

Bahrain and the United Nations

A report showing the extent of the Kingdom of Bahrain's cooperation with the United Nations mechanisms

BAHRAIN CENTER FOR HUMAN RIGHTS
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The United Nations and its role in the world

Fifty-one countries established the United Nations after the end of World War II, hoping that the horrors of armed conflict would not happen again. Over the past years, the number of members and the importance of its work has increased and now includes 193 countries in its membership. The United Nations has become the largest and most important international organization in the world today.

The United Nations is an independent and global organization, and it is the only forum in the world in which peace, human rights and development issues are discussed by all countries of the world.

The [United Nations](#) has based its work on three pillars: protecting human rights, peace and security, and economic and social development.

One of its first historic achievements was the reaching of the [Universal Declaration of Human Rights](#) in 1948, which defined the basic principles underlying the human rights movement and allowed for significant progress. The declaration also served as an inspiration to international laws and institutions that have worked to directly improve people's lives around the world.

Since that date, many human rights treaties and declarations have in turn formulated a system of international law and standards that protect all of us, enhance our rights and end racial [discrimination](#) and discrimination against women, prohibit torture, genocide, and protect the rights of the child, persons with disabilities, [refugees, migrants, internally displaced persons](#), minorities, human rights defenders, [indigenous people](#), regulating the [arms trade](#), and calling for the abolition of the [death penalty](#).

The United Nations is made up of 30 organizations, agencies or programs that link the dissemination and preservation of human rights to such things as gender equality, strengthening the status of women, protecting the environment, fighting diseases, reducing poverty and helping to improve communication and communication.

How does the United Nations work?

- **General Assembly**

The General Assembly is the main body of the United Nations and 193 Member States participate in its meetings and votes on its decisions, and its meetings continue throughout the year and adopt about 300 resolutions annually dealing with a wide range of issues.

- **Human Rights Council**

After being formed with the membership of 47 countries in 2006, the Council meets throughout the year and is able to address the full spectrum of human rights issues and issue recommendations to states regarding them. The Council is also reviewing the extent to which United Nations Member States adhere to their human rights obligations through an approved mechanism known as the "universal periodic review".

- **Security Council**

The Security Council is the most powerful United Nations body as its mandate includes the maintenance of international peace and security. The Security Council can authorize others to use force, and some of its resolutions are binding on all UN member states. The council has 15 members, including five permanent members, while the other ten are chosen by election.

- **Treaty Bodies**

They are committees made up of independent human rights experts who monitor what states are doing in terms of matters to be observed in relation to the human rights treaties they have signed.

- **Special Procedures**

Despite this designation, it is a group of people - that is, independent human rights experts or groups of experts who monitor a specific country or issue on behalf of the Human Rights Council. There are about 40 special "procedures" that include special rapporteurs,

independent experts and special representatives of the United Nations Secretary-General and working groups.

- **The Universal Periodic Review (UPR)**

It is the process in which the Human Rights Council reviews the fulfillment of each member state of the United Nations with its human rights obligations. Civil society groups and organizations play a major role in the UPR by providing information on human rights in the countries under review and proposing measures to address challenges.

- **The General Secretariat and the Office of the High Commissioner for Human Rights**

The United Nations Secretariat is the United Nations civil service, and is led by the United Nations Secretary-General.

The Office of the High Commissioner for Human Rights is part of the United Nations Secretariat and is chaired by the United Nations High Commissioner for Human Rights. It is a position created by the General Assembly in 1993, and the Office of the High Commissioner implements the United Nations human rights program. Its role includes conducting research, providing governments and national human rights institutions with technical expertise, capacity-building and human rights education.

