



**States' Non-Compliance with International Human Rights Law**  
**Case Study of Bahrain**

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## Abstract

Although Bahrain is a signatory to various international treaties within the United Nations (UN) human rights system, the country has low compliance with international norms and international recommendations regarding its human rights commitments. Bahrain has not fully implemented international and national recommendations to tackle human rights violations and does not follow its own human rights obligations. This thesis illustrates the varied factors and reasons that lead to non-compliance with international human rights law and provides recommendations from legal, human rights, political, and geopolitical perspectives. This thesis includes expert testimony and opinions about Bahrain's non-compliance with human rights laws, as well as a discussion of the literature review and its findings. This thesis also highlights Bahrain's challenges, complications, and resistance to implementing international human rights norms into its domestic system. The findings are that Bahrain's signing of UN conventions represented a tokenistic and normative commitment to human rights law to avoid international consequences, support its sovereignty, promote its international reputation, and encourage international investment in Bahrain. Bahrain has partly succeeded in silencing most of the critical voices internationally, not because it complied with human rights law, but rather because it developed various methods to counter every criticism.

**Keywords:** Bahrain, International Human Rights Law, United Nations Conventions, Human Rights, ICCPR, United Kingdom, United States, Non-compliance, Authoritarians, Evidence for Hope

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# Table of Contents

<b>Abstract.....</b>	<b>ii</b>
<b>Acknowledgment.....</b>	<b>ii</b>
<b>Table of Contents .....</b>	<b>iv</b>
<b>List of Abbreviations .....</b>	<b>v</b>
<b>Chapter 1: Introduction .....</b>	<b>1</b>
<b>1.1 Thesis Objective .....</b>	<b>5</b>
<b>1.2 Research Question .....</b>	<b>6</b>
<b>1.3 Research Methodology .....</b>	<b>6</b>
<b>1.4 Thesis Structure .....</b>	<b>8</b>
<b>Chapter 2: Bahrain Context .....</b>	<b>9</b>
<b>2.1 Bahrain Legal Framework and Structure of Power.....</b>	<b>9</b>
<b>2.2 Local human rights organization reports on Bahrain’s non-compliance with human rights law. (Internal Obligations) .....</b>	<b>11</b>
<b>2.3 Bahrain Non-compliance with Universal Periodic Review Recommendations (UPR) (International Obligations) .....</b>	<b>12</b>
<b>2.4 International human rights organizations on Bahrain’s non-compliance with human rights law.....</b>	<b>14</b>
<b>Chapter 3: Analysis of the Interviews and Discussion .....</b>	<b>16</b>
<b>3.1 Non-compliance with human rights law from a human rights perspective .....</b>	<b>16</b>
<b>3.1.1 Current Situation .....</b>	<b>16</b>
<b>3.1.2 Causes of Non-compliance .....</b>	<b>18</b>

3.1.3 Recommendations .....	18
3.2 Non-Compliance with human rights law from a legal perspective .....	19
3.2.1 Current situation.....	19
3.2.2 Causes of non-compliance .....	20
3.2.3 Recommendations .....	20
3.3 Non-compliance with human rights law from a political perspective.....	21
3.3.1 Current situation.....	21
3.3.2 Causes of non-compliance .....	22
3.3.3 Recommendations .....	23
3.4 Non-compliance with human rights law from a geopolitical perspective .....	23
3.4.1 Current situation.....	23
3.4.2 Causes of non-compliance .....	25
3.4.3 Recommendations .....	25
3.5 The Discussion .....	26
Chapter 4: Findings and Conclusions .....	30
4.1 The Findings.....	30
4.2 Conclusion .....	38
Bibliography .....	40
Appendix.....	47

## **List of Abbreviations**

ACHR- Arab Charter on Human Rights

ADHRB- American for Democracy and Human Rights

Alwasat – Bahraini Newspaper

Anti-Terrorism 2016 ACT - Anti-terror law that aims to protect society from terrorist acts

BCHR- Bahrain Center for Human Rights

BICI - The Bahrain Independent Commission of Inquiry

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

CIVICUS- World Alliance for Civic Participation

F1 - Formula One

GCHR- Gulf Centre for Human Rights

Isolation Law- Deprivation of Political Rights

Majlis Nuwwab – Bahrain Council of Representatives

Majlis Shura- Bahrain Consultative Council

NGOs- Non-Governmental Organizations

PR- Public Relations Agencies

Salam DHR – Salam for Democracy and Human Rights

OHCHR – Office of the High Commissioner of Human Rights

UAE – United Arab Emirates

UPR – Universal Periodic Review

WAAD- The National Democratic Action Society

## Chapter 1 – Introduction

Bahrain has been a protectorate under treaty relations with Britain from 1892 to August 14, 1971, when it became an independent state.<sup>1</sup> Bahrain was governed by Al- Khalifa family with a public security law from 1973 until 2000 under the rule of the earlier Emir of Bahrain, Isa Bin Salman, (r.1961-1999).<sup>2</sup> The public security law has targeted dissenters and pro-democracy movements.<sup>3</sup>

Following the death of the Emir, his older son Hamad Al Khalifa (r.1999-now) became king.<sup>4</sup> On February 14, 2002, Hamad Al-Khalifa, declared Bahrain a constitutional monarchy, changing the country's nature from "Emirate" to "Kingdom." After decades of Public Security Law, the king announced political reforms and a constitution with more space for civil society.<sup>5</sup> Bahrain's constitution protects the basic human rights of individuals, including the right to freedom of expression, assembly, association, the right to vote, participation in public affairs, and equality, and it establishes that sovereignty is in the hands of the people.<sup>6</sup> The king had made some political reforms by resuming parliamentary institutions and allowing the establishment of civil society and political groups. These reforms were greeted as a turning point in the political system.<sup>7</sup>

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<sup>1</sup> Katzman, K. (2010). Bahrain: Reform, security, and us Policy (Vol. 95, No. 1013). Diane Publishing.

<sup>2</sup> Jones, M. O. (2015). Rotten Apples or Rotten Orchards; Police deviance, brutality, and unaccountability in Bahrain. Zed Books Ltd.

<sup>3</sup> Ulrichsen, K. C. (2013). Bahrain's uprising: Regional dimensions and international consequences. *Stability: International Journal of Security and Development*, 2(1).

<sup>4</sup> Jones, M. O. (2020). Political repression in Bahrain (Vol. 58). Cambridge University Press.

<sup>5</sup> Kalwaic, J. K. (2012). How statecraft employed by the al-Khalifa monarchy obstructs democratic reform to maintain regime stability in Bahrain: a historical review. Temple University.

<sup>6</sup> Al Khalifa, I. B. S. (1995). Constitution: State of Bahrain. *Arab LQ*, 10, 92.

<sup>7</sup> Wright, Steven, Fixing the Kingdom: Political Evolution and Socio-Economic Challenges in Bahrain (August 18, 2010). CIRS Occasional Papers, 2010, Available at SSRN: <https://ssrn.com/abstract=2825922> or <http://dx.doi.org/10.2139/ssrn.2825922>

Contrary to these political reforms, between 2007 and 2010, the king launched a new practice of arbitrary arrest, torturing of political detainees, dissolving a human rights organization, and suppressing peaceful protests.<sup>8</sup> Bahrain's ruling family (AL- Khalifa) profess Sunni Islam while the majority indigenous population is belonging to the second largest branch of Islam (Shia ); Bahrain's majority Shia community continues to face systemic discrimination in terms of employment, housing, religious freedom, and political prosecution, and they are still regarded as low-class citizens. The Shias are prevented from working in the Bahrain Army, Ministry of Interior, Information, and E-Government authority based on their ethnicity and religious background.<sup>9</sup> The recruitment process in these institutions is not based on qualifications and efficiency, but rather on sect and religious background.<sup>10</sup> The Shias spiritual leaders were targeted and deported, and their nationality was revoked such as Shaikh Isa Qassim, Shaikh Mohammed Sanad, and Shaikh Hussain Najati.<sup>11</sup> Moreover, the government launched a large attack on freedom of opinion by arresting individuals based on expressing their opposing opinions.<sup>12</sup> These are examples of government human rights violations against individuals, violating the rights to freedom of religion, non-discrimination, nationality, freedom of assembly and association, and freedom of expression. Bahrain was clearly in violation of human rights law, specifically Articles 7, 9, 10, 18, 19, 21, 22, 25, and 26 of the ICCPR, to which Bahrain is a signatory.

During the Arab Spring in 2011, there were systematic human rights violations.<sup>13</sup> Human rights reports from Amnesty International a well-known human rights organization reported

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<sup>8</sup> Clegg, J. (2010). Endangered scholars worldwide. social research, v-x.

<sup>9</sup> Al-Jamri, M. (2010). Shia and the State in Bahrain: Integration and Tension. *Alternatif Politika*, 2(Special), 1-24.

<sup>10</sup> Ibid.

<sup>11</sup> Strobl, S. (2018). *Sectarian order in Bahrain: The social and colonial origins of criminal justice*. Rowman & Littlefield.

<sup>12</sup> *Bahrain Events of 2008- World Report 2009*. Retrieved February 18, 2023, from <https://www.hrw.org/world-report/2009/country-chapters/bahrain> H. (2009, January 12).

<sup>13</sup> Amnesty International (2011, March 10). *Amnesty International report on Bahrain protest killings*. Retrieved April 20, 2023, from <https://www.amnesty.org/en/documents/MDE11/011/2011/en/>



extrajudicial killings, torture to death, several Shia mosques demolished, suspension of dissenters from their jobs, and hundreds of civilians sentenced to harsh sentences in military court.<sup>14</sup> These violations were the government's brutal reaction to the protesters' demands for democracy and basic human rights, as well as an end to religious discrimination against the majority Shia in Bahrain.<sup>15</sup>

Amid allegations of human rights violations, the King of Bahrain set up the Bahrain Independent Commission of Inquiry (BICI) under Royal Decree No. 28 to investigate the human rights violations that were committed in Bahrain during the period from February 14 until March 31, 2011.<sup>16</sup> The BICI report included twenty-six recommendations for the government of Bahrain to implement.<sup>17</sup> The report documented that the security forces used excessive force against peaceful protests, committed unlawful killings of civilians, tortured prisoners, lacked accountability, demolished Shia mosques as collective punishment, and violated the rights to freedom of expression and assembly.<sup>18</sup> Following the violations committed during the Arab Spring between February and March 2011, Bahrain's (BICI) internal fact-finding report concluded that there have been systematic human rights violations against individuals, political activists, and protesters.<sup>19</sup> The King of Bahrain publicly accepted the report and recommendations, promised to implement them, and established a

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<sup>14</sup> Ibid.

