

# *A Follow-Up Report on Bahrain's UPR Second Cycle*

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THE DETERIORATING HUMAN RIGHTS SITUATION IN BAHRAIN



**Americans for Democracy  
& Human Rights in Bahrain**

*A Follow-Up Report on*  
**Bahrain's UPR Second Cycle**

THE DETERIORATING HUMAN RIGHTS SITUATION IN BAHRAIN

February 2014

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Americans for Democracy and Human Rights in Bahrain (ADHRB) is a non-profit, 501(c)(3) organization based in Washington, D.C. Through engagement with U.S. government officials, intergovernmental actors, activists, and the public, we seek to foster awareness of and support for democracy and human rights in Bahrain.

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(Footnotes)

<sup>1</sup> The sections of this report divide up the 176 recommendations made to Bahrain in its UPR Second Cycle review according to the classifications given by the Government of Bahrain in A/HRC/21/6/Add.1/Rev.1.

0/33

**Fully  
Implemented**

2/33

**Perceived  
Progress**

9/33

**Technically  
Implemented**

No Perceived Progress

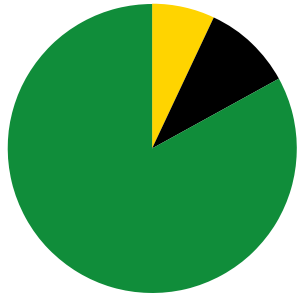
19/33

**Not Implemented**  
No Perceived Progress

3/33

**Recommendation  
Not Accepted**

### UPR Recommendations



Fully Accepted Recommendation

145/176

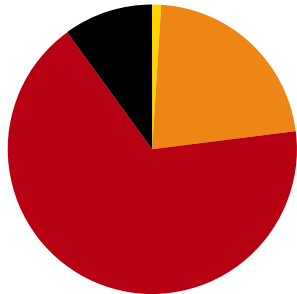
Partially Accepted

13/176

Recommendation Not Accepted

18/176

### UPR Implementation by Recommendation



Fully Implemented

0/176

Perceived Progress

2/176

Technically Implemented, No Perceived Progress

39/176

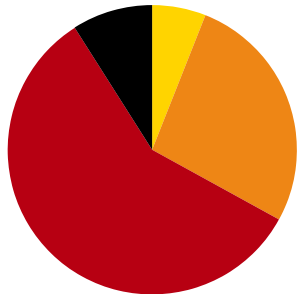
Not Implemented, No Perceived Progress

117/176

Recommendation Not Accepted

18/176

### UPR Implementation by Section



Fully Implemented

0/33

Perceived Progress

2/33

Technically Implemented, No Perceived Progress

9/33

Not Implemented, No Perceived Progress

19/33

Recommendation Not Accepted

3/33



**Fully Implemented**



**Perceived Progress**



**Technically Implemented**

No Perceived Progress



**Not Implemented**

No Perceived Progress



**Recommendation Not Accepted**

## Executive Summary

On July 6, 2012, the member States of the United Nations Human Rights Council submitted 176 recommendations to the Government of Bahrain as part of Bahrain's second 4-year cycle of its Universal Periodic Review of Human Rights (UPR). In October 2012, the Bahrain government accepted 158 of these recommendations, either in part or in full. The recommendations were broad in scope, covering a range of issues addressing the advancement of labor and women's rights to criminal justice, media and press freedom, and abandoning restrictions on human rights defenders.

The Bahrain government's acceptance of the majority of the 176 far reaching recommendations was welcomed by the international community as a means of reenergizing a process of reform and reconciliation in the country. The Government of Bahrain's acceptance of these recommendations came on the heels of its failure to swiftly and meaningfully implement the 26 recommendations of the Bahrain Independent Commission of Inquiry.

More than a year since the government's acceptance of the UPR's recommendations, this second chance has turned into yet another missed opportunity. Rather than seeing the human rights situation improve in the country, it has continued to deteriorate, while tensions continue to escalate.

It is in this context that our report seeks to provide a frank and accurate assessment of not only the technical aspects of the Government of Bahrain's implementation of these recommendations, but also to assess the effect of the implementation in resolving the major political and human rights challenges that exist, thereby also evaluating efforts to implement the spirit of the recommendations. Though we strived to carry out such an assessment through first-hand information, the possibility of a more robust assessment was handicapped by a dearth of regular, reliable, and independent reporting on the ground in Bahrain due to increasingly limited ability of independent non-governmental organizations and journalists to operate in the country. This effort was further hampered by a lack of regular, transparent and pertinent information from the Bahrain government.

Our report finds that Bahrain has failed to fully implement any of the 176 recommendations of its Second Cycle UPR. Indeed, ADHRB finds that only two of the twenty-three areas that this report addresses have seen any level of meaningful progress since the government's acceptance of the recommendations in October 2012. Perhaps most astonishingly, we find that though technical measures have been taken to meet the requirements of a majority of the recommendations, there has been no perceived progress towards resolving the problems the recommendations were intended to address. The remainder of the recommendations have likewise seen no meaningful progress towards implementation, or were rejected outright by the government.

The Government of Bahrain has yet to issue a report assessing its own implementation of its UPR recommendations, and we encourage it to carry out its own frank and transparent assessment of their efforts thus far. We also call on the Bahrain government to transparently and aggressively recommit itself to fully implementing both the letter and the spirit of the UPR's recommendations, so as to build confidence, establish trust and create space for a meaningful national dialogue.

In the event that the Government of Bahrain continues to disregard its commitments to implementing the UPR recommendations, we call on the international community to increase its efforts to shine a light on the human rights abuses that persist in Bahrain. We additionally hope that the international community will continue to encourage the Bahrain government to implement reforms as a means of building confidence and establishing trust in order to create an environment conducive to holding a national dialogue, as this remains the only viable means of bringing about peace, security and prosperity for people of Bahrain.

Husain Abdulla

*Executive Director, Americans for Democracy and Human Rights in Bahrain*



## Methodology

On July 6, 2012, the member states of the United Nations Human Rights Council submitted 176 recommendations to the Government of Bahrain as part of Bahrain's second 4-year cycle of its Universal Periodic Review of Human Rights (UPR). In October 2012, the Bahrain government accepted 158 of these recommendations, either in part or in full. In accepting these recommendations, the Government of Bahrain grouped the recommendations into 20 different issue areas, covering a range of issues addressing the advancement of labor and women's rights to criminal justice, media and press freedom, and abandoning restrictions on human rights defenders. We have structured this report to assess Bahrain's implementation of the recommendations based on the government's categorization of the recommendations it accepted.

It is in this context that our report seeks to provide a frank and accurate assessment of not only the technical aspects of the Government of Bahrain's implementation of these recommendations, but also to assess the effect of the implementation in resolving the major political and human rights challenges that exist. It is in this respect that we also evaluated efforts to implement the spirit of the recommendations.

The information we utilized to make these assessments came from a range of sources, including: first-hand accounts from individuals on the ground in Bahrain, second-hand sources that have been fact-checked or independently verified where possible, and by referencing official reporting done by both governmental and non-governmental bodies. It should be noted that the possibility for further, more in-depth, on the ground research for this project was extremely limited due to the lack of space for civil society to openly and freely operate within the country. Much of the work that was conducted on the ground for this report was done under varying degrees of confidentiality, for fear of reprisals for cooperation.

Recognizing both the variety of sources, as well as the limitations of this report, we hope to document and assess the progress made by the Government of Bahrain over the past 16 months since accepting 158 of the 176 recommendations of its Second Cycle Universal Periodic Review.

## Criminal Justice

The Government of Bahrain fully supported recommendations **115.22, 115.42, 115.84, 115.85, 115.86, 115.87, 115.92, 115.106, 115.108, 115.111, 115.112, 115.113** and **115.121** concerning the criminalization of torture. In accepting the recommendations, the government stated:

*The Special Investigation Unit (SIU) was established by Attorney General's Resolution No. 8/2012. This unit investigates incidents of death, torture, inhumane or degrading treatment cases in accordance with the Istanbul Protocol. SIU is independent and publishes monthly work reports.*<sup>1</sup>

The government additionally fully supported recommendations **115.98, 115.114, 115.116, 115.117, 115.118** and **115.125** concerning freedom of speech and expression. In accepting those recommendations, the government stated:

*Freedom of speech and expression are guaranteed by Bahrain's Constitution, national laws and international covenants ratified by Bahrain. Additionally, all charges related to freedom of expression have been dropped. All cases are being reviewed in civilian courts. Furthermore, legislative amendments concerning free expression are being reviewed.*<sup>2</sup>

Furthermore, the government fully supported recommendation **115.31** concerning the Arab Court for Human Rights. In accepting this recommendation, the government stated:

*The King of Bahrain's call to establish the Arab Court of Human Rights demonstrates the Kingdom's commitment to human rights. The Arab League favours Bahrain's proposal and a work conference will be held in 2012.*<sup>3</sup>

Finally, the government supported recommendations **115.91, 115.100, 115.101, 115.122, 115.126** and **115.159** concerning the release of political prisoners. In accepting these recommendations, the government stated:

*No court sentence for the events of February and March 2011 concerned individuals' exercise of their free expression. Individuals still serving prison terms were convicted of criminal offenses. Pending appeals may reduce these sentences.*<sup>4</sup>

### Brief Assessment

Since accepting the preceding twenty-six recommendations regarding criminal justice in Bahrain over a year ago, the Government of Bahrain has failed to take substantive steps to protect free speech and expression or effectively eliminate torture in the country.

Indeed, the government has continued to subject individuals in detention in Bahrain to torture and ill-treatment, is the continuation of which is fostered by a culture of impunity for those responsible for committing such abuses. As such, ADHRB finds that the above recommendations regarding criminal justice—specifically those referring to torture, cruel and inhuman treatment, other ill-treatment, and death of detainees, as well as accountability for those responsible with perpetrating those acts—have not been fulfilled. Although some legal reforms have been implemented and investigative units created, the persistent nature of the types of abuses that these reforms were

1 U.N. Human Rights Council, Twenty-first Session. *Report of the Working Group on the Universal Periodic Review, Bahrain, Addendum* (A/HRC/21/6/Add.1/Rev.1). Official Record. Geneva, 2012.

2 Ibid.

3 Ibid.

4 Ibid.



meant to prevent demonstrates not only the ineffectiveness of the government's investigative units, but an equally unacceptable continuation of such practices.

In accepting the above recommendations of the UPR, the Government of Bahrain re-affirmed that “[f]reedom of speech and expression are guaranteed by Bahrain’s Constitution, national laws and international covenants ratified by Bahrain. Additionally, all charges related to freedom of expression have been dropped... Furthermore, legislative amendments concerning free expression are being reviewed.”<sup>5</sup>

Although convictions made in the National Safety Courts have been retried in civilian courts, the lack of new investigations into the charges relating to these cases, the continued admittance of evidence obtained through torture and other extraneous means, as well as the continued practice of politically motivated arrests and prosecution based on charges relating to freedom of expression, lead ADHRB to conclude that the above recommendations of the UPR on criminal justice and freedom of expression have not been implemented.

With regard to recommendation **115.31**, relating to the establishment of an Arab Court for Human Rights in Bahrain which is in the process of being implemented, ADHRB is concerned with the choice of Bahrain as an appropriate location for the Court provided the continuation of systematic and flagrant human rights abuses in the Kingdom.

## **TORTURE, CRUEL AND INHUMAN TREATMENT, DEATH AND ACCOUNTABILITY**

Not Implemented  
No Perceived Progress

- 115.22** Explicitly criminalize torture and other cruel and inhuman treatment (Spain);
- 115.42** Take actions to provide accountability for human rights violations (Slovenia);
- 115.84** Investigate the deaths in government custody (Czech Republic);
- 115.85** Investigate properly all alleged cases of mistreatment and torture and establish accountability for those responsible (Italy);
- 115.86** Prosecute effectively all security agents that have allegedly tortured or otherwise abused protestors (Austria);
- 115.87** Investigate and prosecute all those responsible for torture and ill-treatment, unlawful killings and widespread arbitrary arrests (Czech Republic);
- 115.92** Prohibit torture and other ill-treatment, in national legislation and in practice in line with its obligations under [the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)], ensuring that all allegations of torture and other ill-treatment are independently, promptly and thoroughly investigated, and perpetrators are brought to justice in accordance to international fair trial standards (Slovakia);
- 115.106** Ensure that all allegations of human rights violations during and after the February – March 2011 protests by the security forces are independently, promptly and thoroughly investigated, bringing perpetrators to justice and providing victims with due redress and rehabilitation (Slovakia);

<sup>5</sup> Ibid.

- 115.108** Hold officials of all ranks accountable for their actions, especially regarding allegations of killings, torture and other ill-treatment (Germany);
- 115.111** Without delay, carry out an in-depth inquiry into past and present allegations of torture as well as all allegations of excessive and illegal use of force and bring those responsible to justice (Switzerland);
- 115.112** Continue the reform process and ensure accountability by investigating all allegations of torture and mistreatment and by prosecuting any individuals found responsible, including senior government officials (Norway);
- 115.113** Develop procedures for accountability and compensation in place in accordance with best practices and related international standards (Kuwait); and
- 115.121** Establish, in line with international standards, a standing independent body to carry out investigations of all allegations of torture and other ill-treatment, deaths in custody and unlawful killings (Finland)

On 12 October 2012, the Government of Bahrain accepted the above recommendations regarding criminal justice specific to torture, cruel and inhuman treatment, other ill-treatment and the death of detainees, as well as accountability for those responsible for perpetrating such acts.

In supporting these recommendations and in line with Bahrain's intent to cooperate with the United Nations Office of the High Commissioner for Human Rights (UN-OHCHR), the Government of Bahrain highlighted the Special Investigation Unit (SIU), which was established in August 2012 under the authority of the Attorney General to address such abuses. The SIU's stated purpose is "to investigate any unlawful acts resulting in deaths, torture and mistreatment with a view to commence legal and disciplinary actions."<sup>6</sup> However, the effectiveness of the SIU has been hindered by both a concerning lack of impartiality and independence of its investigations, as well as a lack of transparency regarding those who are being investigated for torture, abuse or excessive use of force.<sup>7</sup>

The King also issued Decree No. 28 on 28 February 2012 which established an Office of Inspector General and an Office of Professional Standards inside the National Security Agency (NSA) to investigate claims of abuse and mistreatment by security personnel.<sup>8</sup> Yet investigations into abuses and allegations of torture against a growing number of political protesters, including members of the politically prominent "Bahrain 13" (13 prominent Bahraini political activists) among others, have thus far led to only one prosecution against security officials responsible for abuses committed against Mohammed Habib al-Safaf (also known as Mohammed Habib Miqdad).<sup>9</sup> Despite the compelling evidence presented on December 19, 2012, the court acquitted the three unidentified security personnel on trial for their role in his abuse.<sup>10</sup>

Prior to the release of Bahrain's 2012 Universal Period Review (UPR) report, "a decree was issued on February 28, 2012 establishing an Independent Ombudsman outside the [Ministry of

6 Press Statement. "Prosecution takes over investigations from Ministry of Interior and the National Security Agency." *Bahrain News Agency*. 2 April 2012. <http://www.bna.bh/portal/en/news/501803>.

7 "Failing Grade: A Report Card on the Implementation Status of The Bahrain Independent Commission Of Inquiry Report." *Americans For Democracy and Human Rights in Bahrain*. February 2013.

8 Kingdom of Bahrain, Royal Decree No. 28 of 2012. [http://www.biciactions.bh/wps/themes/html/BICI/pdf/1718/decree\\_28\\_2012\\_creation\\_of\\_nsa\\_ombudsman\\_en.pdf](http://www.biciactions.bh/wps/themes/html/BICI/pdf/1718/decree_28_2012_creation_of_nsa_ombudsman_en.pdf).

9 "Bahrain 2012 Human Rights Report." *United States Department of State*. 2012. <http://www.state.gov/documents/organization/204567.pdf>.

10 Ibid.

the Interior] to ‘oversee and conduct investigations into (i) the most serious allegations made against the police and (ii) serious issues affecting the public confidence in policing.’”<sup>11</sup> Although the new Ombudsman, Nawaf Almaawdah, initially presented an encouraging report regarding overcrowding and inadequate conditions in Bahrain’s prisons,<sup>12</sup> his office has failed to adequately respond to allegations of torture and abuse by police and civil employees and has also failed to successfully prosecute violators. Additionally, the Office of the Ombudsman operates under the Ministry of Interior rather than as a truly independent body, as stated by the government.<sup>13</sup>

Prior to the release of the UPR report, the Government of Bahrain undertook significant legal reforms to address the use of torture. Article 208, originally introduced to Bahrain’s Penal Code in 1976 and later expanded through amendments, provides for penalties against civil servants who cause “severe pain or suffering physically or morally... to a prisoner,” as well as life in prison “should the use of torture or force lead to death.”<sup>14</sup> Collectively, the article provides a specific law against the use of torture that is congruent with the provisions against torture provided by CAT. Such reforms, however, have not significantly decreased the systematic use of torture by security forces, as evidenced by the persistent failure to appropriately charge and prosecute those security officials who are investigated, as described below.

On 27 September 2012, two unnamed police officers were acquitted of the 2011 killings of Ali al-Mumin and Isa Abdulhasan due to a lack of evidence provided by the Ministry of Interior. In February of 2013, an appeal was made to the Supreme Court of Appeals that the investigation be reinitiated by the Ministry, but the request was subsequently denied.<sup>15</sup> On that same day, Higher Criminal Court judges sentenced Lieutenant Mohammed al-Khashram to seven years imprisonment following his conviction in the case of “beating, leading to death” of a protester who was shot and killed in March 2011.<sup>16</sup> This sentence came in spite of a new law specifying that in the case of a death of a detainee caused by a law enforcement official, the penalty is life imprisonment. On 25 June 2012, Ali al-Shaiba was convicted of shooting a protester in the leg with birdshot, resulting in the permanent disabling of the protestor. Despite an initial conviction, on 19 September 2012, the Higher Criminal Court suspended al-Shaiba’s sentence “because his health conditions make it difficult to keep him in jail.”<sup>17</sup>

Judicial proceedings in Bahrain following the acceptance of the UPR recommendations continue to favor the protection of alleged torturers over prisoners detained and charged under questionable circumstances. For example, Bahraini authorities detained Adnan al-Mansi on charges of criminal arson on May 30th 2012, after which he was forced to sign a confession and allegedly tortured through a combination of abusive measures including sexual assault, forcing him to stand in the sun for hours, depriving him of water, and beating him severely on his head, at one point rendering him temporarily paralyzed. Adnan al-Mansi has identified those who allegedly perpetrated these

11 “Implementing the Bahrain Independent Commission of Inquiry (BICI)” *Government of the Kingdom of Bahrain*. <http://www.govactions.bh> (Progress & Actions Taken, Recommendation 1715).

12 “Ombudsman’s Report on the visit to the Correction and Rehabilitation Centre (Jau Prison)” *Bahrain Ministry of Interior, Office of the Ombudsman*. 3-5 September 2013. <http://ombudsman.bh/mcms-store/pdf/357-Ombudsmans%20Inspection%20Report%20pdf-30105053.pdf>.

13 “Ministry of Interior Ombudsman Does Not Prevent or Investigate Human Rights Violations.” *Bahrain Center for Human Rights*. 14 October 2013. <http://www.bahrainrights.org/en/node/6449>.

14 “Amendment to the Penal Code Article 208-232.” *BICI Action*. [http://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment\\_penal\\_code\\_article\\_208\\_232\\_en.pdf](http://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment_penal_code_article_208_232_en.pdf).

15 “Appeal supports acquitted of killing two policemen and insured Abdalhasan.” *Alwasatnews.com*. 15 February 2013. <http://www.alwasatnews.com/3824/news/read/741842/1.html>.

16 *Ibid.*

17 *Ibid.*, 9.

acts as Issa al-Majali and Farid Ismail, yet neither has been brought to trial.<sup>18</sup> On 13 December 2012 al-Mansi's case was brought to the Higher Criminal Court, but no progress has been made and Al-Mansi remains in prison.

The case of Jalila al-Salman, a former leader in the Bahrain Teacher's Association imprisoned amid calls for a teachers' strike in March 2011, is another prominent example in which the government used torture in the interrogation process. After her arrest, she filed multiple complaints of torture against state officials, including Issa al-Majali, who was responsible for her solitary confinement and initial beatings, and Lieutenant al-Manaai, who beat al-Salman and forced her to sign a confession.<sup>19</sup> Despite these complaints, the Court of Cassation sentenced al-Salman to 6 months in prison on 1 July 2013 without consideration of or investigation into the allegations of torture.

Sheikha Noura bint Ebrahim al-Khalifa, a member of the royal family who serves in Bahrain's Drug Control Unit was accused of torturing three people during the uprising of 2011: Ghassan and Bassem Daif (brothers) who are doctors at the Salmaniya Medical Complex; and Ayat al-Qurmazi, who was arrested for reading poetry critical of the ruling family.<sup>20</sup> In January 2012, Sheika Noura and a fellow accused officer were brought to a court where she denied these charges. Both of them were later acquitted in July 2013 by the Grand Criminal Court.<sup>21</sup>

On 17 August 2013, Yousef al-Nashmi was arrested by Bahraini security forces on charges of illegal gathering and rioting. Following his arrest, al-Nashmi's complaints of his rapidly deteriorating health led to his admission to the Salmaniya Medical Complex around 19 September.<sup>22</sup> Less than a month later, on 11 October 2013, Yousef al-Nashmi died of complications from brain cancer. In an attempt to absolve the government of any responsibility for his death, the public prosecutor released documents reporting that his death was the result of HIV-related issues.<sup>23</sup> Al-Nashmi's lawyer, Zainab Abdulaziz, claimed prison officials waited too long to address al-Nashmi's deteriorating health situation and admit him to a medical facility. Human rights groups have additionally expressed concerns that marks found on his body are consistent with those sustained as a result of torture and believe that these marks, particularly those in the area of his head, may have contributed to the deterioration of his health.<sup>24</sup>

## REVIEW ALL CONVICTIONS AGAINST PEACEFUL PROTESTERS

Technically Implemented  
No Perceived Progress

- 115.98** Review convictions, commute sentences, or drop charges for all persons who engaged in non-violent political expression (United States of America);
- 115.114** Make subject to review in civilian courts all convictions and sentences rendered by the National Security Courts (Austria);

18 "Bahrain: Special Investigations Unit Makes Claims to False Achievements and Colludes to Extract Revenge On Political Prisoners, Prisoners of Conscience." *Bahrain Center for Human Rights*. 16 September 2013. <http://www.bahrainrights.org/en/node/6388>.

19 Ibid.

20 "Bahraini princess facing multiple torture charges." *BBC*. 23 January 2013.

21 "Bahrain court acquits police officers of torture charges" *Jurist*. 2 July 2013. <http://jurist.org/paperchase/2013/07/bahrain-court-acquits-police-officers-of-torture-charges.php>

22 "Bahrain: Death of Yousif AlNashmi." *Bahrain Center for Human Rights*.

23 "Bahrain riot police break up protest." *Aljazeera*. 12 October 2013.

24 "Death of Yousif AlNashmi: Arbitrarily Arrested, Tortured and Deprived of Adequate Medical Care." *Bahrain Center for Human Rights*. 11 October 2013. <http://www.bahrainrights.org/en/node/6444>.

- 115.116** Repeal all sentences by the National Safety Court, to refer these cases to criminal courts in order that all these trials are conducted in a fair, swift and transparent manner (Germany);
- 115.117** Ensure that all the cases of civilians, in trials before the National Safety Court for crimes allegedly committed during protests in 2011, are referred to civilian courts (Poland);
- 115.118** All decisions of the National Safety Courts should be subject to review in ordinary courts (Ireland); and
- 115.125** Urgently conduct new trials of all defendants who have been convicted in national safety courts (United Kingdom)

In 2011, under the State of National Security, Bahrain formed the National Safety Court system, which is comprised of both military and civilian judges. Trials in the National Safety Court were conducted by military prosecutors, and convictions were considered irreversible. In the months between April and October 2011, the court convicted 509 defendants, at least 204 of which were determined to have been “convicted of transparently political charges related to the exercise of freedom of expression and assembly” by Human Rights Watch.<sup>25</sup>

Following its acceptance of the BICI Report, the government made extensive changes to the laws, allowing civilian courts to appeal or retry all decisions rendered by the National Security Court. Articles 1 and 2 of Royal Decree No. 62/2011 made civilian courts responsible for reviewing appeals of cases tried in the National Security Court system, stating that “All cases and appeals that were adjudicated by the courts of national safety are referred to the ordinary courts... The judgments of the National Safety Appeal Court may be challenged before the Court of Cassation.”<sup>26</sup> This decree rendered all decisions previously made under military courts during the State of National Safety subject to review, and thus retrial, in civilian courts. Despite this promising development, civilian courts have failed to meet international standards for fair trials and continued the culture of politically motivated rulings.

On 2 January 2012, the Government of Bahrain announced that a committee made up of judges had been established to review final verdicts passed by the National Security Courts during the previous year. The Supreme Judicial Council took it upon itself to review 30 final judgments involving 31 people, 13 of whom had already served their sentences. The 18 remaining individuals, who were still in detention, would have their sentences repealed, commuted, or upheld:

- “6 would have their sentences reduced to time served, and could be released;
- Charges would be dropped against 5 accused as they related to speech related activity. This resulted in 4 out of the 5 accused being released immediately, with one person detained on additional charges. All 5 of the accused would have their records expunged of the speech related charges; [and]
- Convictions against 7 persons would be maintained.”<sup>27</sup>

Although the Government of Bahrain made considerable progress by overturning the National Security Court rulings, the lack of transparency and fairness in the retrials of previously convicted

25 “No justice in Bahrain.” *Human Rights Watch*. 28 February 2011. <http://www.hrw.org/reports/2012/02/28/no-justice-bahrain-0>.

26 “Royal Decree No. 62 of 2011.” *BICI Actions*. [http://www.biciactions.bh/wps/themes/html/BICI/pdf/1720/decree\\_62\\_2011\\_en.pdf](http://www.biciactions.bh/wps/themes/html/BICI/pdf/1720/decree_62_2011_en.pdf).

27 *Ibid.*, 7.



persons did not meet the standards recommended by the UPR report. Very few convicted persons benefited from these initiatives, as many faced criminal prosecution as well as charges relating to their participation in protests.<sup>28</sup> As a direct result, dozens of individuals continue to “face trials or serve sentences based on charges related to their exercise of freedom of expression and association.”<sup>29</sup> The fairness of these trials is subject to further criticism due to the acceptance of evidence obtained through the use of torture and other abuses in civilian courts. For example, a verdict was rendered in the case of Abdulhadi Al-Khawaja despite “allegations of confessions under torture [that] have not been investigated during the retrial.”<sup>30</sup> The use of evidence and confessions obtained under duress of torture and politically motivated charges similar to those used in the military courts have been common in the cases of “the Bahrain 13.”

