the country's true human rights situation.

The full National Report is purposefully misleading, repeating the same claims to progress made up by the government, all the while omitting the dramatic escalation in human rights violations, and generally disregarding the reciprocal regression on key UPR recommendations.

The report entirely neglects to address several enormous steps away from the reform program set by both the UPR and the Bahrain Independent Commission of Inquiry (BICI):

- 1) The restoration of domestic law enforcement authority for the National Security Agency (NSA);
- 2) The advancement of a since-confirmed constitutional amendment to allow military courts to try civilians;
- 3) The execution of three torture victims, ending a *de facto* moratorium on capital punishment; and
- 4) The use of live ammunition against peaceful demonstrators

The report stress that Bahrain's efforts to contain "*unlawful practices, acts of violence and terrorist threats*" *take precedence over human rights, and that these forces – rather than state negligence or repressions – are ultimately responsible for "undermin[ing] the reform process."*

The report does not reflect the systematic exploitation of Bahrain's broad anti-terror legislation as a tool to violate rights to free expression, privacy and due process. It sets the legislation as a key component in the "Normative and structural framework for the promotion of respect for and protection of human rights" This claim account 23% of the document, which in fact lacks any connection to specific UPR recommendations.

The government claims to have made progress in regards to:

- Improving laws against torture
- Releasing political prisoners
- Improving women's status in society
- Reforming the judicial system.

More still, the report does not provide a full concrete self-assessment of the implementation of the recommendations. It presents hints on implementations relevant to a particular thematic set of recommendations. This procedure prevents civil society groups and other stakeholders from compiling statistics and comparing implementation assessments.

The National Report offers no new evidence or information, which in deed confirms that the government refused to take the UPR's reform program seriously. The National Report serves only as a further example of the Bahraini government's attempts at obfuscation and self-aggrandizement on the international stage – efforts it invests more resources in than both substantive engagement with international human rights mechanisms and tangible domestic reform. In reality, the progress cited by the government fail to address the essence of the recommendations made during the second UPR cycle.

## **5. Travel Bans**

In the lead up to the Bahrain's third Universal Periodic Review (UPR), which was held in Geneva, dozens of Bahraini human rights defenders, political activists, lawyers and journalists were summoned for questioning by the Bahraini Public Prosecution. They were charged with "illegally gathering" in Bahrain's northwestern village of Duraz and slapped with travel bans, in order to prevent them from attending the Geneva forum.

Only two members of civil society; Sheikh Maytham al-Salman of Bahrain Interfaith and Ibrahim Demestani of the Bahrain Nursing Society, were able to participate, both of whom had already been outside of Bahrain. Both activists may be at risk of harassment and abuse upon re-entering Bahrain because of their engagement with the UPR process.

According to Farida Ghulam, the wife of the former secretary-general of the opposition National Democratic Action Society/Wa'ad, the ban remains in place even though the UPR session in Geneva is over. Ghulam tweeted that she and her husband, Ibrahim Sharif, were prevented from leaving the country via the causeway connecting Bahrain with Saudi Arabia.

In addition to the former Wa'ad secretary-general, Radhi Al-Moswai as well as civil society activist Abdulnabi Al-Ekri were also prohibited from leaving. Another prominent Bahraini human rights defender was due to speak at the Pre-session of Bahrain on 6 April, but was prevented from boarding a plane in Manama airport to



travel to Geneva.

Furthermore, Sayed Hadi al-Moswai, a former member of Al-Wefaq, was banned from traveling to Geneva to take part in a pre-session event for Bahrain's UPR.

Amnesty International described the measures as "highly alarming" adding that it exposed "the shocking extremes to which Bahrain's authorities are prepared to go to silence criticism of their human rights record."

Back to 2012 UPR, human rights organizations were allowed to make 10 interventions in 2 minutes given to each, and around 40 participants from the civil human rights delegation were present. Preventing all activists inside Bahrain from taking part in the session was enough to explain the unwillingness to fulfill an effective reform.

UPR Info expresses its concern and disappointment at the actions taken by Bahrain, in preventing its citizens from participating in the country's UPR Pre-sessions. The restriction undermines the legitimate role of civil society within the UPR process, and casts a shadow of intimidation over engagement with international human rights mechanisms.

## **6. BICI recommendations**

In 2012, one year after the Bahrain Independent Commission of Inquiry (BICI) recommendations' report was released, the Project on Middle East Democracy (POMED) concluded that the Bahraini government had fully implemented just three of the recommendations. POMED stated that no meaningful progress had been made toward the most important recommendations, including:

- Increase accountability for officials responsible for torture and severe human rights violations
- Release political prisoners
- Prevent sectarian incitement
- Relax censorship and controls on free expression.