<sup>15</sup> Nepstad, S. E. (2013). Mutiny and nonviolence in the Arab Spring: Exploring military defections and loyalty in Egypt, Bahrain, and Syria. *Journal of Peace Research*, 50(3), 337-349.

<sup>16</sup> BBC, B. (2011). Bahrain king orders fact-finding probe into protests. *BBC*. [https://doi.org/The king of Bahrain has announced an independent investigation into weeks of protest that rocked the Gulf Island nation earlier this year](https://doi.org/The%20king%20of%20Bahrain%20has%20announced%20an%20independent%20investigation%20into%20weeks%20of%20protest%20that%20rocked%20the%20Gulf%20Island%20nation%20earlier%20this%20year).

<sup>17</sup> McInerney, S. (2012). Report – One Year Later: Assessing Bahrain's Implementation of the BICI Report. *POMED*. [https://doi.org/On November 23, 2011, the Bahrain Independent Commission of Inquiry \(BICI\) issued a 500-page report summarizing its findings regarding the February-March 2011 popular uprising and the government's heavy-handed response](https://doi.org/On%20November%2023,%202011,%20the%20Bahrain%20Independent%20Commission%20of%20Inquiry%20(BICI)%20issued%20a%20500-page%20report%20summarizing%20its%20findings%20regarding%20the%20February-March%202011%20popular%20uprising%20and%20the%20government's%20heavy-handed%20response)

<sup>18</sup> Bassiouni, M. C., Rodley, N., Al-Awadhi, B., Kirsch, P., & Arsanjani, M. H. (2011). Report of the Bahrain Independent Commission of Inquiry [BICI Report].

<sup>19</sup> BICI. Report of the Bahrain Independent Commission of Inquiry. Available at <http://www.bici.org.bh/> [Accessed 23 November 2011].

committee to follow through.<sup>20</sup> Accordingly, as per many observers, scholars, and international human rights bodies, the report remains unaddressed, and while few recommendations were implemented, the most critical ones were not.<sup>21</sup>

There are numerous examples to illustrate Bahrain's non-compliance with human rights law and international norms. For instance, the right to freedom of assembly and association is under restrictive measures in Bahrain.<sup>22</sup> Another sign of Bahrain's non-compliance with human rights law is the restrictions on freedom of assembly and expression, nationality, and life. The right to freedom of assembly is restricted after an amendment that prevents individuals from protesting in the capital of Bahrain following a 2013 decree that imposed restrictions on the practice of these rights.<sup>23</sup> The right to freedom of expression is also restricted and there are dozens of individuals who have been affected by these restrictive measures, procedures, and legislations.<sup>24</sup> As a result of these measures and legislations, the government suspended and dissolved the board councils of ten civil societies.<sup>25</sup> The consequences of these measures still continue and have reached the point where members of dissolved civil societies are banned from running for parliament following a restricted amendment in political rights.<sup>26</sup> Accordingly, any previous member of a dissolved society

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<sup>20</sup> Human Rights Watch, Bahrain: Promises Unkept, Rights Still Violated, 22 November 2012, available at: <https://www.refworld.org/docid/50af41c72.html> [accessed 24 April 2023]

<sup>21</sup> Weatherby, P., & Longworth, S. (2011). The Bahrain independent commission of Inquiry: As one season ends, does another begin. YB Islamic & Middle EL, 16, 91.

<sup>22</sup> Human Rights Watch (2013, June 20). *Bahrain: New Associations Law Spells Repression*. HRW. Retrieved September 1, 2023, from <https://www.hrw.org/news/2013/06/20/bahrain-new-associations-law-spells-repression#:~:text=In%20September%202010%2C%20for%20instance%2C%20the%20Social%20Development,the%20due%20process%20rights%20of%20detained%20opposition%20activists>.

<sup>23</sup> Bahrain: New decrees ban dissent as further protests organized. (2013, August 7). [amnesty.org/en](https://www.amnesty.org/en). Retrieved August 7, 2013, from <https://www.amnesty.org/en/latest/press-release/2013/08/bahrain-new-decrees-ban-dissent-further-protests-organized/>.

<sup>24</sup> Ibid

<sup>25</sup> Bahrain Teachers' Society, Bahrain Medical Society board council, Alwefaq Society, Bahrain Lawyers' Society, National Democratic Action Society (Wa'ad), Islamic Action Society (Amal), The Islamic Scholar's Council, Bahrain photographic society, Islamic education association, Bahrain Human rights society board council,

<sup>26</sup> You Can't Call Bahrain A Democracy. (2022, October 13). HRW. Retrieved October 13, 2022, from <https://www.hrw.org/report/2022/10/31/you-cant-call-bahrain-democracy/bahrains-political-isolation-laws>.

cannot be a board member of any current civil society, making them victims of this arbitrary law.<sup>27</sup>

Following the government's legislative amendments, freedom of expression was subject to restrictive and ambiguous legislation under which any dissent can be accused of inciting hatred against government bodies or insulting the king if expressed in critical political comments on social media or at any public event.<sup>28</sup> Some of Bahrain's Anti-terrorist provisions are in contradiction with international human rights law, which allows capital punishment and the revocation of the nationalities of Bahraini individuals, which is a stark violation of international human rights law.<sup>29</sup> The examples of human rights violations presented above demonstrate Bahrain's non-compliance with human rights law through its restrictive measures and limitations on many fundamental rights.

### **1.1 Thesis Objective**

The thesis will contribute to the academic literature by investigating Bahrain's non-compliance with international human rights law from a legal, human, political, and geopolitical point of view, to provide a deep understanding of the non-compliance problem. A deep understanding of the problem enables scholars, policymakers, and international organizations to provide proper solutions and a variety of recommendations based on a detailed analysis of the roots of the problem that lead to non-compliance from different perspectives.

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<sup>27</sup> Ibid.

<sup>28</sup> Bahrain's Repression of Online Dissent an Egregious Violation of Freedom of Expression. (2021, October 11). adhrb.org. Retrieved October 11, 2021, from <https://www.adhrb.org/2021/10/bahrains-repression-of-online-dissent-an-egregious-violation-of-freedom-of-expression/>.

<sup>29</sup> Bahrain terror bill is not in line with international human rights law – UN expert. (2006, July 25). new.un. Retrieved July 25, 2006, from <https://news.un.org/en/story/2006/07/186792>.

## **1.2 Research Question**

This thesis focuses on Bahrain's difficulties, complications, and opposition to incorporating international human rights norms into its domestic system. The thesis's main question is:

What are the reasons behind Bahrain's non-compliance with international human rights law?

The sub-questions are: What are the causes of Bahrain's failure to comply with international human rights law? What are the legal and political factors that lead to non-compliance with human rights law? Why is Bahrain not complying with UN human rights treaties despite the enormous number of conventions that it signs? Are there political and geopolitical factors that lead to non-compliance effectively with human rights law?

## **1.3 Research Methodology**

To understand the human rights, legal political, and geopolitical reasons for Bahrain's decision to avoid its international obligations, I have followed a semi-structured interviewing style to virtually interview leading members of Bahraini Non- Governmental organizations (NGOs) and scholars specialized in Bahrain. These interviews are important because it collects primary data from direct victims of the restrictive laws, lawyers and political activists who have first-hand experience with Bahrain's legal system, and experts with extensive experience in Bahrain's political situation. The interviews are essential for gathering qualitative and open-ended data as well as conducting estimation and deep analysis in the case of Bahrain. If necessary, the semi-structured online interview format allows for new questions in two-way communication and on new topics.<sup>30</sup> Since it allows for interaction questions, the semi-structured online interview was used to help provide thorough findings and analysis of all aspects of the thesis problem. Additionally, available academic materials only describe that Bahrain did not implement international recommendations as a finding but

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<sup>30</sup> Alshenqeeti, H. (2014). Interviewing as a data collection method: A critical review. *English linguistics research*, 3(1), 39-45.

failed to present the reasons and obstacles to full compliance with human rights law. These interviews close that academic gap. The cause of Bahrain's non-compliance with human rights law can be discovered directly and in depth by asking pertinent questions in the interview

Accordingly, this thesis refers to earlier literature on the topic of non-compliance with human rights law from many countries, including Bahrain, as secondary sources, which is the case study of the thesis.

The first interview is with Jawad Fairooz, Chairman of Salam for Democracy and Human Rights (Salam DHR) and former member of Bahrain's parliament to understand the non-compliance with international human rights law from a human rights perspective. The second interview is with a Bahraini human rights expert based in Bahrain, who prefers to be anonymous, and also to understand Bahrain's non-compliance with international human rights law from a human rights perspective. The third interview is with Ebrahim Sarhan, a Bahraini lawyer and legal expert on Bahraini laws, to understand Bahrain's non-compliance with international human rights law from a legal perspective. The fourth interview is with Ebrahim Sharif, a Bahraini political leader and head of the dissolved society (WAAD), to understand Bahrain's non-compliance with international human rights law from a political perspective. The fifth interview is with a Bahraini-based political science scholar, an expert on international relation, who prefer to be anonymous to understand Bahrain's non-compliance with international human rights law from academic and political perspectives. The sixth interview is with Professor Simon Mabon, who is an expert on Bahrain to understand Bahrain's non-compliance with international human rights law from a geopolitical perspective with a focus on the position of the United Kingdom. The seventh interview is with Staci Strobl, Professor of Criminology and Criminal Justice and author of the book *Sectarian Order in Bahrain: The Social and Colonial Origins of Criminal Justice* to

understand Bahrain's non-compliance with international human rights law from a geopolitical perspective with a focus on the position of the United States.<sup>31</sup>

## **1.4 Thesis Structure**

This thesis has four chapters that aim to provide a better understanding of Bahrain's reasons for non-compliance with human rights law. The first chapter is the introduction and research question, method, and thesis structure. The second chapter of the thesis provides Bahrain's Context and legal framework, the structure of power, and maps the lack of separation of power within the country. The second chapter illustrates the local and international organizations' reports on Bahrain's non-compliance with human rights law. The third chapter of this thesis clarifies Bahrain's non-compliance with international human rights law from various perspectives, including political, geopolitical, legal, and human rights by drawing an analysis of interview answers with multiple experts in Bahrain. The third chapter of this thesis contributes by offering a discussion on the findings of the interviews and literature on non-compliance and my personal point of view on the topic of non-compliance. The fourth chapter presents the findings of the thesis and the outcome of all available literature reviews on the topic of non-compliances and the outcome of the interviews and my opinion of the topic. The fourth chapter also presents the conclusion which includes recommendations for future research.

