

## Kingdom of Bahrain Universal Periodic Review

In accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1

Session.....

The International Center for Supporting Rights and Freedoms (ICSRF) prepared this report on the extent to which the Kingdom of Bahrain applies the international standards of human rights in the framework of the Universal Periodic Review.

### **ICSRF's profile:**

The International Center for supporting Rights and Freedoms (ICSRF) is a regional non-governmental organization, and includes a number of human rights defenders around the world.

The International Center for supporting Rights and Freedoms (ICSRF) is registered as a law firm, according to Egyptian law in 5 July 2011 by both Ahmed Omar Ahmed and Abdul Hameed Ali Hamid, both are lawyers who defend human rights and internationally known and registered in Frontline Defender organization as human rights defenders. The ICSRF worked from the beginning on the defense of human rights activists in the Arab region. The statements and campaigns of the ICSRF have broad influence in the response of governments, as happened with human rights activist Nabeel Rajab from Bahrain, Zainab Al-Khawaja from

**The International Center  
for Supporting  
Rights and Freedoms**



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## UPR Report Summary / Stakeholders / Bahrain 2016

The Bahraini Constitution provides that the Kingdom of Bahrain adopts a democratic system. It approves that the citizens enjoy many rights and freedoms. Bahrain acceded to six of the main seven United Nations conventions on human rights, namely: the "Convention on the Elimination of All Forms of Racial Discrimination" (1990), the "Convention on the Elimination of All Forms of Discrimination against Women" (2002), the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (1998), the "Convention on the Rights of the Child" (1992), the "International Covenant on Civil and Political Rights" (2006), and the "International Convention on Economic, Social and Cultural Rights" (2007). It also acceded to the "Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography (2004).

But the last few years, specifically after the discussion of the report of Bahrain under the UPR in 2012, were characterized by dramatic violations of the rights and freedoms of activists, opposition members and human rights defenders in the country. For example, violations of the right to life, the right to physical integrity, the right to liberty and personal security, the right to freedom of movement and choice of residence, the right to fair trial, and the right to freedom of opinion and expression and the inviolability of private life.

It is a real threat to human rights to detain children and prosecute them as adults, revoke the nationality of opposition members and activists and deprive their children of acquiring such nationality, and monitor social networking sites and voice calls conducted over the internet in addition to the death penalty.

Bahrain did not implement the UPR recommendations, which were discussed in 2012; 58, 3, 22, 80, 158, 161, 154, 82, 101, 115, 34, 27, 81, 18, 95, 143, 88, 17, 26, 141, 147, 59, 78, 163, 21, 92, 19, 16, 12 and 157. Our report addresses specifically the rights and freedoms and in particular the public rights and freedoms according to the agreements ratified by the Government of the Kingdom of Bahrain.

## **First: Institutional Framework**

### **Background and Constitutional Framework**

1. The adopted Bahraini Constitution founds an independent Islamic Arab sovereign state and develops model rules in the field of public rights and duties that achieve social justice. The Constitution neither refers to the supremacy of international agreements over domestic laws nor gives them the legal value of the legislation.
2. Bahrain violated articles 6, 7, 9, 10, 12, 13, 14, 17, 18, 19, 21, 22 and 24 of the International Covenant on Civil and Political Rights (ICCPR).
3. Bahrain did not apply some constitutional articles; especially articles 17, 18, 19, 20, 23, 24, 25, 26, 27 and 28.
4. There is no definition so far for “torture” and what acts constitute torture crimes.
5. The Kingdom of Bahrain did not join the Rome Statute which established the International Criminal Court until now in spite of the recommendations made in this regard.

### **Recommendations:**

- A. Issuance of a decree that provides the supremacy of international treaties and conventions over the national legislation.
- B. Implementation of the provisions of international law and the Constitution within the national judiciary.
- C. Urging the Bahraini government to work with the international community for the elevation of human rights situation.
- D. Urging the Bahraini government to join the International Criminal Court.

### **Second: Strengthening the Protection of Human Rights in Practice**

#### **Civil and Political Rights**

Bahrain ratified the “International Covenant on Civil and Political Rights” (2006), the "Convention on the Elimination of All Forms of Racial Discrimination" (1990), the "Convention on the Elimination of All Forms of Discrimination against Women" (2002), the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (1998), the "Convention on the Rights of the Child" (1992), and the “International Convention on Economic, Social and Cultural Rights” (2007). It also acceded to the "Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography (2004).

### **The Right to Life and Combating the Death Penalty:**

6. The previous recommendations were not implemented in this regard and there are many criminalized punishable offenses with death penalty under the Bahraini Penal Code; Articles 112, 113, 114, 115, 116, 121, 122, 126, 142, 147, 152, 153, 175, 349 and 359. This violates Article 6 of the International Covenant on Civil and Political Rights.

### **Recommendations:**

Abolishing the death penalty utterly and replacing it with any other punishment.