In January 2017, the Bahraini government announced that it would be [restoring](#) the law enforcement powers of the NSA for terror offenses. Additionally, the authorities executed three men allegedly tortured into providing false confessions. This act contravened the moratorium on capital punishment.

In May 2016, Human Rights First remarked that since the release of the BICI report, the main issues, which were meant to be addressed by the BICI recommendations, were not fully implemented, particularly:

- No senior government figure has been held accountable for the arrests or deaths in custody
- Key political leaders remain in jail

- The authorities have continued to deny basic rights including freedom of association, assembly, and expression

In June 2016, the US Department of State released their own report similarly found that the Government of Bahrain failed to implement a majority of the BICI recommendations.

On 10 May 2016, Bahrain claims that it has implemented all of the BICI recommendations. The chairman of the BICI, Professor Charif Bassiouni stated that the Bahraini government had only made progress on ten of the 26 recommendations, and had failed to address "priority" reforms such as those pertaining to accountability and prisoners of conscience.

## **Unit 4: The Third Cycle - 2017 UPR**

### **1. 2017 UPR 's Report**

The Chairman of the UPR Working Group on Bahrain announced the adoption of the final report with its remaining 175 recommendations to Bahrain on its human rights record, on Friday (May 5, 2017) recommendations.

The final report consists of:

- An introduction
- A summary of the proceedings of the review process, including the Bahrain delegation's presentation, and the interactive dialogue and responses by the state under review
- The recommendations presented to Bahrain, mainly made by member-states during the discussion session on Monday (May 1, 2017).

At the end of the 27th session of the Universal Period Review (UPR) on Bahrain in Geneva, Bahrain's representative in Geneva, Deputy Foreign Minister Abdullah Al-Dosari, said that his country would "carefully examine all recommendations in the report, and will respond to the Council before its 36th session in September 2017."

Al-Dosari, delivered a speech before the UNHRC member-states, stating that many recommendations encouraged Bahrain to continue its efforts in human rights protection. However, he neglected responding to any criticism addressed at Bahrain by member-states, among them calls on Bahrain to stop death penalties against dissidents, citizenship revocations, discrimination against Shiites, and to cooperate with UN mechanisms through inviting Special Rapporteurs to visit the country.

The final report stated, *"The recommendations formulated during the interactive dialogue/listed below will be examined by Bahrain which will provide responses in*

*due time, but no later than the thirty-sixth session of the Human Rights Council in September 2017."*

## **2. Recommendations by Influential Countries**

Bahrain took a rare public reprimand at its United Nations' Universal Periodic Review. Countries listed their concerns on Bahrain's failure to introduce real reform despite promises made at its last UPR in 2012. The majority of influential countries urged Bahrain to stop human rights violations, and to abide by the international conventions it ratified, as a strong rebuke to the Bahraini government over its rapidly deteriorating human rights record.

Nearly one hundred delegates represented their countries in the UN Human Rights Council's Universal Period Review (UPR). The UPR sessions put the global spotlight on the widespread abuses, and the resumption of executions in Bahrain. Another theme was preventing civil society activists from attending the UPR session, raised by Estonia, Germany, Luxembourg, Ireland and others.

The UK, Bahrain's most vocal backer, conceded that its support for the attempted *"reform"* of Bahrain's judiciary did not only fail to produce results but led to further regression. The UK criticized Bahrain for adopting policies of death penalties and citizenship revocations.

Further, the United States severely slammed the government of Bahrain, and its recent measures against political parties and Shiite clerics. *"What human rights protections will be maintained in military courts to protect against abuses?"* asked the U.S. The US representative articulated his qualms with the *"restrictions"* on civil society, the lack of due process and fair trials in the country as well as the systematic revocation of citizenships – practices that all regime critics are regularly subjected to. He expressed *"regret"* over the regime's travel bans, and called on Bahrain to end the baseless legal prosecution of the opposition Al-Wefaq and Wa'ad parties.

For its part, France called on Bahrain to, immediately and unconditionally, abolish the death penalty. France expressed worry about freedom of the media. Similarly, Germany expressed concern over banning Bahraini rights activists from traveling to Geneva to take part in the UN Human Rights Council sessions. Meanwhile, Canada demanded the government of Bahrain to halt its policy of dissolving opposition political parties, and urged it to allow peaceful protests and abolish penalties on assembly.

## **3. Recommendations by other Countries**

Denmark expressed both regret and concern over the impunity enjoyed by human rights violators in Bahrain as well as the suppression of free speech. The representative from Denmark raised the case of jailed human rights defender Abdulhadi Al Khawaja who holds a Danish citizenship, and who has been on a hunger strike for nearly three weeks.