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<sup>31</sup> The questions that the thesis author has asked the interviewees are listed in the Appendix.

## **Chapter 2- Bahrain Context**

This chapter illustrates Bahrain's constitutional structure, legal framework and structure of power, and the international and regional human rights conventions to which Bahrain is a signatory. This chapter also illustrates the lack of separation of power in Bahrain which contradicts the constitution and the principle of democracy established by Bahrain's constitution. This chapter highlights reports and findings from local Bahraini human rights organizations in Bahrain about non-compliance with international human rights law on the domestic level and demonstrates the status of Bahrain in compliance with United Nations mechanisms and recommendations, including the Universal Periodic Review. Finally, this chapter demonstrates the position of international human rights organizations on Bahrain's non-compliance with international human rights law.

### **2.1 Bahrain Legal Framework and Structure of Power**

Before delving into the forms of Bahrain's non-compliance with human rights law, it is worth presenting the legal framework of Bahrain and the structure of power to better understand the internal legal obstacles and international obligations. Bahrain's legal system is driven by civil law and uses Islamic Sharia jurisprudence as a source of law.<sup>32</sup> Bahrain is a party to the Arab Charter on Human Rights (ACHR), and the charter does protect the fundamental rights and human rights of individuals, including the right to liberty, freedom of political activities (associations), right to nationality, freedom of thought, and right to development.<sup>33</sup> Bahrain has ratified many international human rights conventions from the United Nations.<sup>34</sup> Despite the presence of many human rights obligations, it is significant to understand the structure of

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<sup>32</sup> Ercanbrack, J. (2015). The transformation of Islamic law in global financial markets. Cambridge University Press.

<sup>33</sup> Akram, S. M. (2007). The Arab Charter on Human Rights 2004. Boston University International Law Journal, 24(2), 147.

<sup>34</sup> (See Table 1 in Appendix).

Bahrain's legal system to understand the legal factors contributing to Bahrain's failures. The separation of powers is a concept that distributes and divides the power between the executive, legislative, judiciary, and government responsibilities, which is not reflected in Bahrain's legal system.<sup>35</sup> According to Bahrain's constitution, the king of Bahrain heads the executive, legislative, judicial, and military systems.<sup>36</sup> Similarly, according to Bahrain's constitution, the king is the head of state, its symbolic representation, and his person is inviolable.<sup>37</sup> The king is the loyal protector of religion, the homeland, and the symbol of national unity.<sup>38</sup> The king of Bahrain has the authority to appoint the prime minister, members of the constitutional court, judges, members of the Consultative Council, and governors.<sup>39</sup> Besides that, the king has the authority to amend laws, sign treaties, and repeal them without the approval of the national assembly.<sup>40</sup> The constitution sets up a two-chambered National Assembly, each with an equal number of members and powers: one, the Chamber of Deputies (Majlis Nuwwab), is elected, while the second, the Consultative Council (Majlis Shura), is appointed by the King.<sup>41</sup> The Constitution provides limited authority and powers to the National Assembly.<sup>42</sup> Thus, while members of the National Assembly can propose legislation, only the government can draft it and put it to a vote.<sup>43</sup> The Constitution likewise can also grant the King the final say in any legislative dispute.<sup>44</sup> Finally, Bahrain's judiciary system is not independent of the king of Bahrain, as the king appoints all judges, furthermore, the king heads the Supreme Judicial Council in the country.

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<sup>35</sup> Levi, E. H. (1976). Some aspects of separation of powers. *Colum. L. Rev.*, 76, 371.

<sup>36</sup> Strzelecka, E. K., & Parejo, M. A. (2017). *Constitutional reform processes* (pp. 115-142). Edinburgh: Edinburgh University Press.

<sup>37</sup> Al Khalifa, I. B. S. (1995). *Constitution: State of Bahrain*. Arab LQ, 10, 92.

<sup>38</sup> Ibid.

<sup>39</sup> King, S. J. (2011). The constitutional monarchy option in Morocco and Bahrain. *Universitäts-und Landesbibliothek Sachsen-Anhalt*.

<sup>40</sup> Ibid, page 6.

<sup>41</sup> Herb, M. (2004). Princes and parliaments in the Arab world. *The Middle East Journal*, 58(3), 367-384.

<sup>42</sup> Ibid, page 7.

<sup>43</sup> Khalaf, A. (2008). The Outcome of a Ten-Year Process of Political Reform in Bahrain. Режим доступа: <http://arab-reform.net/spip.php>.

<sup>44</sup> Ibid, page 6.



<sup>45</sup> To conclude, the king of Bahrain has the full authority to govern the country on all matters without any separation of power or a mechanism of accountability, and this contradicts Article 1 of the Bahraini constitution, which clearly states that the authority is in the hands of the people, but conversely, it is exclusively with the king of Bahrain. <sup>46</sup>

## **2.2 Local human rights organization reports on Bahrain's non-compliance with human rights law. (Internal Obligations)**

There are a variety of Bahraini human rights organizations that monitor Bahraini government actions and observe the implementation of BICI recommendations.<sup>47</sup> This section presents one local independent organization's conclusion report on Bahrain's lack of implementation. A recent report from the Bahrain Center for Human Rights (dissolved NGO) was published on November 23, 2021, on the ten-year anniversary of the BICI report. The report summarized that recommendations were not implemented, but conversely, violations were escalated. <sup>48</sup> The report exposed that only some recommendations were fully implemented, and the rest were partially implemented or not implemented at all because they argued that the bodies responsible for implementation were neither independent nor effective. <sup>49</sup> The recommendations that were implemented included establishing governmental human rights bodies such as the Ombudsman, the Special Investigation Unit, and the Prisoners and Detainees Rights Commission, however they did not implement the recommendation of

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<sup>45</sup> BNA (2022, June 14). *Newly appointed High Civil and Sharia Court judges sworn in*. Retrieved January 19, 2023, from <https://www.bna.bh/en/NewlyappointedHighCivilandShariaCourtjudgesswornin.aspx?cms=q8FmFJgiscL2fwIzON1%2bDqU5GGtCJGueYYcxRp8DaVg%3d>.

<sup>46</sup> Nakhleh, E. A. (2015). Political participation and the constitutional experiments in the Arab Gulf: Bahrain and Qatar. In *Social and economic development in the Arab Gulf* (pp. 161-175). Routledge.

<sup>47</sup> The Fourth Edition of the Continuing Documentation of the Human Rights Violations in Bahrain Following the Recommendations Made by the Bahrain Independent Commission of Inquiry (BICI (n.d.). *The BICI Reforms: Promises of Progress, A Worsening Reality*. IFEX.

[https://ifex.org/images/bahrain/2012/11/20/bahrain\\_bchr\\_bici\\_reforms.pdf](https://ifex.org/images/bahrain/2012/11/20/bahrain_bchr_bici_reforms.pdf)

<sup>48</sup> Bahrain Center For Human Rights (2021, November 23). *Cosmetic Reforms: Assessing Bahrain's Implementation of the BICI Recommendations Ten Years Later*. BCHR. Retrieved April 24, 2023, from <https://bahrainrights.net/?p=136371>

<sup>49</sup> Ibid, page 7.

holding high-ranking officials accountable.<sup>50</sup> The report claimed that the government of Bahrain is not serious about any human rights reform or full implementation and has no intention of any meaningful change.<sup>51</sup> In addition to the lack of implementation, the report deduced that the Bahraini government issued a slew of legislations that led to political isolation and policies that worsened injustice. The report also concluded that the culture of impunity is continuing because of a lack of accountability and that the suppression is systemic and structured.<sup>52</sup> A former commissioner of the BICI Commission of Inquiry criticized Bahrain's non-compliance with their recommendations in an interview with the BBC.<sup>53</sup> In addition to all NGO reports, the BICI commissioners reported that the government of Bahrain considered dissent a threat to them "The system as a whole find dissent more dangerous than official criminality."<sup>54</sup>

### **2.3 Bahrain Non-compliance with Universal Periodic Review Recommendations (UPR) (International Obligations)**

In this section, the thesis presents the recommendation of the states in the Universal Periodic Review (UPR) to Bahrain in 2017 as well as some NGOs' opinions that follow up on the process of implementation in Bahrain. Bahrain has an international obligation as a member of the Human Rights Council, and even though UPR recommendations are not binding, they still represent a council that represents the largest intergovernmental human rights organization in the world.<sup>55</sup> Bahrain is a member of the Human Rights Council and has

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<sup>50</sup> Ibid, page 21.

<sup>51</sup> Ibid, page 72.

<sup>52</sup> BCHR, B. (2021). *Cosmetic Reforms Assessing Bahrain's Implementation of the BICI Recommendations Ten Years Later* (pp. 6-7). Bahrain Center For Human Rights. <https://bahrainrights.net/?p=136371>

<sup>53</sup> LAW, B. (2014). Bahrain's justice system is under scrutiny. *BBC*. [https://doi.org/Bahrain's judicial system was heavily criticized by the Egyptian lawyer Cherif Bassiouni, who chaired the Bahrain Independent Commission of Inquiry \(BICI\), which published a groundbreaking report on human rights abuses during the 2011 uprising.](https://doi.org/Bahrain's%20judicial%20system%20was%20heavily%20criticized%20by%20the%20Egyptian%20lawyer%20Cherif%20Bassiouni%2C%20who%20chaired%20the%20Bahrain%20Independent%20Commission%20of%20Inquiry%20(BICI)%2C%20which%20published%20a%20groundbreaking%20report%20on%20human%20rights%20abuses%20during%20the%202011%20uprising.)

<sup>54</sup> Ibid.