### **Freedom of Opinion and Expression:**

7. Weakness of the legislation on the freedom of opinion and expression and non-application in this regard of previous recommendations and Article 19 of the International Covenant on Civil and Political Rights. Therefore, a large number of bloggers, activists, opposition members and human rights defenders experienced judicial and security prosecutions such as arrest on charges of humiliation and insult, dissemination of false news, revocation of nationality, and restriction of the right to freedom of movement. A lot of bloggers and activists were referred to trial and imprisonment for long periods, such as Nabeel Ragab and Said Al Samahigi and Sheikh Aly Salman.

### **Recommendations:**

1. Amend legislation in a way that provides freedom of opinion and expression.
2. Implement Article 19 of the International Covenant on Civil and Political Rights.

## **Rights of the Child**

8- The Kingdom of Bahrain did not implement the previous recommendations in this regard. In Bahrain, convicted children are being dealt with as adults though it ratified the Convention on the Rights of the Child (CRC) in 1992. Children may be sentenced to imprisonment for long terms such as in the case of Ibrahim Al Meqdad who was sentenced under Terrorism Act to 10 years. The CRC provides that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth". It also provides that "Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,"

## **Recommendations:**

A. Implementation of the CRC within the national judiciary.

## **Human Rights Defenders:**

9. The Bahraini government did not implement the recommendations in this regard. Human rights defenders experience retaliation and intimidation because of their legitimate work in defense of human rights. In fact, there is no actual accusation for practicing a work related to human rights but the Bahraini authorities undermines such work in different ways such as travel ban, detention for expressing opinions, defamation of activists and defenders in state-run media including newspapers, and retaliation inside detention centers.

## **Recommendations:**

A. implementation, within the national judiciary, of both the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally

Recognized Human Rights, and Fundamental Freedoms and the International Covenant on Civil and Political Rights.

### **The Right to Fair Trial:**

10. There are many restrictions in the trial systems which lead to human rights violations, including:

11. The Bahraini authorities approved Decree-Law No. 68 of 2014 amending some provisions of Law No. 58 of 2006 (the protection of society from terrorist acts Act) published in the Official Gazette No. 3186 on Thursday, December 4, 2014. According to this new amendment, for example, Article 27 states, **(if there is sufficient evidence available to accuse someone of committing one of the crimes stipulated in this law, the judicial officer can arrest them for a period of no more than twenty eight days.)**

12. There is no article on compensation of those who are wrongly sentenced and then the verdict is nullified due to a judicial error.

13. Expansive use of pre-trial detention.

### **Recommendations:**

- A. Setting a legal text that allows detainees and the accused, whose freedom was restricted for no legal reason, to claim compensation.
- B. Implementation of Article 14 of the International Covenant on Civil and Political Rights.
- C. Not to use pre-trial detention expansively.



### **Combating Torture:**

14. Bahrain did not implement the previously issued recommendations in this regard. Though the Bahraini legislator incriminates the crime of torture, they did not provide a definition for the term or the acts that are considered acts of torture and cruel treatment as defined in the Convention against Torture

15. Weak application of the international minimum standards for prison administration.

16. There is no law that protects or solves the cases of forced disappearance.

### **Recommendations:**

A. Setting a definition for the crime of torture and the acts considered to be acts of torture.

B. Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

C. Amelioration of the situation of prisons according to the universally applicable minimum standards.

D. Issuance of a law that regulates NGOs' visits to detention centers.

E. Implementation of article 7 of the International Covenant on Civil and Political Rights

### **The Right to Nationality:**

17. Bahrain did not implement the previously issued recommendations in this respect although it is a member of the international community. Therefore, when Bahrain deprived the following children of acquiring the Bahraini nationality; Khawlah Gasim Abdulmosen, whose father is an opposition member, Sarah, daughter of conscience prisoner Sheikh Aly Salman, Kawthar Al Mosawi, daughter of opposition member Al Sayed Okail Al Mosawi, and Aly, the son of opposition member Al Sayed Qasim Magid Ramadan, it violated article 15 of the Universal Declaration of Human Rights which provides that (Everyone has the right to a

nationality). It also violates paragraph 3 of article 24 of the ICCPR which provides that every child has the right to acquire a nationality.

### **Recommendations:**

- A. Add an article in the constitution that nationality is an untouchable sacred right to every child and that revocation of nationality is banned.
- B. Implement article 15 of the Universal Declaration of Human Rights and paragraph 3 of article 24 of the ICCPR.

### **The Right to Free Movement:**

18. Bahrain did not implement the previously issued recommendations in this respect. Human rights defenders and activists and opposition members in Bahrain experience travel ban for no legal grounds in violation of article 15 of the Universal Declaration of Human Rights, article 12 of the ICCPR and article 19 of the Constitution. In 2016, a large number of people were banned from travel such as Ibsam Al Sa'egh, Ibrahim Al Demstani, Hussein Radi, Dr. Taha Al Dorzy, Galialh Al Salman, Inas Own, Abdalnabi Al Akri, Nabil Ragab and Sheikh Maitham Al Salman.

### **Recommendations:**

- A. Implement, within the national judiciary, article 13 of the Universal Declaration of Human Rights and article 12 of the ICCPR.

### **International Center for Supporting Rights and Freedoms**