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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, 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.

[13 February 2017]

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

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Report on the Effectiveness of the National Institute for Human Rights (NIHR) in Protecting Human Rights in Bahrain*

Spotlights on the NIHR for 2014 and 2015:

First: The Issuance of the 2015 Report:

This report was issued approximately 12 months late for its scheduled release, as it was only released on January 12, 2016. This raises questions on whether the intension behind not issuing the report was in the review scope of the assigned competent sub-committee of accreditation. The issuance of an effective report ought to be clearly exposed to the NIHR efforts; an issue not in its consideration, as it preferred the committee to have access to only the first and second reports.

Second: Following up on the 2013 Report Recommendations, as confirmed in its 2014 report:

The General Observation 1.6 of the Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) of the International Coordinating Committee of National institutions for the Promotion and Protection of Human Rights, issued in May 2013, stated:

“Annual, special and thematic reports of National Human Rights Institutions serve to highlight key national human rights concerns and provide a means by which these bodies can make recommendations to, and monitor respect for, human rights by public authorities. National Institutions, as part of their mandate to promote and protect human rights should undertake follow up action on recommendations contained in these reports and should publicize detailed information on the measures taken or not taken by public authorities in implementing specific recommendations or decisions. In fulfilling its protection mandate, a National Institution must not only monitor, investigate and report on the human rights situation in the country, it should also undertake rigorous and systematic follow up activities to promote and advocate for the implementation on its recommendations and findings, and the protection of those whose rights were found to have been violated. Public authorities are encouraged to respond to recommendations from National Institutions in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the National Institution’s recommendations.”

In viewing the Bahrain NIHR report of 2015, once would realize the following:

- a- The institute was not serious in the follow up of implementing its second and third reports of 2013 and 2014. It chose to defend the state authorities, in relation to recommendations it hadn’t implemented. It cited some stances by official bodies responsible for the implementation of these recommendations, also pertaining to their implementations. However, the Bahrain NIHR did not even comment seriously on the implementation, or achievement of desires objectives of the recommendations. Among those recommendations we highlight the following:
 - The recommendation to provide compensations to the victims of violations. The Bahrain NIHR repeated in its report what was included in a governmental report submitted to the committee against torture, which noted the measured adopted in 2013 and 23014, without updating what happened in this regard.
 - The recommendation to subject law enforcement officers to comprehensive extended training programs using curricula that include teaching all components of human rights. The training should include effective interrogation techniques and the proper approach to obtain information without resorting to coercive means consisting of acts of torture or other forms of ill-treatment. The Bahrain NIHR report did not mention whether the training had an impact, if it did, and whether there is any progress in the methods of interrogations. This is especially in light of constant complaints that defendants are tortured to extract confessions; an issue stated by victims before courts between 2015 and 2016, yet the institute ignored this part.

- The recommendation stating that the Special Investigation Unit (SIU) at the Public Prosecution, shall enjoy full independence according to the Istanbul Protocol. The extensive implementation follow-up shows that the institute gave up on its previous recommendations, and chose to include the response of the SIU, in defending its independence, and statistical reports, without any evaluation of this response by the Bahrain NIHR. This is especially that the note was originally stated on the basis of SIU formation, work, and transparency, and nothing new emerged since the recommendation was issued, right until the issuance of the 2015 report.
 - The recommendation urging all decision-makers of security leaders to take the necessary legal accountability procedures regarding death cases that occurred in detention places as a result of torture or other forms of ill-treatment. The NIHR's notes in the first report had mentioned in relation to the contradictions in verdicts; as some are harshened in cases linked to incitement, and others are eased for security members, is a cause for encouraging impunity. Who were presented to court were junior staff members, without having security leaders involved in the investigations, and High Courts ruled the easing of the maximum verdicts issues against any security forces personnel, while other were eliminated. However, the Bahrain NIHR did not comment on these recommendations, but it rather chose to defend its implementation, without any evaluation.
 - The recommendation on activating the supervisory authority of the Public Prosecution in relation to the work of law enforcement officers and the violations committed by them; and taking disciplinary or penal actions against them in case of violating the provisions of the Code of Criminal Procedure. The report stated the response of the Public Prosecution, without commenting on whether there was any change or not, in terms of the recommendation implementation.
 - The recommendation to proceed with the positive steps towards settling the cases of dismissed workers to close this file once for all. Although governmental bodies stated that the recommendation was implemented by 100%, yet the General Federation of Bahrain Trade Union noted that there are still a number of dismissed workers, whom the government promised to return to their jobs in the tripartite agreement between the government, the union, and the World Labor Organization. However, the government neglected the implementation of this recommendation, and the NIHR's silence is obvious, and proves its abandonment of protecting dismissed workers' rights.
 - The recommendation to review the citizenship curriculum content in order to include a number of subjects that develop real culture and practice based on the promotion of respect for human rights. Although Minister of Education responses were general, it didn't provide any proof of change in the curriculum, based on the said recommendation. These curriculums are open to everyone, so anyone can make sure if what they include what the recommendation mentioned. However, the NIHR decided to remain silent, and ignore the non-implementation of this recommendation.
- b- The Bahrain NIHR omitted recommendations in its previous reports, and some it even avoided to mention, although they are literary preserved. This raises questions about the seriousness of the NIHR in protecting human rights as a priority in its work conduct. Among the [neglected] recommendations, we mention the following:
- The NIHR mentioned in its first report issued 2013, that it visited the Dry Dock Prison after the August 26, 2013 events there. It included many recommendations, which included things related to the assault on the physical integrity of remanded in custody, sectarian insults and curses, and collective punishments. The report also presented recommendations, which the government didn't say anything about its implementations, in an elaborative way from paragraphs 30 till 36 of its reports. Despite that, the NIHR's third and fourth reports ignored even to mention this report, or to follow up on the recommendation it mentioned.
 - Urging the Government to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman Treatment or Punishment (OPCAT).

- Urging the Government to continuously support the periodic resolutions of the United Nations General Assembly related to abolishing death penalty.
- Considering setting a date for the visit by the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Human Rights Council.
- The need to transfer the administrative, regulatory and supervisory authority over reform, rehabilitation, and custody centers to the Ministry of Justice, Islamic Affairs and Endowments.
- Urging the Government to accede to the Optional Protocol to the International Covenant on Civil and Political Rights which is related to the government's recognition of the competence of the Human Rights Committee to receive individual complaints.
- Urging the Government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance, (...) and amending the relevant national legislation so as to ensure the activation and implementation of the provisions of this Convention.

It's worth mentioning that among the recommendations mentioned above, the Bahrain NIHR ignored to note some under the recommendations of non-implemented recommendations, and the report rather ignored the state apparatuses' increase in violations, which were a reason for the recommendations.

Moreover, the NIHR itself contradicted its own principles and recommendations, and rather supported the opposite. There is no explanation for this decline, rather than the decline of its role in protecting human rights.

*Forum for Human Rights (BFHR), NGO without consultative status, also shares the views expressed in this statement.