<sup>55</sup> Moore Jr, J. A., & Pubantz, J. (2017). *The new United Nations: International organization in the twenty-first century*. Taylor & Francis.

engaged with the UPR; Bahrain's first involvement with the UPR occurred in 2008, and it is regarded as one of the first countries to take part in the first session of the UPR's working group since the latter's inception in 2006.<sup>56</sup> Bahrain received recommendations from many countries in the Human Rights Council about different themes in 2017.<sup>57</sup> The first group of recommendations was about the non-acceptance of domestic human rights norms.<sup>58</sup> The second group of recommendations dealt with the lack of cooperation with UN bodies.<sup>59</sup> The third group of recommendations concerned a failure to cooperate with special procedures.<sup>60</sup> The fourth group of recommendations concerned some legislative and constitutional provisions that contradict human rights law such as the Anti-Terrorists Act<sup>61</sup>. The fifth group of recommendations demanded the government adopt a human rights policy and agenda.<sup>62</sup> The sixth group of recommendations had to do with the capital punishment that exists in Bahrain.<sup>63</sup> The seventh group of recommendations was about freedom of expression and assembly.<sup>64</sup> The eighth group of recommendations was about discrimination and anti-racist behavior.<sup>65</sup> The ninth group of recommendations was concerning the right to participate in public affairs, the right to vote, and the condition of human rights defenders.<sup>66</sup> The final group of recommendations was about the use of enforced disappearance and detention conditions and the elimination of women's discrimination.<sup>67</sup>

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<sup>56</sup> Redondo, E. D. (2008). The Universal Periodic Review of the UN Human Rights Council: an assessment of the First Session. *Chinese Journal of International Law*, 7(3), 721-734.

<sup>57</sup> UPR Info (2017, May 1). *UPR of Bahrain (3rd Cycle – 27th session) Thematic list of recommendations*. UPR-Info. Retrieved January 18, 2023, from <https://upr-info.org/sites/default/files/documents/2019-10/matricerecommendationsbahrain.pdf>.

<sup>58</sup> Ibid, page 5.

<sup>59</sup> Ibid, page 8.

<sup>60</sup> Ibid, page 10.

<sup>61</sup> Ibid, page 32.

<sup>62</sup> Ibid, page 30.

<sup>63</sup> Ibid, page 38.

<sup>64</sup> Ibid, page 10.

<sup>65</sup> Ibid, page 8.

<sup>66</sup> Ibid, page 67.

<sup>67</sup> Ibid, page 65.

## 2.4 International human rights organizations on Bahrain's non-compliance with human rights law

After presenting the recommendations from the states to Bahrain in the UPR, this section presents the concern of international NGOs that observe the human rights situation in Bahrain. Human rights organizations such as Salam for Democracy and Human Rights (SALAM) have released a report on Bahrain's failure to implement UPR recommendations despite officially accepting most of them in the Human Rights Council.<sup>68</sup> Salam documented that the government of Bahrain committed a grave violation on a larger scale instead of implementing the recommendations.<sup>69</sup> The NGO, American Democracy and Human Rights (ADHRB) alleged that Bahrain did not fulfill the recommendation of the UPR in the third cycle, which was held in 2017.<sup>70</sup> ADHRB emphasized that the government of Bahrain suppressed all voices of dissent towards its policies.<sup>71</sup> ADHRB illustrated that the government legislated a law that allows national security courts chaired by military members to try civilians which they consider a clear contradiction with human rights standards.<sup>72</sup> ADHRB expounded that the government has taken many legal measures to restrict freedom of assembly, association, and expression.<sup>73</sup> A joint report submitted by Civicus and the Gulf Center for Human Rights (GCHR), Bahrain Center for Human Rights, to OHCHR (Office of the Human Commissioner for Human Rights) in 2016, deduced that Bahrain did not comply

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<sup>68</sup> Salam For Democracy and Human Rights (2014, September 9). *Implementation of UPR recommendations in Bahrain*. Retrieved January 18, 2023, from <https://salam-dhr.org/implementation-of-upr-recommendations-in-bahrain/>.

<sup>69</sup> Ibid

<sup>70</sup> American For Democracy and Human Rights (2020, February 18). *HRC43 Written Statement: Bahrain's Continued Failure to Implement its UPR Recommendations*. Retrieved January 18, 2023, from <https://www.adhrb.org/2020/02/hrc43-written-statement-bahrains-continued-failure-to-implement-its-upr-recommendations/>.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

with human rights law and standards.<sup>74</sup> The report concluded that there are four areas of concern where the government of Bahrain did not comply with human rights law.<sup>75</sup> The first area is the lack of compliance with human rights law concerning freedom of association.<sup>76</sup> The second area is the lack of compliance with human rights law concerning the protection of human rights defenders, journalists, and civil society actors.<sup>77</sup> The third area is the lack of compliance with human rights law concerning access to information, freedom of expression, and independent media.<sup>78</sup> The fourth and last area is the lack of compliance with human rights law concerning the freedom of assembly.<sup>79</sup> As a result, as per the report, Bahrain does not comply with many internal and international human rights organizations' human rights norms and recommendations.<sup>80</sup> Bahrain received many non-binding recommendations in its review about human rights concerns and violations, but none of them progressed.<sup>81</sup> To summarize, Bahrain received a large group of recommendations from dozens of countries during the UPR, providing a broad picture of Bahrain's failure to comply with international human rights law and international norms.

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<sup>74</sup> CIVICUS (2016, September 22). *Bahrain Joint Submission to the UN Universal Periodic Review 27th Session of the UPR Working Group*. Retrieved January 18, 2023, from <https://www.civicus.org/images/CIVICUS%20Bahrain%203rd%20UPR%20Cycle.pdf>.

<sup>75</sup> Ibid, page 1.

<sup>76</sup> Ibid, page 1.

<sup>77</sup> Ibid, page 2.

<sup>78</sup> Ibid, page 3.

<sup>79</sup> Ibid, page 3.

<sup>80</sup> Ibid, page 4.

<sup>81</sup> Venturi, D., & Venier, S. (2019). Summaries of Proceedings of Human Rights Monitoring Bodies. In *The Asian Yearbook of Human Rights and Humanitarian Law* (pp. 551-582). Brill Nijhoff.

## **Chapter 3 - Analysis of the Interviews and Discussion**

This chapter addresses the main research question and examines the primary data obtained from several expert interviews with human rights advocates, academics, legal experts, and scholars. The answers have been conducted through semi-structured online interviews, and this chapter presents the analysis of the answers and divides the answers from each perspective into three categories. The first category is the current situation, the second category is causes of non-compliance and the third category is the recommendations. This chapter presents the answers to the question: What are the reasons behind Bahrain's non-compliance with international human rights law? This chapter presents interviews outcome and answers to non-compliance from human rights, legal, international relations, and geopolitical perspectives. This chapter presents a discussion on the outcome of all perspectives and argues why it is important and remarkable to include all the angles of non-compliance in one thesis. The discussion presents the thesis author's opinion and contribution to the topic of non-compliance and methods of measuring the levels of compliance. The discussion includes the thesis author's vision of the power of human rights law despite governments' attempts to escape their international commitments.

### **3.1 Non-compliance with human rights law from a human rights perspective**

#### **3.1.1 Current Situation**

Bahrain Center for human rights was dissolved in 2004<sup>82</sup>. The Bahraini Ministry of Labor and Ministry of Social Development prevented most of the independent civil societies to work freely in Bahrain. <sup>83</sup> There are current laws "isolation laws", that prevent individuals

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<sup>82</sup> Saber, I. (2004). Bahraini human rights center dissolved. *Aljazeera*. [https://doi.org/The Bahraini government has dissolved the Bahrain Centre for Human Rights \(BCHR\) after a member called for the prime minister's resignation](https://doi.org/The Bahraini government has dissolved the Bahrain Centre for Human Rights (BCHR) after a member called for the prime minister's resignation).

<sup>83</sup> Kelly, S., Truong, M., Shahbaz, A., Earp, M., & White, J. (2013). Freedom on the Net 2013. Freedom House, 882.

who were members of dissolved societies to set up human rights organizations or political societies.<sup>84</sup> Human rights defenders are under stiff circumstances and subject to arrest, torture, sacked from jobs, and harassment.<sup>85</sup> The human rights activists in Bahrain were monitored several times by government spyware programs, and this was documented by human rights organizations.<sup>86</sup> Human rights activists inside Bahrain are often banned from traveling to Human Rights Council in Geneva or attending international human rights conferences.<sup>87</sup> The Bahraini human rights movement has shifted to function in exile following government retaliations.<sup>88</sup> Freedom of assembly, association, and expression is violated constantly, and some laws criminalize individuals from practicing these rights by imposing anti-government hatred charges against them.<sup>89</sup> The Bahrain national plan of human rights was established without consulting with NGOs, and it has failed to address either international recommendations or actual internal human rights problems.<sup>90</sup> The plan was established by the Ministry of Foreign Affairs, a body whose main concern is about the state's international reputation, rather than ensuring fundamental rights on a domestic level. The government treats human rights as international relations subject rather than holding the belief that human rights are fundamental rights for the people of the country.<sup>91</sup>

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<sup>84</sup> Human Rights Watch (2022, October 31). *Bahrain: Political Isolation Laws Ban Opposition Barred from Political, Civil, Economic Life*. Retrieved May 10, 2023, from <https://www.hrw.org/news/2022/10/31/bahrain-political-isolation-laws-ban-opposition>

<sup>85</sup> Ibid.

<sup>86</sup> Marczak, Bill, John Scott-Railton, Sarah McKune, Bahr Abdul Razzak, and Ron Deibert. *Hide and seek: Tracking NSO group's Pegasus spyware to operations in 45 countries*. 2018.

<sup>87</sup> Moritz, J. (2021). Bahrain's transnational Arab Spring: repression, oil, and human rights activism. *International Affairs*, 97(4), 965-983.

<sup>88</sup> Bhatia, L., & Shehabi, A. (2015). Shifting contours of activism and possibilities for justice in Bahrain. *Bahrain's uprising: Resistance and repression in the Gulf*, 91A150.

<sup>89</sup> Ibid, page 114.

<sup>90</sup> Ministry of Foreign Affairs (2022, February 1). *The National Human Rights Plan 2022-2026*. Retrieved March 3, 2023, from <https://www.mofa.gov.bh/Portals/0/pdf/HumanRights/The%20National%20Human%20Rights%20Plan%202022%20-%202026.pdf>.

