

Promise vs. action: the issues with compliance to UN human rights mechanisms and the continuation of human rights violations in Bahrain since 2015

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Lexicon

UN – United Nations

CERD – Covenant for the Elimination of All Forms of Racial Discrimination

CESCR – Covenant on Economic, Social and Cultural Rights

CCPR – Covenant on Civil and Political Rights

CEDAW – Covenant on the Elimination of All Forms of Discrimination Against Women

CAT- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment

CRPD – Convention on the Rights of Persons with Disabilities

CRC – Convention on the Rights of the Child

CRC-OP-AC – Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

CRC-OP-SC – Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

OHCHR – Office of the High Commissioner of Human Rights

UPR – Universal Periodic Review

UNHRC – United Nations Human Rights Council

UNDHRD – United Nations Declaration on Human Rights Defenders

ACHR – Arab Charter on Human Rights

UDHR – Universal Declaration on Human Rights

GA – General Assembly

ECOSOC – Economic and Social Council

CRS – Convention on the Reduction of Statelessness

UNSC – United Nations Security Council

NIHR – National Institute for Human Rights

CSO – Civil Society Organisation

SCW – Supreme Council for Women

SIU – Special Investigations Unit

BIRD – Bahrain Institute for Rights and Democracy

Abstract

It has become clear that there are issues in terms of the implementation of international standards and laws as well as the monitoring of compliance of nations such as Bahrain, despite the usage of UN mechanisms. This report will thematically analyse the common human rights abuses committed by Bahrain since 2015, the international laws and resolutions broken as well as the frequent recommendations given and the quality of Bahrain's responses. This will allow a discussion of how effective UN mechanisms are in rectifying human rights issues, the inconsistencies developing between the promises made by Bahrain and the extent to which these are fulfilled and how repeated impunity has become a more prominent problem throughout the past five years. This report aims to form part of the evidence that demonstrates Bahrain's continued and worsening attitude towards international standards and the fact that systemic abuses are increasingly becoming common practice. It will conclude to state that there are clear patterns to be found within the abuses committed and that international change is needed in order to better align Bahrain with treaty bodies and global standards to prevent the worsening of abuses in later years.

Introduction

All member states of the UN are obliged to sign treaty bodies that bind them to international standards and laws. Bahrain, as of June 2020, have ratified nine of these in relation to human rights.¹ These are:

- International Convention on the Elimination of All Forms of Racial Discrimination – March 1990 (CERD)
- Covenant on Economic, Social and Cultural Rights – September 2007 (CESCR)
- International Covenant on Civil and Political Rights – September 2006 (CCPR)
- Convention on the Elimination of All Forms of Discrimination against Women – June 2002 (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – March 1998 (CAT)
- Convention on the Rights of the Child – February 1992 (CRC)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict – September 2004 (CRC-OP-AC)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC)
- Convention on the Rights of Persons with Disabilities – September 2011 (CRPD)

However, despite these ratifications, the human rights record of Bahrain continues to deteriorate. Since the 2011 Arab Spring revolts, the authorities have increased the usage of restrictive laws and of unacceptable methods of punishment and, in turn, have limited access to the acceptable quality of human rights outlined by the UN.

Currently there are three main mechanisms in place which enable the UN to monitor and implement international human rights standards. These are:

1. Special procedures communications and reports = human rights experts, known as Special Rapporteurs, are assigned a mandate and then advise and report on this in relation to a certain theme or country. Reports are sent between the UN and the country to investigate specific human rights cases. Throughout, more information on the case is given, recommendations are suggested and the international laws that have been broken are stated, allowing the nation to add any details needed and

¹ OHCHR. 'View the ratification status by country or by treaty', OHCHR database, no date. https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=13&Lang=EN

justify the claims if need be. These are often paired with country visits to allow closer investigations.²

2. Universal Periodic Review (UPR) = a review of all human rights related information from every member of the UN. This is state driven and monitors the improvements made by each country in terms of human rights issues. Reports are published which include recommendations given by each nation and the progress made in terms of their human rights record.³
3. Treaty bodies = these are formed by the UN Human Rights Council (UNHRC) and include committees of experts in the area. All nations have to ratify at least one. These lay out the international standards expected from each UN member.⁴

Despite the usage of these mechanisms, the Bahraini government has continued to subject its citizens to many human rights abuses. The abuses seen most frequently, treaty bodies broken and the recommendations and responses given to these are analysed below in section one. Section two will go on to examine some of the issues with the implementation of international standards and state compliance.

² OHCHR. 'Special Procedures of the Human Rights Council', OHCHR, no date. <https://www.ohchr.org/en/HRBodies/SP/Pages/Welcomepage.aspx>

³ OHCHR. 'Universal Periodic Review', OHCHR, 2020. <https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>

⁴ OHCHR, 'Human Rights Bodies', OHCHR, no date. <https://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

Section one – the human rights abuses committed: a quantitative analysis

Abuses and violations

Within the time frame of June 2015 to June 2020, there has been one cycle of the UPR (in May 2017) and 39 special procedures reports between the UN and Bahrain in relation to human rights related mandates.⁵ Analysis of these demonstrate clear patterns in the actions of the Bahraini authorities.