Finland called on Bahrain to allow an independent and impartial investigation into these allegations. Iceland spoke about international human rights organizations still being denied access to Bahrain. Honduras also raised the issue of religious discrimination, Argentina and Bulgaria criticized the return to executions, and Chile expressed concern about continuing reports of torture.

Several countries including the Netherlands raised the issue of a new constitutional amendment that will allow civilians to be tried in military courts. Switzerland and Slovenia pushed for the implementation of the recommendations of the 2011 independent inquiry into violations that year, and Mexico criticized the stripping of citizenship. Austria urged Bahrain to allow the UN Special Rapporteur on Torture into the country. The Czech Republic wanted to see assurances that the recently adopted "*anti-terror laws*" are not used to persecute innocent civilians.

#### **4. Summary of Bahrain's Third 2017 UPR**

H. E. Mr. Abdulla Bin Faisal Al Dosari, Assistant Foreign Minister of Bahrain, who led a delegation of representatives from Bahrain, attended the third session of the Universal Periodic Review. The session was presided over by H. E. Mr. Joaquin Alexander Maza Martelli, President of the Human Rights Council. Comments and recommendations were made from approximately 80 UN member countries.

Delegates in Geneva made fundamental recommendations to stop human rights violations in Bahrain, and to achieve a comprehensive reform, in an attempt by the international community to hold the Bahraini government accountable for its violations. They also called on Bahrain to put a moratorium on the death penalty sanction, to allow the UN High Commissioner, Special Rapporteur and working groups to access Bahrain, and to insure the freedom of the press, assembly, association, and expression.

Most of the delegates urged Manama to release all prisoners of conscience and end its prosecutions against peaceful activists. Delegates expressed concern over the executions of three Bahrainis earlier this year, which followed convictions based on sham trials and confessions extracted under torture. Bahrain's delegation was being strongly demanded by various countries' voices calling for a moratorium on the death penalty in Bahrain.

Much of the concern also centered on widespread allegations of torture. The Bahraini delegation responded weakly, attempting to defend the indefensible, claiming untruthfully that media in Bahrain enjoys the freedom of expression.

States offered 200 recommendations, an increase of 24 over the 176 recommendations made in 2012. Many of these recommendations were related to previous, unimplemented recommendations, and they covered a wide range of important thematic issue areas.

Below we set out the major concerns and demands expressed by the states that took part in the UPR session, and which highly welcomed the invitation extended to UN High Commissioner to visit Bahrain, stating that the visit should include Shiite villages.

States expressed deep concern over:

- Failure to implement all recommendations of the BICI report by the government.
- The reprisal measures against Human Rights activists and banning their travel to Geneva.
- Execution of three dissidents, early this year.
- The continuous persecution of Shiites in Bahrain, arrests, and deprivation of citizenships for some Shiite religious clerics.
- Complaints of torture in the criminal investigations building and detentions centers in Bahrain, which reportedly take place during investigations.
- Failure to prosecute those involved in human rights violations, despite the establishment of accountability institutions and others involved in human rights.

Dozens of states gave productive recommendations addressing important thematic issue areas. States demanded the government of Bahrain to:

- Fully implement the recommendations of the (BICI) – Bahrain Independent Commission of Inquiry (BICI) –Bassiouni report.
- Adopt measures to combat intolerance, discrimination and incitement of violence based on religion, and to proceed in dialogue to face challenges.
- Immediately, halt death penalties especially those issued based on 2011 events, and allow the UN Special Rapporteur on Torture to visit the country.
- End discrimination against the Shiite majority citizens.
- Guarantee the independence of the Public Prosecution's Special Investigations Unit (SIU), which investigates cases in violations committed by police and security men.
- Open the doors for victims to litigate and be compensated.
- Halt dissolution of opposing political societies and lift restrictions on freedom of association and assembly, especially among Shiite citizens.



- Ratify the Convention against Torture, and to develop a national machinery to combat torture.
- Set a timetable to implement HRC recommendations.
- Lift travel bans imposed on human rights activists.
- Cancel and stop arbitrary citizenship revocations against citizens, and all death penalties,
- Respect rights of all groups participating in political activism.
- Cancel the latest constitution amendment that allows military courts to try civilians.
- Stop its policy of stripping journalists of their licenses, and allow them to carry out their work.
- Fully, cooperate with the Officer of High Commission for Human Rights (OHCHR), and send an open invitation to the UN Special Rapporteurs in the Office of High Commissioner for Human Rights to visit the country.
- Abide by its international commitments, particularly to an inclusive reconciliation process, and to its promises in the previous 2012 Universal Periodic Review (UPR) cycle in Geneva.