<sup>91</sup> Interview with Jawad. Fairouz, The File is with the author, the interview was conducted on February 28, 2023.

### 3.1.2 Causes of non-compliance

The causes for the non-compliance are a lack of political will and the absence of democracy. The purpose of the government is not to fully abide by international human rights law but rather to meet the international standards of a modern state.<sup>92</sup> Another reason for non-compliance is the fact that Bahrain does not have a separation of powers between its legislative, judicial, and executive branches. There is another perspective of non-compliance from human rights perspectives but with depth social, and security understanding of how Middle Eastern countries perceive human rights law. The second perspective argued that four factors contribute to non-compliance. The first factor is that many Middle Eastern states are concerned that human rights conventions will give the opposition space and pave the way for anti-government activities and in turn, undermine their absolute power.<sup>93</sup> The second factor is social, such as conventions concerning women's rights, and full compliance may result in conflict with religious leaders as well as popular outrage. The third factor is security-related, as there is a feeling of dread and certainty that if the UN conventions truly comply, there will be international monitoring or a UN delegation that may visit jails after it ratifies the Optional Protocols. The fourth factor is that the government might lose its absolute power over all government agencies, in particular sovereign and vital institutions such as the police and the judiciary.<sup>94</sup>

### 3.1.3 Recommendations

Various Western governments and international governmental bodies should demand that specific measures be taken to protect human rights before entering any international, diplomatic, or commercial agreements. The government of Bahrain should not treat human

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.



rights organizations as opposition groups because this has resulted in the dissolution of most of the independent human rights organizations in Bahrain. The advocacy networks should persuade the government to follow human rights through incentives and persuasive rhetoric that doing so would promote security, and stability and improve their reputation abroad. Advocacy networks should employ strategies that combine praising the state for any positive steps it takes to protect human rights with naming and shaming state actors when they violate human rights law to persuade the state to follow human rights law. The construction of meaningful dialogue between civil society actors and the government is crucial to encourage the government to comply with human rights law.<sup>95</sup>

### **3.2 Non-Compliance with human rights law from a legal perspective**

#### **3.2.1 Current situation**

The ongoing legal violations of international human rights law are not only at the international level but also at the national level. Bahrain's constitution does protect several rights, including freedom of expression, assembly, association, and political rights, as well as prohibiting torture, the state's actions violate their constitution.<sup>96</sup> Bahrain has imposed numerous reservations on numerous UN conventions, alleging that they are incompatible with Islam but these reservations are intended to restrict the space for civil society, women's rights, and fundamental freedoms.<sup>97</sup> Bahrain and the judiciary system contradict the constitutional provision that considers international treaties to become enforceable once Bahrain ratifies them and that international conventions take precedence over domestic law as per article 37 of the Bahrain constitution.<sup>98</sup> The Bahrain National Institute of Human Rights

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<sup>95</sup> Interview with N.R, Participant is referred to pseudonymously, The File with the author, the interview was conducted on 15 February 2023

<sup>96</sup> Interview with Ebrahim. Sarhan, The File is with the author, the interview was conducted on February 20, 2023.

<sup>97</sup> Bydoon, M. (2011). Reservations on the "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)" Based on Islam and its Practical Application in Jordan: Legal Perspectives. Arab Law Quarterly, 25(1), 51-69.

<sup>98</sup> Al Khalifa, I. B. S. (1995). Constitution: State of Bahrain. Arab LQ, 10, 92.

lacks independence from the king and the government, violates the Paris Principles, and serves more as a public relations agency than a body dedicated to promoting human rights.<sup>99</sup> Bahrain has enacted laws to justify the crime of enforced disappearance, for instance, (Anti-Terrorism 2016 ACT ) that legitimize the detention of the accused for more than six months without access to a lawyer.<sup>100</sup>

### **3.2.2 Causes of non-compliance**

The Bahraini judiciary system is not independent of the king who is the head of the executive branch and therefore presents a clear conflict of interest. The lack of Bahrain's political will to apply the constitution's provisions in full is one of the major causes of non-compliance. The absolute power of the king who heads the executive, legislative judiciary, and military powers is one of the main causes of non-compliance. The shorthand of all political, international, and human rights decisions to the hands of the king instead of state institutions has made reform and compliance with human rights law difficult.<sup>101</sup>

### **3.2.3 Recommendations**

Bahrain should receive more studies, policies, and recommendations, this could enhance the country's behavior to follow international human rights law. There should be a constitutional amendment that aims for an enforcement mechanism for the application of domestic legislation in the judiciary and courts. The advocacy groups should offer incentives to encourage the government to comply with human rights law, such as heading a UN committee or receiving a human rights award if they tackle human rights challenges. The

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<sup>99</sup> Bhatia, L., & Shehabi, A. (2015). Shifting contours of activism and possibilities for justice in Bahrain. Bahrain's uprising: Resistance and repression in the Gulf, 91À150.

<sup>100</sup> Jones, M. O. (2015). Rotten Apples or Rotten Orchards; Police Deviance, brutality, and Unaccountability in Bahrain. Zed Books Ltd.

<sup>101</sup> Interview with Ebrahim. Sarhan, The File is with the author, the interview was conducted on February 20, 2023

court should accept the clauses of international conventions when it is provided by the defense (lawyer) before the court.<sup>102</sup>

### **3.3 Non-compliance with human rights law from a political perspective**

#### **3.3.1 Current situation**

The Al-Khalifa ruling family is the center of power in the government and their regional and international relations are based on their relationships rather than those of state institutions.<sup>103</sup>

The dynamics of the ruling family tribe have always linked the relationship with the international community to the need and demands of the family, not the people of the country

<sup>104</sup> The restriction of free speech, shutting down the only independent newspaper (Alawsat), imprisoning social media activists and opposition parties and societies, and banning all political gatherings are practices of a police state.<sup>105</sup>

The ruling family only cares about conventions that support their sovereignty and improve their international reputation, not the rights of the individuals.<sup>106</sup> The government committed all of these violations and restrictions with impunity, with the full cooperation of the hand-picked judiciary and powerful regional and international allies. The judges are not independent, they are handpicked as a reward for their absolute loyalty. The opposition is prevented from running for parliament because of the "isolation law" that deprived previous members of dissolved societies of running to the parliament.<sup>107</sup> The British government has helped whitewash Bahrain's human rights abuses, as it continues to talk about 'progress' even during periods of intensified repression. Bahrain has substituted human rights reforms with

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<sup>102</sup> Ibid.

<sup>103</sup> Interview with M.M, Participant is referred to pseudonymously, The File with the author, the interview was conducted on 12 March 2023

<sup>104</sup> Ibid.

<sup>105</sup> Interview with Ebrahim. Sharif, The File is with the author, the interview was conducted on February 24, 2023.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

training programs from the United Kingdom.<sup>108</sup> These states will advertise their initiatives in Bahrain and in some way function as government PR. Bahrain has a default international immunity to all its human rights violations and is able to hide its worst record of human rights through a lot of Whitewashing strategies. For instance, normalizing relations with Israel is a publicity stunt intended to cover up Bahrain's long history of discrimination against the Shia majority to portray it as a tolerant state. Another example is how Bahrain uses the Formula One (F1) race as a platform to demonstrate Bahrain's openness to modernity, liberalism, and global events to cover up for their failures and shortcomings regarding human rights in the country<sup>109</sup>

### 3.3.2 Causes of non-compliance

One of the causes is that the current government institutions such as the parliament, and human rights bodies are only decorative of a modern state but hollow from authorities and supervisory mechanisms.<sup>110</sup> The lack of any effective democratic mechanisms or tools is a key factor and cause of non-compliance with human rights law.<sup>111</sup> The major powers, the United States and the United Kingdom are contributing to non-compliance through whitewashing and remaining silent on the atrocity of human rights violations in Bahrain. The dominance of the National Security Agency in Bahrain over the judiciary, the Public Prosecution, and some official institutions over many political and human rights decisions is another cause for Bahrain's non-compliance with human rights law. Another cause is that governments are reluctant to protect civil and political rights out of concern that citizens will

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<sup>108</sup> MCVeigh, K. (2018, May 17). British government accused of funding human rights abuses in Bahrain. *The Guardian*. <https://www.theguardian.com/global-development/2018/may/17/british-government-accused-of-funding-human-rights-abuses-in-bahrain-torture-executions>

<sup>109</sup> Interview with M.M, Participant is referred to pseudonymously, The File with the author, the interview was conducted on 12 March 2023

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

exert pressure on them using their freedom of assembly and other rights, endangering their absolute control. Finally, the surrounding region is one of the causes of non-compliance since Bahrain is impacted by the neighboring states, including Saudi Arabia and the UAE, both of which violate human rights law.<sup>112</sup>

### **3.3.3 Recommendations**

Democratic states should follow through on their promises to prioritize human rights over commercial or geopolitical interests. As a result, major powers should make sure those who transgress these rights are not given access to oppressive weapons or the benefit of arms deals. There is a need to strengthen local capacities and create coalitions that unite many communities, groups, and activists working to create a free and democratic society.

Advocacy networks could persuade the government to abide by human rights laws by offering incentives like leadership on a UN committee if they had tackled human rights issues or free trade with Bahrain if they had promoted individual human rights.<sup>113</sup>

## **3.4 Non-compliance with human rights law from a geopolitical perspective**

### **3.4.1 Current situation**

Bahrain's ruling family maintains a systematic policy of repressing and discriminating against the majority Shia population, which results in grave human rights abuses and a failure to comply with human rights laws.<sup>114</sup> Human rights violations are not unknown, but there are ongoing human rights violations that are not necessarily condoned but accepted by the US and the UK.<sup>115</sup> The non-compliance with human rights law is a multifaceted failure, a

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<sup>112</sup> Interview with Ebrahim. Sharif, The File is with the author, the interview was conducted on February 24, 2023.

<sup>113</sup> Ibid.