The September 2013 arrest of and subsequent charges against opposition leader Khalil al-Marzooq of al-Wefaq, the largest opposition group in the country and a key player in the national dialogue with the government, exemplifies the politically motivated nature of the its prosecution of citizens for exercising their constitutionally recognized right to free expression.<sup>31</sup> Similarly, the November 2013 arrest and prosecution of al-Wefaq Secretary-General Ali Salman on charges of “denigrating and disparaging the interior ministry” further demonstrates the blatant disregard for freedom of speech in Bahrain.<sup>32</sup>

#### ARAB COURT FOR HUMAN RIGHTS

Perceived Progress

**115.31** Follow up on the appreciated initiative of the Kingdom of Bahrain for the creation of the Arab Court for human rights, as reflected in the commitment of Bahrain in the promotion and protection of human rights (Jordan)

During a September 2013 meeting of the Arab League meeting hosted in Cairo, a vote was held to establish the Pan-Arab Court on Human Rights, for which Bahrain was selected as permanent host of the court.<sup>33</sup> The decision, regarded as a public relations project both unwilling to and incapable of addressing legitimate human rights abuses by Bahraini human right activists, was met with tremendous criticism due to reports that human rights abuses continue unabated in Bahrain.<sup>34</sup>

#### RELEASE PRISONERS CONVICTED FOR FREE EXPRESSION

Not Implemented  
No Perceived Progress

**115.91** Release, immediately and unconditionally, all detainees, who have participated in peaceful protests lacking credible criminal charges (Slovakia);

**115.100** Release, immediately and unconditionally all persons convicted for merely exercising their fundamental rights to freedom of expression and assembly, especially during anti-government protests that began in February 2011 (Czech Republic);

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> “Abdulhadi Al-Khawaja”. *Frontline Defenders*. <http://www.bahrainhrd.org/abdulhadi.html/>

<sup>31</sup> “Bahrain must immediately release opposition leader”. *Amnesty International*. 18 September 2013. <http://www.amnesty.org/en/news/bahrain-khalil-al-marzouq-arrested-2013-09-18>.

<sup>32</sup> Aboudi, Sami “Bahrain Charges Top Opposition Leader.” *Reuters*. 3 November 2013. <http://uk.reuters.com/article/2013/11/03/uk-bahrain-wefaq-idUKBRE9A20C320131103>

<sup>33</sup> Dickinson, Elizabeth. “Bahrain Selected as HQ of Arab court for Human Rights” *The National*. 3 September 2013.

<sup>34</sup> Dooley, Brian. “Top 6 Reasons for Bahrain to Host Arab Court of Human Rights.” *Huffington Post*. 3 September 2013. [http://www.huffingtonpost.com/brian-dooley/top-6-reasons-for-bahrain\\_b\\_3862317.html](http://www.huffingtonpost.com/brian-dooley/top-6-reasons-for-bahrain_b_3862317.html). Baker, Graeme. “Bahrain to host pan-Arab human rights court.” *Al-Jazeera*. 2 September 2013.

- 115.101** Release immediately all persons solely convicted or detained for offences connected to peaceful assembly and free speech (Germany);
- 115.122** Release unconditionally the individuals who were convicted by special courts, or are awaiting trial, for merely exercising their fundamental rights of expression and assembly (Norway);
- 115.126** A speedy conclusion to these cases (of human rights violations against peaceful protests), such as the ongoing case of Abdulhadi Al-Khawaja (Australia); and
- 115.159** Release persons imprisoned as required by freedom of expression and repeal all legislation that criminalizes the exercise of this right (Switzerland)

Following the end of the State of National Security, the government made considerable efforts to transfer all cases of individuals convicted for their involvement in the 2011 uprising to civilian courts. Despite these efforts, many civilians have been detained and tried in courts that fall short of international standards for transparency. Some individuals detained during, and since February 2011 for acts relating to freedom of expression and assembly have served their sentences and been released. Those who remain in prison on vague charges have been joined by civilians who have also been detained for exercising some of their most basic human rights.

Abdulhadi al-Khawaja—a leading human rights activist and one of the “Bahrain 13”—was arrested on unsubstantiated terrorism charges after exercising his fundamental human rights to free expression and association during the February-March 2011 uprising. Following his conviction in October 2011, al-Khawaja was sentenced to life in prison. Despite a prolonged appeals process, his life sentence was ultimately upheld in January 2013. Initially charged with “organizing and managing a terrorist organization,’ attempt to overthrow the Government by force and in liaison with a terrorist organization working for a foreign country’ and ‘collection of money for a terrorist group,<sup>35</sup>” his arrest came in direct connection to his participation in peaceful, pro-democracy protests. Today, al-Khawaja remains in prison and has recently undergone a hunger strike to protest his imprisonment.

Another prominent case includes that of Nabeel Rajab, who on 16 August 2012, was sentenced by the lower criminal court to three years imprisonment as a result of “three cases related to his participation in peaceful gatherings in favor of fundamental freedoms and democracy.”<sup>36</sup> His charges, which were combined with others such as inciting violence against security personnel, include “participating in illegal practices, inciting illegal assemblies and organizing unlicensed demonstrations through social media websites.”<sup>37</sup> Many of the charges followed Rajab’s participation in peaceful protests, as well as an interview in which he said the charges against him were unsubstantiated and that the guilty verdict rendered against him was in response to his critical tweets against the ruling regime in Bahrain.<sup>38</sup> Despite the mounting international opposition to his guilty verdict and a recent opportunity for early release, Nabeel Rajab remains in prison for exercising his rights to freedom of speech and assembly.<sup>39</sup>

35 “Abdulhadi Al-Khawaja”. *Frontline Defenders*. <http://www.bahrainhrd.org/abdulhadi.html>.

36 “BAHRAIN: Nabeel Rajab sentenced to two years in appeal: a sad day for the defense of human rights.” *FIDH*. 11 December 2012. <http://www.fidh.org/en/north-africa-middle-east/Bahrain,441/BAHRAIN-Nabeel-Rajab-sentenced-to-12591>.

37 “Nabeel Rajab Verdict Announced, Right to Appeal.” *Bahrain News Agency*. 16 August 2012. <http://www.bna.bh/portal/en/news/521154>.

38 Front Line Defenders. “Nabeel Rajab Arrested over Tweets.” *YouTube*. 9 July 2012. <http://www.youtube.com/watch?v=-RrYGJy22VQ>.

39 “Bahraini activist Nabeel Rajab denied early release.” *BBC*. December 2, 2013. <http://www.bbc.co.uk/news/world-middle-east-25188172>

Instead of repealing laws that impede freedoms of speech and assembly, the Government of Bahrain has pursued new initiatives further restricting the exercise of such rights. Indeed, 'National security' recommendations passed during a special session of Bahrain's parliament that inhibit free assembly and expression by banning assemblies such as "demonstrations, marches, rallies, or sit-ins" at night, within the capital, or near places like malls, airports, and hospitals, demonstrate the extent to which the government attempts to curtail the basic freedoms of free speech, assembly and expression.<sup>40</sup> Khalil al-Marzooq, a former Member of Parliament and prominent member of the opposition party al-Wefaq, was arrested on 17 September 2013 following remarks calling for Bahraini youth to engage in peaceful protest against the regime. As a result, he was charged with "speaking at many forums, inciting and promoting terrorist acts, advocating principles which incite such acts, supporting violence committed by the terrorist coalition, and legally justifying criminal activities."<sup>41</sup> Released following his first court appearance and after a month of arbitrary detention, al-Marzooq is currently under a travel ban while awaiting trial.<sup>42</sup>

Another case involved that of Dr. Abduljalil Abdulla al-Singace, a mechanical engineer, prominent blogger and human rights activist who has promoted human rights as a member and leader of multiple political societies, including al-Wefaq and the Haq Movement for Liberty and Democracy. He has also used his blog, Al-Faseelah, to advocate against human rights violations in Bahrain. In the middle of the night on March 17, 2011, four dozen police officers forcefully entered Dr. Singace's home, beat him, and took him to the police station at gunpoint. He was moved to Al-Qurain military prison where he was confined to a 1m x 3m cell and subjected to torture and ill-treatment, including forced standing—Dr. Singace is paralyzed and can only stand on one leg—verbal and sexual assault, beatings, and prolonged solitary confinement.<sup>43</sup> In June 2011, he was tried and sentenced in the National Safety Court to life in prison for allegedly plotting to topple the government. The case was retried in a civilian court in April 2012, but Dr. Singace's sentence was upheld.

On January 7, 2013, the case went to the Court of Cassation, and his life sentence was again upheld. While imprisoned, Al-Singace continues to be denied family visits and medical attention, despite a serious deterioration in his health.<sup>44</sup> Dr. Singace has been denied access to critical medical treatment since March 2013, having had fourteen medical appointments cancelled by prison administrators.<sup>45</sup> He continues to suffer from muscular issues including ruptured muscles in his chest and left hand, and numbness in his hands, legs and chest.

Other cases include that of Secretary General of the al-Haq Movement, Hassan Mushaima, who was also arrested and sentenced to life in prison for his involvement in the protest movement of 2011. Mushaima was diagnosed and treated for stage four follicular lymphoma in 2010 and

40 "Issuance of decrees by HM the king." Bahrain News Agency. 6 August 2013. <http://www.bna.bh/portal/mobile/news/574372>; "Bahrain's Move to Legalise Repression" *Bahrain Watch*. August 7, 2013. <https://bahrainwatch.org/blog/2013/08/07/bahrain-move-to-legalise-repression/>.

41 "Bahrain detains prominent Shiite opposition ex-MP." *France 24*. 18 September 2013. <http://www.france24.com/en/20130918-bahrain-detains-prominent-shiite-opposition-ex-mp>.

42 "Khalil Almarzooq trial postponed again, travel ban upheld." *Bahrain Justice and Development Movement*. 18 November 2013. <http://bahrainjdm.hopto.org/2013/11/18/khalil-almazooq-trial-postponed-again-travel-ban-upheld/>.

43 "Report of the Bahrain Independent Commission of Inquiry." *Bahrain Independent Commission of Inquiry*. 23 November 2011. <http://files.bici.org.bh/BICIreportEN.pdf>.

44 "Prof. Al-Singace Denied Family Visits and Medical Attention in Bahrain Jail." *Committee of Concerned Scientists*. 25 June 2013. <http://concernedscientists.org/2013/06/prof-al-singace-denied-family-visits-and-medical-attention-in-bahrain-jail/>.

45 "Bahrain: Deteriorating health of imprisoned human rights defender, Dr Abduljalil Al Singace." Front Line Defenders. 10 October 2013. <https://www.frontlinedefenders.org/node/24008>.



has since been on regular medication to prevent a relapse of the disease. As of January 2013, human rights groups were unable to ascertain whether this medication was being administered.<sup>46</sup> Mushaima's most recent biopsy results were also withheld for at least two months after he should have received them.<sup>47</sup>

Political activist, philosophy professor, and leader of the Wafa' Movement, Abdulwahab Hussain, was also arrested in connection to leading protests in February and March 2011. Hussain was reportedly subjected to beatings, water torture and insults during his detention.<sup>48</sup> He was tried and convicted in the National Safety Courts of attempting to overthrow the government, with the government using confessions obtained through the use of torture in his case.<sup>49</sup> Hussain, whose conviction was upheld through numerous appeals, also suffers from a number of medical conditions including neuropathy and paresthesia.<sup>50</sup> In November 2013, the leading opposition parties in Bahrain demanded immediate medical treatment for Abdulwahab Hussain and charged that he continues to be denied proper medical treatment during his detention.<sup>51</sup>

### Conclusion

The Government of Bahrain has failed to take substantive steps to protect free speech and expression, and to effectively eliminate torture in the country, despite its acceptance of these twenty-six recommendations aimed at improving the criminal justice system in Bahrain.

Abuses including the use of torture and ill-treatment of individuals in police custody are ongoing. Such abuses are perpetuated by a culture of impunity, where the few low-level police officers convicted of human rights abuses see their sentences significantly reduced, while prisoners such as Abdulhadi al-Khawaja and Abduljalil al-Singace—who were convicted under politically motivated charges—have their life sentences upheld. Despite modest legal reforms and new investigative units within the Ministry of Justice, the persistence of these abuses clearly demonstrates the ineffectiveness of such units and legal reforms. Therefore, ADHRB finds that the recommendations regarding criminal justice—specifically referring to torture, cruel and inhuman treatment, other ill-treatment and death of detainees, as well as accountability for those responsible with perpetrating those acts—have not been fulfilled.

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46 "One Month After Tests, Imprisoned Former Cancer Patient Still Denied Information Regarding His Health Situation." *Bahrain Center for Human Rights*. 27 January 2013. <http://www.bahrainrights.org/en/node/5614>.

47 Ibid.

48 "A special report on the torture and human rights violations against the detainees in the case of 'Alliance for the Republic.'" *Bahrain Center for Human Rights*. 11 July 2011. <http://www.bahrainrights.org/en/node/4386>,

49 "Opposition Activists' Appeal Hearing Begins." *Amnesty International*. 24 May 2012. <http://www.amnesty.org/en/library/asset/MDE11/034/2012/en/c01789d1-067f-423d-b90f-55ea55253a47/mde110342012en.pdf>.

50 "Grave concerns over the health of prominent opposition leader Abdulwahab Hussain after suffering from paraesthesia and retinal damage." *European-Bahraini Organisation for Human Rights*. 5 November 2013. <http://www.ebohr.org/2013/11/05/2136>.

51 "Bahrain opposition parties demand immediate medical treatment for Abdul Wahab Hussain." *Al-Wefaq*. 5 November 2013. <http://alwefaq.net/cms/2013/11/05/24009/>.

## Compensation for Victims

The Government of Bahrain fully supported recommendation **115.56** concerning compensation for victims of the events of February and March 2011. In accepting this recommendation, the government stated:

*Legislative Decree No. 30/2011 created the National Compensation Fund for Victims, which will compensate victims of the events of February and March 2011, or of subsequent violence. The Civil Settlements Office, Ministry of Justice was also created to compensate victims expeditiously in a streamlined process. To date, US\$2.6 million have been allotted to relatives of 17 mortal victims. The process continues.<sup>52</sup>*

### Brief Assessment

Despite the establishment of the National Compensation Fund, technical barriers and deficiencies within Bahrain's judicial system continue to restrict the fund's ability to be widely operationalized, and disbursement remains limited.

#### OPERATIONALIZE THE COMPENSATION FUND

Technically Implemented  
No Perceived Progress

**115.56** Operationalize the fund establishment for compensation of victims of the events of the unfortunate events recently facing Bahrain, in accordance with relevant best practices (Palestine)

A National Victims Compensation Fund was established in September 2011 to provide remuneration to the families of those killed and injured during the course of events of February and March 2011. In early 2012, the Government of Bahrain established two mechanisms to operationalize such disbursements, the Special Compensation Court and the Civil Settlement Initiative, which were designed to (1) expedite civil claims against the state and receive claims and (2) offer out-of-court settlements, respectively. Yet disbursement of compensation funds to victims and families of those killed or injured during the 2011 protests has been slow and poses a number of challenges for those who have sought remuneration. According to the Government of Bahrain, the claims process of the Special Compensation Court “could take considerable time.” The National Compensation Fund for Victims was established with an allotted budget of BD 10 million (US\$26.5 million).<sup>53</sup> Tellingly, only BD 1.02 million (US\$2.6 million) of that has been thus far been disbursed. Though the Government of Bahrain has claimed that the fund would compensate anyone “materially, morally or physically harmed” during the protests, in accordance with U.N. guidelines, the fund's over-strenuous qualifications undermine this assertion.<sup>54</sup> Submitted claims require “an official copy of a final court verdict” of a criminal conviction against the individual responsible for the torture or death. Yet the ongoing lack of accountability for human rights abuses in the country, particularly accountability at higher-levels of the security forces and the government,<sup>55</sup> necessarily disqualifies the vast majority of victims from compensation. This point is illustrated by the fact that by the Government of Bahrain has only compensated 17 families of

<sup>52</sup> Ibid., 1.

<sup>53</sup> “2012 Bahrain creates \$26.5m fund for unrest victims.” *The Free Library*. 15 March 2013. [http://www.thefreelibrary.com/Bahrain+creates+\\$26.5m+fund+for+unrest+victims.-a0283037686](http://www.thefreelibrary.com/Bahrain+creates+$26.5m+fund+for+unrest+victims.-a0283037686) (accessed 7 November 2013).

<sup>54</sup> “Bahrain fund to pay compensation to protest victims.” *Abrabian Business*, 22 September 2011, <http://www.arabianbusiness.com/bahrain-fund-pay-compensation-protest-victims--421625.html>.

<sup>55</sup> See Section 1: Criminal Justice.

victims thus far.<sup>56</sup> Furthermore, the slow moving nature of the judicial process in Bahrain ensures a lengthy wait even for those who do obtain compensation under the current rules.

The work of the Civil Settlements Initiative Office (CSI), launched by the Ministry of Justice and Islamic Affairs as a “quick and consensual” out of court supplement to the National Compensation Fund, has likewise been problematic.<sup>57</sup> According to the Government of Bahrain, those seeking this type of settlement must forfeit their right to seek civil compensation, yet can maintain their right to pursue criminal charges.<sup>58</sup> Like the fund, the CSI has thus far been slow moving and lacking in transparency. Further complicating the ability of victims to obtain compensation, the guidelines for eligibility for this form of compensation were broadened to include not just victims of human rights violations and abuses but also lesser grievances such as property damage.<sup>59</sup>

### **Conclusion**

Though the establishment of the fund was initially a positive step, technical barriers that restrict the fund’s ability to be widely disbursed are deeply troubling. Some of these technical barriers stem directly from deficiencies within the judicial system itself, including the lack of transparency in trials and the Government of Bahrain’s lack of commitment to prosecuting human rights abusers. As the Bahrain government recognizes that the process remains ongoing, ADHRB finds that the above recommendation regarding operationalization of the compensation fund for victims has been partially implemented.

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56 “International Religious Freedom Report 2012: Bahrain.” *United States Department of State*. 2012. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dli#wrapper>.

57 “The Civil Settlement Initiative.” *Bahrain Ministry of Justice & Islamic Affairs*. [http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722k/announcement\\_minister\\_justice\\_settlement\\_en.pdf](http://www.biciactions.bh/wps/themes/html/BICI/pdf/1722k/announcement_minister_justice_settlement_en.pdf)

58 “Justice Minister: The Civil Settlement Initiative does not dismiss criminal accountability.” *Bahrain News Agency*. 7 March 2012. <http://www.bna.bh/portal/en/news/497700>.

59 Amnesty International, *Flawed Reforms: Bahrain Fails to Achieve Justice for Protesters*. 2012, [http://files.amnesty.org/archives/3858\\_Bahrain\\_REPORT\\_web.pdf](http://files.amnesty.org/archives/3858_Bahrain_REPORT_web.pdf).

## Nationality

The Government of Bahrain fully supported recommendations **115.68**, **115.75**, **115.95**, **115.96**, **115.140**, **115.141**, **115.142** and **115.143** concerning the nationality of children. In accepting these recommendations, the government stated:

*Citizenship was conferred on 335 children of Bahraini women married to non-Bahrainis by Royal Order issued in December 2011. Law No. 35/2009 gave children of Bahraini women married to non-Bahrainis exemption from public, health and education services, and permanent residency fees. A draft law is in the process of being enacted to amend the Bahraini Nationality Law.<sup>60</sup>*

### Brief Assessment

Though over a year has passed since Bahrain accepted the UPR's recommendations, there have been no recent concrete signs of progress on passing the draft law to amend Bahrain's nationality laws. As such, Bahrain remains in violation of the Convention to Eliminate All Forms of Discrimination against Women (CEDAW) on this issue. The children of non-Bahraini fathers continue to face unfair discrimination and statelessness due to the gendered nature of the legislative status quo.<sup>61</sup> Bahrain's National Institute for Human Rights (NIHR) has pledged to propose amendments to Bahrain's Citizenship Law that would allow for citizenship to be passed on to children through the mother (as well as the father).<sup>62</sup> Various NGOs across the country, along with the Supreme Council for Women, are advocating for an end to the Nationality Law.

### NATIONALITY LAWS

Not Implemented  
No Perceived Progress

- 115.68** Take further measures, including legislative, in order to expand rights and opportunities of women and promote gender equality (Belarus);
- 115.75** Continue taking temporary measures for granting citizenship to children of Bahraini women married to non-Bahrainis until the draft law amending the Nationality Law comes into effect (India);
- 115.95** Adopt legislation that allows children of Bahraini mothers and non-Bahraini fathers to obtain Bahraini nationality (Uruguay);
- 115.96** Take the necessary measures in order to eliminate all discriminatory treatment of Bahraini women married to non-Bahrainis (Argentina);
- 115.140** Continue to take the vital steps to grant citizenship to children of Bahraini mothers in the same fashion as children of Bahraini fathers as CEDAW and the CRC have pointed out (Japan);
- 115.141** Enact law providing for full citizenship rights for the children of Bahrain mother and non-Bahrain fathers (Norway);
- 115.142** Complete by making the amendment to the proposed amendment to the nationality law that guarantees the Bahraini nationality for children from a Bahraini mother and a non-Bahraini father law (Sudan); and

<sup>60</sup> Ibid., 1.

<sup>61</sup> Rebecca Torr. "Bahraini women demand nationality rights for their children." *Gulf Daily News*. <http://www.asafeworldforwomen.org/womens-rights/wr-middle-east/wr-bahrain/1514-bahraini-women-demand-nationality-rights-for-their-children.html>.

<sup>62</sup> "Bahrain group pushes for citizenship rights." *Gulf News*. 24 July 2013. <http://gulfnews.com/news/gulf/bahrain/bahrain-group-pushes-for-citizenship-rights-1.1212548>.

**115.143** Speed up the reforms on the legislation for citizenship for children of Bahraini mother and on-Bahraini father (Algeria)

This set of recommendations addresses ongoing gender discrimination issues stemming from the Bahraini Citizenship Act of 1963, which forms the basis of Bahrain's nationality law. Under Article 7 of the act, children of all male Bahrainis gain citizenship at birth, while the children of Bahraini women married to non-Bahraini men have no established process for gaining citizenship at any point.<sup>63</sup> The main concern is over stateless children, which the nationality law promotes.<sup>64</sup> Stateless children's physical and intellectual well-being is neglected because their lack of citizenship prevents them from accessing state services.

In June 2009, a government waiver was put into place in order to grant access to certain state services to children of foreign fathers.<sup>65</sup> Subsequently, the Supreme Women's Council began advocating and lobbying for an amendment to the Nationality Law.<sup>66</sup> The government waiver did not address the fundamentally discriminatory nature of the country's citizenship law, itself a violation of CEDAW, which Bahrain acceded to in 2002.<sup>67</sup> Certain reservations were expressed concerning its implementation, including Article 9(2) which addresses the transmittance of nationality: "States Parties shall grant women equal rights with men with respect to the nationality of their children."<sup>68</sup> Royal decrees conferring citizenship to children were issued in limited quantities in 2006, and most recently in 2011, similarly failed to adequately address this issue.<sup>69</sup> Additionally, the personal status law applies only to the Sunni population, whereas members of the Shia population are dealt with on a case by case basis. In 2009, it was reported that in the year prior, the Prime Minister was reconsidering extending nationality rights to children of foreign fathers, but such efforts were stymied by those voicing concerns regarding national security.<sup>70</sup> The government's efforts regarding an updated Nationality Law appear to have been revived in January 2014, when the Prime Minister referred a draft law to the legislature conferring nationality to children of non-Bahraini fathers.<sup>71</sup> As of February 2014, the referral of the Nationality Law to the legislature has yet to yield any subsequent movement towards passage or implementation.

63 *Bahraini Citizenship Act (last amended 1981)* [Bahrain]. 16 September 1963. <http://www.refworld.org/docid/3fb9f34f4.html>.

64 "Bahrain." *International Observatory on Statelessness*. <http://www.nationalityforall.org/bahrain>.

65 "Follow Up: State Reporting: Action by Treaty Bodies, Including Reports on Missions." *CEDAW*. 2009. [http://www.bayefsky.com/html/bahrain\\_cedaw\\_follow\\_report.php](http://www.bayefsky.com/html/bahrain_cedaw_follow_report.php).

66 *Ibid.*

67 "Convention on the Elimination of All Forms of Discrimination against Women." *United Nations Treaty Collection*. 20 December 2013. [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en).

68 UN Committee on the Elimination of Discrimination against Women (CEDAW). *Convention on the Elimination of All Forms of Discrimination against Women*. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article9>.

69 Habib Toumi, "Bahrain grants citizenship to 335 children." *Gulf News*. 7 December 2011. <http://gulfnews.com/news/gulf/bahrain/bahrain-grants-citizenship-to-335-children-1.946284>.

70 "More than 2,000 families waiting to become Bahraini citizens." *Women's Learning Partnership for Rights, Development, and Peace*. 13 May 2008. <http://www.learningpartnership.org/lib/more-2000-families-waiting-become-bahraini-citizens>.

71 "SCW hails Cabinet's resolution on amending 1963 Bahraini Citizenship Law." *Bahrain News Agency*. 12 January 2014. <http://www.bna.bh/portal/en/news/597292>.

## Conclusion

Though the government continues to promote the draft law providing citizenship to children of Bahraini mothers and non-Bahraini fathers, that law still has yet to be passed or implemented. The Bahrain government has demonstrated its preference in the past for addressing citizenship issues by Royal Order, conferring citizenship on groups of people who had previously been excluded. This approach, as well as exempting excluded children from public service and residency fees, does not address the systemic problem of excluding groups of Bahraini-born children born from parents with mixed nationality from gaining citizenship. While ADHRB finds the draft law encouraging, the lack of further action since its referral to the legislature, combined with the government's past practice of addressing the issue with ad hoc citizenship grants compels ADHRB to find that the recommendations to promote gender equality in Bahrain's nationality laws have not yet been implemented.



## National Legislation on Education and Disability

The Government of Bahrain fully supported recommendations **115.38**, **115.46**, **115.52**, **115.166**, **115.167**, **115.168**, **115.169**, **115.170**, **115.171** and **115.172** concerning education and social development. In accepting these recommendations, the government stated:

*Following ratification of the UN Convention on the Rights of Persons with Disabilities in 2011, the Action Plan of the National Strategy for Persons with Disability was put into effect. A Children's Act has been enacted in compliance with the UN Convention on the Rights of the Child. Educational curricula have been developed in collaboration with international experts/ organizations (UNESCO) to disseminate human rights and citizenship values.<sup>72</sup>*

### Brief Assessment

In its acceptance of the above UPR recommendations referring to National legislation on education and disability, the Government of Bahrain highlighted legislation it has passed and international treaties it has signed which protect the rights of children and the disabled. However, these legislative reforms have been coupled with actions that often contradict outright with both international conventions and Bahrain's laws.

