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Written statement* submitted by Cairo Institute for Human Rights Studies, 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.

[17 May 2010]

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

Bahrain's Universal Periodic Review: Broken Promises*

The Cairo Institute for Human Rights Studies (CIHRS) and the Bahrain Center for Human Rights (BCHR) would like to express grave concern over the deteriorating state of human rights in the Kingdom of Bahrain and the failure of the government to implement the voluntary pledges made and recommendations received during the country's Universal Periodic Review (UPR).

Among the major commitments Bahrain made during its Universal Periodic Review (UPR)¹ in March 2008, whether through its voluntary pledges in the National Report² or in the accepted UPR recommendations, were to ratify international and regional human rights conventions, implement previously signed conventions, cooperate with Special Procedures mechanisms, and address particular past human rights violations. Currently, some areas of particular concern are the continued restrictions on the rights of women, the infringement on the rights of religious minorities (mainly Shiites), the violation of the rights of migrant workers, human trafficking, torture, and the breach of freedom of association. Although the government has taken some positive steps to sign international human rights treaties and conventions, many deficiencies remain, in addition to an obvious lack of will to comply with such international conventions and treaties.

1. The restriction on women's rights and the discrimination against women continues to be a pervasive problem in Bahrain. On the international level, Bahrain has maintained reservations to Articles 9, 16, and 29 of CEDAW. Domestically, Sharia law- the country's legislative law- has important ramifications for the rights of women in Bahrain. Women in Bahrain have been denied the ability to acquire citizenship for their children in cases where the father is not Bahraini. In almost all fields women are discriminated against despite female dominance in higher education and some fields of occupation.

2. Bahrain pledged in Item 4C³ to be more cooperative with UN Special Procedures. Nonetheless, with the exception of the Special Rapporteur on Human Trafficking in 2007, no Special Rapporteur has been invited to Bahrain. Moreover, while Bahrain has improved its response rate to inquiries by the Special Procedures, many responses have been misleading. Furthermore, Bahrain has not met deadlines for presenting reports to human rights treaty bodies such as the Convention on the Elimination of All forms of Racial Discrimination, as well as the Convention Against Torture.

3. Shia Muslims continue to face widespread discrimination. Sharia law only covers the Sunni Muslim minority. There exists no separate version of the Sharia law for Shia Muslims, and the government has failed to pass a unified law for the two branches.

Furthermore, a proposal on eliminating discrimination by opposition MPs was blocked by pro-government MPs. The government refused to reveal the discrimination policies and practices against the Shia majority. Discrimination against Shia women and opposition is rampant in the administrative and legislative bodies. The electoral system is designed to marginalize the Shia majority, resulting in disproportionate representation

* Bahrain Center for Human Rights (BCHR), an NGO without consultative status also shares the views expressed in this statement.

¹ All recommendations are cited from the Report of the Working Group on the Universal Periodic Review of Bahrain. Available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/BH/A_HRC_8_19_Bahrain_E.pdf

² All pledges are cited from: The National Report Submitted In Accordance With Paragraph 15(A) Of The Annex To Human Rights Council Resolution, March 11, 2008. Available at http://www.upr-info.org/IMG/pdf/Bahrain_State_report_Off_EN_2008.pdf

³ Supra 1 at Item 4C

within the government. No measures have been taken to address the CERD concerns regarding the discrimination against Shiites, and no implementation of its recommendations following its review of Bahrain in 2005. Bahrain is also three years late in its submission to the committee.

4. Bahrain has taken some administrative measures to address the plight of migrant workers, such as the right to transfer to other employers. Yet, Bahrain does not recognize non-national workers as migrant workers. Instead, these migrants are given temporary worker status. The government claims to have cancelled the role of Al Kafel, or Custodian, system. However, in reality this system still exists.⁴ Additionally, the labour law does not go far enough in safeguarding the rights of migrant women domestic workers, and there is no law for domestic workers.⁵

5. The United Nations Convention against Transnational Organized Crime and its first optional protocol have been acceded to by Bahrain. Bahrain also passed anti-trafficking legislation. Nonetheless, the implementation has been problematic as demonstrated by selective prosecution of human traffickers. A report of the National Taskforce revealed the symbolic and cosmetic nature of Bahrain's anti-trafficking campaign.⁶

6. The government's position with regards to torture is one of complete denial. The government of Bahrain continues to torture, harass, and prosecute human rights defenders and journalists.⁷ In fact, torture and inhumane treatment are widespread practices that prevail throughout the period of detention. Testimonies in courts have revealed that torture is routine. The High Penal Court has decided to acquit the defendants of the Karzakan group, after considering the exposure of defendants to torture in custody.⁸

7. Positive measures have been taken in drafting a law on the rights of children by the legislative authority. However, much work remains to be done. Officially, under the criminal code of Bahrain, children lose their status of child at the age of 15. According to local and international human rights organizations many children protesters are victims of widespread persecution and are tortured while in custody.⁹ Furthermore, child labour is still practiced in Bahrain; and the minimum age of marriage is 15 for females and 17 for males, falling below international standards.

