

Bahrain's Third Cycle UPR

A RECORD OF REPRESSION



Americans for Democracy
& Human Rights in Bahrain

BIRD
BAHRAIN INSTITUTE FOR
RIGHTS & DEMOCRACY



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A RECORD OF REPRESSION

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ADHRB – BCHR - BIRD

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The Bahrain Institute for Rights and Democracy is a London, UK
based non-profit organization focusing on advocacy, education and
awareness for the calls of democracy and human rights in Bahrain.




The Bahrain Center for Human Rights (BCHR) is a non-profit, non-governmental
organization, registered with the Bahraini Ministry of Labor and Social Services
since July 2002. Despite an order by the authorities in November 2004 to close,
the BCHR is still functioning after gaining wide local and international
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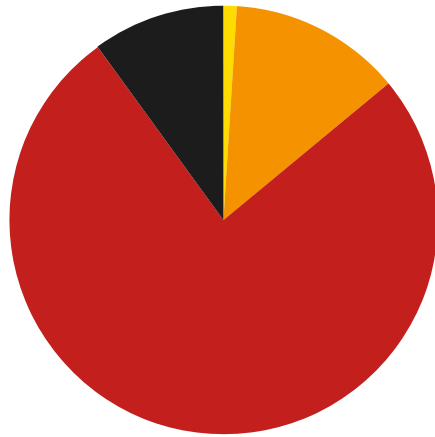
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 0/29	 2/29	 7/29	 16/29	 3/29	 1/29
Fully Implemented	Perceived Progress	Technically Implemented	Not Implemented No Perceived Progress	Recommendation Not Accepted	Not Applicable
No Perceived Progress					

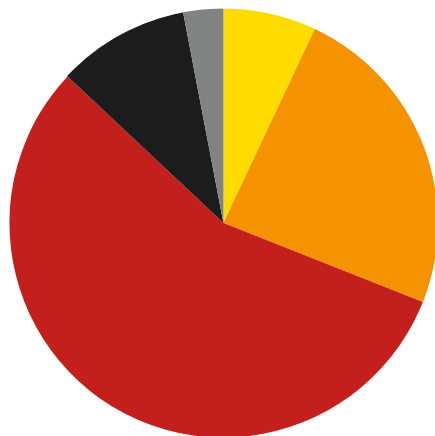
* The sections of this report are largely based on the divisions of the 176 recommendations made to Bahrain in its UPR Second Cycle review according to the classifications given by the Government of Bahrain in A/HRC/21/6/Add.1/Rev.1. See the Methodology section for an explanation of the alterations made to the government's second-cycle categories for the purposes of this comprehensive third-cycle report.

UPR Implementation by Recommendation




Fully Implemented	0
Perceived Progress	2
Technically Implemented	23
Not Implemented	133
Not Accepted	18


UPR Implementation by Section





Fully Implemented	0
Perceived Progress	2
Technically Implemented	7
Not Implemented	16
Not Accepted	3
Not Applicable	1

 Fully Implemented

 Perceived Progress

 Technically Implemented
No Perceived Progress

 Not Implemented
No Perceived Progress

 Recommendation Not Accepted

 Not Applicable

Executive Summary

Just over a year after government forces violently suppressed the country's mass pro-democracy protests in 2011, Bahrain entered its second four-year cycle of the Universal Periodic Review of Human Rights (UPR). On 6 July 2012, member and observer states of the United Nations (UN) Human Rights Council (HRC) submitted 176 recommendations to the Bahraini government, addressing a wide range of issues from criminal justice reform to women's rights. That October, the government partially or fully accepted 158 of these recommendations, pledging to take the requisite steps to bring the country's practices in line with international human rights standards.

Following the government's failure to implement a narrower set of just 26 recommendations issued by the Bahrain Independent Commission of Inquiry (BICI) in 2011,¹ the second UPR cycle represented a moment of reckoning for Bahrain's rulers: they could either seize this new opportunity to revive the reform and reconciliation process, or demonstrate a renewed commitment to authoritarianism and repression.

Four years later, as Bahrain's second-cycle comes to a close, Americans for Democracy & Human Rights in Bahrain (ADHRB) is forced to confirm its midterm assessment² made halfway through the UPR process in 2014: the government's second chance has become yet another missed opportunity.

Since 2012 – and since the 2011 pro-democracy movement, more broadly – the Bahraini government has only intensified its campaign against civil society and peaceful political opposition, imposing increasingly draconian restrictions on basic freedoms that have stifled progress across the full spectrum of human rights.

In this report, ADHRB, the Bahrain Center for Human Rights (BCHR), and the Bahrain Institute for Rights and Democracy (BIRD) seek to provide a clear and comprehensive assessment of not only the Bahraini government's technical implementation of its second-cycle UPR recommendations, but also to assess its larger efforts to resolve the country's major political and human rights challenges. We have therefore attempted to evaluate the full scope of each issue area in order to gauge the government's efforts to realize the spirit of the recommendations. Moreover, with Bahrain preparing to enter its third cycle, we have also provided information on key issue areas that were not addressed in 2012, as well as proposed recommendations we hope to see included in the upcoming UPR process.

Our report finds that the Bahraini government has still failed to fully implement any of its 176 second-cycle UPR recommendations. Of the 158 recommendations accepted by the government, only two have seen any significant progress toward implementation. ADHRB, BCHR, and BIRD have not perceived any substantive progress for 133 recommendations and assess that 23 others have been merely technically implemented with little to no substantive impact.

At the end of its second UPR cycle, then, the Government of Bahrain has proven either unable or unwilling to implement almost any recommendations, including those to reform its criminal justice system, curb the use of torture, or institute sufficient protections for fundamental human rights like free

1 Despite government claims to the contrary, the vast majority of the BICI recommendations remain unimplemented. See Section G of this report and *Shattering the Façade: A Report on Bahrain's Implementation of the Bahrain Independent Commission of Inquiry (BICI) Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrain-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

2 *A Follow-Up Report on A Bahrain's UPR Second Cycle: The Deteriorating Human Rights Situation in Bahrain*, ADHRB, 23 April 2014, <http://www.adhrb.org/2014/04/a-follow-up-report-on-bahrain-2nd-cycle-the-deteriorating-human-rights-situation-in-bahrain/>

expression, assembly, association, and belief. Rather, Bahraini authorities continue to arbitrarily arrest, disappear, torture, and imprison individuals for exercising these rights. Since 2012, the government has significantly expanded its penal code, counterterrorism legislation, and cybercrime law to broadly restrict civil society and effectively criminalize all forms of dissent. The government has additionally taken steps to harass, dissolve, and constrain most of Bahrain's civil, political, and religious organizations.

