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UNIVERSAL PERIODIC REVIEW

**Written statement* submitted by Cairo Institute for Human Rights Studies (CIHRS),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Evaluating of the UPR Process Dealing with Bahrain & Recommendations to Reform the Universal Periodic Review Procedures

Introduction

The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council decision 5/1 of 18 June 2006, held its first session from 7 to 18 April 2008. The review of Bahrain was held at the 1st meeting held on 7 April 2008.

This statement is a summery evaluation of the different stages of the review process of Bahrain, and a set of recommendations to reform the UPR procedures to be more effective.

Consultation process in the preparation of the national reports to the UPR

The Bahrain Government has failed to implement the HRC Resolution 5/1 of 18 June 2007 which stipulates that: States are encouraged to prepare the information they submit *“through a broad consultation process at the national level with all relevant stakeholders.”*

In the process of preparing their UPR country report:

1. The Bahrain authorities failed to consult with ten highly active human rights groups, including the Bahrain Centre for Human Rights, who it labeled as “unauthorized” according to the restrictive 1989 law on associations. This failure occurred despite a letter sent by these groups on November 1, 2007 to the Prime Minister appealing to government to include them in the consultation process, and suggesting that they could be addressed as individual human right defenders in order to overcome any obstacles resulting from legal formalities.
2. The “authorized” human rights groups who were invited to the few consultation meetings that occurred, including the Bahrain Human Rights Society, complained to the local media that the meetings were for information not consultation, and that there comments had no reflection on the final “national” report.

Restrictive and unbalanced submission requirements for NGO reports

Unlike UN treaty bodies, the UPR procedures require that NGOs should submit their reports three months before the government report is submitted to the OHCHR. This procedure prevents NGOs from having the ability to include comments on and/or review of the government report. However, it does allow governments to review submissions by NGOs before their report is submitted, thus giving them the opportunity to come up with strategies of information presentation and diplomatic bargaining that ensure censorship of certain issues during the UPR review process.

Composition of Bahrain state delegation to UPR session

The composition of the official delegation reflected the sectarian and gender discrimination against Shia in high ranking government positions in the country. Although selectively appointed based on political loyalty, out of the 31 delegates, only 7 persons belonged to Shia sect, despite the fact that Shia are more than two thirds of citizens. Furthermore, delegation members were largely loyalists to the current ruling family.

Preventing NGO’s from effective lobbying and interventions during the session

Several days before the UPR session on Bahrain, the delegation of Bahraini and international NGO’s was prevented from holding a meeting with the troika members appointed to facilitate the review of Bahrain and members of state delegations.

Disappointingly, the Presidency of the Working Group on UPR told the NGO delegation that the meeting requires the pre- approval of the country under review; a restriction that has no basis in the procedural rules of the UPR process and is in contradiction with the usual methods of operation at the HRC which allow NGOs access to independent experts, rapporteurs, and state representatives.. The states then proceeded to ignore persistent telephone calls and other efforts to attain this approval.

Insignificant reflection and consideration of UN and Stakeholder compilation reports within UPR discussions and recommendations

With the exception of a few remarks and questions by some countries, the discussions and recommendations during the review of Bahrain were mainly based on the State report and presentation. As a result:

1. No real attention was given to the compilation report prepared by the Office of the High Commissioner for Human Rights (OHCHR) which recorded among other things: (1) core human rights treaties and instruments that have not yet been ratified; (2) the many reservations on, and non-implementation of, ratified treaties; (3) the long list of due and overdue reports to UN treaty bodies; (4) the deficiencies in cooperation with UN Special Procedures, including responding to letters of allegation and urgent appeals and questionnaires; (5) and the long list of unimplemented recommendations and lack of information submission for a period up to 8 years to the Special Procedures and Treaty Bodies on issues such as discrimination, restrictions on freedom of expression, association and peaceful assembly, torture, the use of excessive force by the police, harassment of human rights defenders, impunity and the lack of redress available to victims of torture.
2. Even less attention was paid to the summary prepared by OHCHR, based on 12 stakeholders' submissions. The well documented reports written by national and international human rights organizations recorded vast shortcomings and human rights violations in the past four years in relation to the same issues addressed by the UN bodies.

