

The Prisoners and Detainees Rights Commission: Fundamentally Flawed

The **Prisoners and Detainees Rights Commission (PDRC)** is a national preventative mechanism established by the **Government of Bahrain** in September 2013. The PDRC's creation followed the establishment of an **Office of Ombudsman to the Ministry of Interior** and laws expanding the purview of the **National Institute for Human Rights (NIHR)**, both in 2012. Its aim is to prevent torture and ill-treatment in places of detention through regular inspections and public reporting.

The **United Kingdom** aided the creation of the PDRC as part of its **£2.2 million reform assistance programme** with Bahrain. The UK's own prison inspection body, **Her Majesty's Inspectorate of Prisons (HMIP)**, has been involved in preparing the PDRC for its role, including UK-based training.

The PDRC is mandated to regularly visit correctional and detention facilities to investigate standards of detention and publicly report its findings. Its obligation to ensure the fair treatment of detainees and the prevention of torture is enshrined in laws defining it. The underlying theory of this mandate is that regular critical reporting of detention facilities will motivate detention authorities to improve their facilities in line with international standards and to avoid public criticism.

Bahrain has not ratified the **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)**, the objective of which is enhance protection against torture and other inhuman and degrading treatment or punishment by establishing a system of inspection for places of detention. For the PDRC to be recognised as a National Preventive Mechanism as defined by OP-CAT, it should have the minimum power to regularly examine the treatment of the persons deprived from their liberty; make recommendations; submit proposals and observations to governing bodies. It is required to be independent.

The PDRC is chaired by the Ombudsman of the Ministry of Interior (MOI), whose office falls within the MOI and is therefore non-independent. The PDRC's members include judges and prosecutors. This is a conflict: Bahrain's justice system has consistently used evidence extracted under torture to convict individuals on politically-related charges. One member, **Ahmed Al-Malki** (also Secretary-General of Karama for Human Rights), has expressed views which undermine the PDRC's credibility (see fig 1).

The PDRC has inspected and reported on 9 of Bahrain's 11 detention centres and prisons. It has failed to adequately inspect for signs of torture, including in the **Criminal Investigations Directorate (CID)**, inspected Dec 2014), where detainees continue to allege being subjected to torture during interrogation. It has not yet inspected **Jau Prison**, where police indiscriminately beat and tortured inmates following a prison riot in March 2015.

BIRD recommends that the UK government reconsider its working relationship with the Government of Bahrain and the PDRC, in light of its non-transparency, non-independency and partiality to the Government of Bahrain.



Fig 1. PDRC member Ahmed Al-Malki tweet, 23 July 2015: *“You cannot win the loyalty of Zionists, that’s why Hitler decided to exterminate them and the British established a colony for them in Palestine; and this is what we should do with Welayat al-Faqih.”*

OP-CAT Principles the PDRC Does Not Meet ¹	
OP-CAT Principles for National Preventative Mechanisms (NPMs)	PDRC Assessment
Is functional independence guaranteed?	<u>No</u> . The PDRC is under the chairmanship of the Ombudsman and the Ombudsman's Office is within the Ministry of Interior.
Does the NPM have financial autonomy?	<u>No</u> . The PDRC's budget is portioned from the Ombudsman's budget, which is set by the Ministry of Interior.
Is there a mechanism to follow up the recommendations of the NPM? Do the authorities have an obligation to consider the recommendations of the mechanism and start a dialogue on possible implementation measures? (OPCAT, art 22)	<u>No</u> . There is no known mechanism to follow up the recommendations of the PDRC.
Is there protection for people who provide information to the NPM?	<u>No</u> . There is no known protection protocols for people providing information to the PDRC.
Was the NPM created by a public, transparent, and inclusive process, involving civil society?	<u>No</u> . The creation process was not public or transparent. It is not known which bodies nominated which individuals, and did not involve civil society.
Was there a public, transparent and inclusive process, involving civil society, for the election of members of the NPM?	<u>No</u> . Members of the PDRC are nominated to the government. Appointments are public, but the process is not public, transparent or inclusive.
Do the members of NPM have the knowledge and experience to do their job? (OPCAT, art 18.2) Is the visiting team multidisciplinary, i.e. including human rights and health professionals?	<u>No</u> . Some members of the PDRC are found to have inadequate knowledge and experience of the job. Inspection teams are not made public, therefore it cannot be known whether the teams are adequately multidisciplinary.
Are there ways to avoid conflicts of interest in members of the NPM? Are provisions adequate?	<u>No</u> . There are no adequate provisions to prevent conflict of interests. Most if not all members of the PDRC have potential conflicts of interests.
Does the NPM prepare thematic reports?	<u>No</u> . The PDRC has prepared no thematic reports.
Has the NPM developed guidelines for visits? Are they published, or kept as an internal document? Does the NPM take diversity (gender, ethnicity, nationality, etc.) into account in its work?	<u>No</u> . The PDRC has no published guidelines for visits and there is no evidence that it takes diversity into account.
Is there a code of conduct / ethics for NPM members? What happens if the code of conduct is breached? What are the procedures?	<u>No</u> . There is no published code of conduct or ethics.
Are there guidelines for reporting, if necessary, on grave individual cases?	<u>No</u> . There are no published guidelines.
Are there guidelines to protect people from reprisals? (OPCAT Article 21.1) What kind of follow up is there to ensure there have not been reprisals?	<u>No</u> . There are no published guidelines.
Is there an established procedure for receiving information from NGOs?	<u>No</u> . There is no established procedure. The PDRC website lacks a contact form or email address, though a physical mailing address is given.

¹ Based on the National Preventative Mechanisms Self-Assessment Matrix, OP-CAT, <http://www.ohchr.org/EN/HRBodies/OPCAT/Pages/NationalPreventiveMechanisms.aspx>, (accessed 1 September 2015). This graph is not comprehensive.