A total of 17 Special Rapporteurs have been involved in the special procedures' communication reports, as well as 4 Working Groups. Those most commonly present have been the Special Rapporteurs for the Promotion and Protection of Rights to Freedom of Opinion and Expression, for the Situation of Human Rights Defenders, and for Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments. As for the Working Groups, that of Arbitrary Detention was most common. (See appendix one)

The cases within these reports can be split into reoccurring themes and also linked to the relevant treaty bodies and resolutions broken. (See appendix two)

Theme	Number of times broken	Treaty body broken	Other resolutions broken
Limits on the freedom and action of human rights defenders	20		GA resolution 68/181 GA resolution 53/144
Restrictions on freedom of opinion and expression	19	CESCR, CCPR, CERD	GA resolution 217A GA resolution 53/144
Travel bans/limits on movement	7	UDHR, CCPR	
- Due to links to UN events	5		

⁵ OHCHR, 'Communication report and search', OHCHR, 2020. <https://spcommreports.ohchr.org/TmSearch/Results>

Poor detainment/prison conditions	26	CCPR, CESC	UN Basic Principles on the Use of Force and Firearms by Law Officials GA resolution 43/173 GA resolution 217A ECOSOC resolution 663C ACHR
Lack of fair trial/issues with the legal process	18	CCPR, CAT	GA resolution 217A ACHR ECOSOC resolution 1989/65 Basic Principle on the Role of Lawyers GA resolution 47/133
Social/cultural/religious discrimination	14	CCPR, CESC, CERD, CRC	GA resolution 217A GA resolution 36/55 ACHR
Revocation of citizenship	3	CERD, UDHR, CRS	GA resolution 217A
Torture/ill-treatment	21	CCPR, CAT, CRPD	ACHR
Terrorism/use of anti-terrorist law	13	UNSC, International Convention for the Suppression of the Financing of Terrorism	UN Basic Principles on the Use of Force and Firearms by Law Officials UNSC resolutions GA resolution 54/109
Death penalty/execution order	6	CCPR, CRC	GA resolution 217A ECOSOC resolution 1984/50 ACHR ECOSOC resolution 1989/65
Violence or discrimination towards women	5	CCPR, CEDAW	GA resolution 217A ACHR
Discrimination or poor treatment of disabled persons	2	CCPR, CRPD	GA resolution 217A ACHR

Discrimination towards/ ill-treatment of migrants	1	CRC, CCPR	GA resolution 217A
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Bahrain have contravened or disobeyed 25 separate treaty bodies/basic principles/declarations over this period. This amounts to a total of 82 resolutions, 93 articles, 6 general comments, 11 principles and 18 rules violated from the bodies stated above. Most commonly broken have been articles within the UNDHRDs, the CCPR and the CAT. (See appendix three)

Through analysis, it can be seen that the Bahraini authorities have violated human rights standards mostly through restriction of freedom of speech and expression, torture and ill-treatment of detainees, acts against the work of human rights defenders and poor conditions in detainment facilities such as prisons and police stations. These are recurrent issues that need to be further investigated and addressed. There are prominent systemic failures that have led to Bahrain consistently contravening international standards and bodies, despite ratifying them through the UN.

Recommendations and replies

Through special procedure reports, the most recent UPR cycle (May 2017) and concluding observation reports from main treaty bodies, there are a number of recommendations that have been suggested to Bahrain since 2015.

First looking at the special procedures' communications reports, the UN have consistently requested certain details from Bahrain which are expected in their replies, such as:

1. For more information to be given on the case and the allegations
2. The legal evidence and basis for the charges given to the accused, according to national law and international standards
3. Information about how Bahrain have been working to better align their national law with international standards
4. Evidence for the bettering of conditions and measures put in place to aid the human rights of their citizens in a variety of areas
5. Clarification on the current wellbeing or condition of the accused/detainee
6. Investigations into cases and abuses carried out by the authorities i.e. re-trials, acceptance of appeals, investigations into torture cases
7. Explanations for why certain laws are being used for political gain i.e. anti-terrorism laws used to curb freedom of speech or opinion and the usage of travel bans to prevent attendance of UN human rights events

Bahrain's reply rate is rather high. Out of the 39 communications since June 2015, 33 have been replied to, leaving 5 with no reply and 1 more recent case which has not yet been translated. (See appendix four). Within these replies, there are consistent patterns:

1. In terms of providing the UN with more information on cases/allegations, Bahrain have done this in most of the reports. In cases where this has not happened, reasons such as the confidentiality of the detainee have been used to excuse them
2. When providing the legal basis for charges, Bahrain have often replied well with the national laws used to convict the accused. However, in almost all cases, there is a lack of explanation for how these rulings comply with both national law and international standards, highlighting inconsistencies between the two. Additionally, in many cases international law has been up to national interpretation i.e. Article 19 of the CCPR states that freedom of speech can be limited by authorities when national security is at risk.⁶ Bahrain have often used this to justify certain charges, stating that the accused was a security risk or a threat to public safety. This demonstrates a key issue, the fact that governments of a more restrictive nature tend to view freedom of speech as a security risk rather than a positive part of democracy and expression. This could be due to the fact that the idea of western democracy is alien to states such as Bahrain who have operated on a more authoritarian system for many years
3. Looking at UN requests for Bahrain to better align with international standards, it is seen that there is a lack of reference to treaty bodies and other international laws. Replies are focused heavily on justification through national laws, and even these are often contravened
4. In terms of bettering the conditions for the human rights of Bahraini citizens, the replies often deny allegations against them. Where there are allegations that the accused has been denied access to a lawyer or medical care etc, Bahrain has stated that this is false and provided contrary evidence. Similarly, with the usage of travel bans, Bahrain has replied that the bans have been issued for legal reasons, and not to prevent the attendance of UN events. In recent years, they have stated they have put in place a number of measures to prevent further abuses such as a financial support system for all political associations and groups from the state budget⁷, a hotline for Bahraini-Qatari migrant issues⁸ and national remedies to aid the legal system i.e. the formation of the Special Investigations Unit, the Office of the

⁶ OHCHR, 'International Covenant on Civil and Political Rights', OHCHR, no date. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁷ OHCHR, 'Explanatory memorandum concerning Ali Salman Ahmed Salman', OHCHR, 15th August 2016. <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2079>

⁸ OHCHR, 'The Permanent Mission of the Kingdom of Bahrain to the United Nations Office at Geneva', OHCHR, 18th September 2017. <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33713>

Ombudsman and the Independent Prisoners and Detainees Rights Commission.⁹ However, the independence and effectiveness of these measures can be questioned