Notably, some important issue areas had seen limited improvement at the halfway point of Bahrain's second UPR cycle, such as women's rights and gender equality. Yet today, the government has significantly regressed even here, targeting women human rights defenders for reprisal and issuing problematic new policies such as a male guardianship system for female religious pilgrims. For these reasons we have downgraded the ratings of several recommendations since ADHRB's 2014 midterm assessment, resulting in a lower final evaluation.

Ultimately, the dismal implementation status of Bahrain's second-cycle UPR recommendations underscores a disturbing backward trend in the overall human rights situation. Exacerbating the government's general failure to reform, this past year has witnessed an unrelenting assault on the remnants of Bahraini civil society. Since May 2016, Bahraini authorities have judicially harassed scores of activists, journalists, lawyers, political figures, and religious leaders, going so far as to arbitrarily detain BCHR's president and cofounder Nabeel Rajab for tweets. During the same period, the government closed the largest political group, Al-Wefaq National Islamic Society, and revoked the citizenship of Bahrain's leading Shia cleric, Sheikh Isa Qassim. This unprecedented degree of repression has led to mass protests not seen since 2011, with security forces attacking peaceful demonstrations across the country as this report goes to publication.

Simultaneously, as Bahrain's detention centers overflow with new political prisoners, many of those first detained in the aftermath of the 2011 pro-democracy uprising remain in custody. Eleven of the group of incarcerated human rights defenders and political figures known as the Bahrain 13 – including Al-Wefaq cofounder and leader of the Al-Haq Movement, Hassan Mushaima; Al-Wefaq cofounder and founder of the Al-Wafaa Islamic Movement, Abdulwahab Husain; human rights defender Dr. Abduljalil al-Singace; and religious leader Sheikh Mohammad Habeeb al-Muqdad – continue to serve sentences ranging from 15 years to life. BCHR cofounder Abdulhadi al-Khawaja still languishes in prison despite explicit UPR recommendations calling for his release.

ADHRB, BCHR, and BIRD therefore call on the international community to not only hold the Bahraini government accountable for this complete failure to fulfill its second-cycle UPR obligations, but to also issue an even more thorough, pointed set of recommendations for the upcoming third cycle. We additionally urge the international community to take all possible measures to ensure the Government of Bahrain responsibly and transparently commits to a path of true reform as laid out by the UPR process for the next four years.

Bahrain is at a crucial juncture. If the international community does not speak out with one voice against increased repression and request serious change – for which there are few better means than the UPR process – it is deeply troubling to imagine where the country will be by the next cycle.

Methodology

On 6 July 2012, member and observer states of the UN HRC submitted 176 recommendations to the Government of Bahrain as part of the country's second 4-year cycle of the UPR. In October 2012, the Bahraini government accepted 158 of these recommendations, either in part or in full.

As part of its acceptance process, the government grouped the recommendations into 20 different issue areas including criminal justice, women's rights, media and press freedom, and restrictions on human rights defenders. Many of the resultant sections and subsections contain significant overlap, however, or are excessively broad. The government's "Respecting Human Rights" category, for example, includes recommendations pertaining to such disparate issues as ensuring diversity within Bahrain's security forces and increasing protections for free assembly and expression. Moreover, the second-cycle recommendations do not address the full range of human rights issues in Bahrain, and necessarily omit developments that have occurred since 2012. As a result, ADHRB, BCHR, and BIRD have expanded on the government's original structure to provide not only a more accurate assessment of the implementation of the 2012 recommendations, but also to provide information on additional issue areas that lacked sufficient coverage in the second-cycle UPR process. Some recommendations are included in multiple sections when appropriate (e.g., recommendations pertaining to discrimination are included in the Women's and Children's Rights section as well as the Religious and Cultural Rights section). The major structural changes are as follows:

- The "Respecting Human Rights" category has been dissolved, with its constituent recommendations distributed across the remaining sections as appropriate; they are now primarily addressed in Section A, Section E, and Section N.
- The "Women and Gender Equality" category has been merged with the "Child Rights" and "Family Law" categories to create Section E: Women's and Children's Rights. The latter two categories contained only four recommendations in total, and the strict focus on specific legislation in both sections precluded a more comprehensive assessment of the related human rights issues. The new section is therefore broader and addresses the interrelated effects of such legislation on the overall status of women's and children's rights in Bahrain.
- The "Constitution and National Legislation" category includes brief assessments of major legislation effecting the enjoyment of basic human rights – including those to free expression, press, assembly, and association – while indicating other relevant sections that address those issues more comprehensively.
- The "Abandon Any Restriction on Human Rights Defenders, Journalists, and Non-Governmental Organizations" section has been dissolved, with its constituent recommendations now addressed specifically in Section H and Section L, as well as more broadly in Section A and Section M.
- A new category has been created to address religious and cultural rights – Section N: Religious and Cultural Rights. Whereas the government originally interpreted its recommendations to combat discrimination narrowly, and included them only under the "Women and Gender Equality" category, this new section also assesses government efforts to reduce religious and cultural discrimination. This new section encompasses the previous "Rebuild Religious Sites" category, which contained just one recommendation.

- Another new category has been created to address issues of medical impartiality and public health – Section O: Medical Impartiality and Public Health. As the government did not receive any recommendations explicitly concerning these issues, this section will not contain an evaluation and will instead provide brief analysis with recommendations for the third cycle.

In this context, *Bahrain's Third Cycle UPR: A Record of Repression* seeks to provide a frank and accurate assessment of not only the technical aspects of the Government of Bahrain's implementation of its second-cycle recommendations, but also to assess its larger efforts to resolve the country's major political and human rights challenges. For these reasons we have also evaluated steps taken to implement the spirit of the recommendations. Additionally, for the purposes of clarity and completeness, we have decided to assess all recommendations, regardless of the degree of acceptance (full, partial, or not). While we clearly note this degree where appropriate, the report aims to provide a comprehensive picture of the key human rights issues in Bahrain for the third UPR cycle, not just those partially or fully acknowledged by the government during the second cycle.

Furthermore, as Bahrain prepares to enter its third UPR cycle, we have included our own targeted recommendations to the government aimed at improving each of the distinct human rights issue areas as well as the overall status of human rights in the country.

The information utilized to make these assessments and recommendations comes from a range of sources, including: primary data and first-hand accounts from individuals on the ground in Bahrain, including trends derived from ADHRB's UN Complaint Program; second-hand sources that have been fact-checked or independently verified where possible; and official reporting done by both governmental and non-governmental bodies. It should be noted that the possibility for further, more systematic in-country research is extremely limited due to the restrictions on civil society to openly and freely operate within Bahrain. The Government of Bahrain has declined to cooperate with ADHRB and BIRD, and BCHR is officially prohibited from operating in the country. Much of the work that was conducted on the ground for this report was therefore completed under varying degrees of confidentiality, for fear of reprisal.