### EDUCATION AND DISABILITY LEGISLATION

Technically Implemented  
No Perceived Progress

- 115.38** Adopt a national policy on children with disabilities (Chile);
- 115.46** Make continuous efforts in its economic and social development, improve its legal system and ensure equal enjoyment of human rights by its people (China);
- 115.52** Pursuing policies and programs in the education of citizenship and human rights as best practices (United Arab Emirates);
- 115.166** Step up efforts to strengthen public education, awareness programme and skill training, particularly aimed at increasing awareness on human rights in Bahrain (Malaysia);
- 115.167** Strengthen education and awareness of human rights at the national level (Senegal);
- 115.168** Review national legislation and develop awareness and training programmes in order to eliminate legal and de facto discrimination against boys and girls with disabilities and as well as with respect to those children living in the poorest areas of the country (Uruguay);
- 115.169** Continue taking necessary efforts and action to provide appropriate educational opportunities for persons with disabilities (Ecuador);
- 115.170** Continue strengthening efforts to guarantee access to adequate educations for persons with disabilities (United Arab Emirates);
- 115.171** Efforts should continue to be perused in order to provide opportunities of adequate education for persons with disabilities (Yemen); and
- 115.172** Intensify efforts and measures to enhance and expand protection for migrant workers in Bahrain (Lebanon)

<sup>72</sup> Ibid., 1.

In response to calls to respect and enumerate the rights of children in Bahrain, the government passed a Children's Law in 2012. This law called for disabled children to enjoy all the same rights as other children, with additional guarantees of state support for rehabilitation, treatment, and integration into society. Children more generally were guaranteed state protection from abuse and mistreatment, with abuse broadly defined to include physical, psychological, and sexual variants.<sup>73</sup> A Child Protection Center was created to facilitate the pursuit of justice for families and the rehabilitation of children.<sup>74</sup>

Despite these legal steps, the Bahraini government's commitment to the protection of children remains in question. There have been a multitude of reports regarding the detainment and abuse of Bahraini children, both relating to the ongoing protest movement and in the pursuit of suspects for acts of vandalism. The Child Protection Center does not seem to have played a role in these cases, which involved beatings, threats of further torture, and attempts to force confessions.<sup>75</sup> The extreme methods used by security forces to disperse crowds and the practice of tear-gassing residential neighborhoods have led to the injury and even death of children.<sup>76</sup>

Bahrain has implemented a number of human rights education programs, including a three-day workshop with the cooperation of the International Bureau of Education at UNESCO and another workshop with the International Bar Association.<sup>77</sup> Those outside the government who attempt human rights education, however, often face arrest and imprisonment.<sup>78</sup>

Bahrain has also made some statutory progress regarding the rights of the disabled. This includes the ratification of the Convention on the Rights of Persons with Disabilities and the drafting of a national strategy for the disabled.<sup>79</sup> Prior to the 2012 UPR, Bahrain had also worked with the U.N. Development Program (UNDP) to support their efforts for children and the disabled.<sup>80</sup> However, the government's efforts in this area do not extend far beyond legislation and consulting. Not only have the disabled been subject to the government's general campaign of arbitrary arrest, but their detentions have been characterized by a lack of treatment or accommodation for their disabilities.

Typical is the case of Dr. Abduljalil al-Singace, an engineering professor and opposition leader

73 Legislation and Legal Opinion Commission. *Law No. (37) for the year 2012 by issuing the Child Law*. <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2050#Umlivmsim6>.

74 "Child Protection Centre" *Ministry of Social Development, Bahrain*. 26 June 2013. <http://www.social.gov.bh/node/348>.

75 "Bahrain: Security Forces Detaining Children." *Human Rights Watch*. 15 September 2013. <http://www.hrw.org/news/2013/09/15/bahrain-security-forces-detaining-children>; "In harm's way – Bahraini children jailed in adult prisons." *Amnesty International*. 31 May 2013. <http://www.amnestyusa.org/news/news-item/in-harm-s-way-bahraini-children-jailed-in-adult-prisons>.

76 "Children as Young as Five are Targets of Riot Police Excessive Use of Force." *Bahrain Center for Human Rights*. 14 September 2012. <http://bahrainrights.hopto.org/en/node/5406>.

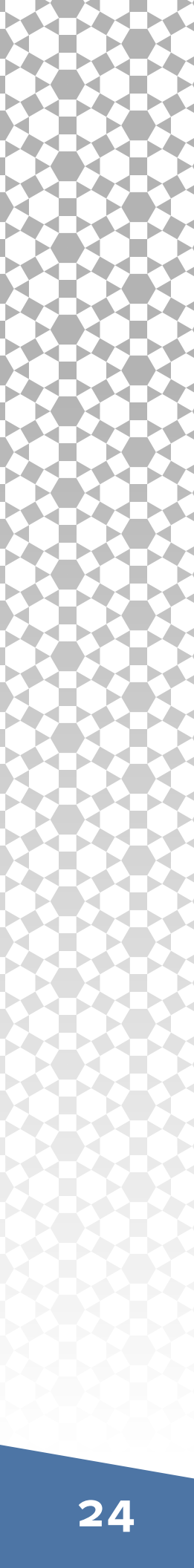
77 "Technical advice on Citizenship and Human Rights Education in Bahrain." *UNESCO International Bureau of Education*. 6 July 2012. <http://www.ibe.unesco.org/en/worldwide/countries-single-news-page/news/technical-advice-on-citizenship-and-human-rights-education-in-bahrain/1593.html>; "NIHR organises training session on 'Basic Concepts of Human Rights'" *Bahrain News Agency*. 23 September 2013. <http://www.bna.bh/portal/en/news/580921>.

78 "The Face of Human Rights Violations in Bahrain," *Equitas*. 12 September 2013. <http://www.equitas.org/en/blog/the-face-of-human-rights-violations-in-bahrain-2/>.

79 Rebecca Torr. "Rights for disabled." *Gulf Daily News*. 4 October 2011. <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=314755>.

80 "Support to the Development of the National Childhood Strategy and the National Strategy for Persons with Disabilities for the Kingdom of Bahrain." *United Nations Development Program*. 2010. <http://www.undp.org.bh/Projectgov=60062.html>.





who was arrested in 2011. Dr. al-Singace is confined to a wheel chair and has been denied medical care for long periods of time, with his most recent medical examination having been conducted in March 2013.<sup>81</sup> During his initial detention, Dr. al-Singace was subject to torture and forced standing despite his confinement to a wheel chair. Dr. al-Singace is not the only prisoner to have been treated this way, and denial of medical treatment is an unfortunate trend of the current Bahraini regime.<sup>82</sup>

### **Conclusion**

Overall, Bahrain has shown itself willing to legislate protections of the rights of children and the disabled, but not to take steps to limit the repression of these groups. Many of the reforms pointed to by the Bahraini Government were undertaken before the UPR had taken place, and it is unclear whether they have had any effect on the government's behavior or the status of Bahraini children and the disabled. ADHRB therefore finds the above recommendations regarding national legislation on education and disabilities to be technically implemented yet without any perceived progress, as current legislation has not proven effective at protecting the position of children and the disabled in Bahraini society.

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81 "Bahrain: Deteriorating health of imprisoned human rights defender, Dr Abduljalil Al Singace." *Front Line Defenders*. 10 October 2013. <http://www.frontlinedefenders.org/node/24008>.

82 Yumma Marwan. "Blind Bahraini prisoner launches hunger strike." *Alakhbar English*. 24 July 2013. <http://english.alakhbar.com/node/16518>; "Bahrain: After Arbitrary and Violent Arrest, Prisoners with Special Needs Denied Adequate Medical Treatment." *Bahrain Center for Human Rights*. 26 July 2013. <http://www.bahrainrights.org/en/node/6247>.

## Family Law

The Government of Bahrain fully accepted recommendations **115.48**, **115.138**, and **115.139**. In accepting the recommendations, the government stated

*The legislature ratified the first part of the comprehensive Family Law in 2009 pertaining to the Sunni Sect, but did not ratify the second part of the Law related to the Jaafari Sect. The Government and the Supreme Council for Women continue to promote awareness of the importance of this Law and the objective of protecting Bahraini women.*

### Brief Assessment

Despite pledges to pass reform Bahrain's family law; no new legislation has been passed addressing the issues called for in the recommendations relating to Family Law.

#### FAMILY LAW

Not Implemented  
No Perceived Progress

- 115.49** Continue the enactment of laws and the strengthening of policies aimed at safe guarding the position of women and strengthening their roles in society (Egypt);
- 115.138** Carry-out awareness raising campaigns on the importance of adopting a unified law on the family and increasing the minimum age for marriage (Chile); and
- 115.139** Consider passing legislation on family law containing clear and non-discriminatory provisions on marriage, divorce, inheritance, and child custody (Brazil)

The Government of Bahrain has not taken steps to unify its laws pertaining to the family and has not codified family law that applies to both Sunni's and Shia. With the implementation of the Family Provision Act of 2009, only Sunni family law is codified, while Shia family law is administered by separate judicial bodies composed of jurists that interpret Sharia. The United Nations Development Program's 2013 Gender Inequality Index ranked Bahrain as 48 out of 187.<sup>83</sup> The Social Institutions & Gender Index's most recent assessment of Bahrain from 2009 ranked the country 76 out of 102.<sup>84</sup>

Several women, including Jalila al-Salman of the Bahrain's Teachers' Association, have been arrested, fired, harassed or have otherwise sustained a weakened societal role due to their political activism.<sup>85</sup> Furthermore, since February 14, 2011, at least 13 women have been killed as a result of the excessive force used by the Bahraini police while breaking up or combating demonstrations and protests.<sup>86</sup>

Women can marry as young as 15 years old in Bahrain, and 4% of the female population between the ages of 15 and 19 are married.<sup>87</sup> There has been no movement toward changing the age of

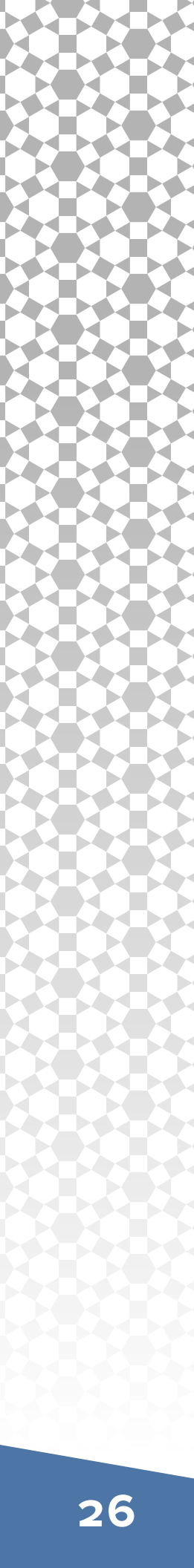
<sup>83</sup> "International Human Development Indicators Country Profile: Bahrain, 2013 Report." *United Nations Development Programme*. 2013. <http://hdrstats.undp.org/en/countries/profiles/BHR.html>.

<sup>84</sup> "Gender Equality in Bahrain, 2009 Report." *Social Institutions & Gender Index*. 2009. <http://genderindex.org/country/bahrain>.

<sup>85</sup> "Jalila al-Salman and Mahdi 'Issa Mahdi Abu Dheeb: Prisoners of Conscience." *Amnesty International*. <http://www.amnestyusa.org/our-work/cases/bahrain-jalila-al-salman-mahdi-issa-mahdi-abu-dheeb>.

<sup>86</sup> "International Women's Day: Bahraini Women imprisoned, tortured, killed, stripped from nationality, and impunity for abusers." *Bahrain Center for Human Rights*. 7 March 2013. <http://www.bahrainrights.org/en/node/5672>.

<sup>87</sup> "2012 Global Gender Gap Report, Country Profile: Bahrain." *World Economic Forum*. [http://www3.weforum.org/docs/GGGR12/111\\_Bahrain\\_GGGR12.pdf](http://www3.weforum.org/docs/GGGR12/111_Bahrain_GGGR12.pdf).



marriage. The U.S. Department of State's 2012 Human Rights Report on Bahrain notes that women face extreme discrimination under the law in situations involving divorce.<sup>88</sup> Women do have the right to initiate divorce proceedings, but both Shia and Sunni religious courts may refuse the request. The refusal rate was significantly higher in Shia courts than in Sunni courts, with Shia courts often refusing to grant the divorce due to differences in legal codes. In divorce cases, the courts routinely granted mothers custody of daughters younger than age nine and sons younger than age seven. Custody usually reverted to the father once girls and boys reached the ages of nine and seven, respectively. Regardless of custody decisions, the father retains guardianship, or the right to make all legal decisions for the child, until the child reaches the age of 21 years old. A noncitizen woman in Bahrain automatically loses custody of her children if she divorces their citizen father "without just cause."<sup>89</sup>

According to paragraph 4 of the Bahraini Citizenship Act (1963), Bahrain only allows citizenship to be passed on to a foreign born child if the father is Bahraini.<sup>90</sup> There are exceptions where the mother's Bahraini citizenship may be passed down, but only in circumstances where the father is unknown, without nationality, or fatherhood was "not substantiated."<sup>91</sup> Paragraph 7 of this same Act further disfavors women with regard to foreign marriages by preventing a Bahraini woman who marries a noncitizen from retaining her citizenship upon obtaining her husband's nationality. At the same time, the law allows foreign wives of Bahraini male citizens to adopt Bahraini citizenship after only five years of marriage.<sup>92</sup> A draft law addressing these issues of nationality was submitted to the legislature for consideration in January 2014; however no further action toward passage or implementation of this draft law has yet occurred.<sup>93</sup>

### **Conclusion**

Since the acceptance of the recommendations, there has been a lack of passage and implementation of any new draft legislation regarding family law, and a continued pattern of discrimination against women under both the law and in society. As a result, ADHRB finds that the above-mentioned recommendations regarding family law have not been met.

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88 Ibid., 9.

89 Ibid.

90 *Bahraini Citizenship Act* (last amended 1981) [Bahrain], 16 September 1963. <http://www.refworld.org/docid/3fb9f34f4.html>.

91 Ibid.

92 Ibid.

93 For more on Nationality, see Section 3: Nationality.

## SECTION 6

# Police Training in Respecting Human Rights

The Government of Bahrain fully accepted recommendations **115.89**, **115.102**, **115.104**, **115.105**, **115.109**, and **115.130**. The government stated:

*The Ministry of Interior has made serious, sustained efforts to ensure its personnel respect human rights, notably in collaboration with the ICRC and relevant international organizations.*

### Brief Assessment

The government has taken several steps designed to demonstrate to the international community and Bahraini's that it is complying with the recommendations. Yet widespread allegations of torture and arbitrary detention by security forces continue to be regularly reported.

#### POLICE TRAINING

Technically Implemented  
No Perceived Progress

- 115.89** Ensure police respond proportionately and with the utmost restraint to non-peaceful protests (Germany);
- 115.102** Continue the process of reform of the security forces to provide them with better capacity and training on human rights and moderate the use of force (Spain);
- 115.104** Continuing of institutional and capacity building of the Bahraini police forces in a way that positively reflects effective respect to human rights (Palestine);
- 115.105** Enhance the efforts for capacity building for police and law enforcement officers (Saudi Arabia);
- 115.109** Take steps to develop new legislation and policies for law enforcement officials to guarantee accountability of security forces and respect for human rights (Canada); and
- 115.130** Entrench in the standard procedures that every person arrested be given a copy of the arrest warrant and no person should be held incommunicado. In any event, all detention should be subject to effective monitoring by an independent body (Netherlands)

Since the government's acceptance of the UPR's recommendations regarding police training in respecting human rights, Bahraini security forces have been accused on multiple occasions of excessive use of force against peaceful protestors and of not abiding by international standards of police conduct. According to the International Human Rights Standards for Law Enforcement,<sup>94</sup> several very distinct parameters have been set for police forces:

- Everyone has the right to liberty and security of person and to freedom of movement;
- No one shall be subjected to arbitrary arrest or detention;
- Everyone has the right to life, security of person, and freedom from torture and cruel, inhuman, or degrading treatment and punishment;
- Non-violent means are to be attempted first;
- Firearms are to be used only in extreme circumstances; and

<sup>94</sup> The International Human Rights Standards for Law Enforcement are defined under the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain is party.

- Firearms are to be used only in self-defense or defense of others against imminent threat of death or serious injury.<sup>95</sup>

The Bahraini police forces have regularly used excessive and violent measures to quell peaceful protestors. There have been multiple allegations of the misuse of nonlethal weapons such as tear gas, which has led to the death of a number of protesters.<sup>96</sup> Security forces have employed the use of tear gas, rubber bullets, and birdshot against protesters in a variety of documented cases against non-violent protestors, and they have employed the same tactics against violent protestors. This misuse of riot control materiel is concerning considering the government's plan to import 1.6 million canisters of tear gas to police a population of 1.3 million people.

Over the course of the year and in years prior, the government has taken action to reform its security forces. As noted in the section on Criminal Justice, the Bahrain government has made efforts to improve its law enforcement framework by participating in seminars hosted by the International Institute of Higher Studies in Criminal Science.<sup>97</sup> In 2013, judges and law enforcement officials participated in a course structured around good human rights practices as explained in the Convention against Torture, Istanbul Protocol, and the U.N. Standard Minimum Rules for the Treatment of Prisoners and Prisons.<sup>98</sup>

Despite these efforts, there remain a number of violations of international practices for good police protocol. The Government of Bahrain has not stopped its policies of arbitrary arrests, night raids on civilians' homes, or arrests without presenting a warrant<sup>99</sup>. Between July 17 and 21, the Bahrain Center for Human Rights (BCHR) documented "more than 60 arrests, 140 injuries from birdshot, and 150 house raids."<sup>100</sup> Al-Wefaq also documented a range of abuses finding that during the month of September 2013 along, there were 205 home raids, 53 alleged cases of torture and cruel treatment, and 111 prosecutions (with 4 acquittals).<sup>101</sup>

Bahraini police agencies have continued to arrest civilians without informing them of charges against them or presenting them with a warrant for their arrest. Khalil al-Marzooq was forced into arbitrary detention following his call for peaceful protests. His defense team was unable to meet with him prior to his trial and was not provided the precise charges brought against him.<sup>102</sup> In October 2012, Bahraini security forces raided the home of Tagi al-Maidan and arrested him without ever presenting him with a warrant for his arrest.<sup>103</sup> He would later be accused of the

95 "International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police." United Nations High Commissioner for Human Rights, Centre For Human Rights. <http://www.ohchr.org/Documents/Publications/training5Add1en.pdf>.

96 Samirah Majumdar, Hadley Griffin. "Bahrain's Continued Weaponizing of Tear Gas." *Physicians For Human Rights*. 25 October 2013. <http://physiciansforhumanrights.org/library/reports/weaponizing-tear-gas.html>.

97 "Technical Assistance Program in Support of the Bahrain Justice and Law Enforcement Sectors." International Institute for Higher Studies in Criminal Science. 1 March 2012. [http://www.isisc.org/portal/index.php?option=com\\_content&view=category&id=62&Itemid=97](http://www.isisc.org/portal/index.php?option=com_content&view=category&id=62&Itemid=97).

98 Ibid.

99 Miriam al-Khawaja. "Night raids, torture, sham trials a daily reality in Bahrain' - human rights activist." *Russia Today*. 21 October 2013. <http://rt.com/shows/sophieco/bahrain-dissident-human-rights-182/>.

100 "Bahraini forces escalate house raids, arbitrary arrests: NGO." *Al-Akbar*. 23 July 2013. <http://english.al-akhbar.com/node/16511>.

101 "214 arrested, including 40 children." *Al-Wefaq*. September 2013. <http://alwefaq.net/cms/2013/10/08/23423/>.

102 "Al Marzooq's Defense Panel: we were not informed of his charges before the trial." *Al Wefaq*. 26 October 2013. <http://alwefaq.net/cms/2013/10/26/23771/>.

103 Yara Bayoumy. "Special Report: In Bahrain, a U.S. prisoner's dilemma." *Reuters*. A 12 ugust 2013. <http://www.reuters.com/article/2013/08/12/us-bahrain-rights-specialreport-idUSBRE97B08W20130812>.

attempted murder of a police officer, charges he denies, and in September 2013, was sentenced to 10 years in prison.<sup>104</sup>

The government is also widely known to outsource positions in its security apparatus to Sunni foreign nationals. In an attempt to avoid recruiting members from the Shia community in the country, the Government of Bahrain has looked to fill its ranks with recruits from countries such as Pakistan, Jordan, and Yemen.<sup>105</sup> This practice creates a barrier between the police and the greater Bahraini community.

The government's failure to provide proper accountability was highlighted by a July 1<sup>st</sup> meeting between Prime Minister of Bahrain Shaikh Khalifa bin Salman al-Khalifa and police officer Mubarak bin Huwail. In footage of this meeting, the Prime Minister stated: "These laws cannot be applied to you. No one can touch this bond. Whoever applies these laws against you is applying them against us. We are one body."<sup>106</sup> At the time, Huwail was under investigation of allegations of torture against 6 medical professionals. On the same day, the third high criminal court acquitted Huwail of all charges.<sup>107</sup>

## Conclusion

Although the government has taken ostensible measures to improve the human rights record of its police force with regard to torture and arbitrary detention, the situation on the ground has not improved and in some ways has deteriorated. Allegations of torture persist on such a widespread level that government sponsorship of the tactic seems certain and statements by government officials tend to confirm this conclusion. The government also continues to engage in the practice arbitrary detention. Because the government has taken measures to demonstrate compliance with the recommendations, but has not implemented them in any meaningful capacity on the ground, ADHRB finds that the Government of Bahrain has failed to implement the above-mentioned recommendations.

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104 Yara Bayoumy. "U.S. prisoner in Bahrain gets 10 years in jail: lawyer." *Reuters*. 24 September 2013. <http://www.reuters.com/article/2013/09/24/us-bahrain-usa-prisoner-idUSBRE98N0SR20130924>.

105 Alex Delmar-Morgan, Tom Wright. "Bahrain's Foreign Police Add to Tensions." *Wall Street Journal*. 25 March 2011. <http://online.wsj.com/news/articles/SB10001424052748703784004576220762563363574>.

106 "Bahrain's prime minister tells loyalists that they are above the law." *Bahrain Watch*. 10 July 2013. <https://bahrainwatch.org/blog/2013/07/10/bahrains-prime-minister-tells-loyalists-that-they-are-above-the-law/>.

107 Ibid.



## Implement All Recommendations of the BICI

The Government of Bahrain fully accepted recommendations **115.28**, **115.43**, **115.45**, **115.99**, **115.124**, **115.127**, **115.128**, **115.132**, **115.133**, **115.134**, **115.135**, **115.136**, **115.137**, and **115.162** concerning implementation of the BICI recommendations. In accepting the recommendations, the government stated:

*The Government has set up a specialized unit headed by the Minister of Justice to follow up the implementation of the BICI recommendations. The detailed enumeration of concrete steps would require a far lengthier document.<sup>108</sup>*

### Brief Assessment

In accepting the above recommendations regarding the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI), the Bahrain government has officially pledged action toward implementing these prescriptions for a second time. Yet a year has passed since the government's subsequent pledge to implement these reforms on an accelerated timeline, and it has made little progress toward achieving these goals. Rather, in a number of categories, the Government of Bahrain has demonstrated a marked decline in preserving basic civil and human rights in the country, as well continuing to perpetuate many of the abuses of the security and justice systems that the BICI recommendations were intended to correct.

### BICI IMPLEMENTATION

Not Implemented  
No Perceived Progress

- 115.28** Established proper timelines for the implementation of the recommendation of the Bahrain Independent Commission of Inquiry (Norway);
- 115.43** Establish an adequate time frame and a transparent follow-up mechanism for an accelerated implementation of the recommendations by the Independent Commission of Inquiry (Sweden);
- 115.45** Implement the recommendations of the report of the Bahrain International [sic] Commission of Inquiry in such a way to foster a spirit of national unity and consensus conducive to the advancement of the reform process in line with the legitimate aspirations of the people (Turkey);
- 115.99** Reinstate all employees and students dismissed following the events of February and March 2011 whose political activities were consistent with the right to freedom of peaceful assembly and of association, and amend Law 21/1989 and Law 32/2006 on public gathering to bring their provisions into compliance with article 21 and 22 of ICCPR, and develop an enabling legal environment for civil society to flourish (Canada);
- 115.107** Fully implement the Bahrain Independent Commission of Inquiry's (BICI) recommendations that cover a broad range of tasks, including the ensuring of accountability, prevention of the recurrence of human rights violations through law reform and training of law enforcement personnel, and respect for due process (Republic of Korea);
- 115.124** Implement swiftly and resolutely all the recommendations made by the BICI, including the investigation of documented human rights abuses during recent protests, with a view to ensuring full accountability, justice, and reparations for the victims (Denmark); and

<sup>108</sup> Ibid., 1.

- 115.127** Implement fully the recommendations of the BICI report (Thailand)
- 115.128** Implement the recommendations contained in the Commission's report which were all accepted by the Government, particularly the one regarding the establishment of a programme of national reconciliation (Belgium);
- 115.132** My country's delegation welcomes the way in which Bahrain has managed the regrettable events of February and March 2011. We would ask Bahrain to ensure that there is follow-up of the recommendations of the BICI (Qatar);
- 115.133** Implements as quickly as possible recommendations drawn up by BICI (Egypt);
- 115.134** Finalize working on the implementation of the recommendations of the BICI and to implement the outcome of the national conciliation dialogue (Jordan);
- 115.135** Follow up on implementation of recommendations made by the BICI, in order to overcome the effects of unfortunate events (Kuwait);
- 115.136** Continue implementing the recommendations of the BICI (Oman);
- 115.137** Continue the implementation of all the recommendations of the BICI (Saudi Arabia); and
- 115.162** That further progress be made toward concrete and visible reform, including through implementation of the follow-up committee's report, in a way which guarantees transparency and freedom of speech (Japan)

Any movement toward implementation since October 2012 has come in the midst of rising repression and a continued environment of impunity marked by arbitrary arrest,<sup>109</sup> further instances of torture,<sup>110</sup> collective punishment, systematic political, social and economic exclusion,<sup>111</sup> press and internet censorship,<sup>112</sup> and the denial of the basic rights of movement, association, expression<sup>113</sup> and the freedom of religious practices.<sup>114</sup>

No timeline has since been announced for further implementation. The sequence of events following the UPR's recommendations clearly demonstrates that no acceleration in implementation has taken place.

The BICI implementation process continues to lack any transparent and independent follow-up mechanism. As much of the committee appointed by royal decree to oversee implementation are current or former members of the government or the royal family, some of whom were involved in the abuses the BICI's recommendations were intended to correct, the independence and impartiality of this committee remains highly in doubt.<sup>115</sup>

Furthermore, national unity and consensus conducive to reform remain elusive, as the remaining

<sup>109</sup> See Sections 1, 6 and 17 of this report regarding Criminal Justice, Police Training in Human Rights, and Respecting Human Rights, respectively.

<sup>110</sup> See Sections 12 and 17 of this report regarding Treaties and International Human Rights Mechanisms and Respecting Human Rights, respectively.