## **5. The Government's Pledges**

The Bahraini government pledges to work on:

1. The promulgation of a consolidated law on family provisions;
2. Put in place family courts with all the judicial facilities and services related to the family, including taking due account of the specificity and nature of family disputes.
3. Work towards a new law on the press and the electronic media.
4. Consider amending the Bahraini Citizenship Act to grant citizenship to the children of Bahraini women married to foreigners in accordance with the rules regulating the granting of citizenship.
5. The application of policies and programs on comprehensive and sustainable development continues. Bahrain will submit its first report on achieving the Sustainable Development Goals 2030 to the High-Level Political Forum on Sustainable Development to be held in New York in July 2018.
6. Increased awareness in all areas of human rights through the available means, including education and the media.
7. Submit a voluntary report on what has been accomplished within two years of the adoption of the universal periodic review report.

## **6. UPRs in Contrast**

Bahrain transformed into a police state since the eruption of the popular uprising in 2011. Bahrain has been a country full of torture, killing, labor dismissals and sectarian persecution. Its prisons became crowded with political detainees, and Shia's mosques were demolished.

Consequently, the United Nations issued 176 recommendations to Bahrain by the Human Rights Council member states during the Universal Periodic Review on Bahrain's record, in 2012. Then, Bahrain Independent Commission of Inquiry (BICI) added its critical recommendations. At that time, the Bahraini government was trying to show the international community that it is willing to implement the recommendations, and to investigate the violations and hold violators accountable.

However, nothing on the ground changed rather the government went further. At the level of Bahrain international obligations and cooperation with the mechanisms and international human rights bodies, the situation in Bahrain has stagnated since the second UPR in 2012, which in fact has no significant impact on the scene. At the level of Bahrain international obligations and cooperation with the mechanisms and international human rights bodies, the situation in Bahrain has stagnated since the second UPR in 2012, which in fact has no significant impact on the scene.

In the 2017 session, States have become convinced that Geneva and the BICI recommendations were not implemented, as the situation severely deteriorated in Bahrain. Notably, 91 states requested to present interventions on human rights record while in 2012 UPR, just 64 states requested to do so. The third UPR cycle convenes at the time particularly when:

- Duraz village is under total siege
- Prisoners of conscience, activists, bloggers and human rights defenders are behind bars
- Civil associations are being dissolved
- Three dissident youths were executed
- Extrajudicial killings are recorded
- Dozens of citizens were revoked of their citizenship

Throughout the 5 years between 2012 and 2017, the Bahraini government did not seek any solution. The 5 years have witnessed an escalating record of executions, political arrests and citizenship revocations against the dissents. The 2017 recommendations seem to mirror the 2012 UPR recommendations, as both sets line up to 176 recommendations. They are equally important affirm that Bahrain has failed to implement the previous ones.

Therefore, the 2012 UPR came after the popular uprising in 2011, particularly in light of the National Safety Law, and the serious violations practiced like work dismissals, torture, imprisonment, military trials, etc. On the other hand, the 2017 recommendations come in light of the complication of these heinous violations, in addition to the increased cases of citizenship revocation, peaceful assembly bans, and rejection of the UN special rapporteurs to visit Bahrain.

## **7. Comment on the National Delegation**

The responses of Bahraini government's official delegation reflect the denial of the Authority of the crisis reality and its evasion of international mechanisms. The official delegation did not respond to any of the questions raised by the member states. In 2008 UPR, the states' delegates and member states praised Bahrain. The official delegation returned to the country to talk about its achievements. While in 2017 UPR, there were no achievements to brag about, there was only condemnations, questions about executions, political prisoners, torture, citizenship revocations and discrimination against citizens.

This justifies Bahrain's failure to stick to its international commitments in the human rights field, and that the Bahraini government is indeed engaged in systematic human rights violations. The speech and responses of the official delegation were mere words that do not answer the raised questions.

## **8. Significance of 2017 UPR**

The human rights organizations pointed out that the recommendations issued by the countries are the reflection of the accumulated human rights work over the past periods and the continuation of the human rights crisis. The active human rights diplomacy carried out by both Bahraini and international human rights organizations in communicating with the diplomatic missions in order to inform them about the human rights situations and working to convince them of the recommendations of civil society made these recommendations happen.

The organizations stressed on the importance of these recommendations to improve the human rights situation in Bahrain, while also noting the need to establish a binding timetable for the government to implement all previous UN recommendations.

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The UPR mechanism reflects the entire situation of human rights in Bahrain. Throughout the effective pressure, the government will bind to accept that there is a crisis in Bahrain. The complete crisis was reflected in these recommendations, which address the continuous violations faced by the Bahrainis.