5. When clarifying the current state of a prisoner, Bahrain has consistently offered this information
6. When looking at the investigations into cases of human rights abuses, Bahrain has carried out a number of inquiries. Yet, questions have been asked by the UN relating to the independence of the bodies carrying out these inquiries
7. In terms of usage of laws for political gain, Bahrain has denied all accusations and stated that charges were carried out legally and by competent bodies

The 2017 UPR cycle contained 175 recommendations¹⁰ addressed to Bahrain from UN member states and the OHCHR. Bahrain accepted 139 of these.¹¹ These can, again, be split into themes: (See appendix five)

Theme	How many times
Legal/general framework of implementation	84
Civil and political rights	32
Social and economic rights	16
Women's rights	26
Children's rights	5
Disabled rights	9
Religious rights	2
Migrant workers	4
Sustainable development	2

Within the 36 that were not supported fully, Bahrain stated that they had 'taken note of' the recommendations: (See appendix six)

Theme/type of recommendation	Number of times 'taken note of'
Bettering of freedom of speech and exercise of human rights	3

⁹ OHCHR, 'Permanent Mission of the Kingdom of Bahrain to the United Nations', OHCHR, 25th April 2018. <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34030>

¹⁰ OHCHR, 'Report of the Working Group on the Universal Periodic Review – Bahrain', OHCHR, 10th July 2017. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/185/49/PDF/G1718549.pdf?OpenElement>

¹¹ OHCHR, 'Report of the Working Group on the Universal Periodic Review – Bahrain – Addendum', OHCHR, 15th September 2017. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/270/23/PDF/G1727023.pdf?OpenElement>

Amendments to national law/the legal system	32
Rights of disabled persons	1

Most of the recommendations were in relation to changes to the legal system and general legal framework of Bahrain, such as ratification to further UN treaty bodies, working more closely or effectively with the UN and bettering national institutions i.e. increasing independence from the state. These were also the recommendations that Bahrain most often chose not to support. The reasons for this were justified by the state as either not complying with existing Islamic Sharia or legislation needing further study before accession to different international bodies¹². Bahrain were also recommended many changes that would better promote and respect the rights of women within their society and also those that would increase civil and political rights i.e. better support for freedom of speech, more support for the work of human rights defenders and NGOs and allow a safer environment for activists.

Concluding observation reports have been submitted by the HRC for five of the treaty bodies Bahrain have signed to: CERD, CRC, CEDAW, CCPR and CAT.¹³ Below is an analysis of the recommendations given within these and the themes they can be grouped into: (See appendix seven)

Theme/treaty body	CERD (April 2005)	CRC (February 2019)	CCPR (November 2018)	CAT (May 2017)	CEDAW (March 2014)
Adequate legal action and provisions	6	30	16	7	11
Freedom of opinion and expression	3	3	6	1	1
Discrimination against minorities i.e. sexual orientation, migrants	3	-	2	-	2

¹² OHCHR, 'Report of the Working Group on the Universal Periodic Review – Bahrain – Addendum', OHCHR, 15th September 2017. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/270/23/PDF/G1727023.pdf?OpenElement>

¹³ OHCHR. 'UNHR database', OHCHR database, no date. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=13

Rights of women	1	2	-	1	-
Governmental transparency	2	-	-	-	-
Rights of disabled children	-	2	-	-	-
Right to education	-	3	-	-	-
Gender equality	-		5	-	6
Changes to prison and detention facilities	-	-	1	9	-

This, again, demonstrates that the majority of recommendations given are in relation to legislature i.e. amendment to current laws, accountability for those committing abuses and allowing independence for formal bodies.

Bahrain has submitted a number of reservations towards certain articles of treaty bodies or recommendations suggested. Some of these have also been subject to an interpretative declaration, meaning that Bahrain has interpreted certain articles of the treaty body in their own way. These are noted in the concluding reservation reports of the CCPR, CAT and CEDAW:

CCPR

- Bahrain submitted reservations towards articles 3, 9 (5), 14 (7), 18 and 23 of the treaty body.¹⁴
- The UN asked for all reservations to be considered
- Articles 3, 18 and 23 specifically have been interpreted by Bahrain in ways which ‘go against the object and purpose of the treaty’. All are subject to Sharia law, and do not align with international standards
 - Article 3 – relating to equal rights for men and women
 - Article 9 (5) – relating to compensation due for anyone who has suffered arbitrary detention
 - Article 14 (7) – prohibiting charging someone for an offence they have already been acquitted for

¹⁴ OHCHR, ‘CCPR/C/BHR/CO/1’, OHCHR, 15th November 2018. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBHR%2fCO%2f1&Lang=en

- Article 18 – relating to freedom of thought, conscience and religion
- Article 23 – relating to rights of the family and marriage.¹⁵

CAT

- It has been noted in earlier concluding observations that Bahrain have removed reservations submitted to article 20.¹⁶
 - Article 20 – relating to the necessity of investigations into torture cases.¹⁷

CEDAW

- Reservations towards articles 2, 9 (2), 15 (4) and 16.¹⁸
- Articles 2 and 6 have been stated as incompatible with the object and purpose of the convention, both being interpreted from a religious standpoint
- The UN have asked Bahrain to reassess reservations towards articles 9 (2), 15 (4) and 16 and provide a time frame in which these changes will be made yet none have been made. The same reservations are present in the earlier 2008 report.¹⁹
 - Article 2 – relating to the condemnation of all discrimination against women
 - Article 9 (2) – relating to equal rights in terms of nationality of children
 - Article 15 (4) – relating to equal rights in terms of free movement of persons
 - Article 16 – relating to the equality of males and females within marriage and in terms of children

It can be demonstrated from this analysis that there are common patterns in terms of the recommendations given to Bahrain, the responses they have provided and also the reservations they have submitted. This allows us to better understand and collate the events of the past five years thematically and contribute work to bettering the human rights record of Bahrain.