<sup>111</sup> See Section 17 of this report regarding Respecting Human Rights.

<sup>112</sup> See Section 13 of this report regarding National Dialogue.

<sup>113</sup> See Sections 1, 9, 12, 17 and 19 of this report regarding Criminal Justice, Media and Press, Treaties and International Human Rights Mechanisms, Respecting Human Rights, and Restrictions on Human Rights Defenders, respectively.

<sup>114</sup> See Sections 16 and 17 of this report regarding Rebuilding Religious Sites and Respecting Human Rights, respectively.

<sup>115</sup> "One Year Later: Assessing Bahrain's Implementation of the BICI Report." *Project on Middle East Democracy*. November 2012. [http://pomed.org/wordpress/wp-content/uploads/2012/11/POMED\\_BahrainReport\\_web-FINAL.pdf](http://pomed.org/wordpress/wp-content/uploads/2012/11/POMED_BahrainReport_web-FINAL.pdf).



opposition leaders have faced arrest and jail time under politically motivated charges. The national dialogue stalled as a result of such measures carried out by the government against the opposition.<sup>116</sup>

Under recommendations **1723a** and **1723b**, the Government of Bahrain was to reinstate both private and public sector workers dismissed for participating in peaceful protest. While many employees have been reinstated, a number of them remain out of work. Furthermore, some of those who have returned to their work have been required to sign loyalty papers, and many have been given reduced pay, positions, and standing.<sup>117</sup> Many athletes remain banned from athletic clubs or in jail for having participated in the protests.<sup>118</sup>

The government's implementation of recommendation to provide security forces with human rights training also remains troubling. Though courses to provide human rights training<sup>119</sup> were held for some police officers, an environment of impunity still exists in which police often violate basic civil and human rights. This casts serious doubt on the effectiveness of this recommendation's implementation. The police force also remains segregated and exclusionary with regard to its sectarian balance, particularly in comparison to the general population and when looking at Shia in leadership roles.<sup>120</sup>

Due process in Bahrain also remains problematic. Politically motivated charges have created prisoners of conscience in Bahraini overcrowded prisons.<sup>121</sup> Prisoners are regularly denied adequate medical care for both pre-existing conditions, as well as for wounds they receive from State-inflicted torture.<sup>122</sup>

Freedom of speech, expression and the press remain in doubt in Bahrain.<sup>123</sup> In the 2013 Freedom House "Freedom of the Press" report, Bahrain scored 86 out of 100, placing it in the bottom 10 countries in the world for press freedom, below Saudi Arabia and Somalia.<sup>124</sup> Bahrain continues to employ online harassment and intimidation of bloggers and online activists that voice support for protests and human rights.<sup>125</sup> The various violations of user's rights and limits on content earned Bahrain a ranking of 72 out of 100 in Freedom House's "Freedom on the Net" 2013 report. This was a one-point decline from 2012 and placed Bahrain, again, in the bottom 8 countries globally, just below Saudi Arabia.<sup>126</sup>

116 See Section 13 of this report regarding National Dialogue.

117 Ibid., 9.

118 Diana Sayed. "London 2012 Calling: But Not for Bahraini Athletes." *Human Rights First*. 19 June 2012. <http://www.humanrightsfirst.org/2012/06/19/london-2012-calling-but-not-for-bahraini-athletes/>.

119 See Section 6 regarding Police Training in Human Rights

120 See Section 17 regarding Respect for Human Rights

121 "Ombudsman's Report on the visit to the Correction and Rehabilitation Centre (Jau Prison)." *Office of the Independent Ombudsman, Bahrain Ministry of Interior*. <http://ombudsman.bh/mcms-store/pdf/357-Ombudsmans%20Inspection%20Report%20pdf-30105053.pdf>

122 Ibid., 9.

123 See Sections 1, 9, 12, 17 and 19 of this report regarding Criminal Justice, Media and Press, Treaties and International Human Rights Mechanisms, Respecting Human Rights, and Restrictions on Human Rights Defenders, respectively.

124 "Freedom of the Press: 2013, Global Press Freedom Ranking" *Freedom House*. <http://www.freedomhouse.org/sites/default/files/Global%20and%20regional%20tables.pdf>.

125 "Freedom on the Net 2013: Bahrain." *Freedom House*. October 2013. <http://freedomhouse.org/report/freedom-net/2013/bahrain>.

126 "Freedom on the Net 2013." *Freedom House*. October 2013. [http://issuu.com/freedomhouse/docs/fotn\\_2013\\_charts\\_and\\_graphs\\_\\_web\\_](http://issuu.com/freedomhouse/docs/fotn_2013_charts_and_graphs__web_).

## Conclusion

Since the Government of Bahrain's acceptance of the UPR recommendations regarding implementation of the BICI report's recommendations in October of 2012, progress has not been made on a majority of the key components of the recommendations. As with a number of the UPR's recommendations, implementation of BICI recommendations have been addressed through the enactment of certain technical measures in an attempt to fulfill the letter of the recommendations, yet the spirit of these recommendations have yet to be upheld. As a result, the extremely troubling political and human rights conditions that prompted these recommendations continue to persist throughout the country. Furthermore, the recommendations of the BICI were intended to be implemented immediately and fully so as to build confidence and foster national reconciliation. Yet these recommendations have been further devalued by the prolonged, piecemeal method in which the Bahrain government has attempted to implement these recommendations.

As a result of the ongoing culture of impunity in Bahrain and a deficit of political will on the part of the Government of Bahrain to enact reforms, or to establish a clear, prompt, and transparent timeline for implementation of the BICI's recommendations, ADHRB finds the recommendations of the UPR regarding the implementation of the recommendations of the BICI report have seen no perceived progress toward implementation.

## National Institution of Human Rights

The Government of Bahrain fully accepted recommendations **115.34**, **115.35**, and **115.36** concerning the creation and function of a National Human Rights Institute in accordance with the Paris Principles. In accepting the recommendations, the government stated:

*His Majesty King Hamad Bin Isa Al Khalifa issued Royal Order 28/2012, amending provisions of Royal Decree 46/2009 on the establishment of the National Human Rights Institution (NHRI), as an independent entity compliant with the Paris Principles.*

### Brief Assessment

Although the government has established the National Institution of Human Rights (NIHR), the NIHR has yet to apply for or achieve accreditation for compliance with the Paris Principles. Additionally, several worrying trends indicate that the NIHR is not completely independent from the government, and instead works at the government's direction.

### NATIONAL HUMAN RIGHTS INSTITUTION

Technically Implemented  
No Perceived Progress

- 115.34** Facilitate the work and function of the national human rights institution in accordance with the Paris Principles (Indonesia);
- 115.35** Ensure that the work of the NHRI is aligned with the Paris Principles (Maldives); and
- 115.36** Establish a national human rights institution in full compliance with the Paris Principles (Poland)

The Government of Bahrain, in line with recommendations **115.34 - 115.36** of the UPR report, has established a National Institution for Human Rights.<sup>127</sup> According to the institution, it has received over 100 complaints from individual citizens, and at least 70 requests for legal assistance since its establishment.<sup>128</sup> However, the institution remains unaccredited by the UN-OHCHR, a step required in order to be compliant with the Paris Principles. The institution stated in September that it intended on applying for accreditation and was hopeful to achieve "A" status; as of December 2013, the NIHR had yet to apply for accreditation.

Due in large part to a number of flaws in the NIHR, it is doubtful that the organization will obtain "A" status accreditation. The Paris Principles require that a national human rights institution be established and funded by the government but be a completely autonomous entity. They are to be given as broad a mandate as possible, should monitor the implementation of any ratified human rights treaty, and encourage the signing of treaties not yet ratified. They should be allowed to freely consider any questions arising under their mandates absent improper influence from the government. In some cases, they should even be given quasi-judicial competence.<sup>129</sup>

There is significant reason to doubt that the NIHR enjoys the level of independence and autonomy required by the Paris Principles. In November 2012, the Project on Middle East Diplomacy

<sup>127</sup> "NIHR's statement on UN Day" *Bahrain News Agency*. 24 October 2013. <http://www.bna.bh/portal/en/news/585348>.

<sup>128</sup> Seef-Fatima Abdullah. "Human Rights Foundation launches its strategy and operational plan launches in the coming weeks." *Alwasatnews.com*. <http://www.alwasatnews.com/4113/news/read/836916/1.html>.

<sup>129</sup> "National Institutions for the Promotion and Protection of Human Rights." United Nations General Assembly. A/RES/8/134. 4 March 1994. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N94/116/24/PDF/N9411624.pdf?OpenElement>.

(POMED) stated that “there is little evidence that the organization has any power to defend human rights in Bahrain. . . . Due to its narrow scope and lack of accreditation, the NHRI has not yet lived up to international standards.”<sup>130</sup> The Bahrain Center for Human Rights reaffirmed POMED’s statement, citing its tenure of non-compliance with the Paris Principles.<sup>131</sup>

In the hope of obtaining accreditation, King Hamad amended the NHRI’s mandate to better comply with the Paris Principles; however, this was recognized as a largely symbolic action after the Bahraini Human Rights Minister said the new NHRI will “collaborate and work closely together with the Ministry of Human Rights.”<sup>132</sup> The relationship appears to be continuing: in December alone, the NIHR issued multiple statements applauding government housing initiatives and efforts toward fighting corruption while failing to address or criticize other human rights concerns.<sup>133</sup>

## Conclusion

Despite the government’s establishment of the National Institution of Human Rights, it has failed to implement the recommendations concerning bringing the institute in compliance with the Paris Principles. The Paris Principles state that an institution such as the NIHR must maintain independence from the government to ensure its ability to effectively evaluate and advise the government on its human rights failures. Multiple statements from both the NIHR and the Government of Bahrain indicate that the NIHR’s independence from the government is compromised, and that the NIHR more often works with or for the government than it does autonomously. Because the NIHR does not comply with the Paris Principles, ADHRB considers the Government of Bahrain to have failed in implementing the above recommendations.

<sup>130</sup> Ibid., 105..

<sup>131</sup> “The King of Bahrain recently formed a governmental body under the name of ‘the National Human Rights Institution.’ *Bahrain Center for Human Rights*. 8 May 2010. <http://www.bahrainrights.org/en/node/3086>.

<sup>132</sup> “Ministry of Human Rights and the National Institution of Human Rights are Two Wings of Human Rights Work in Bahrain.” *Al-Wasat News*. 23 July 2013. <http://www.alwasatnews.com/3972/news/read/795075/1.html> (translation available at: [http://adhrb.org/wp-content/uploads/2013/08/2013.8.5\\_Ministry-of-Human-Rights-and-the-National-Institution-of-Human-Rights-are-Two-Wings-of-Human-Rights-Work-in-Bahrain.pdf](http://adhrb.org/wp-content/uploads/2013/08/2013.8.5_Ministry-of-Human-Rights-and-the-National-Institution-of-Human-Rights-are-Two-Wings-of-Human-Rights-Work-in-Bahrain.pdf)).

<sup>133</sup> “NIHR lauds royal speech.” *Bahrain News Agency*. 17 December 2013. <http://www.bna.bh/portal/en/news/593554>; “NIHR issues statement on international anti-corruption day.” *Bahrain News Agency*. 8 December 2013. <http://www.bna.bh/portal/en/news/592290#.UqSegkmunyg.twitter>.

## SECTION 9

# Media and Press

The Government of Bahrain fully supported recommendations **115.25**, **115.30**, **115.148**, **115.149**, **115.152** and **115.155**. In accepting these recommendations, the government stated:

*The Government has reviewed the draft media law which is in its final stages of debate. This law is designed to ensure freedom of expression and reduce restrictions on the media, including websites, as well as the proper treatment of journalists and publishers, in compliance with international obligations.<sup>134</sup>*

### Brief Assessment

The government's draft media law has yet to be implemented. Reporters without Borders ranked Bahrain 163<sup>rd</sup> of all 180 surveyed countries in terms of press freedom; Freedom House ranked Bahrain in the bottom ten of all countries in the world. Both traditional and amateur internet journalists continue to face arbitrary detention, torture, and prison sentences for criticizing the government.

### MEDIA AND PRESS FREEDOM

Not Implemented  
No Perceived Progress

- 115.25** Adopt as soon as possible a legislative framework on freedom of expression, including access to internet, to decriminalize defamation and slander as crimes (Mexico);
- 115.30** Speed up the adoption of legislative amendments relevant to the specialized laws on freedom of expression in the Bahraini Criminal law (Egypt);
- 115.148** Strengthen the right to freedom of expression in its new Press Law, as well as allowing foreign media to enter the country and report freely (Norway);
- 115.149** With respect to the draft law on the press currently under exam, repeal restrictions to freedom of expression and ensure that it comply with international norms (Chile);
- 115.152** Enact a progressive, substantive Freedom of Information law (Austria); and
- 115.155** Undertake all efforts to relax censorship and to grant oppositional groups the possibility to establish their own media outlets (Germany);

Bahrain has been poor overall in providing an open environment for media and free expression. Reporters without Borders ranked the country 163<sup>rd</sup> out of 180 in the world for press freedom in 2014. This can be attributed in large part to the regime's crackdown on reporters since the 2011 uprisings.<sup>135</sup> Freedom House's "Freedom of the Press Report" gave Bahrain a score of 86/100 in 2013, placing Bahrain in the bottom ten countries in the world for press freedom, below countries such as Saudi Arabia and Somalia.<sup>136</sup>

The Government of Bahrain has a long history of persecuting reporters. A 2002 media law gave courts the power to sentence journalists for up to five years in prison for a range of offenses, such as insulting the King or the state religion. The government introduced improvements to this law in

<sup>134</sup> Ibid., 1.

<sup>135</sup> "World Press Freedom: 2014." *Reporters without Borders*. 2014. <http://rsf.org/index2014/en-middle-east.php>.

<sup>136</sup> Ibid., 114.

2008,<sup>137</sup> but the amendments stalled and the law continues to be used to prosecute journalists.<sup>138</sup> A media and communications law is currently being drafted, but it is unclear what, if any, effect this will have on the press situation in the country.<sup>139</sup>

Media freedom has been severely curtailed in Bahrain, with online and social media facing some of the harshest treatment. Bahraini blogger and activist Abduljalil al-Singace was sentenced to life in prison for his criticisms of the government and his activism relating to the protests of February 2011.<sup>140</sup> Ali Abdulemam, founder of the blog *Bahrain Online*, was charged and sentenced in absentia. He remained in hiding within the country for two years before escaping to the United Kingdom.<sup>141</sup>

Conventional journalists have not been spared from arrest and ill-treatment at the hands of government forces. Nazeeha Saeed, a correspondent for France 24 and Radio Monte Carlo Doualiya, was detained and tortured on May 22, 2011.<sup>142</sup> Two of her torturers were not charged; the third was acquitted.<sup>143</sup> Since February 14, 2011, 44 journalists from 22 media organizations have had their travel to Bahrain restricted.<sup>144</sup>

## Conclusion

Though the government has made assurances that it is working on a draft law to improve press freedom in the country, the law has yet to be implemented. Meanwhile, the government continues to actively persecute journalists that criticize its policies, and independent NGOs monitoring press freedom around the world continue to give Bahrain failing grades. Because government persecution of journalists continues unabated, ADHRB considers the Government of Bahrain to have failed to implement the above recommendations.

For more information, please see Section 19.

137 "Bahrain." *International Federation of Journalists*. <https://bahrainwatch.org/access/viewreport.php>.

138 Ibid., 114.

139 Habib Toumi. "Bahrain: Five year media strategy announced." *Gulf News*. 25 July 2013. <http://gulfnnews.com/news/gulf/bahrain/bahrain-five-year-media-strategy-announced-1.1213148>.

140 "JAIL TERMS UPHeld FOR SHIITE OPPOSITION MEMBERS, TRIALS OF PHOTOGRAPHERS BEGIN." *Reporters without Borders*. 29 September 2011. <http://en.rsf.org/bahrain-jail-terms-upheld-for-shiite-29-09-2011,41074.html>.

141 Thor Halvorssen. "Escape From Bahrain: Ali Abdulemam Is Free." *The Atlantic*. 10 May 2013. <http://www.theatlantic.com/international/archive/2013/05/escape-from-bahrain-ali-abdulemam-is-free/275746/>.

142 "FRANCE 24 CORRESPONDENT TORTURED FOR COVERING PRO-DEMOCRACY DEMONSTRATIONS." *Reporters Without Borders*. 30 May 2011. <http://en.rsf.org/bahrain-france-24-correspondent-tortured-30-05-2011,40374.html>

143 "COURT UPHOLDS ACQUITTAL ON CHARGE OF TORTURING JOURNALIST." *Reporters without Borders*. 24 June 2013. <http://en.rsf.org/bahrain-court-upholds-acquittal-on-charge-24-06-2013,44844.html>.

144 "Access Denied: How Bahrain Shuts Out the World." *Bahrain Watch*. <https://bahrainwatch.org/access/viewreport.php>.



## SECTION 10

# Child Rights

The Government of Bahrain fully supported recommendation **115.29**. In accepting the recommendation, the government declared its intent to follow up on these recommendations by stating:

*“In May, Parliament enacted the Children’s Act, in compliance with the U.N. Convention on the Rights of the Child. One chapter is dedicated to providing protection against all forms of abuse. The Act also provides for the establishment of the Child Protection Center to promote a child-friendly environment, as well as the launch of a Child Helpline.”*

### Brief Assessment

As the Government of Bahrain highlighted in their acceptance of recommendation 115.29, the government not only committed to enacting the Children’s Act, but also to implementing the legislation. The government did enact the Children’s Act in May, but the Act has yet to have any practical effect in relieving the situation of children in the country. Children are regularly denied access to education and social services, their rights to freedom of expression and assembly, and in some cases are violently tortured and arbitrarily killed. ADHRB therefore finds that, although Bahrain has made progress in implementing the UPR recommendations by passing the Child Law into legislation, the rights of children in Bahrain continue to be derogated.

### THE CHILDREN’S ACT

Technically Implemented  
No Perceived Progress

**115.29** Enhance the protection for child rights by issuing the child law (Sudan)

Bahrain ratified the Children’s Act in August 2012, promulgating 69 new articles designed to protect the rights of children and their mothers.<sup>145</sup> The law ostensibly addresses children’s healthcare, alternative care, and education. It also directly considers more specific issues, such as care for children with disabilities and protecting children from traffic.<sup>146</sup>

Bahrain ratified without reservation the Convention on the Rights of the Child (CRC) in 1992.<sup>147</sup> The Convention requires that Bahrain grant the right of nationality to all children of Bahraini citizens, regardless of whether it is their mother or their father that maintains citizenship.<sup>148</sup> Despite Bahraini ratification of the CRC, children born to Bahraini mothers and non-Bahraini fathers are not granted Bahraini nationality, thereby rendering them stateless. Stateless children have access to limited social services, education and employment, and are excluded from receiving scholarships.<sup>149</sup>

Human rights groups continue to allege that the Government of Bahrain’s security forces detain and at times torture minors for allegedly participating in anti-government protests. In a September 2013 report, Human Rights Watch found that Bahraini security forces routinely detain children “without cause and subject them to ill-treatment that may rise to the level of torture,” as well as subjecting them “to similar forms of mistreatment as adult detainees, including beatings and

145 “Child Law Ratification Lauded.” *Bahrain News Agency*. 9 August 2013, <http://www.bna.bh/portal/en/news/520244>.

146 “Child Law Ratification Grants Further Protection.” *Bahrain Information Affairs Authority*. 8 August 2012. <http://www.iaa.bh/uploads/pressreleasepdf/97e5fc25-0ca2-40fd-8275-a66038cf9d6c..pdf>.

147 United Nations. *Treaty Series*. Vol. 1577, p. 3; depositary notifications. [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en).

148 “Convention on the Rights of the Child,” United Nations General Assembly. Resolution 44/25. 20 November 1989. <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

149 See Section 3 concerning Nationality for more information.

threats of torture.”<sup>150</sup> The Bahrain Youth Society for Human Rights told Human Rights Watch that 22 cases of child detention were recorded since August of 2013.

As recently as June of 2013, the government has tried children as young as 15 as adults before holding them in adult detention facilities.<sup>151</sup> Jihad Sadeq Aziz Salman, 16 years of age, and Ebrahim Ahmed Radi al-Moqdad, 17 years, are currently appealing ten year sentences arising out of an anti-terrorism law.<sup>152</sup> An eight-year-old boy, Hesham Hassan, was beaten by his school administrators and suspended for ten days for allegedly chanting a “political slogan which is considered a violation of the school’s code of conduct and the system in place in schools,” according the Bahrain Ministry of Education.<sup>153</sup>

On January 17, 2013, two young women were sentenced to six months in prison on charges of “illegal gathering.” 17-year-old Fatima al-Naino and 16-year-old Khadija Hubail turned themselves in after severe harassment by Bahraini security forces.<sup>154</sup> Al-Naino has also fallen a year behind in her schooling due to judicial harassment, and seldom leaves her house for fear of violent arrest.<sup>155</sup>

In July 2013, the Global Initiative to End All Corporal Punishment of Children found that corporal punishment against children was still legal in both home and alternative care settings and as a disciplinary measure in penal institutions in Bahrain. The Committee on the Rights of the Child has twice before recommended Bahrain ban the practice in all settings.<sup>156</sup>

The U.S. Department of State’s 2012 Human Rights Report on Bahrain stated that, “Children were also subjected to torture and other cruel, inhuman, or degrading treatment or punishment. Human rights groups reported that authorities detained children, sometimes under the age of 15--the maximum age the penal code considers a child--and subjected them to various forms of mistreatment, including beating, slapping, kicking, lashing with rubber hoses, threats of sexual assault, burning with cigarettes, and verbal abuse. Human rights activists reported that no children under age 13 were being detained. The Bahraini Government had reported that by the end of 2012, 53 juveniles were detained.<sup>157</sup> As of April 2013, Amnesty International contends that at least 80 children are being held in adult prisons.<sup>158</sup>

Additionally, the Bahrain Center for Human Rights recently stated that at least 14 children have been killed as a result of excessive police force in Bahrain since 2011.<sup>159</sup>

150 “Bahrain: Security Forces Detaining Children.” *Human Rights Watch*. 15 September 2013, <http://www.hrw.org/news/2013/09/15/bahrain-security-forces-detaining-children>.

151 “In harm’s way – Bahraini children jailed in adult prisons.” *Amnesty International*. 31 May 2013. <http://www.amnesty.org/en/news/harm-s-way-bahraini-children-jailed-adult-prisons-2013-05-31>; “Bahrain: Reform Shelved, Repression Unleashed.” *Amnesty International*. November 2012, <http://amnesty.org/en/library/asset/MDE11/062/2012/en/fe6b00f5-989e-496b-8560-072b14b09152/mde110622012en.pdf>.

152 Ibid.

153 “Bahrain: 8 year-old child suspended from school for chanting political slogans.” *Bahrain Center for Human Rights*. 12 January 2013. <http://www.bahrainrights.org/en/node/5597>.

154 “International Women’s Day: Bahraini Women imprisoned, tortured, killed, stripped from nationality, and impunity for abusers.” *Bahrain Center for Human Rights*. 7 March 2013. <http://www.bahrainrights.org/en/node/5672>.

155 Ibid.

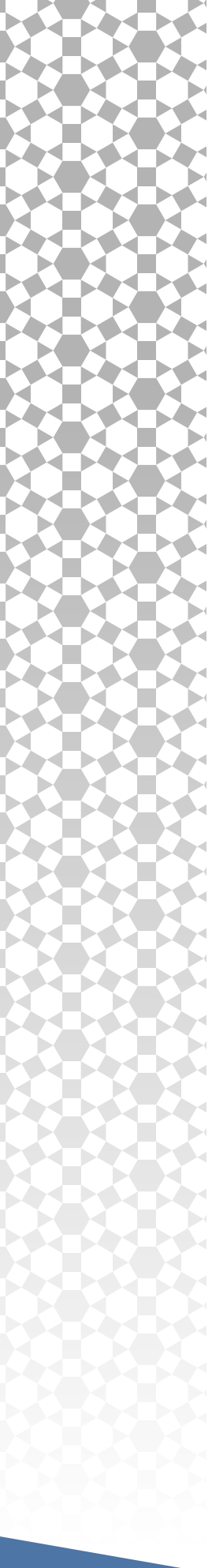
156 “Briefing on Bahrain for the Committee on the Elimination of Discrimination Against Women.” *Global Initiative to End all Corporal Punishment of Children*. July 2013, [http://www2.ohchr.org/English/bodies/cedaw/docs/ngos/GIbriefing57thSession\\_PSWG\\_Bahrain.pdf](http://www2.ohchr.org/English/bodies/cedaw/docs/ngos/GIbriefing57thSession_PSWG_Bahrain.pdf).

157 Ibid., 9.

158 “Bahrain: crackdown ahead of Grand Prix condemned.” *Amnesty International*. 17 April 2013. [http://www.amnesty.org.uk/news\\_details.asp?NewsID=20734](http://www.amnesty.org.uk/news_details.asp?NewsID=20734).

159 “Children Under Attack: Violations Against the Convention of the Rights of the Child in Bahrain.” *Bahrain Center for Human Rights*. 17 June 2013. [http://www.bahrainrights.org/sites/default/files/Children%20Under%20Attack%20reduced\\_0.pdf](http://www.bahrainrights.org/sites/default/files/Children%20Under%20Attack%20reduced_0.pdf).





## **Conclusion**

Although the Government of Bahrain has addressed the letter of the recommendation by passing the Children's Act, its failure to enforce the law has resulted in a stagnant or even deteriorating situation for children in Bahrain. The Children's Act promises to provide children with access to programs providing services such as healthcare and education; however, children of Bahraini mothers and non-Bahraini fathers still suffer from government-sponsored discrimination that forestalls their ability to access these programs. Additionally, children in Bahrain still find themselves the victims of government-sponsored harassment and abuse, up to and including arbitrary detention, torture, and extrajudicial killing. Because the government has failed to enforce key provisions of the Children's Law, and because the situation wherein law enforcement officials continue to abuse children continues to regress, ADHRB finds that the Government of Bahrain has failed to implement the above-mentioned UPR recommendation.

## SECTION 11

# Combating Human Trafficking and Labor Law

The Government of Bahrain fully supported recommendations **115.94** and **115.97**. In accepting the recommendations, the government stated:

*Bahrain has created both a national committee to combat human trafficking and a further committee to follow up on foreign victims. Since 2007, a shelter for victims has been operational.*

The government additionally fully supported recommendations **115.76**, **115.164**, **115.165**, **115.173**, **115.174**, and **115.176**. In accepting those recommendations, the government stated:

*Bahraini law does not distinguish between citizens and residents in the labor market. They enjoy equal opportunities to defend their rights in courts, free of cost. Ministry of Labor inspectors tour facilities and labor housing provided to their employees, to ascertain employer compliance with the Labor Law and applicable regulations.*

### Brief Assessment

Although Bahrain has taken a number of legislative steps to correct the issue of human trafficking and migrant labor within the country, government efforts have had little practical effect on the situation. Bahrain remains a destination country for human trafficking, using trafficked humans primarily in the construction, domestic services, and sex industries. While several laws have been enacted to combat human trafficking and alleviate the migrant worker crisis, enforcement of those laws remains nonexistent, and importers of trafficked persons often escape justice.