8. The government persecutes independent civil society institutions, particularly human rights groups. Some have been banned, their activities restricted, and their members harassed.¹⁰ Routine activities require permits, which in most cases are denied. Government funding of CSOs is discriminatory and goes to government made organizations (GONGOs).¹¹

⁴ "Slow Reform." Human Rights Watch, 27 Apr.

2010.<http://www.hrw.org/en/reports/2010/04/28/slow-reform-0>

⁵ Please see "The Situation of Women Migrant Domestic Workers in Bahrain", Available at: <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CARAMASIA Bahrain42.pdf>

⁶ Please see the Bahrain Trafficking-In-Persons (TIP) Report, Available at: http://bahrain.usembassy.gov/news_from_washington/bahrain-trafficking-in-persons-report.html

⁷ Observatory for the protection of human rights defenders annual report 2009 http://www.omct.org/pdf/Observatory/2009/obs_report09_02_MMO_eng.pdf
Front line <http://www.frontlinedefenders.org/node/2447>

⁸ "Bahrain: Court Ruling Disregards Torture Evidence." Human Rights Watch. 30 Apr. 2010. <http://www.hrw.org/en/news/2010/04/30/bahrain-court-ruling-disregards-torture-evidence>

⁹ United States Department of Labor, 2007 Findings on the Worst Forms of Child Labor - Bahrain, 27 August 2008, available at: <http://www.unhcr.org/refworld/docid/48caa45d8.htm>

¹⁰ "Trialing the Human Rights Activist Mohammed Al-Maskati in Response to his Human Rights Work ." Bahrain Center for Human Rights. <http://bahrainrights.no-ip.info/en/node/3084>.

¹¹ "A Report Presenting the Documents that Reveal the 'GONGOs' Organizations in Bahrain, Their Role, ." Bahrain Center for Human Rights. <http://bahrainrights.no-ip.info/en/node/2983>

After an eight-year wait and promises made by the Bahraini government, a national institution for human rights was established. However, the appointment of this committee through royal order contradicts the proposed parliamentary bill by MPs to form this institution according to the Paris Principles, as most of its members are non-independent and government backed.¹² The list of names of the 20 appointed members show that 5 members hold high ranking positions in ministries and government bodies; another 6 are currently appointed, or were previously appointed, in the hand-picked upper house of parliament (the Shura Council); 5 members are members of other human rights organizations that are government-associated or backed; 4 members are close associates to the government which include one journalist, two former officials in the Interior Ministry and Defense Ministry, and an academic; and the final 3 members are controversial figures associated with different NGOs.

The establishment of this institution failed to consult with community and civil society groups. The composition of membership does not reflect the voices of genuine NGOs. In addition, the composition also violates the principle that government officials should participate in the institution in an advisory capacity only. Several of the institution's members hold positions in the Labour, Health, and Education Ministries.

Thus, the institution is merely a facade to improve the discredited international reputation of the government. It is also an attempt to counter the efforts carried out by genuine and independent human rights defenders in the country. This is not a new policy, as other bodies such as the Higher Council for Women (established to contain feminist movements), and the Institute for Political Development (established to contain the training of political leaders and parliamentarians) are run directly by the Royal Court.

CIHRS and the BCHR call on the government of Bahrain to carry out the following steps as required by internal legal standards and the ratified recommendations of the UPR, and urge all UN member states to call on Bahraini authorities to:

1. Stop the systematic discrimination against the Shias, and comply with the articles of the Convention on the Elimination of Racial Discrimination.
2. Legislate new laws to protect the rights of migrant female workers.
3. Lift all reservations on international treaties and conventions; especially articles 9, 6, and 29 of the CEDAW.
4. Comply with the purpose and intent of the Convention Against Torture and refrain from using torture in detention centres.
5. Submit all overdue reports to international treaty bodies, such as the Convention on the Elimination of All forms of Racial Discrimination and the Convention Against Torture.

¹² "The King of Bahrain recently formed a governmental body under the name of "the National Human Rights Institution"." Bahrain Center for Human Rights. <http://bahrainrights.noip.info/en/node/3086>