Recognizing the variety of sources, we believe this report accurately assesses the progress made by the Government of Bahrain over the past four years since accepting 158 of the 176 second-cycle recommendations, and provides recommendations for greater progress to be made during the country's third UPR cycle.

All information contained in this report is believed accurate as of 1 January 2017.

Acronyms

ADHRB	Americans for Democracy & Human Rights in Bahrain
BCHR	Bahrain Center for Human Rights
BICI	Bahrain Independent Commission of Inquiry
BIRD	Bahrain Institute for Rights and Democracy
BNA	Bahrain News Agency
BYSHR	Bahrain Youth Society for Human Rights
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSI	Civil Settlement Initiative
CSO	Civil Society Organization
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CID	Criminal Investigations Directorate
ILO	International Labour Organization
GONGO	Government-organized non-governmental organization
HRC	Human Rights Council
IAA	Information Affairs Authority
MLSD	Ministry of Labor and Social Development
MOI	Ministry of Interior
MOH	Ministry of Health
MIA	Ministry of Information Affairs
MOJ	Ministry of Justice and Islamic Affairs
NCFV	National Compensation Fund for Victims
NGO	Non-governmental organization
NIHR	National Institute for Human Rights
NSA	National Security Agency
NSC	National Safety Courts
OHCHR	Office of the High Commissioner for Human Rights
PDRC	Prisoners and Detainees Rights Commission
PPO	Public Prosecution Office
SCW	Supreme Council for Women
SIU	Special Investigations Unit
UN	United Nations
UPR	Universal Periodic Review

Second-Cycle UPR Recommendations

The Government of Bahrain fully supported recommendations **115.22, 115.42, 115.84, 115.85, 115.86, 115.87, 115.88, 115.89, 115.90, 115.92, 115.102, 115.104, 115.105, 115.106, 115.108, 115.109, 115.111, 115.112, 115.113, 115.121, and 115.130** concerning torture, abusive police practices, and accountability for the perpetrators of human rights violations. In accepting these 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.*³

The government accepted recommendations **115.98, 115.114, 115.116, 115.117, 115.118 and 115.125** concerning due process rights, military courts, and protections for 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.*⁴

The government also accepted recommendations **115.115, 115.119, and 115.123** concerning fair trials and military courts, but it initially grouped them into a broad thematic issue area concerning respect for human rights (see Methodology). This report has removed that category and will be addressing these three recommendations here. In accepting these recommendations, the government stated:

*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.*⁵

The government additionally supported recommendation **115.41** to restore peace and respect for human rights, grouping it into the same thematic category concerning respect for human rights as above (see Methodology). For the same reasons, this recommendation will be addressed here, in the context of law enforcement.

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.*⁶

3 UN 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.

4 Ibid.

5 Ibid.

6 Ibid.

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.*⁷

Brief Assessment

Four years on, ADHRB, BCHR, and BIRD find that the government has entirely failed to implement the vast majority of its recommendations to reform the criminal justice system. Torture remains systematic and widespread in Bahrain, and security forces use violence as a means to coerce confessions and punish detainees. Law enforcement authorities consistently flout international legal standards, employing abusive practices such as arbitrary arrest and detention, excessive force against peaceful protestors, and even extrajudicial killings. The judiciary and the government's oversight bodies – the Ministry of Interior (MOI)'s Office of the Ombudsman and the Special Investigative Unit (SIU) chief among them – lack the necessary independence to effectively investigate these abuses and hold perpetrators accountable. Moreover, the judiciary continues to collaborate closely with the prosecution office and the security forces, regularly permitting coerced testimony and broadly applying the country's anti-terror and anti-cybercrime legislation to convict peaceful activists. In direct contradiction of the government's statements when it accepted these recommendations, the authorities have increasingly imposed even greater restrictions on the freedoms of expression, association, and assembly since 2012, as demonstrated by the thousands of political prisoners currently incarcerated in Bahrain. In recent years, the judiciary has utilized a variety of other tools to suppress dissent as well, including the dissolution political societies like Al-Wefaq, the imposition of travel bans on activists and human rights defenders, and un-appealable denaturalization orders followed by deportation. Although the Arab Court of Human Rights was established in Bahrain, representing progress toward the implementation of recommendation **115.13**, the institution has had no effect on the country's deteriorating human rights situation, thereby failing to fulfill the spirit of the recommendation. Ultimately, ADHRB, BCHR, and BIRD conclude that the government has taken almost no action to reform its criminal justice system in order to bring it in line with international human rights standards.

1. DUE PROCESS, JUDICIAL INDEPENDENCE, AND POLITICAL PRISONERS

Not Implemented
No Perceived Progress

- 115.91** Release, immediately and unconditionally, all detainees, who have participated in peaceful protests lacking credible criminal charges (Slovakia);
- 115.98** Review convictions, commute sentences, or drop charges for all person who engaged in non-violent political expression (United States of America);
- 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);
- 115.101** Release immediately all persons solely convicted or detained for offences connected to peaceful assembly and free speech (Germany);

⁷ Ibid.

- 115.114** Make subject to review in civilian courts all convictions and sentences rendered by the National Security Courts (Austria);
- 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);
- 115.116** 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);
- 115.119** Laws should be enacted that would prohibit civilians being tried in military courts in the future (Ireland);
- 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);
- 115.123** Adopt standards on trials in criminal cases and also to guarantee the rights of detainees and prisoners, in keeping with best practices and relevant
- 115.125** Urgently conduct new trials of all defendants who have been convicted in national safety courts (United Kingdom);
- 115.126** A speedy conclusion to these cases (of human rights violations against peaceful protestors), 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)

In the four years since the beginning of the second UPR cycle, Bahraini authorities have failed to implement the vast majority of recommendations to protect due process rights, ensure judicial impartiality, and release political prisoners. The judiciary lacks proper independence from the government, the public prosecution has accrued excessive authority, and the criminal justice system as a whole remains reliant on torture and coerced confessions. As a consequence, the government has not only failed to release thousands of political prisoners, it has also imprisoned even more individuals for exercising their rights to free expression, assembly, and association.