¹⁵ OHCHR, 'International Covenant on Civil and Political Rights', OHCHR, no date. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

¹⁶ OHCHR, 'CAT/C/CR/34/BHR', OHCHR, 21st June 2005. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCR%2f34%2fBHR&Lang=en

¹⁷ OHCHR, 'Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment', OHCHR, no date. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

¹⁸ OHCHR, 'CEDAW/C/BHR/CO/3', OHCHR, 10th March 2014. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBHR%2fCO%2f3&Lang=en

¹⁹ OHCHR, 'CEDAW/C/BHR/CO/2', OHCHR, 14th November 2008. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBHR%2fCO%2f2&Lang=en

Section two – the effectiveness of UN human rights mechanisms and the barriers to the implementation of adequate human rights provisions

There are many indications that Bahrain's human rights record is worsening rapidly. The issues with the implementation of and adherence to international standards linked to this are very much apparent. Notably, there are inconsistencies between domestic law and international standards as well as a lack of enforcement mechanisms to better apply these standards to Bahrain's institutions.

Despite the ratification of treaty bodies and international agreements, there is a level of incompatibility between Bahrain's domestic law and that of the international system, stemming from usage of Sharia in Bahrain and differences in the interpretation of certain articles of treaty bodies. The Bahraini Constitution includes all of the basic rights seen in the UDHR yet in many cases, these are implemented with religious limits. As an example; article 5 (b) of the Bahraini Constitution, which relates to the rights of women, guarantees provisions without prejudice but only in accordance to Sharia²⁰ i.e. a larger emphasis on the system of patriarchy in comparison to other nations, such as the United Kingdom. Also, there is no uniform or consistent codification of Sharia, therefore it is vague in the sense that it can be interpreted or manipulated in many ways; such as by governments for their own political gain. These religious limits are also evident in other aspects such as employment law or freedom of opinion, expression and association. The discrepancies cannot be altered easily yet it is worth noting the usage of Sharia law as one cause of inconsistencies between domestic law in Middle Eastern nations and wider, for example, and in international standards. It can be questioned whether Sharia is a legitimate reason for disregarding certain articles or if it is a convenient excuse.

Along the same lines, there are differences between international and national interpretation of laws, an example being Bahrain's usage of anti-terrorism laws. It is evident that Bahrain have been using claims of protecting public safety and security as a way to prosecute those with opposing opinions to the state. The use of anti-terrorism laws has increased significantly since 2011, building on the Protecting Society from Terrorism Act law passed in 2006. This gave a very vague definition of terrorism, has been used to restrict freedom of assembly, association and expression and has led to torture and ill-treatment within detention.²¹ This has caused issues in terms of compliance to international standards as threats to public safety and security are not interpreted in the same way by the UN and Bahrain, as earlier exhibited within article 19 of the CCPR.

²⁰ OHCHR, 'HRI/CORE/BHR/2019', OHCHR, 3rd July 2019. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%2fCORE%2fBHR%2f2019&Lang=en

²¹ Bahrain Centre for Human Rights. 'The Terrorism Law in Bahrain: A Tool to Silence Dissidents', Bahrain Rights, 13th March 2014. <http://www.bahrainrights.org/sites/default/files/Terrorism%20Laws%20in%20Bahrain%20-%20FINAL.pdf>

The independence and adequate practise of institutions in Bahrain has been questioned over the past years. In terms of the legal profession, it has been stated by the Working Group on Arbitrary detention that the Bahraini Bar does not conform to international standards, notably the Basic Principles on the Role of Lawyers (1990).²² Also, it seems that legal representation is not allowed during the period of police custody and lawyers are only hired at the point at which the case reaches Court. Therefore, international fair trial standards are not met as legal representation is not available throughout. Many UN reports have expressed concern for the independence of institutions such as the SIU and the NIHR also²³. The acceptance of international standards and rule of law by the Bahraini authorities, especially the royal family, is most definitely a hindrance to the implementation of adequate human rights.

The implementation of better human rights measures is also dependent on the action of other member states to the UN. Focusing on the United Kingdom specifically, NGOs such as BIRD have argued that continued support for Bahrain in terms of naval bases and trade demonstrates a lack of understanding of the true nature of the human rights abuses committed.²⁴ An increased amount of sanctions, in whatever capacity, aimed at states who do not comply with international standards may be a future way to enforce compliance. A positive development in this regard has been seen in the announcement of a possible British version of the Magnitsky Act post-Brexit.²⁵ The freezing of assets of nations who are responsible for repeated impunity could increase accountability and agreement in the future.

CASE STUDY – NABEEL RAJAB – restrictions placed on the work of human rights defenders

Nabeel Rajab is one of Bahrain’s most prominent human rights defenders. He has carried out underground work for many years, notably as President of the Bahrain Centre for Human Rights. He has been arrested and detained several times by the Bahraini government since his involvement in the 2011 Arab Spring Revolts.²⁶

²² ECOSOC, ‘Civil and Political Rights, Including the Question of Torture and Detention’, ECOSOC, 5th March 2002. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G02/112/88/PDF/G0211288.pdf?OpenElement>

²³ One case as an example: OHCHR, ‘AL BHR 6/2016’, OHCHR, 15th August 2016. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=3313>

²⁴ Birdbh, ‘Organisations Express Concern Over UK Announcement for Military Expansion in Bahrain’, birdbh, 10th December 2014. <http://birdbh.org/2014/12/ngos-express-concern-over-uk-announcement-for-military-expansion-in-bahrain/>

²⁵ UK Parliament, ‘Dominic Raab: New Sanctions Show The UK ‘Won’t Look The Other Way’ On Human Rights’, parliament, 6th July 2020. <https://www.parliament.uk/business/news/2020/july/statement-global-human-rights-sanctions-regime/>

²⁶ Amnesty International, ‘In Their Own Words – Nabeel Rajab’, Amnesty International, 18th May 2020. <https://www.amnesty.org.uk/podcast-in-their-own-words-nabeel-rajab-bahrain>

He has been the subject of 12 Special Procedures communication reports since 2011. Throughout the past 9 years, Rajab has experienced arbitrary arrest, travel bans, interrogations, poor detention conditions, inadequate legal provisions and torture.²⁷

Most frequently, Rajab has been arrested for his usage of social media. Charges have included disseminating false and malicious news and statements about the situation of Bahrain, insulting the King²⁸ and statutory bodies and spreading false rumours during wartime.²⁹ Along with these charges has come very poor treatment in detention facilities causing a severe deterioration in Rajab's health.