The recommendations pertinent to the promotion of human rights in Bahrain. They also reiterated the need *"to set a binding timetable for the government to implement the previous UN recommendations, to assign a UN Special Rapporteur on Bahrain, allow Special Rapporteurs to visit Bahrain, and to establish a branch for the Office of High Commissioner for Human Rights."*

## **9. Independent HR Organizations Attitudes**

During the Universal Periodic Review on Bahrain's human rights record in Geneva, Bahraini human rights organizations comprise several activities to raise their fundamental recommendations regarding the continuous human rights violations in Bahrain.

The European Bahraini Organization for Human Rights, Bahrain Center for Human Rights, Gulf Institute for Democracy and Human Rights, Bahrain Forum for Human Rights, Human Rights Defenders, and Salam for Democracy and Human Rights issued a joint statement. They expressed their gratitude for the recommendations put forward by several countries during Bahrain's UPR to *"stop the continuous violations and to achieve radical human rights reform in Bahrain."*

According to the six rights groups the UPR recommendations are a *"reflection of the accumulated human rights work over the past periods and the continuation of the human rights crisis, and the activation of human rights diplomacy by Bahraini and international human rights organizations. This was through contracting diplomatic mission to inform them on the human rights conditions and convince them of the civil societies' recommendations."*

On this level, the organizations welcome the adoption of these recommendations presented during the review discussion session. They further stressed, *"Imposing a travel ban on human rights defenders and pursuing them is one of the authorities' failures to implement its international commitments."*

Moreover, the Bahraini human rights organizations suggested, *"entrusting the Office of High Commissioner for Human Rights to monitor and follow-up the implementation of recommendations, and present periodic reports to the HRC on the matter."*

## **10. The main remarks on the UPR session**

The recommendations issued in UPR session address, to a large extent, the continuous violations faced by the Bahrainis. The UPR session for human rights was an important stage that shows the serious human rights violation in Bahrain:

- Reprisal action against independent human rights parties
- Freedom of press oppression
- Shiite clerics targeting, discrimination against Shiite citizens
- Ban of international media parties from covering the incidents taking place in Bahrain
- The policy of citizenship revocation
- Peaceful assembly ban

The UPR session for human rights in Bahrain unveiled the Bahraini government's claims regarding amelioration of human rights Bahrain was trying to promote on the international level that there is reforms on terms of human rights. Pro-government human rights organizations were also present at the session and their interferences were already prepared, according to our sources. Around 20 members of the official delegation (Ministry of Interior, Ministry of Justice, Ministry of Education, Ministry of Information Affairs, Ministry of Labor and Supreme Council for Women) took part in the session and their speeches lasted for about one third of the set time. However, their performance was not met with satisfaction.

However, the condemnations prove that the international community is not convinced of this narrative, and many of the questions raised to the official delegation shows the international community's certainty that Bahrain has deliberately failed to implement the 2012 recommendations. There was an international consensus on human rights deterioration in Bahrain that should be tackled, urgently. It was interventions by 91 states, in comparison to 64 states during 2012 UPR, on the human rights record in Bahrain.

Additionally, civil organizations were not allowed to make an intervention during the session to presented their special assessment report showing to what extent Bahrain abided by the previous UPR recommendations

The majority of the states were clear and specific about their recommendations, which showed that they are closely following the violations practiced in Bahrain. The US stance was obvious in rejecting the dissolution of Wa'ad and Al-Wefaq societies and its rejection to practicing systematic discrimination against Shiite citizens, especially in light of Bahrain's failure to implement the US recommendation in 2012 regarding reforming the security force to represent diversity of the Bahraini community.

Moreover, the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a report in which the United Nations Country Team Report for the Universal Periodic Review of Bahrain expressed concern about *"the latest measures taken by the Bahraini authorities to restrict movement of citizens"*.

The UN team said that political situation in Bahrain has stagnated since the second session of UPR in 2012 and that although three rounds of national dialogue have been



witnessed in Bahrain; they had no significant impact on changing the political scene in the country.

### **11. Perspectives on the UPR**

Bahrain's Islamic National Society Al-Wefaq, in a statement issued by Deputy Secretary General, Sheikh Hussein al-Daihi demanded the UN Human Rights Council to move from its "*verbal condemnation*" of Bahrain to introduce binding measures to stop the violations in the country. It stressed, "International condemnations received by Bahrain at the UPR, in Geneva, "brought Bahrain back to ground zero, and reflected the magnitude of the political and human rights crisis in the country". Al-Wefaq asserted that the increase in violations and recommendations puts the authorities at a higher responsibility to achieve political reform, justice, and reconciliation. It also noted that the official responses to denying these violations reflect the level of official disregard for human rights issues.