<sup>114</sup> Interview with Professor Staci Strobl, The File is with the author, the interview was conducted on March 12, 2023

<sup>115</sup> Interview with Professor Simon Mabon, The File is with the author, the interview was conducted on March 04, 2023.

deliberate policy of obfuscation, manipulation, and ignorance designed to ensure the survival of the Al Khalifa's and their status quo.<sup>116</sup> The deliberate policy has long been driven by self-interest and playing on ambiguity, declaring compliance but the reality is that the Al Khalifa ruling family has used narrative strategies to avoid any type of pressure to comply with international human rights law.<sup>117</sup> The region has a complex relationship with international law and human rights law more broadly, reflecting a general ambivalence or sense of exceptionalism.<sup>118</sup> The states in the Gulf tried to position themselves as outliers and they try to argue a sense of exceptionalism, which means they can operate broadly within international law. There is a sense that the Gulf states can get away with it because there are no grave consequences for their actions.<sup>119</sup> The United States does not prioritize compliance with human rights in Bahrain, while only maintaining influence and strategic interest in its fifth fleet military base in the country.<sup>120</sup> The United States has a moral and political obligation to promote human rights in the country that hosts their army and there should be one policy for protecting human rights that applies to allies and rivals.<sup>121</sup> The Western response to human rights violations in Bahrain is tokenistic at best, and this is predominantly because of the pragmatic balance between human rights and the normative, as well as the pragmatic concerns around security and, more recently, the UK economy.<sup>122</sup> The efforts to create human rights programs in Bahrain funded by British taxpayers appear little more than token programs designed to pay lip service to a broader normative commitment to human rights and political reform.<sup>123</sup>

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<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

<sup>121</sup> Interview with Professor Simon Mabon, The File is with the author, the interview was conducted on March 04, 2023.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

### 3.4.2 Causes of non-compliance

The lack of sanctions and coercive mechanisms for ensuring compliance with these laws and obligations played a negative role in not complying with human rights law.<sup>124</sup> The ongoing balance between a normative commitment to human rights and a broader commitment to security is another cause of non-compliance.<sup>125</sup> The ongoing balance between the normative and the pragmatic in human rights and security is another cause of non-compliance.<sup>126</sup> The US contributes to Bahrain's non-compliance and the lack of a cogent policy to confront human rights abuses.<sup>127</sup> The Western states are slow to criticize their allies and quick to criticize rivals and this is leading states like Bahrain to not fully comply with human rights law.<sup>128</sup>

### 3.4.3 Recommendations

There is a need for a stronger commitment to adhering to human rights laws and obligations along with a coercive mechanism for ensuring that these laws and obligations are upheld.<sup>129</sup> This requires a global buy; it is not just about the states that are breaking human rights law daily but rather states that are in positions of power and influence that must hold their allies just as accountable as they do the states they disagree with.<sup>130</sup> The Western states must call out their key allies even if they are allies for security or economic reasons to try and uphold these broader commitments to humanity.<sup>131</sup> Bahrain's compliance with human rights law could only be achieved via the use of transitional justice procedures. Academic scholars' literature on the importance of compliance with human rights, storytelling, activism, and

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<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Interview with Professor Staci Strobl, The File is with the author, the interview conducted on March 12, 2023

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

advocacy are tools that should be used constantly despite the consequences to achieve the goal of full compliance with human rights law.<sup>132</sup>

### 3.5 The Discussion

The findings of the thesis were different from other literature because the interviews were based on the personal experiences and connections of victims, activists, lawyers, and academic and international experts not just as theoretical or academic expertise.<sup>133</sup> The findings of this thesis provide a comprehensive analysis of Bahrain's non-compliance with human rights law from different expertise and angles which adds new depth to existing academic literature. Many international governmental organizations recommend that Bahrain comply with human rights law.<sup>134</sup> For instance, some recommendations tackle capacity building, technical assistance, and establishing a national plan for human rights.<sup>135</sup> However, through interviews with experts, it has been argued that the government did establish a national plan, but from a foreign affairs body, not a human rights body, and excluded civil societies which again reflects the deliberate policy of manipulation. Bahrain does not need capacity building or training but rather more disciplined authority, independence of judges, and human rights bodies, and political will for compliance. The experts have explained how the government has substituted human rights reforms with training programs from the United Kingdom and the United States to avoid full compliance with human rights law. According to them, these programs whitewash Bahrain's human rights atrocities while also misleading the

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<sup>132</sup> Ibid.

<sup>133</sup> See Chapter 3, analysis of the interview from 3.1 to 3.4

<sup>134</sup> PARASZCZUK, J. (2012). Rights groups: Bahrain emboldened by int'l silence. *The Jerusalem Post*. <https://doi.org/According to the International Federation for Human Rights, at least 80 people have been killed since the protests began.>

<sup>135</sup> Office of the High Commissioner Human Rights (2023, March 24). *Human Rights Council Adopts Universal Periodic Review Outcome of Bahrain*. OHCHR. Retrieved May 12, 2023, from <https://www.ohchr.org/en/news/2023/03/human-rights-council-adopts-universal-periodic-review-outcome-bahrain>



British public and providing a plausible excuse to spend some of their tax money on the Bahraini authoritarian regime.

Bahrain has created repressive methods not only to suppress internal critics and reformers but also to circumvent and muzzle all critics internationally. Bahrain has used its diplomatic relations, economic interest, (PR) companies, and established government bodies to eliminate international pressure. Unfortunately, the government's human rights bodies are devoid of any meaningful authority. The modernization of repression in a modern civil institutional manner, where government human rights bodies aim to justify government abuses and these bodies function as PR companies. The combination of human, legal political, and geopolitical perspectives was helpful to understanding that there is a systematic policy to confront critical human rights challenges at the international level. Collecting all perspectives presented an objective and explanatory view of all the challenges, obstacles, and the path that led to perpetuating the deterioration of the human rights situation. Several perspectives have illustrated the human rights causes such as the absence of democracy and the lack of separation of powers between its legislative, judicial, and executive branches. Several perspectives have illustrated that the lack of independence of the judiciary and the absence of political will to implement the constitution that protects all rights is a cause for non-compliance. Several perspectives have illustrated the lack of any effective democratic mechanisms or tools and the dominance of the intelligence apparatus in Bahrain over the judiciary, the Public Prosecution is a cause of non-compliance with human rights law. Several perspectives have illustrated the region and major powers' negative role in not encouraging Bahrain to comply with human rights because of their pragmatic policy on human rights and security and the slowness of criticizing their allies. The combination of all the angles provided a root and deep understating of Bahrain's non-compliance with human rights law from different perspectives. The combination of all perspectives has helped to

understand that Bahrain has prolonged the methods of repression and silencing of the international community, through legal, human rights, political, and geopolitical steps.

Through the help of international allies and partners such as the United States and the United Kingdom, Bahrain has achieved a strategy of reducing the intensity of international criticism.

Full compliance with human rights law can be measured through the impact of the human rights conventions on protecting individuals' rights in Bahrain. Full compliance with human rights can be measured through the impact of these conventions on promoting people's rights and preventing human rights violations. The enormous number of conventions which is ratified by Bahrain is not necessarily a good indication of the government's intent to comply with human rights, but the level of improvement and protection of human rights is. The level of compliance can be measured through the efficacy of government human rights bodies in promoting accountability and the non-repetition of violations. The government's tolerance of minorities, women, children, disadvantaged groups, and opponents can be used to gauge the degree of compliance. Nevertheless, the struggle, anger, hope, and belief in human rights can make a difference. The human rights movement has resulted in a tremendous change in the global north and south, as per the author of the book *Evidence for Hope*.<sup>136</sup> Human rights language used to be practiced in lawyers' literature or by activists in the early 1980s, but it is now the language of the world, institutions, politicians, scholars, and international organizations. Yet, the human rights situation worldwide is not up to the standard. However, more and more people are speaking up everywhere about human rights, and this shows how human rights have become a culture and spreading knowledge that people genuinely care about. The legitimacy and effectiveness of human rights law have been proven through

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<sup>136</sup> Sikkink, K. (2018). CHAPTER 1. Introduction: Anger, Hope, and the Belief You Can Make a Difference. In *Evidence for Hope: Making Human Rights Work in the 21st Century* (pp. 3-21). Princeton: Princeton University Press. <https://doi.org/10.1515/9781400888535-001>

research, statistics, and examples of success stories in different countries around the world.<sup>137</sup>

According to Professor Michael Ignatieff and the author of the book, *Human Rights as Politics and Idolatry*, the human rights revolution was not led by states but by individuals who struggled for change and the promotion of human rights. As Michael Ignatieff stated, "Human rights has gone global not because it serves the interests of the powerful but primarily because it serves the interests of the powerless".<sup>138</sup>

Human rights treaties provide a persuasive case that treaties do advance human rights, particularly through influencing elite agendas, promoting legal action, and establishing the legitimacy of domestic activists' political mobilization. For example, the literature shows that human rights treaties set the agenda, and can be used by advocates and activists to call for reform and pressure the states, but in the end, the result is dependent on the response and compliance by each state.<sup>139</sup> This beneficial effect is more obvious in countries with political systems that combine elements of autocracy and democracy.<sup>140</sup> Human rights advancement is a progressive process, not a magic wand, and thus hope and human rights struggle are required. The change toward full respect for human rights takes a long time and needs consistent activism that lasts for decades. Bahrain has had a strong civil society since 1920, and since then they have succeeded in the elimination of forced labour, arbitrary taxation, their right to property, etc., and that gives me hope for a positive change in Bahrain.

<sup>141</sup>International law provides states with sovereignty status and human rights law provides all

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<sup>137</sup> Ibid.

<sup>138</sup> Ignatieff, M. (2011). Human rights as politics and idolatry. In *Human rights as politics and idolatry*. Princeton University Press.

<sup>139</sup> Ibid.

<sup>140</sup> Jensen, N. M. (2003). Democratic governance and multinational corporations: Political regimes and inflows of foreign direct investment. *International organization*, 57(3), 587-616.

<sup>141</sup> Al-Tajir, M. A. (2023). *Bahrain 1920-1945: Britain, the Shaikh and the administration*. Taylor & Francis.

individuals everywhere with supremacy status, therefore compliance with human rights law is crucial to achieving human dignity and autonomy.

## **Chapter 4 - Findings and Conclusions**

This chapter considers the most important section of this thesis and presents the findings of the interviews on the topics of non-compliance and the outcome which was acquired through the research and interviews. This chapter illustrates the outcome of the combinations of the causes of non-compliance from several perspectives and how the combinations are a vital contribution to the academic literature on the topic of states' non-compliance with human rights law. This chapter illustrates the findings of several pieces of literature on the topic of non-compliance with human rights law, and the causes of non-compliance and proposes some solutions and mechanisms on how to shift from commitments to compliance. This chapter also illustrates why the findings were significant and how the outcome supported the author's hypothesis on certain arguments presented in the thesis. This chapter demonstrates the conclusion of the thesis including some suggestions for future research on the topic of the state's non-compliance with human rights law.