I. Legal Framework and Judicial Structure

The Bahraini judicial system is divided into two main branches: the Civil Law Courts and the Sharia Law Courts.⁸ Civil Law pertains to all civil, criminal, and commercial cases, as well as issues of personal status or family law for non-Muslim residents. The Supreme Court of Appeal or Court of Cassation, serves as the final appellate court for the civil law branch. Sharia Law is subdivided into Sunni and Shia branches, and pertains primarily to personal status or family law. The High Sharia Court of Appeal serves as the final appellate court for the Sharia Law branch. According

⁸ Khalil Mechantaf, "The Constitutional Law and the Legal system of the Kingdom of Bahrain," New York University, Global Law and Justice, April 2010, <http://www.nyulawglobal.org/globalex/Bahrain.html>

to Article 24 of the 2002 Judicial Authority Law,⁹ the king is empowered to appoint all judges via royal order.¹⁰

The 2002 constitution additionally vests jurisdiction in various military courts, with the caveat that such jurisdiction “shall be confined to military offences committed by members of the Bahrain Defence Force, the National Guard, and the Security Forces...[and] does not extend to other person except when martial law is declared and within the bounds prescribed by law.”¹¹ In 2011, Royal Decree No. 18 established a set of military tribunals, the National Safety Courts (NSC), to try civilians for offenses related to the demonstrations.¹² Although these courts no longer operate and were found to violate international due process standards,¹³ many of their decisions still stand (see below).¹⁴

In addition to the Civil, Sharia, and military courts, the government also established two other major judicial bodies: the Supreme Judicial Council and the Constitutional Court. The 2002 constitution created the Supreme Judicial Council “to supervise the smooth running of work in the courts and their supporting organs.”¹⁵ Prior to September 2013, the king served as the chairperson of the Council; however, in 2013, he appointed Salem al-Kawari as the chairperson by royal decree.¹⁶ A year earlier in September 2012, the king issued a royal decree amending the Judicial Authority Law “to give the [Council] control of an independent budget and make its judicial authority independent of all other government ministries and departments.”¹⁷ The Supreme Judicial Council is comprised of seven senior judges and the public prosecutor, the latter of which is also appointed by royal order.¹⁸

The Constitutional Court was similarly established to “watch over the constitutionality of laws and statutes.”¹⁹ According to the 2002 constitution, “the Government, Consultative Council, the Chamber of Deputies and notable individuals and others [reserve the right to] challenge before the Court the constitutionality of laws and statutes.”²⁰ Unlike the Supreme Judicial Council, the king has never served directly on the Constitutional Court. Instead, as established by royal decree in 2012, the Constitutional Court is composed of a chief justice, a deputy chief, and five other justices, all of whom are appointed to five-year terms by the king.²¹

9 Law of the Judicial Authority, Ministry of Justice and Islamic Affairs, Kingdom of Bahrain, 2002, http://www.moj.gov.bh/en/Print_p6f7c.html?printid=977

10 Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated, Amnesty International, 16 April 2015, <https://www.amnesty.org/en/documents/mde11/1396/2015/en/>

11 Constitution of the Kingdom of Bahrain, 14 February 2002, <http://www.wipo.int/wipolex/en/details.jsp?id=7264>

12 “Report of the Bahrain Independent Commission of Inquiry,” Bahrain Independent Commission of Inquiry, 2011, <http://www.bici.org.bh/BICIreportEN.pdf>

13 “Flawed Reforms: Bahrain Fails to Achieve Justice for Protesters,” Amnesty International, 2012, http://files.amnesty.org/archives/3858_Bahrain_REPORT_web.pdf, 24.

14 Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years On, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

15 Ibid.

16 Bahrain 2014 Human Rights Report, US Department of State, 2014, <http://www.state.gov/documents/organization/236806.pdf>

17 Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated, Amnesty International, 16 April 2015, <https://www.amnesty.org/en/documents/mde11/1396/2015/en/>

18 Law of the Judicial Authority, Ministry of Justice and Islamic Affairs, Kingdom of Bahrain, 2002, http://www.moj.gov.bh/en/Print_p6f7c.html?printid=977

19 Constitution of the Kingdom of Bahrain, 14 February 2002, <http://www.wipo.int/wipolex/en/details.jsp?id=7264>

20 Ibid.

21 Khalil Mechantaf, “The Constitutional Law and the Legal system of the Kingdom of Bahrain,” New York University, Global Law and Justice, April 2010, <http://www.nyulawglobal.org/globalex/Bahrain.html>

II. Due Process Violations and the Lack of Judicial Independence

Although the constitution and the Law of Judicial Authority include language that expressly guarantees judicial independence, the actual structure of the criminal justice system – and especially the Public Prosecution Office (PPO) – ensures that it operates primarily as an extension of the monarchy’s executive authority. The king appoints all judges and prosecutors and they serve at his pleasure; while the Law of Judicial Authority technically protects these officials from arbitrary removal, Article 34 (g) also allows for their dismissal for “reasons and according to the procedures set forth in the law.”²² As the king has the ultimate power to propose constitutional amendments and promulgate or ratify laws, he is both legally and practically empowered to remove these civil servants at will.²³

Furthermore, the king retains the authority to appoint judges, and they are typically members of the royal family. Relatedly, in a trend that mirrors the foreign recruitment of Bahrain’s security forces,²⁴ many other judges are foreign contractors. Bahrain scholar Marc Owen Jones writes: “Judges who are not members of the Al Khalifa family are often Egyptians on two years contract, and are afraid to deliver unfavourable verdicts for fear of not having their contract renewed by the government. As a result [of this practice and the king’s ultimate legal authority], neither the legal system nor the constitution are sufficiently able to protect Bahraini citizens from an arbitrary state.”²⁵ According to the official history of the Bahraini judiciary presented by the Ministry of Justice and Islamic Affairs (MOJ), a preponderance of Civil Court judges have been members of the royal family or foreign nationals.²⁶ The current Minister of Justice, Shaikh Khalid bin Ali bin Abdullah Al Khalifa, is also a member of the royal family. In 2013, Prime Minister Sheikh Khalifa bin Salman al-Khalifa demonstrated how the close relationship between the monarchy, the judiciary, and the security forces continues to enable the “culture of impunity” identified by the Bahrain Independent Commission of Inquiry (BICI) in 2011:²⁷ during a filmed meeting with a police officer whom the courts had recently acquitted of torturing six medical professionals, 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.”²⁸

In recent years Bahrain’s judiciary has remained deeply linked to the security forces and the PPO, a tripartite relationship that has facilitated the regular prosecution and conviction of individuals for crimes related to free expression, association, and assembly. The judiciary and the PPO both

22 Law of the Judicial Authority, Ministry of Justice and Islamic Affairs, Kingdom of Bahrain, 2002, http://www.moj.gov.bh/en/Print_p6f7c.html?printid=977