Bahrain has directly violated the CCPR, CAT and CESC. This disregard for international standards has led to the ill-treatment of numerous human rights defenders, Rajab is sadly just one of many. It is clear that the actions of the Bahraini authorities are politically motivated. There have been several appeals to release many individuals including Rajab, especially in light of the poor conditions during the current COVID-19 pandemic³⁰, who are detained purely for freedom of opinion and expression related actions. Yet, Bahrain's response has been insufficient.

CASE STUDY – usage of the death penalty

It was reported in July of this year that two Bahraini citizens, Mohamed Ramadan and Hussain Moosa, lost their final appeal against their death sentences. They had been on trial since 2014 and subject to torture, forced confessions and an unfair hearing. Amnesty International stated that 'Bahrain's judiciary... blatantly ignored court evidence of torture'.³¹

Ramadan left a message for his wife stating that he wanted his 'voice to be heard by those who believe in the principles of justice and equality.' He went on to say that his death 'will be unlawful, and yet, it has been ordained by law.'³² His wife later posted on Twitter, 'I don't know how I will be able to tell my three children that their father is never coming home.'³³

²⁷ OHCHR, 'Communication report and search', OHCHR, no date. <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>

²⁸ OHCHR, 'BHR 12/2011', OHCHR, 16th June 2011. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=13997>

²⁹ OHCHR, 'BHR 3/2018', OHCHR, 29th March 2018. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23687>

³⁰ Human Rights Watch. 'Bahrain: Free Imprisoned Rights Defenders and Opposition Activists', Human Rights Watch, 6th April 2020. <https://www.hrw.org/news/2020/04/06/bahrain-free-imprisoned-rights-defenders-and-opposition-activists>

³¹ Amnesty International. 'Bahrain: Two Men Facing Execution Lose Last Court Appeal Despite Torture-extracted 'Confessions'', Amnesty International, 13th July 2020. <https://www.amnesty.org/en/latest/news/2020/07/bahrain-two-men-facing-execution-lose-last-court-appeal-despite-torture-extracted-confessions/>

³² Human Rights Watch. 'Two Men Face Execution in Bahrain', Amnesty International, 8th July 2020. <https://www.hrw.org/news/2020/07/08/two-men-face-execution-bahrain>

³³ P. Wintour. 'Bahrain To Execute Two Activists Despite Concerns Over Torture', The Guardian, 13th July 2020. <https://www.theguardian.com/world/2020/jul/13/bahrain-to-execute-two-activists-despite-concerns-over-torture>

The above is just one example of a case where the death penalty, despite being against international standards, has been used arbitrarily and as a political tool. The UN and many NGOs have requested Bahrain remove the death penalty from domestic law numerous times, yet no such consideration has taken place. The injustice committed needs to be prevented from reoccurring immediately.

When examining cases such as these, communication with lawyers, family members and activists is vital to inform a clear pattern of events. With this information, we can form an appeal and campaign to advocate against the continuation of this malpractice. By working with many sources, we can further raise awareness, in combination with approaching treaty bodies and Special Rapporteurs. Collaborative work is essential for progress in this area.

Conclusion

To conclude, there are numerous patterns found in the repeated abuses committed by Bahrain. It is important to use this thematic analysis as well as case study evidence to form further cases and campaigns against repeated impunity and violations. Internationally, something needs to be done to bring Bahrain further in line with global standards and to increase positive action towards human rights institutions and treaty bodies. Increased advocacy, along with close research into the actions of and issues with Bahrain's systems and behaviours, may in the future allow improvements to the human rights scene.

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Appendix

Appendix one – the Special Rapporteurs and Working Groups involved in UN-Bahrain communication reports between June 2015 and June 2020

Who	How many times?
SP - The promotion and protection of rights to freedom of opinion and expression	20
SP - The situation of human rights defenders	21
SP - The field of cultural rights	1
SP - On extreme poverty and human rights	1
SP- For freedom of religion of belief	11
SP - The independence of judges and lawyers, on extrajudicial, summary or arbitrary executions	12
SP - On torture and other cruel, inhuman or degrading treatments or punishments	21
SP - The right of everyone to the enjoyment of the highest attainable standard of physical and mental health	9
SP - The rights to freedom of peaceful assembly and of association	10
SP - The independence of judges and lawyers	3
SP - The violence against women, its causes and its consequences	3
SP - The rights of persons with disabilities	2
SP - The human rights of migrants	1

SP - The contemporary forms of racism, racial discrimination, xenophobia and related intolerance	1
SP - The promotion and protection of human rights whilst countering terrorism	7
SP - The right to education	1
SP - The human rights to safe drinking water and sanitation	1
Working Group on Arbitrary Detention	18
Working Group on the issue of discrimination against women in law and in practise	3
Working Group on enforced or involuntary disappearances	2
Working Group on the discrimination against women and girls	1

Appendix two = common themes and examples of abuses committed by Bahrain, the number of times they have been reported and the international body broken

Theme	Number of times broken	Treaty body broken
Limits on the freedom and action of human rights defenders	20	UNDHRD, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms
Restrictions on freedom of opinion and expression	19	CESCR, UDHR, UNDHRD, CCPR, CERD, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms
Travel bans/limits on movement	7	UDHR, CCPR
+ links to UN events	5	