Bahrain's relationship with the United Nations and its signed agreements

1. **The status of international human rights agreements in the legal system of the Kingdom of Bahrain**

Article 37 of the constitution [clarified](#) the mechanism for concluding and adopting international treaties with an indication of their legal value, as it stipulated that: "The king shall

conclude treaties by decree and inform them to the Shura Council and Representatives immediately with appropriate explanations. The treaty will have the force of law after its conclusion, ratification, and publication in the newspaper Official. However, peace and alliance treaties, treaties relating to the state's lands or natural resources, sovereignty rights, citizens' rights, public or private, trade, navigation, and residence treaties, and treaties that charge the state's treasury for some of the expenses not included in the budget or include an amendment to Bahrain's laws, must be enforced by law. In no case may a treaty include secret conditions that contradict its public terms. "

Thus, the amended Constitution of the Kingdom of Bahrain has divided international treaties and agreements into two parts:

First: International treaties and agreements that are sufficient for approval in the legal system of the Kingdom of Bahrain to issue a decree from the King, provided that the Shura Council and Representatives are informed.

Second: International treaties and agreements that are required for approval and ratification in the legal system of the Kingdom of Bahrain to be approved by the legislative authority - the Shura and Representatives Councils - and to pass them by law for implementation of the provision of Article (37) of the Constitution.

Accordingly, the Bahraini constitutional legislator resolved the matter by stipulating explicitly that the international agreements have a legal force equal in terms of rank and binding to the applicable national law. Therefore, whenever the international agreement is ratified or acceded to and published in the Official Gazette, it becomes by the constitution a part of the national legislative system.

In this context, the agreements that have been ratified or acceded to by the Kingdom of Bahrain become an internal law after its approval.

2. International instruments to which the Kingdom of Bahrain acceded and that are related to human rights

The Kingdom of Bahrain has joined a group of international instruments issued by the United Nations, and the most prominent of these are as follows:

- The Convention on the Prevention and Punishment of the Genocide, concluded on December 9, 1948, which Bahrain acceded to by Decree Law No. 4 of 1990.
- The Slavery Agreement, concluded on September 25, 1926, as amended by the protocol issued in 1953 and the Supplementary Agreement to Abolish Slavery, the Slave Trade, Deviation, and Slavery-Like Practices of 1963, to which Bahrain acceded by Decree Law No. 7 of 1990.
- The International Convention on the Elimination of All Forms of Racial Discrimination of 1965 AD, to which Bahrain acceded under Decree Law No. 8 of 1990.
- The International Convention for the Suppression of the Crime of Apartheid of 1973, to which the Kingdom acceded under Decree Law No. 8 of the year. 1990
- The Convention on the Rights of the Child, which was adopted on November 20, 1989, and which Bahrain acceded to in accordance with Decree Law No. 16 of 1991.
- The two Optional Protocols to the Convention on the Rights of the Child, acceded to under Law No. 19 of 2004
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that was adopted by the United Nations General Assembly on December 10, 1984 AD, and joined by the Kingdom of Bahrain under Decree Law No. 4 of 1998.
- Amending Article (8) of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 to which the State of Bahrain is bound by Decree No. (8) of 1990 - Decree Law No. (6) of 2000.
- The Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on December 18, 1979, and joined by the Kingdom of Bahrain under Decree Law No. 5 of 2002, as amended by Decree Law No. (70) of 2014.
- The United Nations Convention against Transnational Organized Crime of 2000 and the two protocols supplementing it, to which the Kingdom acceded under Law No. (4) of 2004, which are

- The International Covenant on Civil and Political Rights of 1966, acceded to under Law 56 of 2006.
- The International Covenant on Economic, Social and Cultural Rights of 1966, acceded to by Law No. (10) of 2007.
- The 2006 Convention on the Rights of Persons with Disabilities, acceded to by Law No. 22 of 2011.
- The Arab Charter for Human Rights: Law No. (7) of 2006
- The Arab Women Organization Convention pursuant to Decree No. 24 of 2002.
- The International Convention on the Elimination of All Forms of Racial Discrimination, as the Kingdom of Bahrain joined this convention in accordance with Decree No. (8) of 1990.
- The United Nations Convention on the Rights of the Child, as the Kingdom of Bahrain acceded to this agreement, in accordance with Decree Law No. (16) of 1991.