23 Khalil Mechantaf, “The Constitutional Law and the Legal system of the Kingdom of Bahrain,” New York University, Global Law and Justice, April 2010, <http://www.nyulawglobal.org/globalex/Bahrain.html>

24 For more information, see: Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years On, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

25 Marc Owen Jones, “Saudi Intervention, Sectarianism, and De-Democratization in Bahrain’s Uprising,” Protest, Social Movements, and Global Democracy Since 2011: New Perspectives, (Research in Social Movements, Conflicts and Change, Volume 39) Emerald Group Publishing Limited, 9 June 2016, <http://www.emeraldinsight.com/doi/abs/10.1108/S0163-786X2016000039011>

26 “History of the Judiciary,” Ministry of Justice and Islamic Affairs, Kingdom of Bahrain, 2011, http://www.moj.gov.bh/en/Print_pfaf5.html?printid=642

27 Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Phillippe Kirsch, and Mahnoush Arsanjani, Report of the Bahrain Independent Commission of Inquiry, Bahrain Independent Commission of Inquiry, <http://www.bici.org.bh/BICIreportEN.pdf>

28 “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/>

operate under the MOJ, resulting in very little practical separation between judge and prosecutor.²⁹ Relatedly, until 2002, what is now the PPO was under the direct supervision of the MOI,³⁰ setting a structural precedent that has continued to challenge the ability of the judicial system to function impartially. Even after the 2002 constitution separated the prosecutorial function from the MOI and placed it under the authority of the MOJ, for example, most of the PPO's staff remained former employees of the security forces. In April 2013, CEARTAS (Irish Lawyers for Human Rights) submitted a complaint to the International Association of Prosecutors (IAP) that urged the expulsion of the head of the PPO, Attorney General Ali bin Fadhul al-Buainain, after an investigation found that he "has and continues to oversee the prosecution of individuals for expressing their political opinions...[And] engaging in political protest... without adherence to their rights to due process and fair procedures."³¹ CEARTAS concluded that "the office of Public Prosecution is not capable of investigating matters of torture, nor is it in a position to investigate impartially."³² The attorney general maintains authority over not only the country's standard prosecutors but also the Special Investigative Unit (SIU), a subdivision of the PPO tasked with holding government officials accountable for torture and related abuses. Though the SIU claims independence from both the MOI and the broader PPO, sixty percent of the unit's employees are former MOI personnel,³³ and its Chief Public Prosecutor previously worked in the MOI's Criminal Investigative Directorate (CID) and as Deputy Attorney General, under al-Buainain.³⁴ The SIU is also physically located in the same building as the PPO (for more on the SIU, see Section A.4 below).

Consequently, although Royal Decree 52 amended the Bahraini criminal code to make the PPO explicitly responsible for investigating allegations of torture and other human rights or due process violations,³⁵ it has almost entirely failed to hold any perpetrators accountable. On the contrary, prosecutors have continued to work closely with the security forces and are often deeply complicit in their abuses. ADHRB, BCHR, and BIRD have documented numerous cases of prosecutors directly collaborating with MOI security personnel during interrogations of arbitrarily detained and/or tortured detainees. BCHR and the Bahrain Youth Society for Human Rights (BYSHR) reported in 2014 that the authorities consistently transfer detainees straight from torture sessions at the CID to the PPO.³⁶ Although torture increasingly occurs at unofficial or secret facilities, this pattern has continued to be borne out by ADHRB's complaint program, the documentation process by which information on victims of human rights violations are recorded and submitted to the UN

29 Law of the Judicial Authority, Ministry of Justice and Islamic Affairs, Kingdom of Bahrain, 2002, http://www.moj.gov.bh/en/Print_p6f7c.html?printid=977

30 "BCHR: Bahrain - The Public Prosecution and its Violations to Human Rights," BCHR, 30 October 2009, <http://www.bahrainrights.org/en/node/2965>

31 "Ceartas submits complaint to Int'l Association of Prosecutors urging expulsion of Bahrain Attorney General," CEARTAS (Irish Lawyers for Human Rights), 15 April 2013, <http://www.ceartaslaw.org/blog/entry/bahrain-repression-and-the-attorney-general.html>

32 "Irish Lawyers for Human Rights Call for Expulsion of Bahrain Attorney General from International Association of Prosecutors," Jadaliyya Reports, 26 April 2013, <http://www.jadaliyya.com/pages/index/11391/irish-lawyers-for-human-rights-call-for-expulsion->

33 *Implementation by the Government of Bahrain of the Recommendations by the Bahrain Independent Commission of Inquiry*, US Department of State, August 2013, <http://adhrb.org/wp-content/uploads/2015/06/State-Report-on-Implementation-of-BICI-3-2.pdf>

34 "BCHR: Bahrain-The Public Prosecution and its Violations to Human Rights," BCHR, 30 October 2009, <http://www.bahrainrights.org/en/node/2965>.

35 "Royal Decree 52 – Amendments to Penal Code Articles 208 and 232," Kingdom of Bahrain, 2012, https://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment_penal_code_article_208_232_en.pdf

36 *Locked Inside a Nightmare: Voices from Bahraini Prisons*, BCHR & BYSHR, 9 June 2014, <http://www.bahrainrights.org/en/node/6917>

Special Procedures. At the PPO, prosecutors subject detainees to an additional interrogation – often using an identical line of questioning as the security forces – in order to pressure them into reaffirming whatever confession or testimony they provided under duress; if the detainees raise allegations of torture or deny their coerced testimony, the PPO sends them back to CID for further abuse.³⁷ Since 2011, foreign governments and international NGOs have repeatedly found that the PPO generally fails to investigate cases of torture and relies extensively on coerced testimony.³⁸ Judges, likewise, rarely intervene to prevent the PPO from violating a detainee’s due process rights, and routinely accept false confessions and testimony as evidence. Moreover, judges often ignore defendants’ allegations of torture or other abuses committed by the MOI or the PPO, and have intervened in their attempts to voice these complaints in court. In just 2015, the judiciary convicted dozens of defendants based almost entirely on coerced confessions.³⁹

Prosecutors also regularly infringe on the right of the accused to unimpeded legal counsel. The law does not require prosecutors to inform detainees of their right to counsel or legal assistance and, if a detainee does request the presence of a lawyer, prosecutors often inform their counsel that they must arrive within a short period of time or the interrogation will proceed without them.⁴⁰ In other cases, prosecutors have threatened to send detainees back to the CID upon request for legal assistance. Furthermore, prosecutors routinely rely on coerced confessions or testimony as grounds for charges and they consistently ignore allegations of torture and mistreatment from defendants’ legal counsel.⁴¹

The government has also introduced and later revised a broad anti-terror, Law 58/2006 Protecting Society from Terrorists Acts, which significantly expands the power of the PPO and the MOI. Under original legislation and its amendments in 2013, 2014, and 2015,⁴² prosecutors and security officials are granted wide discretion to determine the length of detention periods, for example.⁴³ The amendments empower Bahraini authorities to detain an individual for up to 28 days without charge or investigation and, after this initial pre-charge detention has lapsed, the prosecution has a period of up to three days to interrogate and press official charges against the suspect. When combined with the period of time that the dedicated anti-terror division of the PPO may hold a detainee without trial, this allows the authorities to hold a person accused of a terror offense for up to seven months of pre-trial detention, further violating the rights of detainees to a fair and speedy trial.