As the problems outlined in the above recommendations continue to persist and little effort has been given to dealing decisively with the problems surrounding Bahrain's migrant labor community or human trafficking issues, ADHRB finds that the recommendations of the UPR regarding migrant labor have not been implemented.

### HUMAN TRAFFICKING

Not Implemented  
No Perceived Progress

**115.94** Continue its efforts with a view to the prevention and elimination of trafficking in human beings (Azerbaijan); and

**115.97** Increase efforts in the area of combating human trafficking, including considering the possibility to develop a state program or a plan of actions aimed at strengthening the Government's measures to prevent and eliminate sexual exploitation and trafficking of children (Belarus)

Bahrain is destination country for trafficked persons. The most common practice of human trafficking in Bahrain involve luring the workers to the country with the promise of lucrative jobs, after which the workers are forced to work in manual or sexual labor for lower wages than had been promised.<sup>160</sup> In some manner, employers often forbid migrant workers from leaving Bahrain; the most common practice involves revoking the passports of these workers, effectively trapping them in the country.<sup>161</sup>

<sup>160</sup> "ME human trafficking figures hit 600,000." *Trade Arabia*. 11 June 2013. [http://www.tradearabia.com/news/LAW\\_237615.html](http://www.tradearabia.com/news/LAW_237615.html).

<sup>161</sup> Ibid.

Sex trafficking continues to be a significant concern in Bahrain. Domestic workers remain unprotected by domestic law, and therefore find themselves at significant risk of sexual exploitation.<sup>162</sup> Female migrant workers from East Asia, Eastern Europe, and other Middle Eastern countries are forced into prostitution.<sup>163</sup> According to the U.S. Department of State's 2013 Trafficking in Persons Report, "women from Thailand, the Philippines, Morocco, Jordan, Syria, Lebanon, Russia, Ukraine, China, Vietnam, and Eastern European states are subjected to forced prostitution in Bahrain."<sup>164</sup>

The Government of Bahrain has made minimal efforts to combat human trafficking. The National Committee on Combating Human Trafficking and the Ministry of Foreign Affairs have held meetings, forums, and workshops concerning the issue; yet they have had little impact on the overall human trafficking situation within the country.<sup>165</sup> The Trafficking in Persons Report found that, "The [Bahrain] government made few discernible efforts to investigate, prosecute, and convict trafficking offenses during the reporting period, and it frequently treated potential cases of forced labor as labor disputes in civil court instead of treating them as serious crimes."

The Trafficking in Persons report also found that Bahrain has not fully complied with the United States' Trafficking Victim Protection Act's (TVPA) minimum standards due to Bahrain's unwillingness to enforce their 2008 anti-trafficking law or investigate offenses.<sup>166</sup> Human Rights Watch has likewise found that Bahrain has failed to utilize the 2008 anti-trafficking legislation, noting that "employers who violate migrant worker rights typically do not face the penalties provided in Bahraini law and rarely, if ever, face criminal consequences outlined in the penal code and laws against human trafficking."<sup>167</sup>

## MIGRANT WORKERS

Not Implemented  
No Perceived Progress

- 115.76** Take necessary measures to address issues relating to foreign workers, such as their facing travel bans and sometimes loss of rights to residence and work while being investigated for financial irregularity, so that the principles of natural justice are adhered to scrupulously (India);
- 115.164** Speed up as far as possible the adoption of the draft labour law including the section on domestic workers (Ecuador);
- 115.165** Continue its efforts in ensuring that the housing conditions of workers to be continuously inspected and monitored (Malaysia);
- 115.173** Step up its efforts in promoting and protecting migrant workers (Indonesia);
- 115.174** Continue efforts to ensure a larger and more inclusive protection for foreign workers (Algeria);

<sup>162</sup> "Country Narratives." *US State Department Office to Monitor and Combat Trafficking in Persons*. 19 June 2013. <http://www.state.gov/documents/organization/210738.pdf>.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> "Anti-Human Trafficking Committee Holds Meeting." *Bahrain News Agency*. 8 July 2013. <http://www.bna.bh/portal/en/news/569542>; "National Committee on Combating Human Trafficking finalizes its work plan for both years 2013-2014." *Bahrain News Agency*. 21 August 2013. <http://www.bna.bh/portal/en/news/576136>; "Building National Capacities to combat Trafficking in Persons through Criminal Investigations and Coordinated Efforts." *International Organization for Migration*. 10 June 2013. <http://www.iom.int/files/live/sites/iom/files/Country/docs/IOM-Flash-Report-21.pdf>.

<sup>166</sup> Ibid., 25.

<sup>167</sup> "Bahrain: Abuse of Migrant Workers Despite Reforms." *Human Rights Watch*. 1 October 2012. <http://www.hrw.org/news/2012/09/30/bahrain-abuse-migrant-workers-despite-reforms>.

**115.175** Implements both procedural and legislative measures to protect to the utmost extent possible migrant workers in the country (Egypt); and

**115.176** Intensify efforts and measures to enhance and expand protection for migrant workers in Bahrain (Lebanon)

The Government of Bahrain has shown little progress toward ameliorating the situation of migrant workers in the country. While the government has adopted some new labor laws, including a Gulf Cooperation Council (GCC) unified draft law concerning migrant workers adopted in January 2013; many of the reforms promised by the new laws have yet to be actualized. Migrant workers continue to suffer from low wages, abusive employers, and the inability to leave a position, and travel bans. However, Migrant Rights found that this law gave migrant workers neither the right to collectively bargain nor a unified minimum wage, and did not put in place sufficient regulatory mechanisms to protect worker privacy, prevent abuse, or regulate the behavior of recruiting agencies.<sup>168</sup> Additionally, Bahrain's proposed efforts to prevent migrant workers from leaving the country without their employer's permission are also extremely problematic, running contrary to both the accepted UPR recommendations and the International Labor Organization's (ILO) Declaration on Fundamental Principles and Rights at Work.<sup>169</sup>

Migrant workers in Bahrain continue to frequently suffer from abuse, and are often prevented from leaving their jobs. Human Rights Watch notes that migrant workers often unjustly have their pay docked, employers use their employees' debt as collateral, and employers withhold passports from their employees.<sup>170</sup> Indebted employees and employees without passports are effectively prevented from leaving their positions or returning to their home countries. The 2012 Bahrain Human Rights Report released by the U.S. State Department noted that, "Estimates of the proportion of migrant workers in the country under illegal "free visa" arrangements--a practice that can contribute to debt bondage--ranged from 10 to 25 percent. In numerous cases employers withheld salaries from foreign workers for months or years and refused to grant them permission to leave the country. The fear of deportation or employer retaliation prevented many foreign workers from complaining to authorities."<sup>171</sup> *Equal Times* found that the proposed reforms expected in the GCC's Standardised Employment Contract are unlikely to impact many of the abuses noted by Human Rights Watch.<sup>172</sup> Migrant workers are placed at a severe disadvantage due to a pervasive inability to access lawyers and translators at an affordable price when forming labor contracts with their employer.<sup>173</sup>

Migrant workers also continue to face extreme difficulty when attempting to organize. Freedom House's "Freedom in the World 2013" found, among other things, that "[f]oreign workers lack the right to organize and seek help from Bahraini unions. A 2009 decision that shifted responsibility for sponsoring foreign workers from private employers to the Labor Market Regulatory Authority

168 "Migrant Rights Urges Revised Draft Law on GCC Domestic Workers." *Migrant Rights*. 6 February 2013. <http://www.migrant-rights.org/2013/02/migrant-rights-urges-revised-draft-law-on-gcc-domestic-workers/>.

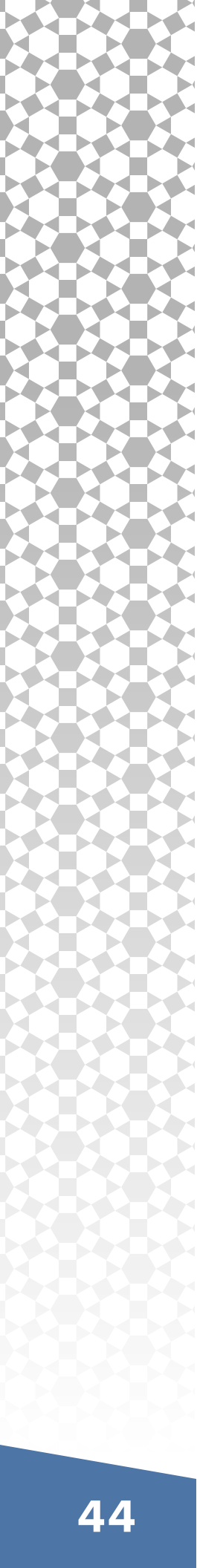
169 "Bahrain's Proposed Reforms Misdirected." *Migrant Rights*. 20 June 2013. <http://www.migrant-rights.org/research/bahrains-proposed-reforms-misdirected/>.

170 Susan Yackee. "Quicktake: Migrant Workers in Bahrain Face Widespread Abuses – Mani Mostofi." *Middle East Voices*. 2 October 2013. <http://middleeastvoices.voanews.com/2012/10/quicktake-migrant-workers-in-bahrain-face-widespread-abuses-mani-mostofi-86006/>.

171 *Ibid.*, 9.

172 Marieke Koning. "New Labour Contract Fails to Protect Domestic Workers in the Gulf" *Equal Times*. 2 July 2013. <http://www.equaltimes.org/opinion/new-labour-contract-fails-to-protect-domestic-workers-in-the-gulf>.

173 "Bahrain's Proposed Reforms Misdirected." *Migrant Rights*. 20 June 2013. <http://www.migrant-rights.org/2013/06/20/bahrains-proposed-reforms-misdirected/>.



did not apply to household servants, who remain particularly vulnerable to exploitation.”<sup>174</sup> Such systemic problems have not been addressed by the Government of Bahrain. A report by the U.S. Department of Labor’s Office of Trade and Labor Affairs concluded that “the Government of Bahrain appears to have acted inconsistently with its commitments under Article 15.1 of the FTA.” Article 15.1 of the Free Trade Agreement was apparently violated when trade unionists were targeted due to their political opinions and actions. The report references 130 foreign workers who resigned from a prominent union after their employment contracts were threatened due to their political activity and association with the union.<sup>175</sup>

Finally, the vulnerability of migrant workers in Bahrain is evidenced by frequent attacks and fatalities. In January 2013, 13 migrant workers were killed and 8 were injured as a result of the lack of basic safety measures afforded to migrant workers and their housing. 450 Pakistanis were allegedly tortured and deported from Bahrain in March.<sup>176</sup>

### **Conclusion**

The government has addressed the UPR concerns in a technical manner, yet has failed to make any substantial impact on the issues of human trafficking and migrant labor standards. Despite the passage of legislation designed to target these issues, the government has failed to enforce the new laws. Additionally, the government has proposed new laws that are contrary to the UPR recommendations concerning easing travel restrictions on migrant laborers. As such, the situation in Bahrain concerning trafficked persons and migrant workers remains stagnant. Because Bahrain has failed to effectively address the situations plaguing trafficked persons and migrant workers in the country, ADHRB considers Bahrain to have failed to implement the above-mentioned UPR recommendations.

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174 “Freedom in the World 2013.” *Freedom House*. 16 January 2013. <http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet.pdf>

175 “Public Report of Review of U.S. Submission 2011-01 (BAHRAIN).” *U.S. Dept. of Labor; Bureau of International Labor; Office of Trade and Labor Affairs*. 20 December 2012. <http://www.dol.gov/ilab/programs/otla/20121220Bahrain.pdf>.

176 “Bahrain Labor Camp Fire Kills 13 Migrant Workers.” *Migrant Rights*. 12 January 2013. <http://www.migrant-rights.org/2013/01/12/bahrain-labor-camp-fire-kills-13-migrant-workers/>.

## Treaties and International Human Rights Mechanisms

The Government of Bahrain fully accepted recommendations **115.6** and **115.14** concerning the International Convention on the for the Protection of all Persons against Enforced Disappearance, and recommendations 115.54, 115.57, 115.58, 115.66, and 115.67 concerning strengthening implementation of UN human rights mechanisms. The government stated:

*Bahrain has an active role in the UN organizations, and supports the UN Charter as a fundamental element of its foreign policy.*

The government additionally fully accepted recommendation **115.59** concerning a visit from the Special Rapporteur on Torture, stating:

*The Rapporteur is unsure that the visit can take place within the time frame specified in the recommendation, but the Government will be pleased to ensure proper coordination.*

The government also fully accepted recommendation **115.163** concerning the freedoms of expression, association, and peaceful assembly, stating:

*Freedom of speech, expression and peaceful assembly are guaranteed by the Constitution, laws and national legislation, as well as international covenants ratified by Bahrain.*

The government additionally fully accepted recommendation **115.157** concerning the abolishment of provisions prohibiting peaceful demonstrations and removing restricts on freedom of expression. It stated:

*Under the existing Media Law, companies may establish and publish newspapers, irrespective of political affiliation. Moreover, all Bahraini newspapers are independent and owned by private joint stock companies, ensuring all political and social groups which represent Bahraini access to the local media.*

The government also fully accepted recommendation **115.2** concerning ratification of OP-CAT. The government stated:

*Bahrain will consider ratifying the Optional Protocol to the Convention against Torture.*

The government accepted in part recommendation **115.5** concerning ratification of the ICCPED and the Second Optional Protocol of the ICCPR, stating:

*Bahrain accepts Part 1 of the Recommendation, and is currently working on completing the process of acceding of the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED). Part 2 conflicts with the Constitution and Penal Code providing for the death penalty with adequate safeguards to ensure its just application of this penalty for serious crimes.*

The government also accepted in part recommendation **115.3** concerning ratification of the OP-CAT, the ICCPED, and the Optional Protocols of the ICCPR. The government stated:

*Bahrain has acceded to the UN Convention against Torture, and is completing the process of acceding to the ICCPED. There are domestic guarantees in the independent judicial system of Bahrain that makes it possible for any individuals to bring grievances to the Public Prosecution (Special Investigations Unit). Meanwhile, improving existing institutions is a continuing internal process in the Kingdom.*



The government additionally accepted in part recommendations **115.7, 115.8, 115.9, and 115.10** concerning elimination of reservations against CEDAW, stating:

*Relevant government departments are reviewing the possibility of withdrawing certain reservations on, or the amendment of certain provisions of, the Convention, without prejudice to the Constitution. The reservation on Article 2 is currently under reconsideration as it relates to its narrow interpretation to the woman's position in the family. On the reservation on Article 9, Paragraph 2 of the Convention pertaining to nationality, a proposed amendment of the Nationality Act is currently under discussion with the departments concerned with allowing the children of Bahraini women married to non-Bahraini men to receive Bahraini nationality. Concerned departments are working in collaboration with the legislature to accelerate consideration of the Nationality Act Draft Amendment. As to Article 15, Paragraph 4 of the Convention, it is noted that the Constitution gives women equal rights of freedom of movement without restriction. A husband may not withhold the travel documents of the wife to prevent her free movement and travel. Therefore, the Kingdom's reservation is practically limited to the marital abode, which satisfies all the conditions required by Law and Shari'a to ensure the freedom, dignity, and independence of women.*

The government additionally partly accepted recommendations **115.60, 115.61, 115.62, 115.63, 115.64, and 115.65** concerning visits from the U.N. Special Procedures. The government stated:

*Bahrain currently considers and deals with each visit in coordination with the departments concerned. Visits are considered the most important acts of Special Rapporteurs to shed light on special allegations of human rights abuses. The visit of a Rapporteur to any country gives that Rapporteur the opportunity to get acquainted with all aspects of such alleged abuses, and results in a number of outcomes, such as allowing the Rapporteur to interact with persons representing government and non-governmental organizations, including rights societies, as well as victims of human rights abuses.*

The government rejected recommendation **115.20** concerning ratification of ILO Convention 189 on Decent Work for Domestic Workers and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, stating:

*Coordination among GCC member states on the accession matter entails building capacity and amending national legislations.*

The government additionally rejected recommendations **115.1, 115.4, 115.11, 115.12, 115.13, 115.15, and 115.17** concerning ratification of the OP-CAT and Rome Statute. The government stated:

*Bahrain has acceded to the U.N. Convention against Torture, which is what is considered essential and important. There are domestic guarantees in the independent judicial system of Bahrain that makes it possible for any individuals to bring grievances to the public prosecution (Special Investigations Unit). Meanwhile, improving existing institutions is an internal continuing process in the Kingdom. As for the Rome Statute, Bahrain is [sic] signatory country to ICC. However, coordination at GCC level on the accession matter entails building capacity and amending national legislations.*

Finally, the government rejected **115.79** concerning ratification of the Second Optional Protocol to the ICCPR, stating:

*Please refer to Recommendation 5.*

**ICCPED**Not Implemented  
No Perceived Progress

- 115.6** Continue to intensify efforts to ratify the International Convention for the Protection of all Persons against Enforced Disappearance (Argentina);
- 115.14** Ratify the International Convention for the Protection of all Persons against Enforced Disappearance (France); and
- 115.5** Ratify the International Convention for the Protection of all Persons against Enforced Disappearance and the Second Optional Protocol to the ICCPR for the elimination of the death penalty (Uruguay)

**COOPERATE WITH UN HUMAN RIGHTS MECHANISMS**Not Implemented  
No Perceived Progress

- 115.54** Invite the Council to adopt the National Report of the Kingdom of Bahrain and to present the comprehensive support needed for the Kingdom of Bahrain in order to handle related challenges (Qatar);
- 115.57** Continue efforts made by the State and to increase international cooperation in order to be exposed to all relevant international experiences (Saudi Arabia); and
- 115.67** Take additional efforts in order to improve its reporting to the treaty bodies of human rights (Belarus)

**OP-CAT**Not Implemented  
No Perceived Progress

- 115.1** Ratify OP-CAT (Czech Republic);
- 115.2** Consider ratifying the Optional Protocol to the Convention against Torture (Brazil); and
- 115.3** Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; the First and Second Optional Protocols to the International Covenant on Civil and Political Rights; the International Convention for the Protection against Enforced [Disappearance] (Spain)

**CEDAW**Not Implemented  
No Perceived Progress

- 115.7** Withdraw reservations to the Convention on the Elimination of all forms of Discrimination against Women and ratify its Optional Protocol (Uruguay);
- 115.8** Withdraw reservations to Convention on the Elimination of all forms of Discrimination against Women (Chile);
- 115.9** Withdraw reservations to CEDAW as well as to other conventions and ratify the Optional Protocol to CEDAW and other outstanding core human rights instruments (Slovenia); and
- 115.10** Withdraw its reservations to CEDAW as soon as possible (Republic of Korea)

## INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL MIGRANT WORKERS

Recommendation  
Not Accepted

- 115.20** Consider joining other states in ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Convention 189 on Decent Work for Domestic Workers, as it progressively marches toward institutionalizing protective mechanisms for migrant workers (Philippines);

## ROME STATUTE AND ICCPR OPTIONAL PROTOCOLS

Recommendation  
Not Accepted

- 115.4** Accede to ICCPR OP1, ICCPR OP2, OP-CAT and ratify Rome Statute of the ICC (Estonia);
- 115.11** Ratify the Rome Statute of the International Criminal Court, including its Agreement on Privileges and Immunities (Slovakia);
- 115.12** Ratify the Rome Statute of the ICC and fully align its legislation with all obligations under the Rome Statute, including incorporating the Rome Statute's definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court (Latvia);
- 115.13** Ratify the Rome Statute of the International Criminal Court (Costa Rica);
- 115.15** Ratify the Rome Statute and take the necessary measures to ensure the full implementation of the Statute in its national legislation (Switzerland);
- 115.17** The ratification of the Rome Statute of the International Criminal Court and the full alignment of Bahrain's national legislation with its provisions (Hungary); and
- 115.79** Ratify the Second Optional Protocol to the ICCPR (Austria)

## SPECIAL PROCEDURES

Not Implemented  
No Perceived Progress

- 115.58** Continue its active engagement with the human rights mechanisms of the United Nations for the protection and promotion of human rights (Azerbaijan);
- 115.60** Step up its cooperation with special procedures' mandate holders by responding positively to the visit request of the Special Rapporteur on the rights to freedom of peaceful assembly and association, and facilitating, in a timely manner, a visit by the Special Rapporteur on torture (Latvia);
- 115.61** Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
- 115.62** Extend an open invitation to all of the special procedures of the Human Rights Council (Uruguay);
- 115.63** Accept the visit of the Special Rapporteur on Freedom of assembly and association (France);
- 115.64** That the country visit by the Special Rapporteur on Torture is realized in the near future (Republic of Korea);
- 115.65** Respond favorably to the requests for visit of the country and also facilitate the visits

Table 1

TREATY	SIGNATURE	ACTION TAKEN	INDIVIDUAL COMPLAINT PROVISION	ACCEPTANCE	INQUIRY PROVISION	ACCEPTANCE	UPR RECOMMENDATION NUMBER
Rome Statute of the International Criminal Court	11-Dec-2000	None					115.4, 115.11, 115.12, 115.13, 115.15, 115.16, 115.17
Agreement on the Privileges and Immunities of the International Criminal Court	No	None					115.11, 115.16
OP-CAT - Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	No	None					115.1, 115.2, 115.3
ICCPR OP1 - Optional Protocol to the International Covenant on Civil and Political Rights	No	None					115.3, 115.4
ICCPR OP2 - Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	No	None					115.3, 115.4, 115.5, 115.79
International Convention for the Protection of All Persons from Enforced Disappearance	No	None					115.3, 115.5
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	18-Jun-2002	Accession with Reservations	CEDAW-OP - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	No	CEDAW-OP, Art. 8-9 - Inquiry procedure under the Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women	No	115.7, 115.8, 115.9
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	No	None					115.20
ILO Convention 189 on Decent Work for Domestic Workers	No	None					115.20



Fully Implemented



Perceived Progress

Technically Implemented  
No Perceived ProgressNot Implemented  
No Perceived ProgressRecommendation  
Not Accepted

of the Special Rapporteur on migrants, Special Rapporteur on torture and the Special Rapporteur on freedom of peaceful assembly and of association (Slovenia); and

**115.66** Respond favorably to the requests for visit of the country and also facilitate the visits of the Special Rapporteur on migrants, Special Rapporteur on torture and the Special Rapporteur on freedom of peaceful assembly and of association (Slovenia);

### **Brief Assessment**

Please refer to Table 1

### **Conclusion**

Since the outbreak of pro-democracy protests in February 2011, the international community has begun to pressure the Government of Bahrain to respect and uphold the human rights of its citizens. Bahrain is currently a signatory of the Rome Statute of the International Criminal Court and the Convention on the Elimination of All Forms of Discrimination against Women. However the Government of Bahrain has neglected to adopt many of the treaties necessary to demonstrate a true adherence to the promotion and protection of human rights. In hopes of pressuring the State to accept these treaties, several recommendations were made regarding Bahrain's treaty and organizational membership. Bahrain has been asked to ratify the International Convention for the Protection of All Persons from Enforced Disappearances since their Universal Period Review in 2008, and despite reports of constitutional and legal action in favor of ratification, it has yet to do so.<sup>177</sup> There has been no other action on any of the above-mentioned treaties.

Beyond ratification of treaties, the government has also displayed reticence toward allowing the U.N. Special Procedures into the country. Bahrain has twice cancelled scheduled visits from the Special Rapporteur on Torture, and has since failed to reschedule a third visit.<sup>178</sup> The Special Rapporteur on the situation of human rights defenders requested a visit in 2012 and has yet to receive a reply.<sup>179</sup> The Special Rapporteur on the freedoms of assembly and of association has twice requested the opportunity to visit the country; neither request received a response.<sup>180</sup>

Because Bahrain has failed to ratify or even take steps toward ratifying any of the above-mentioned Conventions, and because Bahrain has yet to invite the Special Procedures of the United Nations, ADHRB finds that Bahrain has completely failed to implement the recommendations.

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<sup>177</sup> Ibid., 105.

<sup>178</sup> "ADHRB Condemns Bahrain's Decision to Postpone Visit of UN Special Rapporteur on Torture." *Americans for Democracy and Human Rights in Bahrain*. 23 April 2013. <http://adhrb.org/2013/04/adhrb-condemns-bahrains-decision-to-postpone-visit-of-un-special-rapporteur-on-torture/>.

<sup>179</sup> "Country Visits." Special Rapporteur on the Situation of Human Rights Defenders. <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CountryVisits.aspx>.

<sup>180</sup> "Country Visits." Special Rapporteur on the rights of freedom of assembly and of association. <http://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/CountryVisits.aspx>.

## National Dialogue

The Government of Bahrain fully accepted recommendations **115.40**, **115.55**, **115.129**, and **115.131**. In accepting the recommendations, the government stated:

*The National Consensus Dialogue was launched last year. All segments of Bahraini society were invited to participate. The dialogue produced many findings, a significant proportion of which have been implemented, with the remainder in process of being implemented. Moreover, Bahrain relies on dialogue to address all issues in the best interest of the national community.*

### Brief Assessment

The National Dialogue process has begun and been halted four times since the February-March 2011 uprising. The Dialogue has been consistently plagued by a lack of trust and confidence in the process. Following the passage of further restrictions on freedom of assembly and expression in the Summer of 2013, as well as the continuation of grave human rights abuses, the opposition pulled out of most recent round of dialogue in September 2013. The process was officially suspended in early January 2014. Though the Crown Prince has more recently begun to privately conduct outreach to members of the opposition in order to restart the process, continued criminal charges against leading opposition members and peaceful protesters continue to undermine confidence in the process and leave the prospects of a renewed round of dialogue very much in doubt.

- 115.40** Include opposition parliamentary groups and invite civil society in the implementation of the National Consensus Dialogue (Mexico);
- 115.55** Continuation of cooperation between governmental and non-governmental institutions, considering the dialogue and cooperation among them (Jordan);
- 115.129** Establish an open, genuine, all-inclusive, and effective national dialogue among different concerned parties with the aim of effectively addressing the legitimate aspirations and concerns of all the population in a democratic manner (Iran (Islamic Republic of));
- 115.131** Trust be granted, through in-depth democratic reforms and promoting national social and political dialogue, that is inclusive and representative, to address the country's central issues (Uruguay)

The National Dialogue resumed on February 10, 2013, after having been previously adjourned in July 2011 when opposition parties walked out on the process after declaring it a farce.<sup>181</sup> Twenty-seven people representing six opposition societies, nine political societies, and the lower chamber of the parliament and the government participated. Members of the government participating in the dialogue include the Minister of Justice and Islamic Affairs, Shaikh Khalid bin Ali al-Khalifa; the Minister of Works, Essam bin Abdulla Khalaf; and the Minister of Education, Dr. Majid bin Ali al-Noaimi.<sup>182</sup>

Renewed protests arose in March 2013 as the leader of al-Wefaq Party reported that the government had failed to take talks seriously up to that point, characterizing them as merely “preparation for”

<sup>181</sup> Habib Toumi. “EU Welcomes national dialogue in Bahrain.” *Gulf News*. 11 February 2013. <http://gulfnews.com/news/gulf/bahrain/eu-welcomes-national-dialogue-in-bahrain-1.1145213>.