### **4.1 The Findings**

Bahrain's signing of the UN conventions is not an indication of compliance with human rights law but rather that it meets the international standards of a modern state. Bahrain's signing of UN conventions represented a normative commitment to human rights law to avoid international consequences, support its sovereignty, enhance its international reputation, and encourage foreign investment in Bahrain. One of the legal barriers to fully complying with human rights law is the absence of a separation of powers between its

legislative, judicial, and executive branches—all of which are presided over by the king. The king of Bahrain has no desire to comply with human rights law and put international human rights standards into practice; on the contrary, the king has shut down most political and human rights organizations, and hundreds of people are being held in prison for their anti-government opinions. The loss of absolute power, motives, and security concerns, as well as the fear of the opposition in which they use the right to express themselves, are considered threats to the nature of non-democratic regimes and are all reasons for non-compliance with human rights law. The Bahrain national plan for human rights, which was created without consulting local NGOs by the Bahraini Ministry of Foreign Affairs, a body concerned with the state's international reputation, is a blatant illustration of their exclusive focus on their image and reputation abroad.

There is no political will to respect human rights and protect and promote human rights for everyone. Bahrain is hiding its plentiful human rights abuses through a variety of whitewashing tactics such as (F1) racing and normalizing relations with Israel. Some major powers, such as the United Kingdom, are whitewashing Bahrain's violations through nominal and ineffective training. Prioritizing economic and political interests over human rights would encourage states not to comply with human rights laws. Bahrain has substituted human rights reforms with training programs from the United Kingdom and the United States to escape international pressure.<sup>142</sup> The geopolitical reasons for non-compliance with human rights law are an ongoing Western balance between the normative and the pragmatic in human rights and security. The Western hypocrisy of being slow to criticize their allies and quick to criticize rivals is encouraging states not to comply with human rights laws such as Bahrain. The neighboring countries to Bahrain have a complex relationship with human rights law,

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<sup>142</sup> British government accused of funding human rights abuses in Bahrain. *The Guardian*. <https://doi.org/Money> from controversial UK fund was used to train groups later involved in torture and executions, claims rights group 2018

and the region in which Bahrain sits plays a negative role since all neighboring countries are not fully complying with international human rights law. The Gulf states consider that human rights law provides individuals more power and space, so they might use human rights language and guaranteed rights in the conventions to threaten their authorities.

Amnesty International has published a report that tackles Brazil's non-compliance with human rights law in relation to the rights of the indigenous people, and this report was a joint work between Max Laven and Amnesty.<sup>143</sup> Laven argues that there are many reasons behind Brazil's non-compliance with international human rights norms.<sup>144</sup> Laven emphasizes that there are three hypothetical situations under which the government will comply with international norms.<sup>145</sup> The first hypothesis is that if transitional actors (NGOs, advocacy networks, international organizations, and intergovernmental organizations) can threaten the government with losing its international reputation, then the government will be more likely to comply with international human rights law. The author argues that this can be achieved through transitional actors targeting government actors who manage the state's international reputation, the legally binding obligations. The second hypothesis is called a "social mechanism," in which transitional actors can establish persuasive incentives to convince the government to comply with international human rights standards. In this context, incentives mean any positive incentives, such as rewards, or any negative incentives, such as sanctions. The author suggests that transitional actors can change governments' behaviors and policies.<sup>146</sup> The third hypothesis is that transitional actors should be able to elevate coaxing arguments and discourse that aim at voluntary compliance with international human rights

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<sup>143</sup> Laven, M. (2014). Brazilian (non) compliance with international human rights norms. The case of Indigenous peoples' rights.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> Bernstein, S., & Cashore, B. (2000). Globalization, four paths of internationalization and domestic policy change: the case of ecoforestry in British Columbia, Canada. *Canadian Journal of Political Science/Revue canadienne de science politique*, 33(1), 67-99.

law without any coercion. Therefore, the author concludes that these hypotheses could change the Brazilian government's attitude from commitment to compliance.

In a journal article written by James R. Hollyer and B. Peter Rosendorff in June 2011, the authors argue that authoritarian regimes that practice systematic torture are more likely to sign the convention than states that torture less.<sup>147</sup> According to the authors, signatory governments to the conventions stay more in power than non-signatory states. The authors affirm that various governments have had success in reducing anti-government activities after signing the convention and that governments that did not sign are facing a rise in opposition activities aimed at signing the treaties.<sup>148</sup> Consequently, the authors certify that authoritarian regimes that signed the (CAT) convention will remain more in power to avoid any legal consequences or sanctions after leaving office, and therefore these governments will stay more in power. Accordingly, the article concludes that signatory governments are more likely to remain in power longer than non-signatories.<sup>149</sup>

Thomas Risse, Stephen G. Ropp, and Kathryn Sikkink figured out the socialization process of five distinct phases to socialize governments that do not comply with human rights standards.<sup>150</sup> The phases are repression, denial, tactical concessions, perspective status, and rule-consistent behavior. The first phase of the socialization process noted that authoritarian regimes engaged in repression tend to engage in long-term non-compliance. The second phase of the socialization process indicates that when transactional actors succeed in providing strong documentary evidence of human rights abuses, governments are more likely

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<sup>147</sup> Hollyer, J. R., & Rosendorff, B. P. (2011). Why do authoritarian regimes sign the convention against torture? Signaling, domestic politics, and non-compliance. *Signaling, Domestic Politics and Non-Compliance* (June 1, 2011).

<sup>148</sup> Ibid, page 10.

<sup>149</sup> Ibid page 11.

<sup>150</sup> Risse, T., Ropp, S. C., & Sikkink, K. (Eds.). (2013). *The persistent power of human rights: From commitment to compliance* (Vol. 126). Cambridge University Press.

to deny these allegations. The third phase of the socialization process points out that numerous governments are using tactical concessions such as the release of political detainees, signing conventions, and demonstrating tolerance with protests, to reduce international pressure. In the fourth phase of the socialization process, some states were granted "perspective" status under human rights standards, in which governments engaged in positive practices such as ratifying relevant treaties or signing optional protocols to existing conventions. The final phase of the socialization process is where the government changes its behavior and reaches a level of sustained compliance with international human rights law. In brief, these phases are important to discover when states comply and when they do not and assume that these socialization processes apply to all countries around the world, including the case study of this thesis.<sup>151</sup>

Risse, Ropp, and Sikkink explain that five domestic circumstances could motivate state actors to comply with international human rights norms.<sup>152</sup> The first circumstances are that democratic countries are more likely to comply with international standards than authoritarian ones, as per empirical studies and quantitative research. The authors point out that improvement in human rights has always been a result of the democratization process or any change in the regime.<sup>153</sup> The second internal circumstance argued is that there are states that are not willing to comply with international human rights law, but that does not mean that they are incapable of doing so. The authors contend that the lack of effective institutions that enforce the law on the entire state territory is leading states to not fully comply with international standards. The third internal circumstance is where the authors assume that consolidated states are more likely to comply with international law in contrast with limited statehood. The fourth domestic circumstance is related to material vulnerability, in which the

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<sup>151</sup> Ibid, pages 6&7.

<sup>152</sup> Ibid , page 3,4 .

<sup>153</sup> Ibid , page 16.



authors attest that mechanisms such as coercion, sanction, or positive rewards are less likely to be effective in strong economic or military countries such as the United States, Russia, or China. The fifth domestic circumstance is social vulnerability, in which the authors claim that states that do care about their social reputation and want to have a good image in the international community are more likely to comply with international human rights standards. Finally, the authors summarize that states that want to enhance their reputation and image in the international community might be more vulnerable to external pressure.<sup>154</sup>

The authors, Risse, Ropp, and Sikkink determine that five social mechanisms can change the behavior of states to comply with international human rights law. The first is coercion and the use of force or legal enforcement to comply with international standards. The coercion by external actors falls under the norm of "responsibility to protect," and this action must be legitimized. Legal enforcement means sanctions by the International Criminal Court or international organizations such as the Security Council. The second social mechanism is changing incentives like sanctions and rewards and the authors argued that these actions play a significant role in shifting the state from commitment to compliance. The third social mechanism is persuasion and discourse, which also play a key role in voluntary compliance as a socialization mechanism. The fourth is capacity building, which leads states to sustain compliance with human rights law in case the state has failed to comply with international norms because of a lack of state capacity to enforce them.<sup>155</sup>

In a book chapter written by Courtney Hillebrecht on the domestic mechanism of compliance with human rights law, Hillebrecht demonstrates the major actors and mechanisms that can play a significant role in compliance with international human rights law.<sup>156</sup> Hillebrecht

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<sup>154</sup> Ibid, page 21.

<sup>155</sup> Ibid page 25.

<sup>156</sup> Hillebrecht, C. (2012). The domestic mechanisms of compliance with international human rights law: case studies from the inter-american human rights system. *Human Rights Quarterly*, 34(4), 959-985.

emphasizes that many actors can play a role in compliance: first the judicial system and the judges; second, the executive and legislative branches of government; and third, the role of civil society.<sup>157</sup> Hillebrecht affirms that international human rights institutions and bodies are often unable to enforce human rights norms, but the three actors can make a stark difference and fill the gap.<sup>158</sup> As a result, the author concludes that the level of compliance of states with international human rights law can be decided by considering the domestic politics of compliance.<sup>159</sup> Compliance with human rights law required many changes, legislation, administrative decisions, and internal coalitions. The author states that there is a need for coalitions of domestic political actors' legislators, executives, and judges to simplify and speed up the compliance process.<sup>160</sup> The author asserts that when the executive has more power, they are less likely to comply with international human rights law. The author suggests that international human rights recommendations present a legal framework for compliance with international standards, but it should consider at the same time the domestic balance of power. The author prophesies that judges and legislators may use compliance to legitimize a human rights agenda and policy. The author concludes that compliance with international human rights law can be achieved in three phases: 1- establishing an executive agenda 2-political will for compliance and 3-building a compliance coalition from legislators and judges.<sup>161</sup>

Considering Hillebrecht's argument that compliance with human rights law can only be through internal change and engagements from the judiciary and legislation authority, Beth Simmons also highlighted that there are three roles that human rights law can play in internal

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<sup>157</sup> Ibid, page 961.

