



13/09/2019

**RE: The Accreditation of RCSI-Bahrain**

Dear Dr. Doyle

We write in relation to the RCSI-Medical University Bahrain (RCSI-Bahrain) and, in particular, the Medical Council's responsibility for accrediting that university and the programme of education which it delivers. We seek to address, in particular, the human rights implications of any upcoming accreditation of the RCSI-Bahrain.

**The Medical Council's failure to consider widespread and systematic human rights violations in Bahrain in 2014**

We note that, following the decision of the Council of the 17<sup>th</sup> December 2014 to grant unconditional approval to the RCSI-Bahrain for a period of five years, a further decision under section 88(2)(a) of the Medical Practitioners Act falls to be made in respect of it prior to the 17<sup>th</sup> December of this year.

As you will be aware, a submission was made to the Council by an organisation called Ceartas – Irish Lawyers for Human Rights prior to its decision in December 2014 which outlined in detail the widespread and systematic abuse, including torture, of patients and doctors which took place in the training facilities used by the RCSI-Bahrain in 2011. This document also highlighted the subsequent failure to hold accountable those responsible or to otherwise implement reforms that would ensure that further such abuses would not be reoccur in the hospitals concerned. We note that the report of the Council which formed the basis of its decision makes no reference whatsoever to these abuses.

This is despite Appendix 5 of the Council's accreditation report refers to a number of documents (including the Ceartas submission) which outline in detail the nature and extent of these abuses. Nor, indeed, were any recommendations made, let alone conditions to the approval imposed pursuant section 88, relating to these abuses.

Having regard to the terms of the World Federation for Medical Education standards for medical education adopted by the Medical Council, and in particular those relating to the suitability of clinical education, as well as the rules adopted by the Medical Council for the purpose of section 88 which include the requirements that a programme of education:

- (a) incorporates the Medical Council's 'Eight Domains of Good Professional Practice,' the first of which is "Patient Safety and Quality of Patient Care"
- (b) complies with Article 24 of EU Directive 2005/36/EC on the Recognition of Professional Qualifications which requires trainee doctors to receive "suitable clinical experience in hospitals under appropriate supervision,"

it is our view that the failure to consider this evidence amounted to a breach of the Council's duty, as a

public body, to have regard to relevant information prior to arriving at its decision. We also take the view that the decision to grant unconditional approval of the RCSI-Bahrain in the circumstances outlined was inconsistent with the standards which the Council is bound in law to apply when conducting an accreditation under section 88 of the Medical Practitioners Act.

We note in this context the document approved by the Council in 2012 entitled “Addressing Issues of Concern (Including Patient Safety Issues) Emerging During Accreditation Activity” which refers to the matters for consideration, as part of any accreditation:

“v. Potentially an environment where personal dignity and / or confidentiality is compromised.

[...]

vii. Suspected abuse of patient(s)

viii. Possibly inappropriate behaviour by staff (medical or other) towards e.g. patients, patients’ relatives or friends, colleagues (peer or junior), medical students, or members of the public

[...]

ix. Possible criminal action by member of staff (medical or other)

[...]

xi. Inappropriate refusal of medical treatment.”

Furthermore, that document states:

“While the primary focus of accreditation will be education and training, the Council’s overriding duty is to better protect and inform the public. Members of a Team on an accreditation visit cannot and should not ignore an issue (s) which they believe may have patient safety implications. This applies whether or not the concerns are directly related to the basic, intern or postgraduate guidelines and standards produced under section 88. [Furthermore] in borderline cases the team should err on the side of promoting safety [and that] potential patient safety issue may be identified from a member(s) of the Team reading the documentation prior to the visit, or arise in discussions among the Team prior to the visit.”

We also note the fact that certain members of the Council took steps to ensure that the abuses which took place in the training hospitals of the RCSI-Bahrain would not be taken into account as part of the accreditation, as revealed by documents we have obtained pursuant to a request made under the Freedom of Information Act.

### **Current human rights situation in Bahrain**

We are, in addition, aware that since the accreditation of the RCSI-Bahrain in 2014, the human rights situation in Bahrain has remained a matter of serious concern. In 2017, the UN Committee Against Torture noted with concern in relation to Bahrain the “numerous and consistent allegations of widespread torture and ill-treatment of persons who are deprived of their liberty in all places of detention and elsewhere” as well as the “the climate of impunity which seems to prevail.”<sup>1</sup> Subsequently, in its 2017-2018 report on Bahrain,<sup>2</sup> Amnesty International noted the following:

- “The government launched a large-scale campaign to clamp down on all forms of dissent by

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<sup>1</sup> United Nations Committee Against Torture, “Concluding observations on the second and third periodic reports of Bahrain,” para. 8 CAT/C/BHR/CO/2-3 (29<sup>th</sup> May, 2017), available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqYPuFZC34VM6MoD0MvS%2bS%2bhcJl3TUrOvvF%2fGuWWUtDMNTj4lYASRqLw7nbC8lcS25V04LGI8FMQtufqvlxyVSqBsgx3LVgllkCx%2bAgXg%2bL>.

<sup>2</sup> Amnesty International, “Bahrain 2017/2018” (undated), available at <https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/>.

repressing the rights to freedom of expression and association of human rights defenders and government critics. This campaign was marked by travel bans; the arrest, interrogation and arbitrary detention of human rights defenders; the dissolution of the opposition group Waad and the closure of the newspaper al-Wasat; as well as the continued imprisonment of opposition leaders. Scores of people were sentenced to long prison terms after unfair trials. Authorities stripped at least 150 people of their Bahraini nationality, rendering the majority stateless. Mass protests were met with excessive force, resulting in the deaths of five men and one child and the injury of hundreds. Executions resumed after a hiatus of nearly seven years.”