<sup>182</sup> “National Dialogue Participants – First Session.” National Dialogue. 10 February 2013. <http://www.nd.bh/en/index.php/dialogue/participants/first-round/sessions1-10/session1>.



real dialogue with the government.<sup>183</sup> The chief complaint was that the government was failing to address the opposition's key demands, notably the political participation of the populace by way of popular elections and more representative electoral districts.

Opposition parties continue to voice concerns that the National Dialogue lacks equal representation.<sup>184</sup> In April, a coalition of opposition parties withdrew from the 21<sup>st</sup> National Dialogue session after the government delegation refused to address this issue. The largest of the opposition parties voiced further frustration with the Dialogue's lack of transparency, noting that proceedings are not broadcast to the public and that the government repeatedly avoids key issues.<sup>185</sup> Finally, opposition parties have called for outside moderators, including the United Nations, to assist in the Dialogue, but this call has been consistently rejected by the government.<sup>186</sup>

In May 2013, opposition groups boycotted the dialogue for two weeks after authorities raided the home of Ayatollah Issa Qassem, the country's leading Shia cleric.<sup>187</sup> This boycott included al-Wefaq, Bahrain's largest opposition party.<sup>188</sup>

In June 2013, opposition groups pushed for the replacement of eight parliamentarians with eight independent figures, explaining that the current make-up did not constitute a fair representation.<sup>189</sup> This proposal was rejected, and the National Dialogue went on recess soon after from July to August 2013 in observance of Ramadan.<sup>190</sup>

After resuming at the end of August 2013, the National Dialogue quickly faltered again, after Khalil al-Marzooq's arrest in September for his participation in a protest at which the February 14 Coalition was present.<sup>191</sup> Although he repeatedly called for nonviolent protest at the rally, the government classifies the Coalition as a terrorist organization and used al-Marzooq's presence as a pretext for his arrest.<sup>192</sup> After he was charged under the terrorism law, the opposition immediately again withdrew from the National Dialogue. Similarly, more than fifty activists were rounded up on terrorism related charges and sentenced for their participation in demonstrations, branded 'illegal gatherings'.<sup>193</sup>

183 "Bahrain protesters clash with police: Reports." *Agence-France Press*. 30 March 2013. <http://tribune.com.pk/story/528708/bahrain-protesters-clash-with-police-reports/>.

184 "Bahrain opposition walk out of National Dialogue session." *Asharq Alawsat*. 14 June 2013. <http://en-maktoob.news.yahoo.com/bahrain-opposition-walk-national-dialogue-session-165001232.html>.

185 "Dialogue sessions must be broadcasted live to the public." *Al-Wefaq*. 29 April 2013. <http://alwefaq.net/cms/2013/04/29/19155/>. "Kadhemi: "There is No Serious Dialogue in Bahriain, merely Fooling World." *Al-Wefaq*. 30 April 2013. <http://alwefaq.net/cms/2013/04/30/19170/>.

186 Bill Law. "Bahrain minister plays down dialogue calls." *BBC*. 17 December 2012. <http://www.bbc.co.uk/news/world-middle-east-20757862>; "Bahrain Refuses UN Presence in National Dialogue." *Bahrain News Agency*. 13 March 2013. <http://www.bna.bh/portal/en/news/551188>.

187 "Angry opposition suspends participation in Bahrain national dialogue." *Middle East Online*. 22 May 2013. <http://www.middle-east-online.com/english/?id=58924>.

188 "Bahrain: Al-Wefaq pulls out of National Dialogue for two weeks." *Gulf States Newsletter*. 23 May 2013. <http://www.gsn-online.com/%EF%BB%BFbahrain-al-wefaq-pulls-out-of-national-dialogue-for-two-weeks>.

189 Habib Toumi. "Representation issue tops Bahrain." *Gulf News*. 22 June 2013. <http://gulfnews.com/news/gulf/bahrain/representation-issue-tops-bahrain-talks-1.1200313>.

190 Habib Toumi. "Bahrain national dialogue to resume on August 28." *Gulf News*. 15 August 2013. <http://gulfnews.com/news/gulf/bahrain/bahrain-national-dialogue-to-resume-on-august-28-1.1220565>.

191 William Maclean. "Bahrain opposition leader summoned by police." *Reuters*. 17 September 2013. <http://www.reuters.com/article/2013/09/17/us-bahrain-opposition-wefaq-idUSBRE98G0UA20130917>.

192 William Maclean, Farishta Saeed. "Bahrain opposition no. 2 held for 30 days on charge of inciting terrorism." *Reuters*. 18 September 2013. <http://www.reuters.com/article/2013/09/18/us-bahrain-opposition-wefaq-idUSBRE98H08820130918>.

193 "Bahrain: 50 Shi'a activists sentenced amid torture allegations." *Amnesty International*. 30 September 2013. <http://www.amnesty.org/en/news/bahrain-50-shi-activists-sentenced-amid-torture-allegations-2013-09-30>.

The leader of al-Wefaq, Sheikh Ali Salman, has also been charged with “incitement to religious hatred and spreading false news likely to harm national security,” and was taken into custody for questioning on 28 December 2013.<sup>194</sup> The investigation against Sheikh Salman remains ongoing, though the travel ban placed on him following his initial arrest was lifted in late January 2014.

The Government of Bahrain’s response to the opposition’s withdrawal has been very problematic. Justice Minister Shaikh Khalid bin Ali al-Khalifa referred to the opposition’s withdrawal as “political blackmail,” and implied that they were supportive of terrorism.<sup>195</sup> The government elected to continue the Dialogue without the participation of the opposition until its final collapse on 9 January 2014.<sup>196</sup>

## Conclusion

Though the Government of Bahrain officially committed to the National Dialogue, government treatment of the opposition outside of the process has severely impaired the ability of the Dialogue to be an effective tool for reconciliation. It has been suspended numerous times since the February-March 2011 protests. Although the Crown Prince has recently begun to engage in talks with opposition groups in an effort to restart the Dialogue, the continued harassment and arrest of leading opposition figures, the lack of transparency in the process, ongoing human rights abuses, and the failure of the government to foster an open, genuine and inclusive National Dialogue has resulted in deep skepticism of the government’s commitment to the process. ADHRB finds that the Government of Bahrain has not successfully implemented the preceding recommendations of the UPR regarding the country’s National Dialogue.

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194 “Bahrain opposition leader Sheikh Ali Salman charged.” *BBC News*. 28 December 2013. <http://www.bbc.co.uk/news/world-middle-east-25542387>

195 “Political Blackmail.” *Gulf Daily News*. 7 October 2013. <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=362454>.

196 “Dialogue ‘will continue despite boycott.’” *Gulf Daily News*. 30 September 2013. <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=362045>; “Government’s Spokesperson: Doors open for the Six Societies to resume dialogue.” *Bahrain News Agency*. 9 January 2014. <http://www.bna.bh/portal/en/news/596992>.

## SECTION 14

# Social Services and Civil Society Organizations

The Government of Bahrain fully accepted recommendation **115.44** concerning the independence and functioning of civil society organizations. In accepting the recommendation, the government stated:

*Law No. 21/1989 concerns the activities of non-governmental organisations [sic] and it applied uniformly. A draft law for non-governmental organizational [sic] has been passed by the government to Parliament. The law was drafted taking into consideration all contemporary trends of applicable international laws in the field.<sup>197</sup>*

The government additionally fully accepted recommendations **115.47** and **115.144** concerning the provision of welfare. In accepting these recommendations, the government stated:

*The Ministry of Social Development is currently working on the implementation of a full and comprehensive program aimed at directing support to eligible low-income families. This is based on the findings of a study conducted by the Ministry in collaboration with the World Bank. There are also many laws to guarantee protection, and Bahrain has enacted a wide range of social protection nets [sic] including the Children's Act, the Senior Citizens [sic] Act, and the Rehabilitation and Employment of the Disabled Act.<sup>198</sup>*

### Brief Assessment

The Government of Bahrain continues to impinge upon the ability of civil society groups to function within the country. In the last two years, the government has passed several laws designed to limit the ability of civil society groups to maintain active membership, effectively meet, and continue to function independently of the government. Additionally, though the government maintains a welfare program to provide financial assistance to individuals and families in need, it is extremely selective in determining eligibility for the program and does not provide assistance to non-citizens who were born in the country. ADHRB therefore finds that the government has failed to implement the recommendations concerning civil society organizations and partially implemented the recommendations concerning the provision of welfare.

### CIVIL SOCIETY ORGANIZATIONS

Not Implemented  
No Perceived Progress

**115.44** Reconsider the restrictions imposed by the Ministry of Social Development and take appropriate measures to ensure that civil society organizations can take an active part in the public debate on human rights (Sweden)

Since the 2011 protests in Manama, the Government of Bahrain has significantly hampered the ability of civil society groups to function within the country. Human Rights Watch published a report in 2013 examining the extensive restrictions the Ministry of Social Development places upon civil organizations.<sup>199</sup> A sampling of these restrictions include: the government requiring NGOs to submit bank account information to the Ministry and notify the Ministry 15 days before holding meetings. Additionally, the Ministry may reject an organization's registration if "society does not need its services or if there are other associations that fulfill the society's need."<sup>200</sup> Over

<sup>197</sup> Ibid., 1.

<sup>198</sup> Ibid.

<sup>199</sup> "Interfere, Restrict Control: Restraints on Freedom of Association in Bahrain, 2013 Report" *Human Rights Watch*. <http://www.hrw.org/sites/default/files/reports/bahrain0613webcover.pdf>.

<sup>200</sup> Ibid.

the past two years, the Ministry has used this right to assume control of the doctor's union and dissolve the teacher's union.

In an open letter to the Bahrain government regarding the described Draft Law on Civil Associations and Organizations, the International Federation for Human Rights (FIDH) reported the restrictions "would blatantly violate international instruments on human rights that guarantee freedom of association, in particular the [International Covenant on Civil and Political Rights], the Universal Declaration on Human Rights and the Declaration on Human Rights Defenders."<sup>201</sup> For example, Article 7 forbids individuals from holding membership in more than one group with a similar focus without ministry approval.

The U.S. State Department reported that "[m]any NGOs and civil society activists asserted the Ministry of Social Development routinely exploited its oversight role to stymie the activities of NGOs and other civil society organizations."<sup>202</sup> While some local NGOs asserted bureaucratic incompetence characterized the Ministry's dealings with NGOs, many others stated that officials actively sought to undermine some groups' activities and imposed burdensome bureaucratic procedures on NGO board members and volunteers."<sup>203</sup>

## WELFARE

Technically Implemented  
No Perceived Progress

**115.47** Intensify efforts in addressing the welfare of expected levels (Bangladesh); and

**115.144** Continue to support efforts, programs and initiatives aimed at providing protection for all family members (Saudi Arabia)

Serious problems persist that undermine the government's stated goal of strengthening the family unit.<sup>204</sup> In its affirmation of these recommendations, the government cited the development of a "comprehensive program aimed at directing support to eligible low income families" by the Ministry of Social Development.<sup>205</sup> The Ministry currently provides BD50 (US\$136) in financial assistance to eligible low income families. Additionally, the Royal Charity Organization established by the King in 2001 provides financial assistance to eligible orphaned children and widows. However, the organization will not provide financial support to a widowed woman who has children "capable of supporting her."<sup>206</sup>

Bahraini citizenship is another critical eligibility criterion for many of the social welfare programs offered by the government, and the government's strict definition of citizenship significantly restricts many nontraditional families from accessing these programs. According to paragraph 4 of the Bahraini Citizenship Act (1963), citizenship can only be passed on to a foreign born child if the father is Bahraini.<sup>207</sup> There are exceptions where the mother's Bahraini citizenship may be passed down, but only in circumstances where the father is unknown, without nationality, or

201 "Bahrain: Open Letter to the Parliament regarding the bill presented by the Government to reform the law on associations." *International Federation for Human Rights (FIDH)*. 8 April 2013. <http://www.fidh.org/en/north-africa-middle-east/Bahrain,441/Bahrain-Open-Letter-to-the-Parliament-regarding-the-bill-presented-by-the-13131>.

202 2012 Human Rights Report Bahrain. *US Department of State, Bureau of Democracy Human Rights and Labor*. 19 April 2013. <http://www.state.gov/j/drl/rls/hrrpt/2012/nea/204355.htm>.

203 Ibid.

204 "Family." *Bahrain Ministry of Social Development*. <http://www.social.gov.bh/en/family>.

205 U.N. Human Rights Council, Twenty-first Session. *Report of the Working Group on the Universal Periodic Review, Bahrain, Addendum (A/HRC/21/6/Add.1/Rev.1)*. Official Record. Geneva. 2012.

206 "Eligibility Conditions" Bahrain Royal Charity Organization. <http://www.orphans.gov.bh/eng/conditions.asp>.

207 Bahraini Citizenship Act (last amended 1981) [Bahrain]. 16 September 1963. <http://www.refworld.org/docid/3fb9f34f4.html>.

fatherhood was “not substantiated.”<sup>208</sup> Paragraph 7 of this Act further disfavors women with regard to foreign marriages by preventing a Bahraini woman who marries a noncitizen from retaining her citizenship upon obtaining her husband’s nationality. At the same time, foreign wives of Bahraini male citizens are permitted to adopt Bahraini citizenship after only five years of marriage.<sup>209</sup>

Recent legal actions taken by the Government of Bahrain in an attempt to limit political protests further jeopardize the strength of its families. Recent changes to the 1976 Juvenile Law state that if any child under the age of sixteen is found participating in a “demonstration, public gathering or sit-in,” his or her parents will be issued a warning from the Ministry of the Interior.<sup>210</sup> If the child repeats this offense within six months of this warning, his or her father may be faced with jail time, hefty fines or both, often resulting in the removal of the primary provider from the family.<sup>211</sup>

### **Conclusion**

Since the Government of Bahrain’s acceptance of the UPR recommendations in October 2012, the atmosphere for civil society in Bahrain has significantly deteriorated. Civil society organizations find their daily activities significantly hampered by new laws that impinge upon their independence. Additionally, the government reserves the right to shut down or take over any organization that it determines is not serving the public in an appropriate capacity. Multiple independent reports confirm that the government has regularly abused this power. Because the government has yet to enact legislation protecting the independence and autonomy of civil society, and because the government has enacted legislation specifically curtailing their ability to function, ADHRB finds that the Government of Bahrain has not attempted to address the UPR recommendations concerning civil society participation.

Regarding the provision of welfare, the government does provide living wages to Bahraini individuals and families in need. However, the government utilizes extremely limiting criteria for determining eligibility for the program. Certain needy individuals are often excluded or taken off of the program, while non-citizens, including non-citizens born in the country, are preempted from participation. Additionally, a family member’s participation in political activity deemed unacceptable to the government can significantly endanger the ability of a family to receive benefits under the program. Because the government has implemented a welfare program, but because a myriad of factors limit the ability of needy individuals and families to participate in the program, ADHRB finds that the Government of Bahrain has partially implemented the UPR recommendations concerning the provision of welfare.

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208 Ibid.

209 Ibid.

210 “Bahrain: New Decrees Ban Dissent as Further Protests Organized.” *Amnesty International*. 7 August 2013. <http://www.amnesty.org/en/news/bahrain-new-decrees-ban-dissent-further-protests-organized-2013-08-07>.

211 Ibid.



## Constitution and National Legislation

The Government of Bahrain fully accepted recommendation **115.53** concerning electoral reform. In accepting the recommendation, the government noted:

*Constitutional amendments were ratified in May 2012. They were part of the outcome of the National Consensus Dialogue.<sup>212</sup>*

The Government of Bahrain additionally fully accepted recommendations **115.21, 115.23, 115.24, 115.26, 115.27, 115.32, 115.33, 115.53, 115.88, 115.90, 115.146, 115.151, 115.153, 115.154** and **115.160**, concerning rectifying the national penal code against international obligations. The Government stated:

*The Government is currently reconciling national laws against international covenants ratified by Bahrain. They will be referred to the legislature for approval.<sup>213</sup>*

The Government of Bahrain additionally accepted in part and rejected in part recommendation **115.18** concerning implementation of the Convention against Torture and accession to the Optional Protocol. The government stated:

*The Kingdom accepts Part 1 as the crime of torture is punishable under Articles 208 and 232 of the Bahraini penal code. A draft law amending the two aforementioned articles has been passed, so as to include in the penal code a definition of the crime of torture, in accordance with the provisions of Article 1 of the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, which was ratified in 1998. The Kingdom does not accept Part 2 for reasons given under 5.<sup>214</sup>*

Finally, the Government of Bahrain rejected recommendation **115.16** concerning ratification and incorporation of the Rome Statute and recommendations **115.19, 115.78, 115.80, 115.82,** and **115.83** concerning the death penalty. In rejecting recommendation **115.16**, the government stated:

*Bahrain is [sic] signatory country to ICC. However, coordination at GCC level on the accession matter entails building capacity and amending national legislation.<sup>215</sup>*

And in rejecting recommendations **115.19, 115.78, 115.80, 115.82,** and **115.83**, the government stated:

*See under Recommendation 5. Bahrain complies with the International Covenant on Civil and Political Rights.<sup>216</sup>*

### Brief Assessment

The Government of Bahrain made significant steps toward improving the electoral system of the country by issuing two constitutional amendments limiting the ability of the King to dissolve the elected Parliament and allowing the Parliament to hold a vote of no confidence in the Prime Minister. However, without substantial redistricting reform aimed at resolving gerrymandering

<sup>212</sup> Ibid., 1.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid.



issues, the likelihood that a vote of no confidence would succeed is low. Additionally, while the constitutional amendment limiting the ability of the King to dissolve the elected Parliament makes it more difficult for him to do so in theory, in practice, the King maintains unilateral authority over the decision. As such, while the amendments represent slight progress, they do little to change the practical situation in Bahrain.

The government has made some progress in rectifying its penal code to conform to international law. Specifically, it has incorporated the anti-torture provisions of international human rights law by specifically criminalizing State acts of torture. Yet prosecutions for alleged torture offenses remain small in number, despite it being ostensibly illegal in Bahrain, while confessions obtained under torture continue to be frequently admitted in Bahrain's courts. Additionally, the Government of Bahrain has in other ways legislated against its human rights law responsibilities, promulgating a series of laws designed to limit free speech and assembly. Prosecutions under these laws are commonplace.

With regard to the death penalty, the government did not accept the recommendations, and no progress has been made toward abolition.

In total, ADHRB finds that the Government of Bahrain has significantly failed in implementing the recommended measures toward improving the Bahraini Constitution and national legislation.

## ELECTION REFORM

Technically Implemented  
No Perceived Progress

### **115.53** Implement constitutional reforms in the elections of 2014 (Qatar).

The government issued two Constitutional amendments in 2012, as promulgated first by the Parliament and then approved by the Shura Council, and ultimately issued into law by the King.<sup>217</sup> The first amendment requires that the King consult with the Chief of the Shura Council, an unelected body, and Speaker for the Parliament, an elected body, prior to dissolving the Parliament.<sup>218</sup> The second amendment allows the Parliament to hold a vote of no confidence in the Prime Minister.<sup>219</sup>

While these reforms ostensibly address electoral issues in the country by limiting the power executives exert within the government, the unrepresentative structure and consultative function of the Parliament undermines the popular check on executive power that these constitutional amendments are intended to accomplish. Additionally, due to gerrymandering issues along sectarian lines, the elected house of the Parliament does not proportionately represent the population, with a significant majority of the government representing a small minority of the electorate.<sup>220</sup> These issues of representation make it unlikely that the amendments signed into law in 2012 will have any practical effect in the immediate future. Additionally, the King ultimately maintains unilateral authority to dissolve the only elected arm of the government.<sup>221</sup>

Other constitutional amendments recommended by the opposition have yet to be implemented. In 2012, the opposition recommended that Bahrain change its electoral system so that the entire

<sup>217</sup> "Bahrain: Constitutional Amendments Issued." *Global Legal Monitor*; Library of Congress. [http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_l205403168\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403168_text).

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> Fahad Desmukh. "Gerrymandering in Bahrain: Twenty-one persons, one vote." *Bahrain Watch*. <https://bahrainwatch.org/blog/2013/02/11/gerrymandering-in-bahrain-twenty-one-persons-one-vote/>.

<sup>221</sup> Ibid., 214.

country would be proportionately represented in the government.<sup>222</sup> The opposition additionally recommended the abolition of the Shura Council, so that the government would be entirely formed through the popular vote.<sup>223</sup> Neither of these recommendations has been acted upon by the government.

## PENAL CODE

Not Implemented  
No Perceived Progress

- 115.21** Incorporate into national law Bahrain's obligations under the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of the Child (Belgium);
- 115.23** To reflect in domestic law-in particular the Penal Code and Code of Criminal Procedure-Bahrain's obligations under international human rights law and conventions (United Kingdom);
- 115.24** Align the national legislation on freedom of expression, association, and assembly with the country's international HR obligations (Slovakia);
- 115.26** The revision and amendment of relevant legislation, in particular Decree 32 of 2006, in order to bring it into full compliance with Bahrain's human rights obligations under the ICCPR (Hungary);
- 115.27** Amend any article of its Penal Code that can be used to prosecute individuals for the exercise of the rights to freedom of expression, peaceful assembly or association, and bring its laws into line with international standards established by the International Covenant for Civil and Political Rights (ICCPR) (Ireland);
- 115.32** Speed up the adoption of amendments to all national legislation in particular for the penal code and relevant legislation (Mauritania);
- 115.33** Accelerate legislative amendments [with regard to forced disappearance] in order to include provisions on enforced disappearance in the penal code (Morocco);
- 115.53** Implement the constitutional reforms in the election of 2014 (Qatar);
- 115.88** Incorporate an explicit prohibition of torture and other ill-treatment, as well as a clear definition of torture, into national legislation in order to comply with the obligations derived from CAT and facilitate independent, timely and thorough investigations of all allegations of torture to facilitate appropriate redress for victims (Maldives);
- 115.90** Clearly prohibit torture and ill-treatment along with effective enforcement of relevant legislations (Republic of Korea);
- 115.146** Release all political prisoners and bring its national legislation into compliance with article 19 of the International Covenant on Civil and Political Rights with guarantees freedom of expression (France);
- 115.151** Repeal or amend the 2002 Press Law eliminating restrictions upon the freedom of the press not in line with relevant provisions of the ICCPR (Austria);

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<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

**115.153** Amend the Penal Code to remove all criminal penalties for alleged libel offences and the press law to bring its provisions into compliance with Article 19 of ICCPR (Canada);

**115.154** Bring both the Press law and Penal Code in line with article 19 of ICCPR (Estonia); and

**115.160** Revise the Public Gathering Law (23/2006), so that peaceful demonstrations can be held as established by the International Covenant on Civil and Political Rights (Costa Rica)

The government has made some progress in incorporating human rights treaties into national law. Prior to accepting the recommendations of the UPR, the Government of Bahrain proposed a draft law amending Bahrain's penal code to criminalize actions analogous to the Convention against Torture's (CAT) definition of torture.<sup>224</sup> At the same time, the government has passed other laws that directly contradict other international law.

In early August 2013, the Bahrain government enacted 22 recommendations by the Parliament into law which widely suppressed citizens' freedoms of association, assembly and expression by banning protests in the capital of Manama as well as a number of vaguely worded activities in the name of national security.<sup>225</sup> In 2013, the government instituted a new national security law that greatly restricted the activities of NGOs and civil society organizations, by criminalizing public rallies and demonstrations.<sup>226</sup> Additionally, "illegal assembly" laws have been used to break up peaceful protests and arrest key members of the opposition.<sup>227</sup>

For example, the government routinely arrests persons displaying peaceful dissenting speech by accusing them of illegal protest.<sup>228</sup> Security forces suppressed a protest in August 2013 by opening fire on unarmed civilians with birdshot and tear gas while closing off streets to corral the protestors.<sup>229</sup> Additionally, tenuous connections to dissident groups—particularly the February 14 Youth Coalition—have been used to indict many activists. In one instance, a young man was sentenced to ten years in prison for simply forwarding an email including a statement from the controversial group.<sup>230</sup>

Furthermore, enforcement of Bahraini laws criminalizing torture is sporadic at best, with torture as a practice continuing in Bahraini jails and prisons. As early as December 2012, just two months following the Bahrain government's acceptance of this recommendation, a Turkish forensic specialist found signs of torture on a deceased Bahraini after he was taken by the government for questioning.<sup>231</sup> There have additionally been several recent cases of security officials torturing

224 "Law No. () of year." BICI Actions. [http://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment\\_penal\\_code\\_article\\_208\\_232\\_en.pdf](http://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment_penal_code_article_208_232_en.pdf)

225 Sami Aboudi. "Bahrain will 'forcefully confront' planned Aug. 14 protests - PM." *Reuters*. 12 August 2013. <http://www.trust.org/item/20130812190323-3jnla>; "ADHRB Urges Reconsideration of Recommendations Made by Bahrain's National Assembly." *Americans for Democracy and Human Rights in Bahrain*. 29 July 2013. <http://adhrb.org/2013/07/adhrb-urges-reconsideration-of-recommendations-made-by-bahrains-national-assembly/>.

226 "Bahrain Stifles Free Assembly with Ban on Public Demonstrations." *Freedom House*. 31 October 2013. <http://www.freedomhouse.org/article/bahrain-stifles-free-assembly-ban-public-demonstrations>.

227 Lawyers Rights Watch Canada to King Hamad bin Isa al-Khalifa, 13 June 2013. <http://www.bahrainrights.org/sites/default/files/LRWC.CJFE%26BCHR.Bahrain.Assembly%20Rights.June.13.pdf>

228 Ibid

229 Sami Aboudi and Angus McDowall, "Police fire teargas, birdshot at Bahrain demonstrators," *Reuters*, 14 August 2013, <http://www.reuters.com/article/2013/08/14/us-bahrain-protests-idUSBRE97D08520130814>

230 "Bahrain: 50 Shi'a activists sentenced amid torture allegations." *Amnesty International*. 30 September 2013. <http://www.amnesty.org/en/news/bahrain-50-shi-activists-sentenced-amid-torture-allegations-2013-09-30>.