37 Ibid; and *Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated*, Amnesty International, 16 April 2015, <https://www.amnesty.org/en/documents/mde11/1396/2015/en/>; and ADHRB Confidential Complaint Database

38 Recent examples include: *Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated*, Amnesty International, 16 April 2015, <https://www.amnesty.org/en/documents/mde11/1396/2015/en/>; and *Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrain-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>; and *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

39 *Bahrain: 2015 Human Rights Violations from Practice to Policy*, BCHR, 10 April 2016, <http://www.bahrainrights.org/en/node/7786>

40 *Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated*, Amnesty International, 16 April 2015, <https://www.amnesty.org/en/documents/mde11/1396/2015/en/>

41 Ibid.

42 “Infographic: Timeline of Citizenship Revocation,” BIRD, 10 February 2016, <http://birdbh.org/2016/02/infographic-timeline-of-citizenship-revocation/>

43 “Bahrain Law on Counter Terrorism,” BCHR, 2 October 2010, <http://www.bahrainrights.org/en/node/3449>

Moreover, the anti-terror legislation has transferred the power to issue arrest warrants for terror suspects from the judiciary to the PPO.⁴⁴ Prosecutors have used this authority to bypass standard procedure and effectively summon individuals at will. In February 2016, for example, the PPO ordered the authorities to bring in Ali Abbas Abu Taki, a six-year-old boy, for interrogation after security forces arrested his 10-year-old brother, Abdullah; Ali revealed to BCHR that the police beat him during the incident.⁴⁵

The amendments to the anti-terror legislation have also expanded the judiciary's authority to revoke the citizenship of any individual convicted under its broad and ambiguous definition of terror offenses, which criminalizes many activities related to free expression, assembly, and association. Since 2012, a combination of court rulings and MOI administrative orders has resulted in the denaturalization of at least 330 people.⁴⁶ A large proportion of these individuals are activists, journalists, opposition figures, and other peaceful civil society actors. Many have been made stateless by the government's decision, and are at risk of deportation. Citing the anti-terror law and Article 10 of the Citizenship Act, which allows for the revocation of citizenship for those who "cause damage to state security," Bahraini courts have determined that suspicion of causing "harm to the state" is sufficient grounds for issuing a denaturalization order.⁴⁷ This allows for courts to exercise wide discretion in issuing sentences of citizenship revocation. Individuals who attempt to contest denaturalization orders often have no job and little financial help. In 2012, for example, the government denaturalized human rights lawyer Taimoor Karimi. Without his citizenship, Karimi was not able to legally work in Bahrain; officials also confiscated his identification card and prevented him from accessing his bank account. In October 2014, authorities ordered Karimi's deportation from the country. Karimi was at risk of deportation for more than a year before courts upheld the decision and deported him to Iraq in June 2016. For additional information on citizenship revocation, see Section C; for more information on the anti-terror legislation, see Section M.

Together, the PPO and the judiciary have consistently failed to conduct fair trials and guarantee due process rights. Since 2011, the courts have convicted hundreds of citizens on charges relating to free expression and political opinion.⁴⁸ As noted above, many of those convicted have reported that Bahraini authorities explicitly denied them access to legal assistance, while others reported that their assistance was so impeded as to render it effectively denied.⁴⁹ Courts regularly prevent defense attorneys from fully accessing case files, cross-examining witnesses, and calling independent experts to testify. Both judges and prosecutors rarely allow defendants to recant coerced confessions.⁵⁰ In November 2015, a prosecutor interrupted Ali al-Tajer, the brother of human rights lawyer Mohammed al-Tajer,

44 Ibid.

45 "Bahrain's Public Prosecution summons six-year-old child for interrogation," ADHRB, 19 February 2016, <http://www.adhrb.org/2016/02/bahrains-public-prosecution-summons-six-year-old-child-for-interrogation/>; Ali also reported that the riot police beat him

46 These figures are derived from a database maintained by ADHRB, BCHR, and BIRD. For further information, see: "Stop Revoking Citizenships – BIRD Publishes Full Documentation," BIRD, 10 February 2016, <http://birdbh.org/2016/02/revoked-citizenship/>

47 Jaskirat Singh, "Bahraini officials deport human rights lawyer Taimoor Karimi," 1 July 2016, <http://www.adhrb.org/2016/07/bahraini-officials-deport-human-rights-lawyer-taimoor-karimi/>

48 *Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated*, Amnesty International, 16 April 2015, <https://www.amnesty.org/en/documents/mde11/1396/2015/en/>

49 Ibid.

50 *Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

when he attempted to tell the judge that he was tortured into making a false confession.⁵¹ The judge did not object, and the prosecution later rejected medical evidence that demonstrated al-Tajer had been tortured; he remains at the Dry Dock temporary detention facility at time of writing (for more information on this case and on torture in Bahrain, see Section A.2 below).⁵²

Similarly, while the Bahraini judicial system typically moves slowly when processing criminal cases against activists and political leaders – particularly when the defendant is already in custody – courts have provided expedited approval for political-motivated requests from the MOJ. On 14 June 2016, for example, courts approved a MOJ order to suspend the country’s largest political opposition group, Al-Wefaq National Islamic Society, within two hours.⁵³ By the end of the day, the government had liquidated the society’s assets, halted its activities, seized its headquarters, and closed its website. About a month later, on 17 July 2016, courts officially dissolved the society, and by September an appellate court confirmed the decision.⁵⁴ Originally, the court had set 6 October 2016 as the commencement of the case to dissolve Al-Wefaq. However, in response to a request by the MOJ, the court moved the trial forward twice. Al-Wefaq’s defense team ultimately withdrew from the court proceedings in protest of the government’s acceleration of the process, citing their inability to retrieve necessary documents and properly prepare their defense.

