SUPERVISORY ROLE HUMAN RIGHTS INSTITUTIONS AND ITS IMPACTS ON THE STATES HUMAN RIGHTS OBLIGATIONS: THE CASE OF BAHRAIN

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Abstract
Globalization in new era of communication has rapidly led to globalization of parts of international law such as globalization of fundamental parts of human rights. In today’s world any section such a sections of international law cannot know function of fundamental principles of human rights as his own monopoly such as respecting human greatness and living right, Prohibition of genocide, prohibition of slavery and the slave trade and many other fundamental rights and deny right of global society for meddling. After charter of United Nations predicted fundamental principles of human rights, great propulsion was created in the field of its international development and support and over 60 years the world witnessed generalization and development of international human rights through phenomenon of accumulation of human rights document. By constitution of human rights organizations as subordinate basis of general assembly, the main organization of human right of united nation besides third committee of general assembly has enhanced location and activities of human rights of United Nations has taken more concentration. Besides that, council by writing periodic and supervional comprehensive program has given solidarity to human right affairs of united nation and provides the possibility of effective supervision of human rights on countries in the world and decision-making in this field with more facility. This research is going to consider subjects related to human rights organization and it function and effects on commitment of governments’ human rights and supporting human rights. In this direction we study international supervision on administration of Bahrain commitments.

Keywords: Human Rights, Government Commitment, United Nations, General Assembly, Document, Resolution

1. Introduction
History denotes human attempts for guaranteeing observance of human rights. The concept of human right was invented and developed by thinkers of different religious and cultural traditions. Governors and lawyers helped enhancement of this thought and principles and written norms for peoples’ right has been gradually recorded in law of different countries. Also for determining international law in the field of human rights especially in 19 century and after the First World War many actions have been done. However at the middle of 20th
century by the attempt of United Nation, its especial organizations aerated an extensive international system for preserving and enhancing human right.

Commitment of government with regard to the authorities and human right organizations in current situations regarding transformation that we observe in global society and response to this question that if organizations such as office of financial donation of UN human right, human right council, organizations that are subset of United Nation and reflect the attempt for evolution of protection of human right and freedoms fulfill their mission in this case because following problems of human right was the main reason of conformation of United Nation and second world war and problems related to extensive violation of human right caused to compromise about such organization but the questions that bear in mind in this research was performance of government satisfying regarding human right of UN and is according to the fundamental goals of this organization that is based on respecting human rights or nor? How much can Organizations supervising human rights be effective on implementing goals of United Nation at administrating commitment of human right? How was performance of human right organizations at administrating commitment of human right of Bahrain in recent crisis of these countries? Also in this research governments attempts at United Nation for respecting and supporting human right that are committed in charter for this principle is analyzed.

2. Supervising organizations based on charter of UN and its role at the process of administrating governments obligations

By the increase of supervising organizations that were created based on human right treaty, there are other types of organizations in the framework of United Nation that its fundamental principles rooted in United Nations charter (charter organizations). These organizations of human right that are subordinate basis of main basis of United Nation are commission on human right until its replacement in 2006 by human right council, subordinate commission of removing discrimination and supporting minority, commission of women position and high commission of human right. Also strategy of United Nation about considering problems that leads to fundamental and serious violation of human right has developed (Buergenthal, 2002).

Regarding clarity of investigation of situations violating human right in document of establishing and increasing supervising dimension of human right council, more difficult future is predicted for traditional country being accused of violating human right. This subject takes more sensitivity when it is known that the relation between violating human right has made close relation with peace and international security. Holding Security Council meeting about considering situation of violating human right that is done in Myanmar recently can be counted as the start of such process. Creating such relation the role of human right and its alignment with peace and international security can cause unpredictable problems for countries out of range of global power that has mainly lead to the extensive violation of human right and cause these countries refer to the security council with little excuses and security investigations is done that its consequences is unfavorable (Mohammadrezaei, 2007).

