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Written statement* submitted by the Americans for Democracy & Human Rights in Bahrain Inc, 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.

[18 August 2017]

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

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Implementation of UPR Recommendations in Bahrain

On the occasion of the 36th Session of the United Nations Human Rights Council, this statement is submitted by Americans for Democracy & Human Rights in Bahrain, together with Salam for Democracy and Human Rights.

The Kingdom of Bahrain was the first state to undergo the Universal Periodic Review (UPR) and has completed two reviews in 2008 and in 2012. During the second cycle, in May 2012, the kingdom accepted 158 recommendations in total. The UPR recommendations represented the second major reform program to be accepted by the Bahraini government, following the Bahrain Independent Commission of Inquiry (BICI) in 2011.

The government's acceptance of the majority of the recommendations was welcomed by the international community as an incentive to foster reform and reconciliation in the country. Yet, despite the Bahraini government's claims that it has implemented more than 90 percent of its UPR recommendations, the authorities have failed to make substantive progress on human rights reform and have even regressed in several key areas. Almost no second-cycle UPR recommendations have been fully implemented in practice, and the human rights situation in Bahrain has actually deteriorated since the BICI in 2011 and the previous UPR cycle in 2012.

Contravention of the 2012 UPR Stakeholder Recommendations

In the 2012 UPR Stakeholder Report for Bahrain, several human rights organisations provided strong evidence that the authorities continued to arbitrarily detain human rights defenders and subject them to torture and ill-treatment. Moreover, the stakeholders highlighted systemic deficiencies in the Bahraini criminal justice system, including dozens of cases in which the government sentenced individuals after preventing them from accessing their lawyers or forced them to sign confessions extracted under torture.

Member and observer states then issued 176 recommendations calling on the Bahraini government to address a range of human rights abuses, including those pertaining to torture, arbitrary detention, and reprisals against human rights defenders. The Government of Bahrain stated that it fully or partially accepted 158 of the recommendations and would cooperate with the Human Rights Council to implement them. As part of its acceptance process, the government grouped the recommendations into multiple issue areas such as **Respecting Human Rights** and **Abandoning any Restriction on Human Rights Defenders, Journalists, NGOs**. However, more than four years on, it failed to implement the vast majority of these recommendations.

Respecting Human Rights

Concerning the **Respecting Human Rights** category, the government fully supported recommendations **115.37, 115.41, 115.93, 115.103, 115.115, 115.119, 115.123** and **115.161** of the second UPR cycle, including:

- **115.41** Take immediate actions to restore peace and the respect of human rights and fundamental freedoms (**Slovenia**)
- **115.93** Prevent incidents of violence against members of ethnic and religious communities (**Canada**)
- **115.161** Respect the legitimate rights of all its citizens to freedom of assembly and expression, and maintain its commitment to achieving concrete political reform based on respect for the legitimate rights and aspirations of all its citizens (**Australia**)

Although the Constitution of Bahrain enshrines the right to peacefully assemble, the government has taken a series of steps to repress and restrict this right. The authorities have implemented new restrictive regulations that explicitly constrain the rights to freedom of expression and assembly. A 2013 amendment to Bahrain's anti-terror law, for example, outright bans gatherings in the capital city, Manama. In addition, there has been a marked increase in the

number of arbitrary arrests in the country targeting human rights defenders, activists, religious and political figures and members of civil society. Bahraini authorities have also increasingly discriminated against the country's Shia Muslim majority. One of the most prominent cases of targeted religious discrimination is that of Sheikh Isa Qassim, the spiritual leader of Bahrain's Shia population whose citizenship was arbitrarily revoked on 20 June 2016. Since then, Bahraini authorities have summoned and interrogated over seventy senior Shia clerics for illegal assembly, preaching without permit or inciting hatred against the government.

Abandon any Restriction on Human Rights Defenders, Journalists, NGOs

Regarding the restrictions on human rights defenders, journalists and NGOs, the Government of Bahrain fully supported recommendations **115.147, 115.150, 115.156 and 115.158**. These include:

- **115.147** That human rights defenders must be protected and allowed to conduct their work without hindrance, intimidation or harassment (**Norway**)
- **115.150** Abandon any restriction or obstacle to the work of persons and institutions engaged in the protection and promotion of human rights (**Switzerland**)
- **115.158** Cease all intimidation or repression against human rights defenders, journalists, and Non-Governmental Organizations (**Spain**)

Despite its acceptance of these recommendations, the Bahraini government continues to consistently target journalists, human rights defenders and other civil society actors for arbitrary imprisonment, judicial harassment, travel bans, and other forms of reprisal. Sheikh Ali Salman, the leader of Al-Wefaq – the largest political opposition group in the kingdom – is serving a four-year sentence on charges stemming from a peaceful speech. In July 2016, a court ordered that Al-Wefaq be dissolved altogether, one of the sharpest blows yet against independent political and civil society. A year later, on 10 July 2017, prominent human rights defender Nabeel Rajab was sentenced to two years in prison for giving media interviews. He faces another 15 years on charges related to tweets and retweets and could be sentenced to even further imprisonment on yet another charge of “defaming the state” by publishing “false news and malicious rumours that undermine the prestige of the kingdom” after the *New York Times* printed a letter in his name.

All these examples, which represent only a fraction of such cases, demonstrate that the Government of Bahrain still fails to meet its international human rights obligations to guarantee basic human rights. Instead, it has only escalated its use of criminal charges and restrictive legislation to silence human rights activists, religious leaders, journalists, and other civil society actors in the country. For these reasons, we find that the Government of Bahrain has not implemented its key UPR recommendations.

Recommendations

To the Government of Bahrain:

- To recommit to its international human rights obligations.
- Implement fully the recommendations of the 2011 Bahrain Independent Commission of Inquiry and the recommendations of the 3rd Cycle Universal Periodic Review of the Human Rights Council along properly established timelines;
- Release immediately all prisoners of conscience, including activists, political dissidents, and those detained for merely exercising their fundamental rights to freedom of expression and assembly;
- Lift restrictions on freedom of movement including travel bans imposed on human rights defenders, activists, political and religious leaders, and journalists;

- Stop using the Bahrain Citizenship Act or the Protection of Society against Acts of Terror law to arbitrarily revoke citizenship, leaving people stateless and facing deportation from the country;
- Review of domestic laws and practices to ensure compliance with Bahrain's obligations under human rights law;
- Issue standing invitations to the UN Special Procedures to visit Bahrain, with an associated timeline to ensure compliance.
- Amend any article of the Penal Code that can be used to prosecute individuals for the exercise of the rights to freedom of expression, peaceful assembly, or association and bring it in line with international standards established by the International Covenant for Civil and Political Rights, to which Bahrain acceded in 2006;
- Undertake all efforts to relax censorship and to grant opposition groups the right to establish their own media outlets;
- And enter into dialogue with all relevant parties in order to prevent unnecessary conflict.

To the Member and Observer States of the Human Rights Council:

- Provide continued support and pressure to ensure the Government of Bahrain implements the legal and policy changes needed to implement its UPR recommendations to promote and protect all human rights for all people in Bahrain, and hold the government fully accountable if it does not move promptly to fulfil its reform commitments.
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