The UN Special Procedures have repeatedly expressed concern over systemic due process violations within the Bahraini legal system. In a formal communication to the Government of Bahrain on 18 June 2015, the Working Group on Arbitrary Detention (WGAD) declared that the government violated the due process and fair trial rights of Sheikh Ali Salman, the Secretary General of the Al-Wefaq, when it sentenced him to four years in prison on charges of “insulting an official body” in June 2015.⁵⁵ Specifically, the WGAD found that the PPO violated Sheikh Salman’s right to presumption of innocence, right to “adequate time and facilities for the preparation of his defense,” and right to “examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.”⁵⁶ Furthermore, the WGAD noted that the lack of fair trial is a “systematic problem in the administration of criminal justice in Bahrain.”⁵⁷ The WGAD’s opinion notwithstanding, in May 2016 an appeals court overturned Sheikh Salman’s previous acquittal on charges of calling for a change in government, adding another five years to his total prison term.⁵⁸ This sentence stands despite a retrial in December 2016 (see Section A.1.IV below).

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- 51 “Urgent Action: Detention of Ali Isa al-Tajer,” ADHRB, 2 December 2015, <http://www.adhrb.org/2015/12/urgent-action-detention-of-ali-isa-al-tajer/>
- 52 “Ali al-Tajer: Government Reprisal in Bahrain,” ADHRB, 26 May 2016, <http://www.adhrb.org/2016/05/ali-isa-ali-al-tajer-government-reprisal-bahrain/>
- 53 “NGOs Strongly Condemn Bahrain’s Government Closing Al-Wefaq,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 14 July 2016, <http://www.adhrb.org/2016/06/ngos-strongly-condemn-bahrain-s-government-suspending-al-wefaq/>; and Sam Jones, “Prosecuting politics: the judicial assault on Bahrain’s opposition,” openDemocracy, 18 December 2016, <https://www.opendemocracy.net/arab-awakening/sam-jones/prosecuting-politics-judicial-assault-on-bahrain-s-opposition>
- 54 “Bahrain’s High Court of Appeals Upholds Dissolution of Al-Wefaq,” ADHRB, BCHR, BIRD, and ECDHR, 22 September 2016, <http://www.adhrb.org/2016/09/bahrain-s-high-court-appeals-upholds-dissolution-al-wefaq/>
- 55 “Opinions adopted by the Working Group on Arbitrary Detention at its seventy-third session, 31 August– 4 September 2015 No.23/2015,” UN OHCHR, 17 September 2015, <http://www.adhrb.org/wp-content/uploads/2015/11/Opinion-2015-23-Bahrain-Salman.pdf>; and “Bahrain opposition leader Ali Salman sentenced to four years in jail,” The Guardian, 16 June 2015, <https://www.theguardian.com/world/2015/jun/16/bahrain-opposition-leader-ali-salman-sentenced-to-four-years-in-jail>
- 56 “Opinions adopted by the Working Group on Arbitrary Detention at its seventy-third session, 31 August– 4 September 2015 No.23/2015,” UN OHCHR, 17 September 2015, <http://www.adhrb.org/wp-content/uploads/2015/11/Opinion-2015-23-Bahrain-Salman.pdf>
- 57 Ibid.
- 58 “Bahrain extends opposition leader Sheikh Ali Salman’s jail term,” BBC, 30 May 2016, <http://www.bbc.com/news/world-middle-east-36411342>

III. Military Courts and Review of Convictions

Exacerbating this general lack of judicial independence, the government has also failed to fully prohibit the use of military courts to try civilians. While the authorities have discontinued the NSC, which had jurisdiction over certain crimes that allegedly occurred between February and March 2011, they have not promulgated a law that explicitly bars the government from establishing similar military tribunals in the future. The 2002 constitution protects civilians from trial by military courts under normal circumstances, but it also empowers the king to unilaterally declare one of two states of emergency – a State of National Safety or Martial Law – during which time he is free to create military courts with jurisdiction over the general public. Moreover, while there are no significant legal restrictions on the king’s power to declare a state of emergency and institute military tribunals, in practice he can simply bypass the constitution and institute them at will. In 2011, the NSC not only violated international standards of fair trial, for example, but also the Bahraini constitutional provisions concerning states of emergency:⁵⁹ the king only declared a State of National Safety, which is nominally less restrictive than Martial Law and does not permit the courts to abrogate constitutional protections for defendants. The BICI concluded that the NSC illegally operated under the wider authority provided by Martial Law, and that the government arbitrarily suspended rights that should have been protected in a State of National Safety.⁶⁰

Additionally, in the aftermath of the 2011 unrest, the government did not guarantee new trials for all civilians convicted by the NSC, as recommended by the BICI and the second UPR cycle.⁶¹ Instead, in many cases, the standard courts continued the work of the NSC and declined to throw out evidence obtained through torture or under duress. In 2013, the US Department of State found that although the “authorities transferred a majority of high-profile cases from the NSC to the civilian courts, the transfers generally do not result in new trials...[and] judges continue to permit trial records and evidence used in the NSC to be used in the civilian courts.”⁶² This was the case for the “Bahrain 13,” a group of prominent activists, human rights defenders, and opposition figures convicted by the NSC in 2011. The 13 consist of blogger and human rights defender Dr. Abduljalil al-Singace; BCHR cofounder Abdulhadi al-Khawaja; activist and cofounder of Al-Wefaq National Islamic Society and Al-Wafaa Islamic Movement Abdulwahab Hussain; cofounder of Al-Wefaq and Secretary-General of the Al-Haq movement Hassan Mushaima; Shia cleric and opposition leader Sheikh Abdulhadi al-Mukhodher; activist Mohammed Hassan Jawad Parweez; activist and religious leader Mohammed Habib al-Miqdad; religious leader Sheikh Mirza al-Mahroos; activist and brother of Abdulhadi al-Khawaja, Salah al-Khawaja; former Secretary-General of the Wa’ad opposition society Ibrahim Sharif; political activist Mohammed Ali Ismael; cleric and member of the Al-Wafaa movement, Sheikh Saeed Al-Noori; and cofounder of the Al-Wafaa movement Sheikh Abduljalil Al-Miqdad. Many of these individuals, including Dr. Abduljalil al-Singace and BCHR cofounder Abdulhadi al-Khawaja – who is specifically named in supported recommendation **115.126** and rejected recommendation **115.120** (see Section P) –

59 “No Justice in Bahrain: Unfair Trials in Military and Civilian Courts,” Human Rights Watch, 28 February 2012, <https://www.hrw.org/report/2012/02/28/no-justice-bahrain/unfair-trials-military-and-civilian-courts>

60 Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Phillippe Kirsch, and Mahnoush Arsanjani, “Report of the Bahrain Independent Commission of Inquiry,” Bahrain Independent Commission of Inquiry, <http://www.bici.org/bh/BICIreportEN.pdf>

61 *Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

62 “Implementation by the Government of Bahrain of the Recommendations by the Bahrain Independent Commission of Inquiry,” US Department of State, August 2013, <http://adhrb.org/wp-content/uploads/2015/06/State-Report-on-Implementation-of-BICI-3-2.pdf>

received life sentences. Both have exhausted the appeals process and are currently serving their terms in Jau Prison, a facility wherein ADHRB, BCHR, and BIRD have documented extensive torture and ill treatment (see Section A.2 below).⁶³ Another 19 verdicts issued by the NSC in 2011 only faced review by a government panel and were not transferred to standard courts for reconsideration. Though some NSC cases did ultimately receive retrials in civilian courts per Royal Decree No. 62/2011, these retrials have also failed to meet international standards of due process and transparency due to many of the problems outlined above.