Ignoring past record and praising vague future commitments of Bahrain

Despite the past record of human rights abuses of the state under review, the discussions and recommendations of the UPR Session were dominated by the issue of future voluntary commitments by the state which, in many cases, were vaguely formulated and lacked an implementation time frame or action plan. Furthermore, the HRC lacks effective procedural measures to follow-up on commitments expressed in the UPR session by states. As such, UPR discussions on vague future human rights goals were and can be used as a rhetorical tool to deflect genuine and legitimate criticism and recommendations to improve the states present human rights policies.

Orchestrated interventions based on diplomatic relations and mutual interests

A quick survey of interventions by the many delegations of governments friendly to the Bahrain government, especially members of the Arab League and some other non-democratic countries, reveals the following shortcomings of state delegations during the UPR session:

1. Almost total lack of knowledge or attention to the contents of the civil society and UN compilation reports created by the OHCHR., combined with disproportionate praise of the government and its policies based solely on its report and statements,
2. Sever lack of substantive criticism and recommendations suggested in interventions by state delegates

3. Repetitive and superfluous nature of questions forwarded to the Bahrain delegation by state delegations. Such questions had often already been addressed and/or answered by the state report or within the discussion.
4. Praising of the Bahrain government for supposed freedoms and rights that are widely recognized as not being respected by the Bahrain government, as well as the intervening country itself.

Excessive time period between information submission and UPR review and the six months after submission

1. According to UPR procedures NGO's had to submit their reports five months before the UPR review session. As such, NGOs and the UPR process were denied the opportunity to cover recent human rights developments, thus creating a situation in which the information covered during the UPR session could be highly fragmented and irrelevant to the situation in the country under review at the time of the review. Such an excessive time period, as well as the inability of NGOs to submit updated information to be included in the OHCHR reports, could have a highly negative impact on the relevance of the UPR session discussions, especially considering that NGO's have been restricted from carrying out oral interventions, consultations and side events during these sessions.
2. During the last six months, national and international NGOs have documented a deterioration in the human rights conditions in Bahrain, including vast violations related to peaceful gatherings and the use of excessive force by the Special Security Forces which resulted in the death of a activist on November 17, 2007. In response to further protests more than 170 persons, including human rights defenders have been detained, with many kept in solitary confinement during interrogation periods which lasted up to 2-3 weeks. Detainees claimed in court that they were subjected to severe torture including hanging, electric shocks and sexual abuse. None of this information was allowed to be submitted to be included in the UPR reports despite the highly relevant, important and urgent nature of such events.

Based on the experience of the review of Bahrain, the presenters of this intervention recommend that UPR Procedures be reformed in the following ways:

- Reports by NGO's should follow, not precede, the government report, or, at the very least, state and NGO reports should be submitted within similar timeframes
- Procedures to select Troika members should encourage the selection of independent individuals with human rights expertise, and be selected through a less political process, and should be empowered to effectively engaged in the review discussion
- Discussion and recommendations should be equally based on the three reports submitted to the WG on UPR, i.e. the national report, as well as both compilations prepared by the Office of the High Commissioner for Human Rights (OHCHR) from UN and other stakeholder sources.
- NGO's Should be engaged directly and effectively in the review discussions
- HRC member states should be required to demonstrate competency and objectivity as a member of the WG on UPR.
- The review should not consist in a new evaluation of the human rights situation in the country under review, but rather an evaluation of the implementation of existing recommendations and conclusions formulated by independent experts

- There should be a systematic follow-up procedure for voluntary pledges and UPR recommendations to the state under review outside of the UPR process itself which is to be report back to the Human Rights Council.