<p>Poor detainment/prison conditions</p> <ul style="list-style-type: none"> = Lack of access to medical care = Force used towards prisoners = Denied access to necessities i.e. toilets, food, water = Restriction of phone calls to families = Usage of solitary confinement = Arbitrary detention 	<p>26</p>	<p>UN Basic Principles on the Use of Force and Firearms by Law Officials, CCPR, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, CESC, General Assembly, UDHR, UN Standard Minimum Rules for the Treatment of Prisoners, ACHR</p>
<p>Lack of fair trial/issues with the legal process</p> <ul style="list-style-type: none"> = Restricted access to lawyers = Forced confession/these used in trials = Independence of judges and lawyers = Enforced disappearances = Lack of contact with family = Usage of mass/group trials = Obligation that any misconduct will be investigated = Refusal to consider evidence 	<p>18</p>	<p>UDHR, CCPR, CAT, ACHR, UN principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, Basic Principle on the Role of Lawyers, UN Declaration on the Protection of All Persons from Enforced Disappearances</p>
<p>Social/cultural/religious discrimination</p> <ul style="list-style-type: none"> = In education = Against a sect/religious branch i.e. Shia = Destruction of places of worship = In terms of housing and employment = Closure of faith-based organisations = Harassment of clerics/ those of other sects = Denied access to religious materials whilst in prison 	<p>14</p>	<p>General Assembly, CCPR, CESC, CERD, UDHR, UN Declaration on Religious Tolerance and Non-Discrimination, UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, ACHR, CRC</p>

Revocation of citizenship	3	CERD, UDHR, Convention on the Reduction of Statelessness
Torture/ill-treatment	21	CCPR, CAT, ACHR, General Assembly, CRPD
Terrorism/use of anti-terrorist law = Inciting danger towards the state = Denaturalisation of sects due to encouraging violence = Convictions for bombings or attacks	13	UN Basic Principles on the Use of Force and Firearms by Law Officials, UNSC, General Assembly, International Convention for the Suppression of the Financing of Terrorism
Death penalty/execution order	6	UDHR, CCPR, UN Safeguards Protecting the Rights of those Facing the Death Penalty, ACHR, CRC, UN principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions
Violence or discrimination towards women	5	UDHR, CCPR, General Assembly, ACHR, CEDAW
Discrimination or poor treatment of disabled persons	2	UDHR, ACHR, CCPR, CRPD
Discrimination towards/ill-treatment of migrants	1	CRC, UDHR, CCPR

Appendix three = the specific articles broken and how many times each one was violated

Treaty body	How many times?
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Human Rights Council Resolutions

6/37	1
12/2	7
12/16	6
15/9	1
15/23	2
16/23	3
22/6	4
22/20	3
24/24	8
24/5	10
24/6	3
24/7	3
25/2	11
23/5	1
25/13	5
25/18	14
25/24	1
25/28	1
26/3	1
26/7	2
26/12	4
26/17	1
26/20	1
27/1	1
28/9	1
31/3	3
31/16	3
31/32	1
32/4	1
32/19	2
32/32	1
33/9	6
33/10	2
33/30	13
34/5	7
34/18	9
34/19	14
34/21	2
34/35	1
35/6	2
35/11	5
35/15	2
35/34	2
36/6	2
36/21	3
36/22	2

<i>UDHR (GA RESOLUTION 217A)</i>	
Article 2	1
Article 3	5
Article 5	1
Article 7	1
Article 9	8
Article 10	9
Article 11	1
Article 13	1
Article 15	1
Article 18	2
Article 19	5
Article 20	2
Article 22	1
Article 25	1
Article 27	1
<i>UN Declaration on Human Rights Defenders (GA RESOLUTION 53/144)</i>	
Article 1	16
Article 2	16
Article 5	9
Article 6	13
Article 8	1
Article 9	1
Article 12	7
Article 13	2
<i>Human Rights Committee General Comments</i>	
No. 6	1
No. 22	1
No. 31	3
No. 34	6

General Assembly Resolutions	
43/173	1
45/111	2
49/60 = Measures To Eliminate International Terrorism	4
51/210 = Measures To Eliminate International Terrorism	4
63/181= Elimination Of All Forms Of Intolerance And Of Discrimination Based On Religion Or Belief	1
64/292= Human Right To Water And Sanitation	1
68/156= Torture And Other Kinds Of Inhuman Or Degrading Treatment Or Punishment	2
68/181	3
70/169= Human Rights To Safe Drinking Water And Sanitation	1
72/180 = Protection Of Human Rights And Fundamental Freedoms Whilst Countering Terrorism	4
72/123= Measures To Eliminate International Terrorism	4
CCPR	
Article 2	4
Article 4	1
Article 6	8
Article 7	20
Article 9	22
Article 10	7
Article 12	10
Article 13	1
Article 14	23
Article 17	2
Article 18	12
Article 19	22
Article 20	1
Article 21	7
Article 22	9
Article 26	1
Article 27	2

CESCR	
Article 2	2
Article 6	1
Article 9	1
Article 10	1
Article 11	2
Article 12	6
Article 13	2
Article 15	1
General Comment No.14	3
General Comment No.15	1
CERD	
Article 1	1
Article 2	1
Article 5	1
Article 7	1
CRC	
Article 3	1
Article 9	1
Article 10	1
Article 16	1
Article 14	1
Article 28	1
Article 29	1
Article 37	1
UN Declaration on Religious Tolerance and Non-Discrimination (GA RESOLUTION 36/55)	
Article 2	1
Article 3	1
Article 6	1
UN Safeguards Protecting the Rights of those Facing the Death Penalty (ECOSOC RESOLUTION 1984/50)	
Article 4	1
Article 5	6