- “In January, Decree 1 of 2017 authorized the National Security Agency (NSA) to conduct arrests and interrogations in cases linked to “terrorist crimes”, reversing a Bahrain Independent Commission of Inquiry recommendation.”
- “There continued to be reports of torture and other ill-treatment in custody, in particular of those interrogated about terrorism-related offences. In May alone, eight human rights defenders and political activists in NSA custody were reportedly tortured or otherwise ill-treated.”
- “A climate of impunity persisted. The authorities continued to fail to hold senior officials accountable for torture and other human rights violations committed during and since the 2011 protests.”

Separately, Amnesty International noted in May, 2017 that people who are injured by the Bahraini authorities at protests “are not going to hospital out of fear that they would be arrested and are instead choosing to receive assistance from first aid trained volunteers.”<sup>3</sup> Similarly, in 2018 the UN Human Rights Committee stated in relation to Bahrain:

“The Committee notes with concern reports indicating a recent increase in the use of violence by law enforcement officials during peaceful demonstrations, including reports of 6 fatal incidents during demonstrations and 10 other extrajudicial killings in 2017. The Committee also notes with concern reports that demonstrators injured during demonstrations were questioned in medical facilities about their participation in demonstrations and denied medical assistance.”<sup>4</sup>

### **Assurances sought from the Medical Council**

In these circumstances, we call upon the Council to confirm that, contrary to its previously adopted position,<sup>5</sup> human rights abuses, such as those which have taken place in the training hospitals and clinics used by RCSI-Bahrain, are relevant to the accreditation of that university.

We further call upon the Council to provide us with assurances that as part of any further assessment by the Council of the RCSI-Bahrain and the programme of education it delivers pursuant to section 88 of the Medical Practitioners Act, the Council will:

- (a) ensure that the accreditation procedures, including team selection, routinely employed by the Council in its accreditation of universities in Ireland are adapted to adequately compensate for the restrictive context in which the accreditation of the RCSI-Bahrain will inevitably take place;
- (b) examine, to the extent possible, the following:

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<sup>3</sup> Amnesty International, “Bahrain: At least one dead and hundreds injured as government violently cracks down on opposition” (23<sup>rd</sup> May, 2017), available at <https://www.amnesty.org/en/latest/news/2017/05/bahrain-at-least-one-dead-and-hundreds-injured-as-government-violently-cracks-down-on-opposition/>.

<sup>4</sup> United Nations Human Rights Committee, “Concluding observations on the initial report of Bahrain,” para. 35 CCPR/C/BHR/CO/1 (15<sup>th</sup> November, 2018), available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsiMkkhmRBkQVnCbdfYxdTy6GQja8djUQQUivDikVKQlmvIZ%2bgwjT2jYggAyZn1IEZ2xZ7Toz4WtpBozJ3jO9IHlgZPQhnd2mF0UHngD0xJb0>.

<sup>5</sup> RTÉ News, “Medical Council declined Bahrain critic's advice” (5<sup>th</sup> June 2016), available at [www.rte.ie/news/2016/0605/793495-medical-council-turned-down-advice-on-bahrain-coll/](http://www.rte.ie/news/2016/0605/793495-medical-council-turned-down-advice-on-bahrain-coll/).

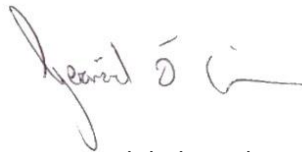
- the extent to which patients and doctors have been subjected to abuse and breaches of medical ethics in the training facilities used by RCSI-Bahrain in the period since the decision taken by the Council in December, 2014;
- insofar as this was not taken into account as part of the assessment conducted by the Council in 2014, the fact that patients and doctors were subjected to abuse by Bahrain's security forces in the training facilities of the RCSI-Bahrain prior to the decision taken by the Council in December, 2014;
- the extent to which persons responsible, including from within the management and administration of these facilities, for such abuses have been held accountable;
- the extent to which laws and procedures to ensure that such abuses do not occur again have been adopted and are being implemented;
- the extent to which staff in the training hospitals associated with the RCSI-Bahrain are compelled to inform the security authorities of any patients or fellow staff members whom they suspect to have participated in a protest or other political activity.

We seek these assurances because we believe that the Council is required to examine the above issues as a matter of Irish law. We further believe – and have been advised – that local training facilities used by RCSI-Bahrain in which the widespread and systematic abuse of doctors and patients occurs or has occurred in the past and where measures to ensure that such abuses do not recur have not been implemented cannot provide medical students with “suitable clinical experience in hospitals under appropriate supervision” for the purpose of Article 24 of EU Directive 2005/36/EC on the Recognition of Professional Qualifications. This, of course, calls into the question the eligibility of degrees issued by the RCSI-Bahrain for recognition within the EU pursuant to that Directive.

It is not our desire to compromise the ability of existing or future graduates of the RCSI-Bahrain to work in the EU. However, given our paramount concern to ensure that any future accreditation by the Council of the RCSI-Bahrain addresses the issue of torture in that university's training hospitals, if we do not receive the above assurances from the Council within 14 days from the date of this letter, we will contact the respective authorities in the Member States of the EU (other than Ireland) which are competent to recognise medical qualifications for the purpose of the Directive on the Recognition of Professional Qualifications setting out the basis for our belief the RCSI-Bahrain degrees do not satisfy the criteria laid down by Article 24 of that that Directive.

We are happy to make ourselves available to discuss this letter at any point should you wish to do so.

Yours sincerely,



Dr Gearóid Ó Cuinn. Director, Global Legal Action Network.



Sayed Ahmed Alwadaei. Director, Bahrain Institute for Rights and Democracy.



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