The position of the United Nations on the issue of Bahrain

In 2011, the authorities [refused](#) requests to visit detention centers submitted by independent human rights and humanitarian organizations, as well as by United Nations human rights bodies. In the same year, the Office of the High Commissioner for Human Rights and the Secretary-General of the United Nations welcomed the establishment of the [Bahrain Independent Commission of Inquiry](#) (BICI).

On May 2012, the UN Human Rights Council examined Bahrain's human rights record under the universal periodic review (UPR). Several countries have [expressed](#) concern about the human rights crisis in Bahrain, a lack of accountability for violations, and restrictions on the entry of international human rights organizations to Bahrain. In September of the same year, Bahrain formally accepted most of the recommendations of the universal periodic review, including accountability of security forces for human rights violations and the immediate release of prisoners convicted of participating in peaceful demonstrations, but as of this writing, the government had not adequately implemented these basic recommendations.

In April 2013 the authorities indefinitely [postponed](#) the visit of Juan Mendez, the UN Special Rapporteur on torture.

With support from 47 countries, a joint statement was [issued](#) in September 2013 at the United Nations Human Rights Council in Geneva. The United Kingdom and the United States joined in to immediately and unconditionally release imprisoned Bahraini human rights activists.

Also, in 2014, 47 countries, including the United States and the United Kingdom, [signed](#) at the United Nations Human Rights Council in Geneva in June, a joint statement criticizing Bahrain and calling for the release of political prisoners.

In September 2015, 33 countries [supported](#) a joint statement at the United Nations Human Rights Council in Geneva, the fifth of its kind since 2012, that criticized Bahrain and called for the release of political prisoners and a review of laws restricting freedom of expression.

In 2017 Bahrain [continued](#) to prevent activists from accessing the special procedures of the Office of the United Nations High Commissioner for Human Rights, including the Special Rapporteur on torture. Authorities prevented dozens of jurists from traveling to Geneva before the third universal periodic review of Bahrain in May, and the UN Human Rights Council session in September of the same year.

Bahrain's refusal to cooperate with the United Nations [Special Rapporteurs](#) goes beyond mere visits by the Special Rapporteurs to violate their work and statements and not respond to his contacts.

For example, in 2017, according to Americans for Democracy and Human Rights in Bahrain (ADHRB), Bahraini citizen Sayed Nizar Al-Wadaei was arrested by masked security officers without an arrest warrant. He was reportedly interrogated without a lawyer and officers from the Criminal Investigation Directorate (CID) threatened him to sign the confessions. The courts [refused](#) him bail, and sentenced him to three years' imprisonment. Sayed Nizar Al-Wadaei, along with three other detainees, were the subject of a joint urgent appeal written by the Working Group on arbitrary detention, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and

expression and the Special Rapporteur in the case of defending human rights and the Special Rapporteur concerned with torture and other cruel, inhuman or degrading punishment. The Bahraini government responded by saying that all the procedures followed regarding Nizar Al-Wadaei were in accordance with the law.

None of the Special Rapporteur on extrajudicial or summary or arbitrary executions has been permitted, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to freedom of peaceful assembly and the right to freedom of association, and the Special Rapporteur on the situation of human rights defenders, neither the Special Rapporteur on torture and other cruel, inhuman or degrading punishment, visited the Kingdom of Bahrain despite urgent appeals to the Minister of Foreign Affairs in Bahrain to ensure the physical and mental integrity of those placed on appeal.

In 2018, [former UN High Commissioner for Human Rights](#) Zaid Raad al-Hussein said on June 18 in a speech to the United Nations Human Rights Council at its 38th session that Bahrain continues to refuse to give his office and special procedures unconditional visits to the country "amid a campaign of repression against civil society and new legislation increase violations of the fundamental rights of the people".