<sup>158</sup> Ibid, page 965.

<sup>159</sup> Havenaar, R. (two thousand). Hannah Arendt-The Origins of Totalitarianism, 1951. De oogst. Denkers die ons wereldbeeld bepaalden, 215-218.

<sup>160</sup> Ibid.

<sup>161</sup> Simmons, B. A. (2009). Mobilizing for human rights: international law in domestic politics. Cambridge University Press.

politics. The first role is to allow the executive branch to establish a national agenda on human rights; the second is to present the source of the law; and the third is to strengthen civil society so that it can mobilize for its rights. Simmons summarizes that human rights law empowers all the local actors, especially the judiciary and executive, to promote human rights.<sup>162</sup>

Another study that affirms the effectiveness of human rights treaties to change states' behaviors was a quantitative analysis of the relationship between human rights treaties and human rights practices.<sup>163</sup> The study was based on a database that spans 166 countries and five categories of human rights law over nearly forty years. The study concluded that states that have ratified United Nations conventions have better human rights practices than those that have not ratified. As per the study, the act of United Nations Convention ratification and continued membership in the treaty regime may also work to gradually alter government practices as it internalizes the expressed norms. The study also determined that democratic states are more likely to comply with human rights law because these states cannot conceal the contradiction between their expressive and real conduct and because internal observers keep an eye on state behavior.<sup>164</sup>

The findings supported the author's hypothesis that advocacy networks should offer the government persuasive incentives to comply with human rights law. An unexpected finding emerged from one of the interviews, where the interviewee claimed that non-compliance was based on deliberate policy.<sup>165</sup> This policy had long been motivated by self-interest and playing on ambiguity, declaring compliance, but the government had employed a variety of

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<sup>162</sup> Grugel, J., & Peruzzotti, E. (2012). The domestic politics of international human rights law: Implementing the Convention on the Rights of the Child in Ecuador, Chile, and Argentina. *Hum. Rts. Q.*, 34, 178.

<sup>163</sup> Hathaway, Oona A., *Do Human Rights Treaties Make a Difference?* Yale Law Journal, Vol. 111, 2002, Boston Univ. School of Law Working Paper No. 02-03, Available at SSRN: <https://ssrn.com/abstract=311359>

<sup>164</sup> Ibid.

<sup>165</sup> Interview with Professor Simon Mabon, The File is with the author, the interview was conducted on March 04, 2023.

mechanisms and narrative strategies to evade any kind of pressure to comply with human rights law.<sup>166</sup> This outcome is significant because it demonstrates how governments use a variety of techniques and strategies to seem to abide by human rights laws while they are actively manipulating the public and the international community. One illustration of Bahrain's strategies to escape international pressure is through whitewashing strategies and two examples are (F1) sports and normalizing relations with Israel.<sup>167</sup>

## 4.2 Conclusion

This thesis aimed to analyze state non-compliance with human rights laws where Bahrain was taken as a case study. The thesis posed the following research question: What are the obstacles and reasons behind Bahrain's non-compliance with international human rights law?

The lack of political will, the absence of genuine pressure from major powers, and the absence of UN enforcement tools contribute to Bahrain's non-compliance with human rights law. From a human rights perspective, Bahrain, as a signatory to United Nations conventions, was not in favor of promoting human rights but rather met the requirements for United Nations membership and membership in the international community. Bahrain is a signatory to UN Conventions aimed at enhancing its international reputation and political and economic goals but not the protection of human rights domestically. Furthermore, the lack of independent institutions and bodies that implement the recommendations and the culture of impunity are the main reasons for non-compliance with human rights recommendations. Bahrain's non-compliance with human rights laws means violating and limiting the rights

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<sup>166</sup> Ibid.

<sup>167</sup> Najjar, F. (2020). What is behind Bahrain's normalisation deal with Israel? *Aljazeera*. <https://doi.org/Bahrain> moves to please the US, deter perceived regional threats by following in the UAE's footsteps, analysts say.

guaranteed in international treaties to which the government is a signatory. From a legal perspective, Bahrain's non-democratic nature and the king's absolute power have resulted in a decrease in compliance with human rights law, which is one of the main obstacles. From a political perspective, Bahrain's absence of a division of powers, where all authority still rests with the king, explains a key element of the country's failure to comply with human rights law. From a political perspective, Bahrain has substituted human rights reforms with training programs from the United Kingdom and the United States to escape international pressure. From also a political perspective, one of the examples that illustrate Bahrain's engagement with human rights law is to enhance its international reputation where the national plan for human rights was established by the Ministry of Foreign Affairs, not a human rights body. From geopolitical perspectives, the pragmatic behavior of many Western states and the reduction of public criticism towards their allies have encouraged Bahrain not to fully comply with human rights law. The United States has a moral and political commitment to protect human rights in Bahrain since the country hosts their fifth fleet navy. From a geopolitical perspective, Bahrain has a default international immunity of all their human rights violations, and they hide their worst record of human rights through a lot of whitewashing strategies such as (F1) sport and normalizing relations with Israel.

Future research on the topic of states' non-compliance with human rights law can be done through an examination of the level of compliance in a case study that measure the implementation of a particular convention of a specific country. The more specific research helps to understand all the technical difficulties or causes of non-compliance which can be tackled through concrete and focused recommendations or policy papers. Future research could discuss the topic from a comparative perspective with another country from the same region

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## Appendix

**Table 1: List of UN treaties ratified by Bahrain**

Abbreviation	Convention name	Year of the ratification	Status	Acceptance of Inquiry procedures/Individual complaint	Optional protocols
<b>CIRD</b>	<b>International Convention on Elimination of all Forms of Racial Discrimination</b>	<b>27-03-1990</b>	<b>Ratified</b>	<b>Yes</b>	<b>NO</b>
<b>CRC</b>	<b>Convention on the Rights of Child</b>		<b>Ratified</b>	<b>NO</b>	<b>Yes (CRC-OP-AC) (CRC-OP-SC)</b>
<b>CAT</b>	<b>Convention against torture and other cruel, inhuman, or Degrading Treatment or punishment</b>	<b>6/3/1998</b>	<b>Ratified</b>	<b>Yes</b>	<b>NO</b>
<b>C105</b>	<b>Abolition of Forced Labor Convention 1957</b>	<b>14-07-1998</b>	<b>In force</b>	<b>/</b>	<b>/</b>
<b>C111</b>	<b>Discrimination (Employment and Occupation Convention 1958</b>	<b>26-09-2000</b>	<b>In force</b>	<b>/</b>	<b>/</b>
<b>CEDAW</b>	<b>Convention on the Elimination of All Forms of Discrimination against Women</b>	<b>21-09-2004</b>	<b>Ratified (Several reservations)</b>	<b>NO</b>	<b>NO</b>
<b>ICCPR</b>	<b>International Convention on Civil and Political Rights</b>	<b>20-09-2006</b>	<b>Ratified</b>	<b>NO</b>	<b>NO</b>

<b>CESCR</b>	<b>International Covenant on Economic, Social, and Cultural Rights</b>	<b>22-09-2011</b>	<b>Ratified</b>	<b>NO</b>	<b>NO</b>
<b>CRPD</b>	<b>Convention on the Rights of Persons with Disabilities</b>	<b>22-09-2011</b>	<b>Ratified</b>	<b>NO</b>	<b>NO</b>
<b>C138</b>	<b>Minimum age Convention</b>	<b>7/3/2012</b>	<b>In force</b>	<b>/</b>	<b>/</b>

**The questions that the author has asked the interviewees are below :**

- 1- Bahrain is a party to many UN treaties with low-level compliance; from your perspective, what is the list of reasons, and obstacles that cause the failure of compliance?
- 2- Some pieces of literature have suggested that offering some incentives to the government could encourage it to better comply with human rights, and on the contrary, some have suggested that the advocacy network causing the loss of Bahrain's reputation internationally would change positively the behavior of the state toward compliance. Where do you see Bahrain's case in this?
- 3- What is the impact of dissolving independent NGOs and shrinking the space for civil society on your work in terms of protecting human rights and advocating for the government to comply with international human rights standards?
- 4- What, in your opinion, can NGOs and advocacy networks do more? Some argue that NGOs providing capacity building could encourage the government to voluntarily comply with human rights laws. To what extent do you agree with this?
- 5- Some previous literature on the topic of non-compliance suggested establishing collaboration among legislators and judges as an alliance to protect human rights and encourage the government to comply with human rights law, do you think it is applicable in the case of Bahrain? And if yes, how, and if not, why not?
- 6- As you might be aware, there is a national plan for human rights in Bahrain for 2022–2026, announced by the Ministry of foreign affairs. What is your evaluation of it, and is it possible to count on it?
- 7- Given the fact that there are no independent political societies now, what are the obstacles for politicians like you to encourage the government to comply, achieve the political will for more reform, and protect the human rights of individuals?

- 8- Do you believe the region plays a negative or positive role in ensuring compliance with human rights standards, particularly in Gulf countries, and if so, how? What about other major players such as the United Kingdom and the United States, which have funded several human rights programs in the country?
- 9- Do you believe that sanctioning or any form of coercion would improve compliance with human rights law?
- 10- From your perspective, what are the proposed solutions and mechanisms that pressure the government to establish an executive agenda to gain compliance with human rights law and change the position of the government from commitment to compliance?
- 11- As a Bahraini lawyer and you were in the court practicing your job, what were the legal obstacles to non-compliance with human rights norms? Is it the law, provisions, or the Constitution? absence of laws? lack of administrative decisions and procedures?
- 12- What is the role of the public prosecutor and judges in transferring international human rights norms domestically?
- 13- What is the role of local institutions like the ombudsman, the special investigation unit, the National Institute for Human Rights, and the Prisoners and Detainees Rights Commission in transferring human rights standards domestically and preventing human rights violations?
- 14- What is your opinion on the new child protection law—the law that imposes equality between men and women in wages in the private sector—and do you see these laws as a positive indicator for accepting international norms domestically and why not?
- 15- Although UN international recommendations are not binding and are considered soft law, do you think international governmental organizations, for instance, the United Nations and the European Parliament, can play a significant role in pressuring the government to comply with human rights law?
- 16- Finally, what are the solutions from your perspective? Is there a need for a new constitution, new legislation, and more conventions to be signed?