3. Supervising organizations created by human right treaty and its role at the process of governments administrations

Decides human right organizations based on United Nation charter, other organizations have caused different conventions of human right that are called “treaty organization” or “organizations resulted from treaty”. Due to problems that existed on the way of charter organizations about implementing supervision, one founder of universal declaration of human right that is Rene Cassin, for solving this problem suggested that, if governments accept obligations inserted in document of especial human right that is included in their national
jurisdiction, the problem of protest (by administrating supervision of related organizations) is removed (Cassin, 1957).

Following such guidelines firstly in Misaghein and then in other treaties except international convention of preventing mass destruction (genocide) in 1948 such as covenant of omitting all types of racial discrimination, covenant of removing all types of discrimination against women, covenant of forbidding torture and other cruel non-human or humiliating behavior and global covenant, constraints of supervising organizations was predicted.

In general it can be said that human right organizations resulted from treaty are establishments that are created by various conventions of human right and their main duty is supervising administration of related conventions by member governments and considering reports presented by them and advising and interpretations for helping implementation of convention and in fact it is as an administrative arm of related convention.

4. Crisis of Bahrain and supervision of human right organizations on administration of Bahrain government obligation

Bahrain observed extensive presence of protestors in February and March in 2011 that by their demonstration claimed anger toward political structure and discriminating policies of Al Khalifeh government. These protests that most of them are from majority of shiat religion of Bahrain have records in this country and at least it dated back to two decades ago. With unrest movement in countries of the north of Africa such as Egypt, libia and Tunisia, movement of Bahrain has strengthened and surrounded the whole country and especially capital of Bahrain, Manameh city, in more extensive scale. Bahrain government that is Sunni religion minority in response to this protest has suppressed protesters and acted violence against them. Arbitrary arrest, torture, military trials and murder are actions that security forces of Bahrain have committed in the direction of this suppression policy. Some of this maltreatment is still happening in this country.

By hearing the title of crime against humanity, extensive human disasters are formed in mind that make the history dark; disasters that besides severity that they have if there has been found a place for their legislative and justice investigation, they would remain human conscience with deep wound of being without penalty. These disasters have existed since the beginning of history and show its unsightly face at different times and locations. However the thing that bother mind of justice and idealist human is that these crimes happen usually during peace and by ruling powers against people; the ones who under the pressure of and improper social, economic and political conditions and worried from violating their right don’t have any choice except protesting to the ruling power. Political Tsunami of countries in Persian Gulf region and North Africa, 2 Island countries of Bahrain have get involved in storm of unrest and protest, it has started since 2011 and leads to a series of violent actions in these countries. In other word these protest due to violation of human right has started by government, doesn’t have feedback except more extensive violation by government. Reports have been presented about protest in Bahrain and actions of security and government forces have been published for confronting this protest by news organizations and human right organizations especially human right committee and commission (Habibzadeh, 2011).

5. Report of anti-torture committee from administrating torture in Bahrain

Generally, by the claims of Al Khalifeh government based on improvement of situation of this country about forbidding torture, documents denotes that torture is part of legal investigation in Bahrain (United Nations Commission for Human Rights, 2005). Based on the report of human right observant in 2011, during 2007-2009, government of Al Khalifeh investigates suspects to security crimes by torture and violation. Therefore in recent protest
movements this government wasn’t dissatisfied from its previous strategy. Based on the claims of people release, government forces have used uniform pattern at maltreating arrested people such as: covering eyes (for some days), beating, electrical shock, sexual abuse, washing forbidding and praying, forcing to stay long time, striking injured organs, forbidding health care and forcing to read national song of Bahrain in favor of government. Some arrested people were forced to sign documents that they were not allowed to see them. None of these tortures are not believable because before that the strategy of Bahrain government was not anything except this. Report of human right observer in 2010 with the title of “torture return” denotes this behavior pattern at investigation and confronting arrested people. This strategy of Bahrain government is undoubtedly violation of obligation of this government based on convention of torture forbidding and other international documents and violation of rules supervising torture forbidding in Bahrain. Regardless of physical dimensions of these tortures, destruction of 30 mosques or religious places of Shiaat by machines with this claim that they are established illegally at night and without previous announcement are such actions that affected people more than physical torture (Human Rights First, 2011).