On August 13 of the same year, the UN Working Group on Arbitrary Detention called for the immediate release of prominent human rights defender Nabeel Rajab, saying that his detention is not only arbitrary, because it is the result of the exercise of his right to opinion and expression, but also "It constitutes discrimination based on political or other opinion, in addition to its position as a human rights defender."

In November 2018, [five UN experts sent a letter](#) of allegation to Bahrain specifically addressing human rights violations in the case of the Zulfiqar Brigades. This was a joint letter written by the Vice-Chair of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has expressed his concern about human rights violations supported by the Criminal Investigation Directorate of

the Ministry of Interior . These are just a few dozen contacts the Special Procedures offices have sent to Bahrain on countless human rights violations.

Prior to the 43rd session of the Human Rights Council, [Americans for Democracy and Human Rights in Bahrain \(ADHRB\) submitted](#) a written [statement](#) to the council regarding Bahrain's refusal to cooperate with the United Nations and its mechanisms, and the statement highlighted Bahrain's refusal to allow United Nations procedures teams to visit the Kingdom.

The UN Special Procedures include independent human rights experts with a mandate to report and advise on human rights from thematic or country-specific perspectives. In order to properly and accurately complete the mandates entrusted to them, they must have full access to states during their visits. However, the last visit of the special procedures teams to Bahrain was on April 25, 2007, years before the mass protests of 2011, and the report then discussed human trafficking for migrant workers and forced labor, but it does not address concerns about the death penalty, torture, and coercion of prisoners to confess or unfair trials that have become an order Commonly.

In January 2019, the [United Nations Human Rights Office called](#) on the government of Bahrain to immediately and unconditionally release prominent human rights defender Nabeel Rajab, and ensure that all Bahrainis are able to exercise their rights to freedom of opinion and expression without fear of arbitrary detention. Rajab was recently released under alternative sanctions, which was welcomed by local and international human rights organizations, calling on the government of Bahrain to continue to release all prisoners who were imprisoned for their political participation or for expressing their peaceful opinions in one way or another.

In February 2020, [independent human rights experts](#) expressed concern after two men in Bahrain sentenced to death for allegedly killing a policeman in February 2014. The two men alleged being tortured in order to extract their confessions. The experts are: Ms. Agnes Callamard, [Special Rapporteur on extrajudicial, summary or arbitrary executions](#), Ms. Fionnuala Ní Aoláin, [Special Rapporteur on the promotion and protection of human rights](#)

[and fundamental freedoms while countering terrorism](#), and Mr. Nils Melzer, [Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#).

In July 2020, the [United Nations High Commissioner for Human Rights](#) expressed grave concern about the Bahraini Court of Cassation, the High Supreme Court in Bahrain, upholding the death sentence of two Bahraini men, who alleged their confessions were extracted from them under torture. The use of confessions extracted under torture in a trial that leads to the death penalty "violates the absolute prohibition of torture and fair trial guarantees," a spokeswoman for the United Nations Office of Human Rights said.

Summary

Indeed, since 2011, Special Procedures Offices have [sent](#) 89 letters to Bahrain. Thus, Bahrain has refused to cooperate adequately with the special procedures, the Office of the High Commissioner for Human Rights and the United Nations in general. It is thus negligent in the application of internal laws and the constitution, which provides for compliance with international agreements.

At a time when the protection and respect for human rights in Bahrain is declining from torture, the death penalty, travel bans, and forfeiture of nationalities, Bahrain desperately needs the role of the United Nations in restructuring it on the basis of international human rights principles.

Recommendations

Accordingly, the Bahrain Center for Human Rights expresses its concern about Bahrain's dealings with the United Nations and demands the following:

- Requesting the government of Bahrain to accept visit requests for special rapporteurs.
- Seek cooperation with the United Nations High Commissioner.

The influential countries at the United Nations that have close or good relations with Bahrain should work to pressure towards protecting human rights in the country.