CAT	
Article 1	3
Article 2	19
Article 5	1
Article 6	3
Article 7	11
Article 9	1
Article 11	1
Article 12	13
Article 14	1
Article 15	11
Article 16	20
<i>UN Basic Principles on the Use of Force and Firearms by Law Officials</i>	
Principle 8	1
Principle 9	2
<i>Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (GA RESOLUTION 43/173)</i>	
Principle 19	2
Principle 24	1
<i>UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules = ECOSOC RESOLUTION 663C)</i>	
Rule 11	1
Rule 18	1
Rule 22	2
Rule 23	1
Rule 24	3
Rule 25	2
Rule 26	3
Rule 27	3
Rule 32	1
Rule 43	1
Rule 44	1
Rule 45	1
Rule 46	1
Rule 52	1
Rule 58	1
Rule 62	1
Rule 66	1
Rule 72	1

<p><i>Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms: protecting women human rights defenders (GA RESOLUTION 68/181)</i></p> <p>Article 1</p> <p>Article 2</p>	<p>2</p> <p>2</p>
<p><i>Arab Charter of Human Rights (ACHR)</i></p> <p>Article 5</p> <p>Article 7</p> <p>Article 8</p> <p>Article 13</p> <p>Article 14</p> <p>Article 16</p> <p>Article 25</p> <p>Article 30</p> <p>Article 32</p> <p>Article 33</p> <p>Article 34</p>	<p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>
<p><i>CRPD</i></p> <p>Article 13</p> <p>Article 14</p> <p>Article 15</p> <p>Article 17</p> <p>Article 25</p>	<p>1</p> <p>1</p> <p>2</p> <p>1</p> <p>2</p>
<p><i>UN principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (ECOSOC RESOLUTION 1989/65)</i></p> <p>Principle 4</p> <p>Principle 9</p> <p>Principle 18</p>	<p>1</p> <p>1</p> <p>1</p>
<p><i>Basic Principle on the Role of Lawyers</i></p> <p>Principle 1</p> <p>Principle 7</p> <p>Principle 8</p>	<p>1</p> <p>2</p> <p>2</p>
<p><i>Convention on the Reduction of Statelessness</i></p> <p>Article 3</p> <p>Article 4</p> <p>Article 8</p> <p>Article 31</p>	<p>1</p> <p>1</p> <p>1</p> <p>1</p>

CEDAW	
Article 4	1
Article 7	2
UN Declaration on the Protection of All Persons from Enforced Disappearances (GA RESOLUTION 47/133)	
Article 2	3
Article 7	1
Article 10	3
Article 19	1
UN Security Council Resolutions	
1373 – Prevention And Suppression The Financing Of Terrorism, Refrain From Any Support, Accelerating The Transfer Of Information From Terrorist Organisations To Authorities	4
1456 – Combatting Terrorism	4
1566 – Elimination Of Threats To International Peace Caused By Terrorism	2
1624 – Acceptance Of International Good Practise To Prevent Terrorism	4
2178 – Prevent Any Aid Of Foreign Terrorists	3
2242 – Better Investigations Of Women In Relation To Peace Keeping	
2341 – Protection Of Critical Infrastructure From Terrorist Acts	3
2345 – Claiming Nuclear Non-Proliferation And Dangers To International Peace	3
2368 – Concerning Isis And Isil	3
2370 – Preventing Terrorists From Acquiring Weapons	4
2395 – Renewal Of Support For Anti-Terrorism	4
2396 – Strengthen Action Against Foreign Terrorist Fighters	3
	3
Basic principles for the treatment of prisoners (GA RESOLUTION 45/111)	
Principle 9	1
International Convention for the Suppression of the Financing of Terrorism (GA RESOLUTION 54/109)	
Article 17	1
Article 21	1

Appendix four = Bahrain's reply rate

Reply	How many times?
Yes	33
No	5
Other	1 (not yet translated)

Appendix five = UPR recommendations (2017 cycle)

Theme	How many times
<p>Legal/general framework of implementation</p> <ul style="list-style-type: none"> = Ratification/accession to international protocols and treaty bodies = Creation of preventative mechanisms that aid compliance with treaty bodies = Working effectively with the UN and other nations = Accepting visits from SPs = Encouraging cooperation between national and international bodies = Bettering national institutions i.e. increasing their independence from the state = Training programmes for law enforcers/ lawyers etc/changes to the legal system i.e. changes to the terrorism law and the death penalty, revocation of citizenship = Accountability of crimes i.e. torture, enforced disappearances 	84
<p>Civil and political rights</p> <ul style="list-style-type: none"> = Allowance of peaceful protest i.e. freedom of speech = Effective NGO work and human rights defenders = Safe environment for activists = Release of those arbitrarily detained/ convicted due to freedom of speech related crimes 	32

Social and economic rights = Education – including HR in curriculum, bettering of the system = Better conditions in detainment facilities = Prevention of trafficking = Equality within employment and occupation	16
Women’s rights = Continued implementation of policies = Promotion of the role of women in politics = Respect of their rights	26
Children’s rights = Continued implementation of policies = Respect of their rights = Against any poor treatment	5
Disabled rights = Continued implementation of policies = Respect of their rights	9
Religious rights = Freedom of belief = End religious discrimination	2
Migrant workers = Respect of their rights = Statelessness	4
Sustainable development	2

Appendix six = recommendations that were ‘taken note of’ by Bahrain by theme

Theme/type of recommendation	Number of times ‘taken note of’
Allowance of freedom of speech and exercise of human rights = Release of arbitrarily detained persons = Review of convictions of those detained for crimes relating to freedom of expression = Remove restrictions against all peaceful protest	3

Amendments to national law/the legal system = Amending the terrorist law/death penalty = Amend laws to aid statelessness = End revocation of citizenship = Ratify to HR instruments they are not already part of = Accepting visits from SPs = Bringing national legislation in line with international standards	32
Disabled rights = Successful running of rehabilitation centres	1