Speaking during a presser in Geneva, the human rights defender, Tara Reynor O'Grady stressed that the most damning indictment of Bahrain during the Universal Periodic Review (UPR) centered on the January executions of three men.

## **Unit 5: 2017 UPR's Recommendations in Depth**

These recommendations were formulated during Bahrain's third- four cycle of the UPR will be examined by Bahrain, which will provide responses in September 2017.

1. The revocation of citizenships
2. Freedom of expression
3. Freedom of assembly
4. Excessive force
5. Sectarian persecution
6. Restrictions imposed on freedom of movement
7. Travel ban
8. Association
9. Arbitrary Arrests
10. Torture and ill-treatment
11. The reality of prisons and detention centers
12. Enforced disappearances
13. Unfair trials
14. Extrajudicial killings
15. Prohibit Military Trials for Civilians
  
16. Cooperation with the international human rights community
17. Allow UN rapporteurs to visit the country

18. Open an office of the High Commission in Bahrain that has full powers
19. To join several international agreements such as Rome Statute of the International Criminal Court and the Optional Protocol to the Convention against Torture.
20. End the Targeting and Prosecution of Civil Society Actors, Political Activists, and Human Rights Defenders
21. Establish a moratorium on the use of capital Punishment
22. Ratify Outstanding Human Rights Protocols, like the Optional Protocol of the Convention against Torture
23. Migrant workers
24. Women rights
25. Child rights

### **Evaluating the main Recommendations**

The main recommendations, reiterated extensively during the round of criticism Bahrain received in the discussion session:

#### **Ratification of Human Rights Instruments**

The first recommendation stressed on the Bahraini government to ratify the main human rights instruments to which Bahrain is not yet party, and adapt its national legislation.

According to the recommendations presented to the government of Bahrain by the following HRC member-states including: Estonia, Uruguay, Ireland, Portugal, and Angola, Bahrain is recommended to *"Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and abolish the death penalty."*

Articles 4, 5, 6, 94 presented by more than HRC member-states including Denmark, Ghana, Portugal, Czech Republic, and Germany was that Bahrain should *"Accedes to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment."*

Recommendation 11 stress on Bahrain to *"Ratify the International Convention for the Protection of All Persons from Enforced Disappearance"*. Additionally, article 13 reassert the need to *"Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity."*

Since 2012, as recommended by the BICI report, Bahrain has formed three instruments to conduct independent investigations cases of torture and mistreatment:

1. The Ombudsman
2. Special Investigations Unit (SIU)

### 3. Prisoners and Detainees Rights Commission (PDRC)

Nonetheless, the three instruments have failed. The government claims that the Ombudsman is run as a fully independent body; however, the Ministry of Interior controls it. Therefore, it does not have any judicial power, and there have been suspicion of its transparency and independence, which proves the lack of its substantive role in settlement of torture cases.

#### Halting Executions

Many member states condemned the 2017 execution of three Bahraini youth, with Bulgaria labeling it as a “step back” from the country’s practice on executions. There were numerous calls for a moratorium or abolishment of the death penalty. Countries who commented on this issue include Argentina, Armenia, Australia, Germany, the Philippines, Sweden, and Slovenia.

Recommendation 76 states *"Immediately declare an official moratorium on executions with a view to the ratification of the Second Optional Protocol to the ICCPR and the abolition of the death penalty"*

#### Calls to halt Citizenship Revocations

While citizenship revocation has been an important issue in Bahrain for several years, the issue had not yet been raised within the context of the UPR. States, including Germany, the Czech Republic, Belgium, Austria, and the United States offered new recommendations that address the government’s growing practice of arbitrarily revoking Bahraini citizenship.

Recommendation 16 of the UPR working group's report on Bahrain, presented by more than HRC member-states stress on the Bahraini government to halt its citizenships revocations and to accede to the 1954 convention relating to the Status of Stateless Persons.

#### Cooperation with UN Mechanisms

Recommendations (19, 20, 21, 22, 23, 24, 25, 26, 27, 33), and several others, urge Bahrain for further cooperation with the United Nations mechanisms. The need to extend cooperation with the UN organization and special procedures, and to promote human rights, assert the need of the visit, as recommended by many countries such as the UK, Ireland, Netherlands and Bulgaria.

#### Invite Special Rapporteurs to Visit

Recommendation number 29, particularly France urged the Bahraini government to accept the visit-request of the Special Rapporteur on the Torture and the Special Rapporteur on peaceful assembly and of association. More still, recommendation 34 by the USA calls to accept a visit from the High Commissioner or a UN special rapporteur to identify steps to strengthen human rights institutions.

Indeed, Bahraini authorities have not allowed a UN Special Procedures mandate holder to conduct an official visit to the country for more than a decade, despite making pledges to the contrary.

