



SALAM for Democracy and Human Rights (SALAM DHR) Bahrain Forum for Human Rights (BFHR) Gulf Institute for Democracy and Human Rights (GIDHR)

BAHRAIN: Universal Periodic Review - Midterm Assessment Summary Overview

"Since June 2016, the government of Bahrain has imposed severe restrictions on civil society and political activism through arrests, intimidation, travel bans and closure orders, with increasing reports of torture by the security authorities. Today, the democratic space in the country has essentially been shut down. I have repeatedly drawn the attention of the authorities to the gravity of the situation in the Kingdom, in conjunction with many human rights mechanisms and joint statements by Member States. I have also repeatedly offered the support of my Office to assist with practical improvements. These efforts have been met with point-blank denials, unfounded accusations and unreasonable last-minute conditions to technical missions. But no public relations campaign can paper over the violations being inflicted on the people of Bahrain. They deserve real respect for their human rights, and I continue to offer the assistance of my Office to any genuine effort to address the situation."

Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, speaking on 11 September 2017, at the opening of the 36th Session of the Human Rights Council. See:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E>

Introduction

1. The Universal Periodic Review (UPR) is a cyclical, non-binding peer review mechanism of the Office of the High Commission for Human Human Rights (OHCHR). It is based on state and stakeholder reports and a question and recommendation-based review by fellow High Commission for Human Rights members at which stakeholders, non-government organisations, are permitted to make a brief intervention. The questions and recommendations are collated by a troika of peer state delegates, after which the state under review sets out which of the recommendations it accepts and which it 'notes', or rejects.
2. Bahrain's last, third, UPR was in May 2017, for which its mid-term review is due in November 2019, in order to inform stakeholders, while preparing for the next cycle of the UPR in May 2022.

3. Peers - UN member states and observers - advanced a total of 175 recommendations. In 2017, the Government of Bahrain (GoB) supported 139 of these, suggesting that it would implement elements or the entirety of these recommendations. The GoB 'noted' 36. This means, in practice, that it rejects those recommendations.
4. This summary overview reflects a distillation of findings set out on a matrix, or table, attached, and used by officials of the OHCHR.
5. The submitting organisations have commented only on the recommendations supported by the GoB.
6. This summary overview foreshadows a longer, text-based report, and it is prepared by the mainly London, UK-based SALAM for Democracy and Human Rights, the Beirut-based Bahrain Forum for Human Rights and the Gulf Institute for Democracy and Human Rights, whose main office is located in Australia.
7. The methodology for this summary centered on statements, laws and policies set out on websites belonging to the Government of Bahrain (GoB); assessments made by treaty bodies since 2016, statements and other forms of correspondence from the OHCHR to Bahrain, including from its special procedures; reports from non-governmental organisations such as Amnesty International, Human Rights Watch and others, but also findings set out in the work of the co-submitting organisations.

Summary Findings

8. The submitting organisations welcome the commitments made by the GoB as expressed through the many, broad-based recommendations it accepted. However, the GoB has pursued a strategy of accepting broad, generally-framed recommendations but rejecting specific recommendations. This way, it presents itself as positively engaging with the OHCHR. In reality, the GoB does not engage with the OHCHR: it has not extended a standing invitation to special procedures and it has resisted requests for country assessment missions made by a variety of special procedures. Its correspondence with the OHCHR counters recommendations based in international human rights law and practice with assertions that the matter under consideration is in line with recognised practice, despite this - itself - contradicting the very point raised. The GoB has not verifiably acted on treaty body recommendations made in the reporting period. Rather, it has restored practices ruled out in the landmark BICI report. The GoB is in non-compliance with the OHCHR and the object and purpose of the UPR process.
9. The GoB's inability or unwillingness to address the central socio-political conflict between the government and its supporters and recognised leaders and supporters, including human rights activists, from the Shi'a community mars the ability of the government, country and its people to develop their international human rights standards. The GoB's inability or unwillingness is expressed by its reintroduction of laws and practices heretofore ruled out by the BICI and more recent measures such as the June 2018 Exercise of Political Rights Law, which has served to disenfranchise a swathe of political activists. This core, simmering conflict results in other human rights shortcomings, including in respect to the following matters:
 10. The GoB's singular failure to engage meaningfully with the OHCHR, including its outright rejection of repeated recommendations made by different parts of the OHCHR in respect to, say, the release of prisoners of conscience like Nabeel Rajab or in respect to, for example, trial procedures; -
 11. Profoundly flawed and discriminatory provisions and practices relating to freedom of expression, association and assembly which, taken together, constitute rights violations

- in themselves but which have aggravated other violations, say, in relation to the administration of justice, which can be tempered by a freer media environment; -
12. The few, if any objectively verifiable initiatives undertaken by the GoB in respect to gender equality and the rights of women and girls, including migrants, across the range of rights recognised under international standards; -
 13. Until recently high rates of arbitrary citizenship stripping of Shi'a Bahrainis; -
 14. High levels of judicial, police and intelligence, as well as social harassment of political and human rights activists, including in relation to their own engagement with the OHCHR; -
 15. Scores of cases of arbitrary arrest and prolonged pre-trial detention based on vaguely framed, flawed provisions that criminalise acts that are not internationally recognisable as criminal such as "terrorist activities" and in which ill treatment or torture often feature and often culminating in grossly unfair trials carrying multiple-year sentences; -
 16. The effective re-instatement of the death penalty for acts that may not be violent or have lethal consequences; and
 17. The relentless targeting of human rights defenders.

Summary Conclusions & Recommendations

18. The characteristics set out above in the findings constitute, we believe, socio-politically unsustainable: that isolating whole swathes of a community can only lead to further socio-political tension and, with it, frequent and grave human rights violations that, in turn, could fuel future strife.
19. We, the submitting organisations, implore the GoB to use this UPR mid-term review to take stock and re-assess its trajectory, with a view to the GoB deciding to engage with the OHCHR, notably by acting on repeated recommendations. One such could be, for example, a declaration of a moratorium on the death penalty or the release of one or more prisoners held for protected conduct, though these would only be a start to a more comprehensive reform agenda.

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