Appendix seven = recommendations suggested within concluding observations, separated by treaty body

CERD (April 2015)

Theme	How many times?
Adequate legal action/provision = Holding those who commit racial crimes accountable = Provide information on the racial groups present in Bahrain = Amendments to national/domestic law = Establishment of a national human rights institution = Information on investigations or complaints into racial issues provided in the next periodic report = Ratification of further treaty bodies i.e. the ICCPR and the ICESCR	6
Freedom of opinion and expression = Allowing civil society organisations access to dialogue with others, more enabling environment	3
Rights of migrants = Equality for all migrants in all areas of society = Easier/better access to nationality, citizenship and naturalisation	3

Rights of females = Equality and fair treatment of female migrants	1
Transparency = Reports made accessible by the public = Provide all information on the recommendations given in later reports	2

CRC (Feb 2019)

Theme	How many times?
Adequate legal action/provisions = Review of current legislation/updates needed = Assessments of new legislature put in place = Adequate resources for laws to be correctly implemented = Independence of mechanisms and procedures to deal with complaints = Independence of mechanisms and procedures to deal with complaints/child related issues = Awareness programmes and campaigns to advocate child rights = Training programmes for authorities involved in child related issues = Ensure better treatment in detention facilities and correct dealings with cases and complaints = Establish databases etc. to collate information on child related issues	30
Freedom of opinion and expression = Autonomy of human rights defenders and CSOs in promoting the rights of children = Adequate access to internet resources	3
Rights of mothers/women = Better access to custody of children = Gender equality in the eyes of the law	2
Rights of disabled children = Full inclusion into public life = Bettering healthcare access in order to aid those with disabilities	2

<p>In relation to education</p> <ul style="list-style-type: none"> = Eliminate gender stereotypes and biases = Better funding for schools and the education system = Including human rights in the curriculum = Access for all children to recreational activities 	3
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CCPR (Nov 2019)

Theme	How many times?
<p>Adequate legal action/provisions</p> <ul style="list-style-type: none"> = Raise awareness of the need for national and international law to be compatible i.e. acceptance in any way of articles that contradict Sharia law = Allow independence of bodies such as the NIHR = Accountability for those who break the covenant = Amending current law that is not suitable under the CCPR <ul style="list-style-type: none"> = In particular, notes that there needs to be a narrowing of the definition of terrorism in the eyes of the law = Abolition of the death penalty = Prevention of torture and ill-treatment = Full investigation into cases of malpractice i.e. police brutality 	10
<p>Gender equality</p> <ul style="list-style-type: none"> = Eradicate practises that discriminate against women = Strategies to teach against gender stereotypes = Better dealings with abuse cases in terms of investigation of cases, awareness of these issues etc. 	5
<p>Discrimination against minorities i.e. sexual orientation</p> <ul style="list-style-type: none"> = End discrimination in law against those of a different sexual orientation to the majority = Protection of migrants and asylum seekers 	2

<p>Freedom of speech and expression</p> <ul style="list-style-type: none"> = End prohibition of travel for the means of limiting expression i.e. human rights defenders = Increase freedom of religion = Decriminalisation of freedom of expression = Limit restrictions on freedom of association = Investigation of cases in relation to restrictions on human rights defenders 	6
<p>Amendments to treatment of prisoners in detention facilities</p>	1

CAT (May 2017)

Theme	How many times?
<p>Adequate legal action/provisions</p> <ul style="list-style-type: none"> = Reducing the gap between legislative frameworks and their implementation i.e. to end repeated impunity = Amendments to current legislation where needed <ul style="list-style-type: none"> = Especially in relation to the death penalty = Changes to the access to legal safeguards i.e. being made aware of the charges against them, access to family and lawyers, medical examinations, ending solitary confinement = Allow visits from SPs and the UN 	7

<p>Changes to prison and detention facilities</p> <ul style="list-style-type: none"> = Better access to legal safeguards such as being made aware of the charges against them, access to family and lawyers, medical examinations = Ending solitary confinement = Ending the practise of forced confessions = Bettering prison conditions i.e. limit overcrowding, adequate access to hygiene = More acceptable methods of dealing with prison riots = Changes to laws surrounding the treatment of minors in custody = Formal investigations of abuses committed against prisoners = Adequate monitoring of prison systems 	9
<p>Freedom of speech and expression</p> <ul style="list-style-type: none"> = Prevent the imprisonment of human rights defenders as well as the usage of revocation of citizenship/travel bans to reduce effective work 	1
<p>Rights of women</p> <ul style="list-style-type: none"> = Changes to the legal framework surrounding rape and sexual violence = Education of officials in relation to the above 	1

CEDAW (March 2014)

Theme	How many times?
<p>Adequate legal action/provisions</p> <ul style="list-style-type: none"> = Changes to current laws and practises <ul style="list-style-type: none"> = Especially in relation to violence against women = Trafficking = Access to employment = Raise awareness of women's issues = Stronger commitment to women's CSOs from bodies such as the Supreme Council for Women = Provide training for those dealing with women's issues = Independence of bodies such as the NIHR = Ratify optional protocols 	11

<p>Equality for the sexes</p> <ul style="list-style-type: none"> = Removal of gender stereotypes in education = Adequate representation in public and political life = Equality in terms of access to nationality = Diversify educational choices given to women = Equality in terms of pay and access to employment 	5
<p>Better treatment of women who suffer crimes against them</p> <ul style="list-style-type: none"> = More funding for shelters that aid women who have experienced violence 	1
<p>Freedom of speech and expression</p> <ul style="list-style-type: none"> = Better treatment of female human rights defenders = Increase freedom of female CSOs 	1
<p>Protection of female minorities</p> <ul style="list-style-type: none"> = Better treatment of female migrants in terms of employment, legal aid etc. 	2