### **Calls to halt Religious Discrimination**

While religious and cultural rights have been an important issue in Bahrain, with the Shia majority suffering systematic discrimination, Recommendation 175, calls to end the practice of revocation of citizenship, and to adopt a legal and institutional safeguard to prevent discrimination against members of religious minorities, and provide effective remedy for victims of arbitrary arrests, detention, summons or travel bans.

Honduras and Ghana did not offer recommendations during Bahrain's last cycle, but offered recommendations this cycle calling on the Bahraini government to end religious and cultural discrimination.

It was notable that the government had narrowly interpreted any previous recommendation relating to discrimination in order to avoid addressing this issue.

### **Protection of Human Rights Defenders & Institutions**

Recommendation 112, based on calls made by Iceland and other HRC member-states emphasize on immediately and unconditionally release all prisoners of conscience imprisoned only for exercising their rights to freedom of expression, association and peaceful assembly.

Recommendations 34, 38, 42, 83 and others, call to strengthen the presence of human rights institutions and NGOs in Bahrain.

Coupled with Bahrain's use of its anti-terrorism laws to persecute human rights defenders, this law has created an environment in which peaceful protesters continue to be punished for exercising fundamental human rights.

### **Implementation of BICI Recommendations**

Recommendations 37, 58, 59, and 126 noted the need to ensure the full implementation of all recommendations from the Bahrain Independent Commission of Inquiry.

Further, recommendations (57, 97, 98, 100, 119, and 124) stress on the importance of protecting, and ending the harassments and persecution against human rights defenders.

### Rights of Journalists and Members of the Media

Several recommendations stress the independence of Press law and media in Bahrain. The government is urged to amend the Penal Code and the Press Law to remove criminal penalties for alleged libel and insult offences. Recommendation 105, 106, 107, and 108 read.

Lebanon called for freedom for members of the media and Lithuania emphasized the importance of ensuring a "plurality of opinions."

### Protection of Rights to Freedom of Expression

Recommendation 110 stated, "Modify the legislation to repeal criminal responsibility for the activities which fall within the legitimate exercise of the exercise of the freedom of expression, particularly on the Internet and twitter."

The government claims that it no longer holds prisoners because of their exercise of political expression. However, substantial numbers of political prisoners, including Abdulhadi al-Khawaja, Nabeel Rajab, and others, continue to be held in prison on criminal charges.

### Protection of Rights to Freedom of Press, Assembly and Association

Recommendation 109 call on the Bahraini government to *"Take measures to guarantee the exercise of the right to freedom of association and peaceful manifestation and to promote and facilitate the activities of the NGOs."*

Recommendation number 111 stated *"Repeal or amend all laws which restrict the freedoms of expression, association or assembly, including Decree 31 of 2013, Law 34 of 2014, and Law 26 of 2015,"*

The following associations, among others, have all been subjected to arbitrary forced dissolution or some form of judicial harassment, including the imprisonment of members:

- Al-Wefaq
- Wa'ad Secular Party
- Shia Scholar Council
- Islamic Enlightenment Society (Taw'iyah)
- Al-Risala
- BCHR
- Bahrain Youth Society for Human Rights
- Bahrain Human Rights Observatory
- Bahrain Nursing Society
- Bahrain Human Rights Society



- Bahrain Teacher's Union
- Bahrain Medical Society
- Bahrain Lawyer's Society
- Authors and Writers Family Society
- Bahrain Photographic Society

The government has taken steps to constrain most of the Bahraini civil, political and religious organizations. It has expanded the criminal code and counter-terror laws to restrict free expression and assembly, criminalizing all forms of dissent.

The government of Bahrain subject a siege on the village of Duraz and raided the peaceful sit-in in solidarity with Sheikh Isa Qassim who has been arbitrarily stripped of his citizenship, since June 2016.

The Government of Bahrain has taken a number of steps that directly contradict core recommendations particularly the approval of laws, which expand Bahrain's terrorism laws to greatly restrict free speech, press, association and assembly, as well as restricting civil society space.

### Torture and Mistreatment of Detainees and Prisoners

Torture remains widespread in Bahrain, and one of the serious concerns raised by local NGOs is the "culture of impunity". The UPR was a critical moment to ask the government many questions about torture inhumane treatment in detention facilities, especially important at the following levels:

- The systematic use of torture against political detainees
- The use of torture to obtain false confessions
- Reliance upon evidence obtained through torture to achieve convictions, including death sentences.