231 Kristin Deasy. "Forensic expert undercover in Bahrain finds evidence of government torture: Report." *Global Post*. 14 December 2012. <http://www.globalpost.com/dispatch/news/regions/middle-east/121214/forensic-expert-undercover-bahrain-gov-torture>.

human rights activists. In April 2013, Human Rights Watch detailed that Nafeesa al-Asfoor and Rayhana al-Mosawi were both subjected to torture.<sup>232</sup> In July 2013, photographs of prominent human rights activist Naji Fateel emerged showing marks of torture on his back.<sup>233</sup>

Local human rights groups found that detainees frequently reported being subjected to torture while being held in temporary facilities that were not in compliance with the BICI recommendations on improving transparency in detention facilities.<sup>234</sup> These unregistered detention centers did not have cameras or any recording equipment, as also instructed by the BICI. Detainees were also subjected to extreme temperatures or held in solitary confinement.<sup>235</sup> There was limited access to water and detainees reported physical abuse, verbal assault and threats of sexual assault.<sup>236</sup>

Medical treatment has also frequently been denied to victims of torture.<sup>237</sup> Medics who aided tortured victims have been arrested and detained. There have been numerous reports of the denial of medical treatment for prisoners after suffering abuse at the hands of security guards. In early October 2013, the lack of such medical treatment resulted in the death of Youssef al-Nashmi, who was tortured in custody prior to going into a coma.<sup>238</sup>

Finally, children remain at risk in Bahrain, with little progress made toward the implementation of the Convention on Rights of the Children. During September 2013, the government launched an arrest campaign during which over 200 people were arrested, of whom 40 were children.<sup>239</sup> Human Rights Watch noted in a recent report that “security forces routinely detain children without cause and subject them to ill-treatment that may rise to the level of torture.”<sup>240</sup> In addition, child detainees are not separated from adults, and are frequently deprived of access to their families, sometimes being held in detention for days before they are allowed to make contact.

## CONVENTION AGAINST TORTURE

Not Implemented  
No Perceived Progress

**115.18** Bring in line the definition of the crime of torture with the Convention against Torture and accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Uruguay)

See above section discussing the incorporation of international law into the Bahraini penal code. Additionally, as the government refused to accept the part of the recommendation concerning acceding to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT), there has been no progress made in that regard.

232 “Bahrain: Detained Activists Allege Torture.” *Human Rights Watch*. 15 May 2013. <http://www.hrw.org/news/2013/05/14/bahrain-detained-activists-allege-torture>.

233 “Bahrain: Update – Evidence of torture of detained human rights defender Mr Naji Fateel.” *Front Line Defenders*. 12 July 2013. <http://www.frontlinedefenders.org/node/23259>.

234 *Ibid.*, 9; see also Section 7: Implement all Recommendations of the BICI.

235 *Ibid.*, 9.

236 *Ibid.*

237 Hassiba Hadj-Sahraoui. “Meeting Human Rights Activists from Bahrain on World Day for the Victims of Torture.” *LiveWire, Amnesty International*. 28 June 2013. <http://livewire.amnesty.org/2013/06/28/meeting-human-rights-activists-from-bahrain-on-world-day-for-the-victims-of-torture/>.

238 “Bahrain: Death of Yousif AlNashmi: Arbitrarily Arrested, Torture and Deprived of Adequate Medical Care.” *Bahrain Center for Human Rights*. 11 October 2013. <http://www.bahrainrights.org/en/node/6444>.

239 “214 arrested, including 40 children.” *Al-Wefaq*. September 2013. <http://alwefaq.net/cms/2013/10/08/23423/>

240 “Bahrain: Security Forces Detaining Children.” *Human Rights Watch*. 15 September 2013. <http://www.hrw.org/news/2013/09/15/bahrain-security-forces-detaining-children>.

- 115.19** Commute all death sentences to prison terms and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to definitively abolishing the death penalty (France);
- 115.78** Abolish the death penalty, introducing in the meantime a formal moratorium (Austria);
- 115.80** Establish an official moratorium on executions with a view to abolishing the death penalty (Germany);
- 115.82** Establish a moratorium on the execution of the death penalty (Germany); and
- 115.83** Consider the possibility of repealing the death penalty from its legal system (Argentina)

The Government of Bahrain did not accept these recommendations, and no progress has been made in their implementation.

### Conclusion

The Government of Bahrain has taken largely cosmetic steps in implementing the above-mentioned recommendations and to comply with its obligations under international human rights law. The circumstances of their implementation and at times their lack of enforcement has forestalled the realization of the objectives of those recommendations. The government did indeed pass two constitutional amendments curtailing the power of the executive, but the practical application of those amendments is dubious in the context of a gerrymandered electorate. Additionally, while the government has passed laws rectifying the Bahraini penal code against some international law obligations, other laws stand in direct contravention to other international laws. Finally, the Government of Bahrain has failed to enforce the few laws that have been passed to bring Bahraini law in line with international standards. Because some laws have been passed but because enforcement and application remain in doubt, ADHRB finds that Bahrain has technically complied with the letter of some of the recommendations, but has altogether failed to implement them in any practical or meaningful sense.



## Rebuild Religious Sites

The Government of Bahrain fully accepted recommendation **115.145** concerning the rebuilding of Shia places of worship destroyed in the aftermath of the February 2011 uprising. In accepting the recommendation, the government stated:

*The government announced that 12 mosques would be rebuilt. Construction work has already begun on 5 which have received both a Royal Decree and a building consent. Construction on the remaining 7 will begin very shortly. The status of remaining sites is under review.<sup>241</sup>*

### Brief Assessment

Although the Government of Bahrain has indeed begun repairs on several mosques, other places of worship have been destroyed in the time since its acceptance of the UPR recommendations. Additionally, many mosques have been permanently destroyed, with their lands having since been devoted to other uses. Because the government continues to destroy places of worship and in some cases permanently confiscate lands upon which destroyed mosques used to stand, ADHRB finds that the government has partially implemented the recommendation concerning rebuilding religious sites, despite efforts to begin to repair and in some cases rebuild places of worship.

#### REBUILD SHIA PLACES OF WORSHIP

Perceived Progress

**115.145** Implement the commitment to rebuild the Shia places of worship destroyed (Austria).

Though some 53 Shia religious institutions were damaged, of which 28 mosques were demolished altogether, by July 2013, the Bahrain government had only completed repairs on four mosques, rebuilt five, and tendered reconstruction permits for 11 more.<sup>242</sup>

In June 2012, prior to the acceptance of this recommendation, Bahrain's Court of Cassation—the highest civil court in Bahrain—ruled that all mosques were required to have permits before their repair or reconstruction would be deemed legitimate.<sup>243</sup> The government has stated that all the mosques demolished during the 2011 uprising were originally constructed without permits, despite the fact that a number of them had been constructed years—in some cases centuries—before the modern construction permit process was initiated. Subsequent efforts to reconstruct Shia places of worship must now navigate this burdensome permit process. Work has been halted on numerous mosques while others have been re-demolished without regard to the reconstruction process.<sup>244</sup>

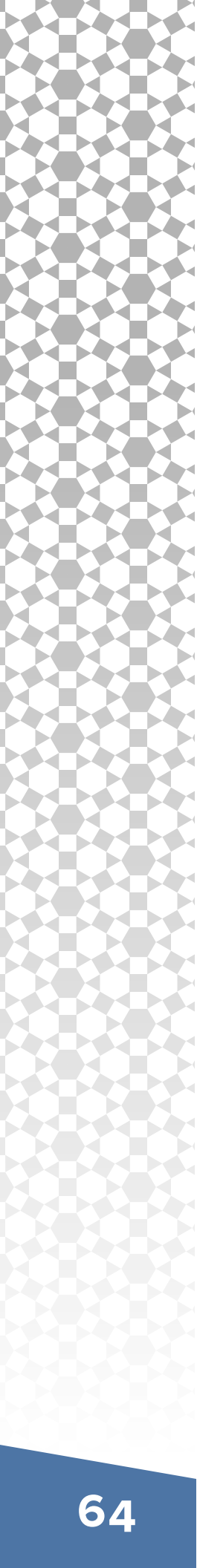
<sup>241</sup> Ibid., 1.

<sup>242</sup> "Sectarian Tensions Rise in Bahrain Amid Mosque Attacks." *Al-Monitor*. 23 July 2013. <http://www.al-monitor.com/pulse/security/2013/07/bahrain-sectarian-crisis-mosque-attacks.html>; see also US Department of State, US Embassy in Bahrain, 2012 International Religious Freedom Report - Country Chapter for Bahrain, <http://bahrain.usembassy.gov/policy/religious-freedom-report.html>; "Bahrain Press Review." *Bahrain News Agency*. 21 September 2013. <http://www.bna.bh/portal/en/news/580510>.

<sup>243</sup> "Top court halts mosque rebuilding in Bahrain." *Trade Arabia*. 21 June 2012. [http://www.tradearabia.com/news/law\\_219340.html](http://www.tradearabia.com/news/law_219340.html)

<sup>244</sup> "Mosques Under Construction Re-Demolished by Authorities in Bahrain." *Bahrain Center for Human Rights*. 9 December 2012. <http://www.bahrainrights.org/en/node/5550>.





By December of 2012, just two months after accepting the UPR’s recommendations, government bulldozers demolished—for the second time—four Shia mosques absent prior notification.<sup>245</sup> The U.S. State Department’s 2012 report on Religious Freedom noted that demolitions continued throughout the year, work halted on the construction of new mosques, and that Shia communities were deprived of even temporary religious sites made up of makeshift “simple structures”, for religious worship as these sites were subsequently demolished by Bahraini security forces.<sup>246</sup> In many parts of Bahrain, Shia continue to hold worship services at demolished mosques, simple structures, or in other inadequate conditions.<sup>247</sup>

In other instances, the sites of demolished mosques had been turned into public property as either housing or, in one case, a public park. In another case, authorities demolished the 70-year-old Abu Dharr al-Ghifari mosque, and have since stated their intent to convert the land upon which the mosque stood into another park.<sup>248</sup>

### **Conclusion**

While the government has succeeded in repairing or rebuilding some mosques, government progress overall can be characterized as slow or at times regressive. Of the 28 mosques originally destroyed in 2011, only five have been completely rebuilt; of the 53 religious sites damaged, only nine have been completely repaired. Construction on others has lagged; many have not been repaired at all, and some have seen their property permanently converted to other uses. Because the government has rebuilt some mosques, but because the majority of the damage remains unrepaired, ADHRB finds that the government has only partially implemented this recommendation.

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<sup>245</sup> Ibid.

<sup>246</sup> “Bahrain: 2012 Report on International Religious Freedom.” U.S. Department of State – Bureau of Democracy, Human Rights, and Labor. 20 May 2013. <http://www.state.gov/j/drl/rls/irf/2012/nea/208384.html>.

<sup>247</sup> “Citizens continue to pray at demolished mosques.” *AlWasat*. 31 August 2013. <http://www.alwasatnews.com/4012/news/read/805659/1.html>.

<sup>248</sup> Ibid., 56.

## Respecting Human Rights

The Government of Bahrain fully supported recommendations **115.37**, **115.41**, **115.93**, **115.103**, **115.115**, **115.119**, **115.123** and **115.161** of the UPR. In accepting these recommendations, the government stated:

*“The Bahrain Constitution guarantees the human rights and basic freedoms of all citizens. Executive and legislative measures have been taken to prevent incitement to sectarianism, violence, and national, religious or racial hatred in the media. National safety cases which were being considered in [national safety] courts were referred to civilian courts, and a special committee was formed to review sentences which were not appealed before the civilian courts. Employment is also allowed for all citizens without discrimination in all government departments, not just in the Ministry of Interior.”*

### Brief Assessment

Despite the Government of Bahrain’s full acceptance of the above recommendations and its public affirmation that Bahrain’s “Constitution guarantees the human rights and basic freedoms of all citizens,” serious human rights violations persist in the country. In its statement accepting these recommendations, the government highlighted that “[e]xecutive and legislative measures have been taken to prevent incitement to sectarianism, violence, and national, religious or racial hatred in the media.”<sup>249</sup> Yet these legislative and executive measures are more often used to curtail citizens’ rights to expression and association, rather than addressing the country’s human rights deficiencies.

### BUILDING HUMAN RIGHTS CAPACITY

Not Implemented  
No Perceived Progress

- 115.37** Continue its efforts to build up capacities and knowledge of human rights in its public sector (Singapore);
- 115.41** Take immediate actions to restore peace and the respect of human rights and fundamental freedoms (Slovenia); and
- 115.93** Prevent incidents of violence against members of ethnic and religious communities (Canada)

Violence continues to be perpetuated with impunity by security forces in Bahrain, in spite of the government’s acceptance of recommendation **115.41** to restore peace, and to respect human rights and fundamental freedoms. In November 2012, police fired tear gas at three hundred peaceful demonstrators. In February 2013, a teenager hit by birdshot fired by police was killed during protests.<sup>250</sup> In March 2013, *the BBC* reported that dozens have been injured as anti-government protests flared, to which the government responded with increased violence. Two protestors were killed by security forces in the weeks surrounding the Grand Prix race.<sup>251</sup> Twenty-two citizens were also arrested in April for their alleged involvement in peaceful protests.<sup>252</sup>

249 U.N. Human Rights Council, Twenty-first Session. *Report of the Working Group on the Universal Periodic Review, Bahrain, Addendum* (A/HRC/21/6/Add.1/Rev.1). Official Record. Geneva, 2012.

250 “Dozens injured as violence flares in Bahrain.” *BBC*. 14 March 2013. <http://www.bbc.co.uk/news/world-middle-east-21790808>.

251 “Bahrain Grand Prix 2013: violent protestors at Formula One race are ‘terrorists’, claim circuit chairman.” *The Telegraph*. 18 April 2013. <http://www.telegraph.co.uk/sport/motorsport/formulaone/10003392/Bahrain-Grand-Prix-2013-violent-protestors-at-Formula-One-race-are-terrorists-claims-circuit-chairman.html>.

252 “Bahrain arrests 22 over anti-govt protests.” *Russia Today*. 28 August 2013. <http://rt.com/news/bahrain-protest-arrests-opposition-537/>.

In July 2013, *The Washington Post* reported that King Hamad urged lawmakers to move ahead with harsher penalties for protesters and protest organizers in order to intimidate the populace in advance of a planned protest on August 14.<sup>253</sup> This resulted in the passage of new laws under the auspices of counter-terrorism that gave the Bahraini government broad new tools to empower security forces for the coming crackdown.<sup>254</sup> New penalties, including stripping Bahrainis of citizenship, were put in place for anyone who commits or incites “terrorism.” Homes of protesters continue to be raided under this “terrorism” law.<sup>255</sup> Moreover, Manama and its surrounding villages were effectively sealed off with barbed wire and cement barriers filling out a network of checkpoints strictly monitored by security forces.<sup>256</sup> The end result was the successful pre-emption of protests and a suspension of the freedoms of assembly and expression.

### ENSURING DIVERSITY IN SECURITY FORCES AND JUDICIAL RIGHTS

Not Implemented  
No Perceived Progress

- 115.103** Create a more diverse, inclusive police force, reflective of society (United States of America);
- 115.115** Ensure that all detainees are charged with an offense established under the law and receive a fair trial before the ordinary criminal courts, in conformity with international standards (Belgium);
- 115.119** Laws should be enacted that would prohibit civilians being tried in military courts in the future (Ireland); and
- 115.123** Adopt standards on trials in criminal cases and also to guarantee the rights of detainees and prisoners, in keeping with best practices and relevant international standards (Mauritania)

As detailed in Section 1: Criminal Justice, the Government of Bahrain has undertaken steps to educate public sector employees in human rights law. As flagrant human rights abuses continue to be perpetuated throughout the country by variety of public sector actors, including the security forces, it is clear that these efforts are not yet sufficient in curbing human rights abuses.

Though the Constitution of Bahrain enshrines the right to assemble peacefully, reports show that “arrest of individuals on charges relating to freedom of expression” persist in Bahrain, along with “restrictions on civil liberties, including freedom of speech, press, assembly, association, and some religious practices.”<sup>257</sup> For example, just over two weeks after having accepted the recommendations of the UPR in October 2012, the Bahraini Ministry of Interior stated that it would “stop all rallies and gatherings” and arrest anyone participating in any demonstration, claiming that this would preserve “civil peace.”<sup>258</sup> In November 2012, police fired tear gas at three hundred peaceful demonstrators.<sup>259</sup>

253 “Bahrain justice minister: Fight against violence needed before reconciliation.” *Associated Press*. 28 July 2013. <http://www.foxnews.com/world/2013/07/28/bahrain-justice-minister-fight-against-violence-needed-before-reconciliation/>.

254 Schams Elwazer. “Bahrain enacts stiff laws against ‘terrorism’ before opposition protests.” *CNN*. 29 July 2013. <http://www.cnn.com/2013/07/29/world/meast/bahrain-protests>.

255 “Bahrain police raid houses of protesters.” *Press TV*. 22 July 2013. <http://www.presstv.ir/detail/2013/07/22/314984/bahrain-police-raid-houses-of-protesters/>.

256 Hiba Zayadin. “Peaceful protesters defy authorities’ lockdown in Bahrain.” *IFEX*. 14 August 2013. [http://www.ifex.org/bahrain/2013/08/14/tamarod\\_protests/](http://www.ifex.org/bahrain/2013/08/14/tamarod_protests/).

257 “2012 Human Rights Reports: Bahrain.” *Bureau of Democracy, Human Rights, and Labor. Embassy of the United States Manama-Bahrain*. 19 April 2013. <http://bahrain.usembassy.gov/policy/human-rights-report.html>.

258 Elizabeth Dickinson. “Bahrain bans rallies in bid to preserve ‘civil peace.’” *The National*. 31 October 2012. <http://www.thenational.ae/news/world/middle-east/bahrain-bans-rallies-in-bid-to-preserve-civil-peace>.

259 Kevin Sullivan. “Anti-government violence escalating in Bahrain.” *The Independent*. 3 November 2012. <http://www.independent.co.uk/news/world/middle-east/antigovernment-violence-escalating-in-bahrain-8280140.html>.

In reporting on the human rights situation in Bahrain during 2012, the U.S. Department of State recognized persistent human rights violations in the country, reporting that, “the most serious human rights problems included... arrest and detention of protesters on vague charges, in some cases leading to their torture in detention; and [a] lack of due process in trials of political and human rights activists, medical personnel, teachers, and students, with some resulting in harsh sentences.”<sup>260</sup> These patterns have continued in Bahrain. In May 2013, Bahraini police arbitrarily raided the home of Sheikh Isa Qassim, a senior Shia cleric with close ties to al-Wefaq, Bahrain’s largest opposition group, who was known for supporting peaceful demonstrations.<sup>261</sup>

Maryam al-Khawaja, Acting-President of the Bahrain Center for Human Rights and daughter of imprisoned human rights advocate Abdulhadi al-Khawaja, gave an interview in December 2012 to discuss Bahrain.<sup>262</sup> According to BCHR’s research, torture in prisons is endemic and political prisoners are frequently attacked and then taken into solitary confinement. Al-Khawaja also noted that political prisoners were denied air conditioning in unbearable heat, and at times, are not allowed to shower, pray or use the bathroom. The U.S. State Department found that detainees have frequently been denied access to a lawyer, medical care and prevented from seeing family.<sup>263</sup> Nabeel Rajab, the President of BCHR, said that there were poor conditions at Jaw Prison, where several of the “Bahrain 13” are being held. In July 2013, Amnesty International released a report stating that Hassan Mushaima, a detained Bahraini opposition activist who was beaten while in prison, informed his family that he has been denied urgent medical treatment.<sup>264</sup> Mushaima, a diabetic and former cancer patient, suffers from multiple health conditions.

## RESPECTING FREEDOM OF ASSEMBLY AND EXPRESSION

Not Implemented  
No Perceived Progress

**115.161** Respect the legitimate rights of all its citizens to freedom of assembly and expression, and maintain its commitment to achieving concrete political reform based on respect for the legitimate rights and aspirations of all its citizens (Australia)

More than two years after the February 2011 protests, there has been a marked increase in the number of arbitrary arrests, many of which are conducted in the middle of the night.<sup>265</sup> Those arrested were known to have participated in protests, indicating a political motivation for their detention. The use of arbitrary detention and detention on the basis of political motivation significantly undermines international legal standards and best practices for the treatment of detainees and due process. Minors in Bahrain are particularly affected by these types of abuse. The BCHR found that two teenagers had been detained for over two months without trial in October 2012.<sup>266</sup> In December 2012, the organization reported that minors were also being

<sup>260</sup> “2012 Human Rights Reports: Bahrain.” Bureau of Democracy, Human Rights, and Labor. Embassy of the United States Manama-Bahrain. 19 April 2013. <http://bahrain.usembassy.gov/policy/human-rights-report.html>.

<sup>261</sup> “Report: Bahrain police search home of top cleric.” *Associated Press*. 17 May 2013. <http://news.yahoo.com/report-bahrain-police-search-home-top-cleric-095045737.html>.

<sup>262</sup> Samia Errazzouki. “Behind the Bahraini Revolution: An Interview with Maryam Al-Khawaja.” *Jadaliyya*. 28 December 2012. [http://www.jadaliyya.com/pages/index/9293/behind-the-bahraini-revolution\\_an-interview-with-m](http://www.jadaliyya.com/pages/index/9293/behind-the-bahraini-revolution_an-interview-with-m).

<sup>263</sup> *Ibid.*, 9.

<sup>264</sup> “Bahrain prisoner denied medical treatment.” *Amnesty International*. 29 July 2013. <http://amnesty.org/en/library/asset/MDE11/025/2013/en/aa089822-d988-4715-8b75-4ba75557f783/mde110252013en.pdf>.

<sup>265</sup> “Bahraini forces escalate house raids, arbitrary arrests: NGO.” *Al-Akhbar*. 23 July 2013. <http://english.al-akhbar.com/node/16511>.

<sup>266</sup> “Bahrain: 15 years old children detained for over 2 months without a trial.” *Bahrain Center for Human Rights*. 6 October 2012. <http://bahrainrights.hopto.org/en/node/5460>.

detained under the “terrorism law” simply for participating in protests.<sup>267</sup> Children as young as 13 have been arrested, and in one instance, security forces even held a school bus up while it searched for children involved in opposition activity.

In October 2012, six medical professionals were arrested and charged because of their assistance and aid to protestors.<sup>268</sup> In November 2012, 31 Bahraini people had their citizenships revoked after being accused of terrorism or advocating for the overthrow of the government.<sup>269</sup> In July 2013, a court sentenced 31 opposition protestors to fifteen years in jail.<sup>270</sup> The defendants claim that the confessions that were used to convict them were extracted through torture. In the same month, the trial of 50 Bahraini citizens began at the Fourth Criminal Court. The judge refused to note their allegations of torture or release them on bail.<sup>271</sup> On September 27, 2013 nonviolent protests continued with over 10,000 protestors participating in the demonstration.<sup>272</sup> On September 29, 2013, a Bahraini court sentenced 50 protest activists to lengthy jail terms, ranging from 5 to 15 years.<sup>273</sup> The activists were part of the February 14 Revolution Youth Coalition, which is considered as a terrorist group by the Bahrain government. In the weeks preceding the rally, authorities arrested former MP and Assistant Secretary General of al-Wefaq, Khalil al-Marzooq after protesting the use of state-sponsored violence against peaceful demonstrators.<sup>274</sup> On October 5, 2013, Mr. al-Marzooq was charged with “inciting terrorist crimes,” despite his clear and consistent calls for peaceful protest and public record of attempting to bring opposition parties to the negotiating table.<sup>275</sup>

## Conclusion

Despite the Government of Bahrain maintaining that respect for human rights is provided by its Constitution, the human rights situation in Bahrain continues to deteriorate. It is certainly true that most cases resulting from the events of February and March 2011 have been moved from military to civilian courts. Yet for the majority of persons persecuted for their role in these events, the result was the same: the continued use of insufficient evidence or evidence obtained under duress of torture in their convictions. Meanwhile, Bahraini security forces continue to arbitrarily detain, torture, and in some cases, extra-judicially kill Bahraini citizens.

267 “Bahrain: 13 year old children in detention for third week and others on trial under “terrorism law.” *Bahrain Center for Human Rights*. 22 December 2012. <http://bahrainrights.hopto.org/en/node/5581>.

268 “Bahrain: Medical professionals arrested and imprisoned.” *Front Line Defenders*. 3 October 2012. <http://www.frontlinedefenders.org/node/19948>.

269 Kareem Fahim, “In Crackdown, Bahrain Revokes the Citizenship of 31 People.” *The New York Times*. 7 November 2012. [http://www.nytimes.com/2012/11/08/world/middleeast/bahrain-revokes-citizenship-of-31-people-in-bid-to-quell-dissidents.html?\\_r=1&](http://www.nytimes.com/2012/11/08/world/middleeast/bahrain-revokes-citizenship-of-31-people-in-bid-to-quell-dissidents.html?_r=1&).

270 “Bahraini court gives 31 anti-regime protesters long jail terms.” *Press TV*. 5 May 2013. <http://www.presstv.com/detail/2013/05/05/301925/bahrain-hands-protesters-long-jail-terms/>.

271 “Detained Bahraini rights activists denied a fair trial in their first court hearing.” *IFEX. Bahrain Center for Human Rights*. 15 July 2013. [https://ifex.org/bahrain/2013/07/15/first\\_hearing\\_feb14/](https://ifex.org/bahrain/2013/07/15/first_hearing_feb14/).

272 “Bahrain opposition stages major rally.” *Associated Press*, 27 September 2013. <http://www.wfaa.com/news/world/225521142.html>.

273 “Bahrain jails 50 activists for up to 15 years.” *Al-Akhbar*. 29 September 2013. [http://english.al-akhbar.com/content/bahrain-jails-50-activists-15-years?utm\\_source=feedburner&utm\\_medium=twitter&utm\\_campaign=Feed%3A+AlAkhbarEnglish+\(Al+Akhbar+English\)](http://english.al-akhbar.com/content/bahrain-jails-50-activists-15-years?utm_source=feedburner&utm_medium=twitter&utm_campaign=Feed%3A+AlAkhbarEnglish+(Al+Akhbar+English)).

274 “The government should immediately release the leader of the Accord Khalil Marzouq.” *European-Bahraini Organisation for Human Rights*. 20 September 2013. <http://www.ebohr.org/2013/09/20/2096>.

275 “Bahrain charges ex-MP with inciting terror.” *Gulf News*. 5 October 2013. [http://gulfnews.com/news/gulf/bahrain/bahrain-charges-ex-mp-with-inciting-terror-1.1239611?utm\\_content=1.1239611&utm\\_medium=RSS&utm\\_source=Feeds&utm\\_campaign=Bahrain\\_charges\\_ex-MP\\_with\\_inciting\\_terror&localLinksEnabled=false&utm\\_term=News\\_RSS\\_feed](http://gulfnews.com/news/gulf/bahrain/bahrain-charges-ex-mp-with-inciting-terror-1.1239611?utm_content=1.1239611&utm_medium=RSS&utm_source=Feeds&utm_campaign=Bahrain_charges_ex-MP_with_inciting_terror&localLinksEnabled=false&utm_term=News_RSS_feed).