Such actions caused human right committee especially anti torture committee of this organization not to be silent, based on its own report, demands ending violence against arrested and torturing them by government forces of the country. Some human right organizations in relation to Bahrain want taking back freedom medals awarded to the king of this country and committee of torture forbidding asked Bahrain government to do actions immediately for torture forbidding and maltreatment with prisoners arrested from February 2011 (Human Rights First, 2011).

6. Report of human right committee about situation of mortals in Bahrain;
Reports denote some cases (at least 4 people) of death of protestors in detention due to torture, after some days of arresting. Victim corpse has had sign of severe torture and some forces were arrested by the claim of minister of country in this direction. By the report of human right center of Bahrain the number of victims due to torture since the start of unrest is 31 people. The low number of victims comparing to other challenges of the region may lead to the introduction of this plan that crime of harassment from murder type may not happen; but as it was mentioned for authentication of crimes against humanity, occurrence of attack against sufficient number of civilian is needed and victims are at least some people. Although the goal and number is not clear, anyway it seems that this number should be evaluated in total scale of target population. Therefore some believe although the number of victims of this country in comparison to victims of Libya is a few, the number of victim of Bahrain in less than 10 weeks is more than the number of victims of this country during unrest and protest of this country at the middle and end of 1990s, also the number of victims in 500 thousand people of Bahrain is not few (Human Rights First, 2011).

7. Conclusion
Although United Nations has a decentralized structure and this structure in relation to the supervising organizations of human law was effective, so we supervise “supervising system” around our united nation organization and it causes enter of objections and criticisms entitled as jurisdictions interference. Regarding what there was in research text it seems that as we cannot deny this variety in structure and rules and jurisdiction of supervising organizations; we should claim that by trying this organization for exchanging information and even attempt at gradual unfirming of some rules especially through unity of strategy, a kind of movement
toward centralization, minimum level of legislating and making criteria is observed, activeness of human right council in 2006 can be a mark for approving this claim. However about Bahrain and actions of its government in confronting protest that most of them are Shiaat, it has been criticized and protested by international and regional organizations and human right organizations. Reports that organizations issued in this case denotes the existence of extensive or organized policy of suppressing protestors and making a uniform pattern in confronting them. Regarding the concept of Mosei that has expression of attack in relation to the crime against humanity at international criminal law it seems that there is the possibility of authentication of general conditions against humanity and obligation of human law of Bahrain government in recent years has had weak performance. When we put discrimination between Shia and Sunni that existed for many years bother this country and fallsow alert of human right organization besides discriminating performance of ruling forces of Sunni in movement of protest, committing act of harassment based on religious reasons is not far from reality. At the end these ideas that can be suggested for administration of obligations(charter-treaty) of human right and although this thoughts are defendable that fundamental law of human right and those necessities that is in the direction of global society benefit should have especial respect and as we said before neutral organizations should administrate these values and global rules but the reality that shouldn’t be hidden is that different human societies have their own cultures and values and criteria that have formed over time and cannot expect governments simply to neglect these values against that common global demand and this is another undeniable reality. In order the subject of revocation conditions against subject and goal by organizations supervising human right become aligned and don’t forbid connection of countries to human right documents it should be moved in reasonable way to make peace and coordination between these two realities of our era. But at the beginning of third millennium it should not be forgotten that in the direction of implementing fundamental human right we can make value by the existence of belief and values of years and decades of our descendent and it shouldn’t forbid and blame human to new values coordinated with requirements of the era.

References
Habibzadeh, T., (2011) the right of determining people fate at Bahrain subject, set of papers of congress of considering legal political dimensions of crime in Bahrain, Kabehe Delpress, spring, p 65-73.
Mohammadrezaei, H., (2007), considering transformation of human right from the end of cold war to conformation of human right council, M.A thesis of general law Islamic Azad University, Arak branch, summer. P. 89.