Torture cases have been continuously reported not only by local NGOs, but by also many international watchdogs. According to the Prisoners and Detainees Rights Commission (PDRC) report in 2015, staffs who had not given any proper training on the lawful use of force have physically assaulted a number of prisoners. Most of them were not permitted to contact their families nor request proper legal assistance. This is a serious violation of the International Convention for the Protection of All Persons from Enforced Disappearance that aims to prevent the occurrence of enforced disappearance, adopted by the United Nations in 2006.

Various HRC member-states including Denmark, Ghana, Portugal, Czech Republic, and Germany mentioned the need to eliminate or investigate all allegations of torture in Bahrain, and to bring perpetrators to justice, and some more specifically called on

Bahrain to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Bahrain claimed that its Penal Code criminalizes the practice of torture, and that it has investigated allegations of torture. However, it is widely reported that there have not been any meaningful investigation or punishment.

The Bahraini government established these institutions; it claims that they aim at prosecuting torture.

- The Special Investigations Unit (SIU)
- The Office of Inspector General
- The Office of Professional Standards inside of the National Security Agency (NSA).

However, these institutions are situated within the structure of the Ministry of the Interior, which means that they lack all sorts of impartiality and independence.

The government of Bahrain has failed to reform its criminal justice system, curb the use of torture, or institute sufficient protections. It continues to arbitrarily arrest, disappear, torture, and imprison individuals for exercising their fundamental due rights.

### Travel Restrictions and Rights of Human Rights Defenders

Recommendation 109 calls the government of Bahrain to *"Take measures to guarantee the exercise of the right to freedom of association and peaceful manifestation and to promote and facilitate the activities of the NGOs"*

Further, recommendation number 119 urged Bahrain to *"Adopt appropriate measures to ensure the protection of human rights defenders, journalists and the political opposition members from acts of aggression and intimidation and abstain from taking any restrictive measures or reprisals against human rights defenders, notably those who cooperate with the Human Rights Council"*

UN-states Members condemned banning of human rights defenders and civil society members who were not able to be present at this UPR, due to travel restrictions, as a means of conducting reprisals against anyone seeking to engage with UN human rights mechanisms.

Bahraini civil society was severely underrepresented at Bahrain's third-cycle UPR due to the campaign of judicial harassment directed at a broad range of civil society, including activists, human rights defenders, journalists, union members, and political figures. More still, the authorities targeted the family members of activists in reprisal for their work in Geneva.

### Gender and Women's Rights

Many countries commented on the need for equal political, social and economic rights of women. Spain called on Bahrain to ratify the main human rights instruments, to which Bahrain is not yet party, and adapt its national legislation to these and withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

Bahrain continues to consider withdrawing reservations to the (CEDAW) *"until the necessary legislative and constitutional measures are completed."*, expresses the government.

Moreover, the government of Bahrain has sent a draft law to the legislature allowing Bahraini mothers to pass their citizenship on to their children of non-Bahraini fathers. The government noted that a draft law was already under consideration to address this issue. However, the draft law was recently submitted to the parliament, which has yet to make any further progress towards enacting this legislation.

The government recently issued problematic new policies instituting new male guardianship regulations for female religious pilgrims and targeting women's rights activists with imprisonment or exile.

### Migrant and Domestic Workers

Discrimination towards migrant and domestic workers was brought up. Switzerland specifically called for Bahrain to ratify ILO convention 189 on domestic workers. Sri Lanka specifically requested the improvement of migrants' rights, domestic legislation and access to healthcare and legal aid.

### **Recommendations**

- We call on the members of UN-States members to follow up on the recommendations given to the Government of Bahrain, during the UPR cycle, while underscoring a need for accountability and transparency for implementation in the coming third cycle review, and to take serious action if any of the UPR obligations is unfulfilled.
- We call on the international community and OHCHR to continue to support concrete steps towards reform and further progress in the domain of human rights, with the aim of achieving the international standards of human rights.

## Bahrain's third four-year cycle of the Universal Periodic Review of Human Rights

- We call on the Government of Bahrain to take seriously the recommendations it committed to effectively implementing, and to provide a transparent timeline to fully implement the entirety of these recommendations.
- States should demand that the Government of Bahrain allow activists to re-enter Bahrain safely without harassment or abuse following their participation in the international human rights mechanisms.
- The international community must exert tremendous effort towards holding the Bahraini government accountable for its human rights abuses, and it must not let this opportunity to demand meaningful reform in Bahrain.
- We call on the Government of Bahrain to institute its recommendations to end all forms of arbitrary detention, and to resume a productive and inclusive dialogue process that accompanies releasing all prisoners of conscience.
- We call on the Government of Bahrain to appoint a visit to the UN Special Rapporteur on Bahrain, to open an office of the High Commission in Bahrain that has full powers, and to join several international agreements such as Rome Statute of the International Criminal Court and the Optional Protocol to the Convention against Torture.

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