Given the persistent, violent and systematic nature of repression used against political figures and peaceful protestors, ADHRB finds that the Government of Bahrain has failed to implement applicable recommendations regarding the respect of human rights.



## Women and Gender Equality

The Government of Bahrain fully supported recommendations **115.39, 115.48, 115.50, 115.51, 115.68, 115.69, 115.70, 115.71, 115.72, 115.73, 115.74 and 115.77** of the UPR. In accepting these recommendations, the Government of Bahrain declared its intent to follow up on these recommendations by stating:

*“The Kingdom follows up on these recommendations with interest as they form the essence of the national plan for mainstreaming Bahraini woman, an ongoing program aimed at the implementation of the ‘National Model for Integrating Women’s Needs in Development.’ The Government’s program for legislative term 2010-2014 expressly includes for the first time initiatives aimed at continuing the efforts of empowering women economically, politically and socially through a number of mechanisms and processes, including the adoption of equal opportunity administrative units at ministries and government departments.”<sup>276</sup>*

### Brief Assessment

Despite the government’s stated commitment to a national plan for the integration and advancement of women in Bahraini society, the implementation of the plan continues to be delayed and a persistent imbalance of women’s participation in leadership roles both politically and economically remains. Human rights abuses against women in Bahrain also continue.

### WOMEN’S EMPOWERMENT

Technically Implemented  
No Perceived Progress

- 115.39** Continue progress in the implementation of policies designed for the advancement of women and ensuring quality social services that are universal in coverage and benefit the whole of the population (Cuba);
- 115.48** Continue its efforts to strengthen the policies, programs and mechanisms for enhancing women rights (Bangladesh);
- 115.50** Modernize the national plan for the development of Bahraini women in line with the anti-discrimination programs and to evaluate the effects of those programs on projects on the development of them and the society at large (Oman);
- 115.51** Continue the efforts in favor of the promotion of women’s rights (Senegal);
- 115.69** Take all necessary measures to combat all forms of discrimination against women and enhance their participation in State institutions (Jordan);
- 115.71** Continue its efforts to empower women economically, politically and socially, and to take all necessary measures to eliminate all forms of discrimination against women (Morocco);
- 115.73** and continue promoting initiatives aimed at empowering women of the country in their economic, political and social level (Chile); and
- 115.77** Continue supporting national initiatives that promote the full respect for human rights in particular the field of the rights of women (Nicaragua).

With the decision of the Second National Conference for Bahraini Women headed by Queen Sabeeka to activate the National Model for the Integration of Women, some steps have been

<sup>276</sup> Ibid., 1.

taken to address women's standing in Bahraini society.<sup>277</sup> Yet this conference came more than a year after the recommendations to pursue the promotion of women's rights and social, economic and political empowerment were accepted. Furthermore, the conference and its findings were only preliminary, and concrete actions toward empowering women or legally defining their equal treatment or inclusion have not yet been forthcoming.

According to the 2013 World Economic Forum's Gender Gap Index, Bahrain's standing declined for the third consecutive year, falling to an overall ranking of 112 out of the 136 countries evaluated. The report notes that while Bahrain ranks comparatively well in the category of educational attainment—scoring an overall .991 where 1 represents parity between the genders—the difficult of women's advancement in the areas of economic participation and opportunity, as well as political empowerment, serve as obstacles for them to be able to reap the benefits of their educational investments.<sup>278</sup> The report found that only 11% of parliamentarians are women; women make up less than 15% of those in ministerial positions, and only 14% of senior (business) officials and managers are women. It also found that Bahraini women earn roughly 31% less than men occupying the same position.<sup>279</sup>

## PROMOTING GENDER EQUALITY

Not Implemented  
No Perceived Progress

- 115.68** Take further measures, including legislative, in order to expand rights and opportunities of women and promote gender equality (Belarus);
- 115.72** Strengthen its efforts to promote gender equality (Republic of Korea);
- 115.74** Continue to pay attention to promoting gender equality and eliminating discrimination against women (Singapore)

The Family Provision Act of 2009 legally enshrines separate obligations and standards based on gender. The law makes a distinction between divorces initiated by men and those initiated by women, as the latter must be accompanied by a legal justification. Sharia court judges, none of whom are women and all of whom are traditionally conservative religious leaders with little formal legal training, preside over cases regarding divorce, custody, and inheritance. These judges overwhelmingly favor men in their verdicts and are “unapologetically adverse to women's equality.”<sup>280</sup>

For Shia women, there are no family laws, so they lack the legal means to protect their own children.<sup>281</sup> The penal code also does not adequately address the issue of violence against women, and there are no provisions on domestic violence or sexual assault.<sup>282</sup> Although rape is punishable under law, marital rape is not currently recognized as a crime. Furthermore, Bahraini women of all denominations continue to lack the legal ability to pass their citizenship on to their children.<sup>283</sup>

<sup>277</sup> Ibid.

<sup>278</sup> “The Global Gender Gap Report: 2013.” *The World Economic Forum*. 24 October 2013. [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2013.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf).

<sup>279</sup> Ibid.

<sup>280</sup> “World Report 2010: Bahrain.” *Human Rights Watch*. <http://www.hrw.org/world-report-2010/bahrain-0>.

<sup>281</sup> “Women's rights in Bahrain: Steady Progress Towards Equality (Interview with Mona Almoayyed, Managing Director of Y. K. Almoayyed & Sons).” *Marcopolis*. 17 April 2013. <http://www.marcopolis.net/womens-rights-in-bahrain-steady-progress-towards-equality-1704.htm>.

<sup>282</sup> “World Report 2013: Bahrain.” *Human Rights Watch*. <http://www.hrw.org/world-report/2013/country-chapters/bahrain?page=3>.

<sup>283</sup> See Section 3: Nationality of this report.

**115.70** Meet the aspirations of groups that are the victim of discrimination (Belgium);

Despite certain institutional inequalities and structural barriers for women in Bahrain, women and men face similar barriers to freedom of expression and assembly in their attempt to gather to express grievances.

In October 2012, a final ruling upheld the imprisonment of 11 women for participating in a march.<sup>284</sup> The women were arrested without warrants and interrogated without the presence of their lawyer. In January 2013, following extended harassment by security authorities and fear of being taken from their homes during midnight house raids, five Bahraini women turned themselves in for participating in a peaceful protest.<sup>285</sup>

Zainab al-Khawaja, another prominent human rights activist, was sentenced to three months in jail in March 2013 for insulting a public employee while on duty.<sup>286</sup> In the same month, BCHR released a report detailing state-sponsored abuse of women in Bahrain, including through the use of violence and the revocation of citizenship.<sup>287</sup> In April 2013, Bahraini police broke up a women's protest with stun guns and tear gas.<sup>288</sup>

In July 2013, Rihanna al-Mosawi, detained with the February 14 Coalition, began a hunger strike in protest of her ill-treatment.<sup>289</sup> Police stripped her of her clothing and threatened to rape her. As a result of clear and consistent oppression of women in the country, 50 Gulf rights groups and activists released a statement condemning Gulf States, including Bahrain, over the mistreatment of women activists, citing the use of torture, illegal detention and sexual abuse.<sup>290</sup>

**Conclusion**

Despite limited efforts to address the issue of women and gender equality in Bahrain, the economic, social and political status of women in Bahrain remains stagnant. Although the government declared initiatives to “promote greater integration of women on a national level,” such initiatives lack both specificity and a plan of implementation. Significant gender-based discrimination continues, as exemplified by the disparate consequences of legal divorce proceedings on women in the country, as well as the lack of adequate legal protection from sexual violence. The absence of gender equality in legal proceedings is illustrated by the complete lack of female judges presiding over Sharia courts. Finally, women continue to face gender-specific human rights abuses for their roles in opposing the government, as threats of rape and sexual violence in retaliation for dissent remain common.

284 “Bahrain: Fearing Midnight House Raids, 5 Young Women Turn Themselves in to Serve Prison Sentence for Protesting.” *Bahrain Center for Human Rights*. 22 January 2013. <http://bahrainrights.org/en/node/5607>.

285 Jen Marlowe. “Women Join Bahrain’s Uprising.” *The Progressive*. November 2012. <http://progressive.org/women-join-bahrain-uprising>.

286 Raissa Kasolowsky, Alistair Lyon. “Bahrain court jails woman activist for three months: agency!” *Reuters*. 1 March 2013. <http://www.reuters.com/article/2013/03/01/us-bahrain-sentence-idUSBRE9200AU20130301>.

287 “International Women’s Day: Bahraini Women imprisoned, tortured, killed, stripped from nationality, and impunity for abusers.” *Bahrain Center for Human Rights*. 7 March 2013. <http://bahrainrights.org/en/node/5672>.

288 “Bahrain police break up women’s protest with stun grenades.” *Russia Today*. 2 April 2013. <http://rt.com/news/stun-grenades-protest-bahrain-202/>.

289 “Bahrain: Rihanna Al-Mosawi, an example of violations practiced against women as a punishment for claiming their legitimate rights.” *Bahrain Center for Human Rights*. 21 July 2013. <http://www.bahrainrights.org/en/node/6243>.

290 “Gulf rights groups slam abuse of women activists.” *Gulf News*. 22 July, 2013. <http://gulfnews.com/news/gulf/oman/gulf-rights-groups-slam-abuse-of-women-activists-1.1211981>.

In light of the failure of the Government of Bahrain to implement a national plan for the integration of women, combined with continued gender-based economic and legal discrimination, and human rights abuses against women, ADHRB finds that implementation of the UPR recommendations relating to women and gender equality remains incomplete.

## SECTION 19

# Abandon Any Restriction on Human Rights Defenders, Journalists, NGOs

The Government of Bahrain fully supported recommendations **115.147**, **115.150**, **115.156** and **115.158** of the UPR pertaining to the abandonment of restrictions on human rights defenders. In accepting these recommendations, the government stated:

*“Bahrain is adhering to the declaration on human rights defenders adopted by the UN General Assembly resolution 53/144. At present, there are no controls to restrict the activities of non-governmental organizations as stipulated in Law No. 21 of 1989, except in matters which conflict with the State’s laws and regulations, as is applicable in all similar international legislation. They are allowed freedom of movement without restriction except as necessary to ensure their security and safety. The Kingdom always welcomes constructive cooperation with international organizations, and does not prohibit their entry into Bahrain. To expedite decisions on applications submitted by international organizations, a committee was formed to review those applications, as stipulated in Cabinet Resolution No. 19 of 2012.”*

### Brief Assessment

Restrictions against journalists and human rights defenders continues unabated in Bahrain, with many being imprisoned or threatened with imprisonment, or denied access to the country. Both amateur and professional journalists face prison sentences and other forms of abuse for criticizing the government. In the past year alone, several human rights defenders have been abducted, jailed, tortured, and in some cases killed.

### HUMAN RIGHTS DEFENDERS & JOURNALISTS

Not Implemented  
No Perceived Progress

- 115.147** That human rights defenders must be protected and allowed to conduct their work without hindrance, intimidation or harassment (Norway);
- 115.150** Abandon any restriction or obstacle to the work of persons and institutions engaged in the protection and promotion of human rights (Switzerland);
- 115.156** Lift all restrictions on movements of foreign journalists and international organizations defending human rights (Belgium);
- 115.158** Cease all intimidation or repression against human rights defenders, journalists, and Non-Governmental Organizations (Spain)

The Government of Bahrain continues to restrict the legal purview of journalists and human rights organizations while issuing both legal and extra-legal punishments to those who bring human rights abuses in the country to light. Commonly, human rights defenders who organize and speak out against breaches of human rights are accused of acts of ‘terrorism’ by the Government of Bahrain. International institutions concerned with human rights violations, civil and governmental, are routinely denied access to the country.

Within the country, journalists are denied access to sensitive sources and are often subjected to arbitrary persecution.<sup>291</sup> Violations are particularly acute at times when the government attracts greater international attention, as occurred during the 2012 F1 Grand Prix, when the government

<sup>291</sup> “Bahrain on Press Freedom Day: Journalist in Jail, Abusers Responsible for Murder and Torture Are Free.” *Bahrain Center for Human Rights*. 3 May 2013. <http://bahrainrights.hopto.org/en/node/5731>.

instituted a crackdown on peaceful protestors.<sup>292</sup> The Bahraini authorities have exercised their influence to bar journalists, rights advocates, and academic critics from entering many neighboring countries, citing “security concerns” or last-minute procedural issues.<sup>293 294 295</sup> Cases such as the barring of *The New York Times* journalist Nicholas D. Kristof in December 2012, demonstrate the lack of journalistic and media freedom in the country. Local journalists are similarly barred from leaving.<sup>296 297 298</sup>

The same day Kristof was denied entry, leading human rights activists Said Yousif al-Muhafda, Vice President of the Bahrain Center for Human Rights, was detained for reporting a protest via Twitter. He was charged with “disseminating false information” and held for one month.<sup>299</sup> Other prominent human rights activists have been targeted, including Naji Fateel, board member of Bahrain Youth Society for Human Rights, who was sentenced to 15 years in prison for his activism. Prior to his sentencing under the internationally criticized “Law on the Protection of Society from Acts of Terrorism,” Mr. Fateel reported being subjected to torture, which was later confirmed by photographic evidence.<sup>300</sup>

Despite the Government of Bahrain’s public commitment to curb abuses and detentions of human rights advocates, these abuses persist. This is exemplified by the cases of Abdulhadi al-Khawaja, founder and former president of BCHR, his daughter, activist Zainab al-Khawaja; Mahdi Abu Deeb, President of the Bahrain Teachers Association; Mohamed al-Maskati, president of the Bahrain Youth Society for Human Rights; and Nabeel Rajab, former leader of BCHR and member of Human Rights Watch’s Middle East Division Advisory Committee, all of whom remain in prison on various charges related to little more than their role in documenting the Government of Bahrain’s human rights violations.<sup>301</sup> Claims of torture made by these human rights defenders in 2011 have yet to be investigated, and BCHR has documented the continued denial of access to medical treatment by the Government of Bahrain since their imprisonment two years ago.

292 “Race day of F1 Grand Prix: Protests around Bahrain suppressed while peaceful protesters, activists & journalists arrested.” *Bahrain Center for Human Rights*. 22 April 2013. <http://bahrainrights.hopto.org/en/node/5204>.

293 “UAE Restricts Entry for Critics of Bahrain Regime.” *Freedom House*. 25 February 2013. <http://www.freedomhouse.org/article/uae-restricts-entry-critics-bahrain-regime>.

294 “Al Jazeera journalist denied entry; Bahrain rejects charge.” *The Peninsula*. 26 December 2012. <http://thepeninsulaqatar.com/qatar/219431-al-jazeera-journalist-denied-entry-bahrain-rejects-charge.html>.

295 “UAE ministry confirms London academic was denied entry.” *Al Arabiya News*. 26 February 2013. <http://www.alarabiya.net/articles/2013/02/26/268429.html>.

296 Sreenivasan, Sree. “Nick Kristof live-tweets his Bahrain visa crisis.” *CNET*. 17 December 2012. [http://news.cnet.com/8301-33619\\_3-57559667-275/nick-kristof-live-tweets-his-bahrain-visa-crisis/](http://news.cnet.com/8301-33619_3-57559667-275/nick-kristof-live-tweets-his-bahrain-visa-crisis/).

297 “Dubai officials block Bahrain-based AP journalist.” *Yahoo News*. 25 February 2013. <http://news.yahoo.com/dubai-officials-block-bahrain-based-ap-journalist-162433287.html>.

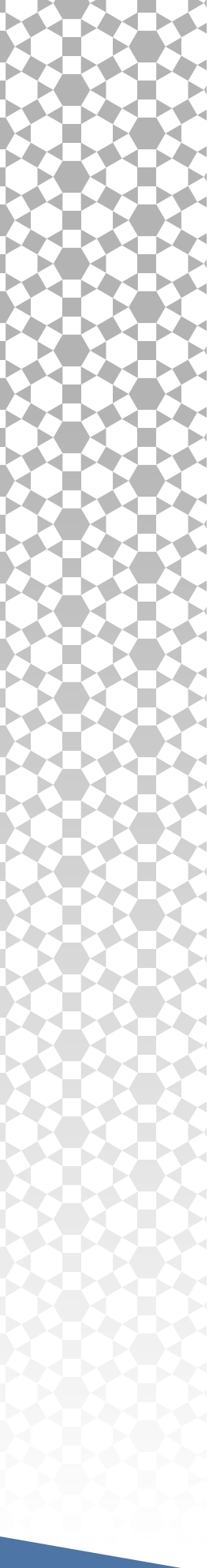
298 Mezzofiore, Gianluca. “British Airways Ban Bahrain Activist Maryam al-Khawaja from Copenhagen Plane.” *International Business Times*. 9 August 2013. <http://www.ibtimes.co.uk/articles/497994/20130809/british-airways-maryam-al-khawaja-bahrain.html>.

299 Robert Mackey, Liam Stack. “Bahrain Jails Activist for Covering Protests on Twitter.” *The Lede*. 19 December 2012. [http://thelede.blogs.nytimes.com/2012/12/19/bahrain-jails-activist-for-covering-protests-on-twitter/?\\_r=1](http://thelede.blogs.nytimes.com/2012/12/19/bahrain-jails-activist-for-covering-protests-on-twitter/?_r=1).

300 “Bahrain: Update – Evidence of torture of detained human rights defender Mr Naji Fateel.” *Frontline Defenders*. 12 July 2013. <http://www.frontlinedefenders.org/node/23259>.

301 “ABDULHADI AL-KHAWAJA,” *Frontline Defenders*. <http://www.bahrainhrd.org/abdulhadi.html>; “Human rights defender Zainab Al-Khawaja arrested, ill-treated.” *IFEX*. 7 August 2012. [http://www.ifex.org/bahrain/2012/08/07/al\\_khawaja\\_arrested/](http://www.ifex.org/bahrain/2012/08/07/al_khawaja_arrested/); Brian Dooley. “Silent Witness – The U.S. Government and the Trial of Bahraini Human Rights Defender Abu Deeb.” *Human Rights First*. 5 April 2013. <http://www.humanrightsfirst.org/2013/04/05/silent-witness-the-u-s-government-and-the-trial-of-bahraini-human-rights-defender-abu-deeb/>; “Bahrain Prosecutes Human Rights Activist for his UN Work.” *The Cairo Institute for Human Rights Studies*. 18 October 2012. <http://www.cihrs.org/?p=4556&lang=en>; “Bahraini Court Reaffirms Rajab Conviction, Reduces Sentence.” *Human Rights First*. 11 December 2013. <http://www.humanrightsfirst.org/2012/12/11/rajab-sentence-reduced-by-bahraini-court/>.





## **Conclusion**

Despite the government's claims that it maintains no laws restricting the ability of NGOs to effectively function in the country, the government has used vague anti-terrorism laws to shut down NGOs and imprison human rights defenders that criticize the government. Journalists that criticize the government face arbitrary abduction, torture, and prison sentences. Many prominent human rights activists in the country remain in prison, and their claims of torture have not yet been investigated.

Because the government has not only failed to curb abuses against journalists and human rights defenders, but also actively sanctioned such abuse, ADHRB considers the Government of Bahrain to have failed in its implementation of these recommendations.

## Other Recommendations

The Government of Bahrain did not support recommendations **115.110 and 115.120** of the UPR, which pertain to implementing of UPR recommendations, ending violence and impunity, and releasing political prisoners, as well as extraditing Abdulhadi al-Khawaja. In rejecting these recommendations, the government stated:

*Certain recommendations which cannot be clearly classified under categories. Others demand that the Bahraini Government extradition of certain accused individuals. Such cases often feature specific issues that fall to be resolved individually and simply do not lend themselves to generalization.*

### Brief Assessment

The government failed to accept these recommendations, and no progress has been made in their implementation.

#### END VIOLENCE & IMPUNITY AND RELEASE POLITICAL PRISONERS

Recommendation  
Not Accepted

**115.110** Implement fully all recommendations made to Bahrain by the U.N. mandate holders including the immediate end of violence and release of all political prisoners and ending impunity thus bringing perpetrators to justice (Iran (Islamic Republic of))

The Government of Bahrain rejected this recommendation, and thus no progress has been made in its implementation.<sup>302</sup>

Since the government's rejection of this recommendation, it has continued to detain and charge opposition leaders and activists under politically motivated charges. Khalil al-Marzooq's detainment by regime security forces on September 15, 2013 on charges of inciting violence and attempting to overthrow the government is a good example of this.<sup>303</sup> Despite his release on October 24, these charges remain, and his trial will resume on January 27, 2014.<sup>304</sup>

The U.S. State Department found that Ibrahim Sharif, Secretary General of the secular Wa'ad political society, and Sheikh Mohammed Ali al-Mahfoodh, Secretary General of the Islamic Action Society, are two political detainees that remain in prison.<sup>305</sup> Evidence used to convict Mr. Sharif came from confessions extracted through torture.<sup>306</sup> In September 2012, his charges were upheld in the appeals court despite the allegations of torture having been proven.<sup>307</sup> In November 2012, al-Mahfoodh's sentence was reduced but not dismissed, despite his initial conviction in a military court due to a confession obtained through torture.<sup>308</sup>

302 Ibid., 1.

303 "Bahrain opposition figure Khalil Marzook 'arrested.'" *BBC News*. 17 September 2013. <http://www.bbc.co.uk/news/world-middle-east-24125059>.

304 "Bahrain court releases Al Wefaq leader Khalil Marzouq." *Gulf News*. 24 October 2013. <http://gulfnews.com/news/gulf/bahrain/bahrain-court-releases-al-wefaq-leader-khalil-marzouq-1.1246798>.

305 Ibid., 9.

306 Tom Malinowski. "Unsung Heroes." *Foreign Policy*. 3 October 2012. [http://www.foreignpolicy.com/articles/2012/10/03/unsung\\_heroes](http://www.foreignpolicy.com/articles/2012/10/03/unsung_heroes).

307 Kareem Fahim. "Court in Bahrain Confirms Jail Terms for 13 Dissidents." *New York Times*. 7 January 2013. [http://www.nytimes.com/2013/01/08/world/middleeast/court-in-bahrain-confirms-jail-terms-for-13-dissidents.html?\\_r=0](http://www.nytimes.com/2013/01/08/world/middleeast/court-in-bahrain-confirms-jail-terms-for-13-dissidents.html?_r=0).

308 "Amal Society leader, Sheikh Mohammed Ali al-Mahfoodh, to remain imprisoned for Freedom of Expression." *The Crooked Bough*. 8 December 2012. <http://www.crookedbough.com/?p=15141>.

In cases of torture charges that do make it to court, the Bahraini judiciary systematically favors the accused torturers. For example, five police officers that were convicted of beating blogger Zakariya al-Asheeri to death were acquitted in March 2013.<sup>309</sup> Al-Asheeri was moderator of “dair.net” online forum, a popular platform for opposition views against the government. On July 1, 2013 Mubarak bin Huwail and royal family member Noora bint Ibrahim al-Khalifa were acquitted of charges relating to the torture of medics who were detained for providing medical care to injured protestors.<sup>310</sup> Rather than being punished for their crimes, Huwail was congratulated by the Prime Minister for his efforts and promised future immunity.<sup>311</sup> The officer responsible for the death of Ali Mushaima, the first victim of the February 2011 security crackdown to die, was initially sentenced under the manslaughter charge of ‘beating leading to death,’ despite the fact that Mushaima died of injuries sustained from a close-range birdshot blast to the back. This sentence was reexamined by the Court of Appeals and reduced to 3 years on October 21, 2013.<sup>312</sup> Similarly, two police officers convicted of fatally torturing Abdul Karim Fakhrawi in April 2011 had their sentences reduced from 3 to 7 year terms.<sup>313</sup>

## RELEASE OF ABDULHADI AL-KHAWAJA

Recommendation  
Not Accepted

**115.120** That Abdulhadi Al Khawaja be transferred to Danish authorities for medical treatment, in line with the agreement reached on March 14th (Denmark)

The Government of Bahrain did not accept this recommendation. At the time of the release of this report, Abdulhadi al-Khawaja remains in prison in Bahrain and continues to be denied access to medical treatment for the torture he incurred.<sup>314</sup>

### Conclusion

Recommendation **155.110**, which was not accepted by the Government of Bahrain, centers on the treatment of political activists and the impunity enjoyed by Bahraini security forces. After rejecting the recommendation to release political prisoners and end impunity for those state security forces that commit human rights violations, Bahrain authorities held judicial rulings that protected officers accused of abuse from prosecution. ADHRB finds it troubling that Bahrain chose to reject this recommendation by stating that it cannot clearly be classified under any category. Yet the government accepted eight different recommendations under that category “Respecting Human Rights”—a categorization that would accurately describe the prescriptions given under this recommendation. Furthermore, this recommendation expressly calls for the implementation of all recommendations given by U.N. mandate holders. ADHRB finds it concerning that the

309 “After a year-long show trial: no one is found guilty for killing blogger under torture in police custody.” *Bahrain Center for Human Rights*. 13 March 2013. <http://www.bahrainrights.org/en/node/5673>.

310 “Bahrain: Acquittal of Officers Accused with Torture of Medics.” *Bahrain Center for Human Rights*. 1 July 2013. <http://bahrainrights.hopto.org/en/node/6205>.

311 “Bahrain: Prime Minister to Officer Acquitted on Torture Charges: “Thank you for your work.” *Bahrain Center for Human Rights*. 10 July 2013. <http://www.bahrainrights.org/en/node/6219>.

312 “Bahrain cuts jail term for policeman who killed protester.” *The Daily Star*. 21 October 2013. <http://www.dailystar.com.lb/News/Middle-East/2013/Oct-21/235275-bahrain-cuts-jail-term-for-policeman-who-killed-protester.ashx#axzz2iN3VHh00>.

313 “Bahrain police officers jailed for torturing Kareem Fakhrawi to death.” *Bahrain Observer*. 31 December 2013. <http://www.bahrainobserver.com/en/page/462/Bahrain+police+officers+jailed+for+torturing+Kareem+Fakhrawi+to+death.html>; “Bahrain reduces police sentences in torture death.” *Associated Press*. 27 October 2013. [http://m.apnews.com/ap/db\\_268743/contentdetail.htm?contentguid=LO5w](http://m.apnews.com/ap/db_268743/contentdetail.htm?contentguid=LO5w); “ABDULHADI AL-KHAWAJA.” *Frontline Defenders*. <http://www.bahrainhrd.org/abdulhadi.html>.

314 “ABDULHADI AL-KHAWAJA.” *Frontline Defenders*. <http://www.bahrainhrd.org/abdulhadi.html>.

Government of Bahrain disregarded outright this particular recommendation, as opposed to a partial acceptance of the recommendation, so as to build confidence in its stated commitments to effectively implement reforms and affect positive change in the human rights situation in the country.

Recommendation **151.120**, which the Bahrain government also did not accept, called for the return of Abdulhadi al-Khawaja to Denmark for medical treatment. Due to his continued imprisonment and denial of access to medical treatment, ADHRB finds that the government has failed to implement this recommendation.



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