IV. Political Prisoners and Prisoners of Conscience

The Government of Bahrain currently holds approximately 4,000 political prisoners and it has continued to incarcerate individuals on charges related solely to free expression, assembly, and association.⁶⁴ All of the Bahrain 13 remain in prison on charges dating back to 2011, with the exception of Salah al-Khawaja and Ebrahim Sharif, the former head of Wa'ad political society. The authorities rearrested the latter in 2015, however, only three weeks after he was initially released. On 24 February 2016, a court sentenced Sharif to one year in prison on charges of "inciting hatred against the regime" in connection with a political speech he delivered. Although Sharif completed his prison term and was released for a second time in July 2016, he faced up to 13 more years for the same offenses on appeal. An appeals court confirmed the original one-year sentence on 7 November, but it remains unclear whether the PPO will continue pursuing the case.⁶⁵ Additionally, the government temporarily issued separate charges against Sharif for speaking with the Associated Press (AP); these charges were dropped amid international pressure on 23 November 2016.⁶⁶

On 2 May 2013, plain-clothes security forces arrested human rights defender and co-founder of the Bahrain Youth Society for Human Rights (BYSHR) Naji Fateel after he returned from the HRC.⁶⁷ Authorities held him incommunicado for three days. Several months later, in September, a court sentenced Fateel to 15 years in prison for establishing "a group for the purpose of disabling the constitution." He is currently serving his sentence in Jau Prison, where he participated in a hunger strike to protest his detention and the treatment of prisoners. During the March 10 riot at Jau, government forces singled out Fateel for physical beatings, even though he did not take part in the unrest. For several weeks after the March 10 events, Fateel's family was unable to communicate with him. On one occasion when Fateel's wife tried to visit him in prison, the guards presented her with a note, not in Fateel's handwriting, stating that he did not want to see her.⁶⁸ In April 2016, the Gulf Center for Human Rights (GCHR) reported that that Fateel had been subjected to "physical and psychological torture," and that he had suffered a broken leg and nose.⁶⁹

63 *Inside Jau: Government Brutality in Bahrain's Central Prison*, ADHRB, BCHR, and BIRD, May 2015, http://www.adhrb.org/wp-content/uploads/2015/06/Inside-Jau-Report_Final.pdf

64 "Bahrain Continues Harassment and Imprisonment of Human Rights Defenders," Freedom House, 12 August 2016, <https://freedomhouse.org/article/bahrain-continues-harassment-and-imprisonment-human-rights-defenders>

65 Sam Jones, "Prosecuting politics: the judicial assault on Bahrain's opposition," *openDemocracy*, 18 December 2016, <https://www.opendemocracy.net/arab-awakening/sam-jones/prosecuting-politics-judicial-assault-on-bahrain-s-opposition>

66 *Ibid.*

67 "Bahrain: Human rights defenders at risk in jail, others facing long prison sentences," Gulf Center for Human Rights, 8 May 2015, <http://www.gc4hr.org/news/view/998>; and "Bahrain: Ailing human rights defenders Dr. Abduljalil Al-Singace and Naji Fateel not receiving medical support in prison," BCHR, 30 July 2015, <http://www.bahrainrights.org/en/node/7591>

68 "June Champions for Justice: The Prisoners of Jau," ADHRB, 3 June 2015, <http://www.adhrb.org/2015/06/june-champions-for-justice-the-prisoners-of-jau/>

69 "Bahrain: Human rights defenders at risk in jail, others facing long prison sentences," Gulf Center for Human Rights, 8 May 2015, <http://www.gc4hr.org/news/view/998>; and "Bahrain: Ailing human rights defenders Dr. Abduljalil Al-Singace and Naji Fateel not receiving medical support in prison," BCHR, 30 July 2015, <http://www.bahrainrights.org/en/node/7591>

Multiple reports since that time indicate that prison officials did not provide him with proper medical attention, despite complaints from his family. In July 2015, the authorities accused Fateel of participating in the March riot and brought new charges against him;⁷⁰ on 25 January 2016, a court sentenced Fateel and 56 other prisoners to additional 15-year jail terms for their alleged involvement in “acts of chaos, riots and rebellion inside [prison] buildings.”⁷¹ Fateel is now serving a combined 30 years in prison.

In March 2015, security forces arrested Fadhel Abbas, former Secretary-General of the Al-Wahdawi political society, or Unitary National Democratic Assemblage, for allegedly criticizing the Bahraini government’s decision to join the Saudi Arabia-led military coalition in Yemen. A court sentenced Abbas to five years in prison for “spreading false information that could harm the military operations of Bahrain and its allies,” though in October 2016 an appeals court reduced the term to three.⁷² He is currently held at Jau Prison.

Similarly, the authorities have repeatedly arrested prominent human rights defender Nabeel Rajab since 2011. Rajab is the President of BCHR, Founding Director of the Gulf Centre for Human Rights (GCHR), Deputy Secretary General of FIDH, and a member of the Middle East advisory committee at Human Rights Watch. Most recently, on 13 June 2016, Bahraini security forces surrounded Rajab’s home and arrested him on charges related to comments he posted on Twitter the previous year. The tweets discussed torture in Jau Prison and the military intervention led by Saudi Arabia in Yemen. Bahraini authorities had detained Rajab from 2 April 2015 to 13 July 2015 in connection with the same tweets, but did not drop the charges. He now faces an additional charge of spreading “false or malicious news, statements, or rumours” under Article 133 of Bahrain’s Penal Code, which could result in up to 10 years in prison.⁷³ Rajab faces another two years imprisonment if convicted of “offending a foreign country [Saudi Arabia]” under Article 215, and another three years if convicted of “offending a statutory body” under Article 21.⁷⁴ After the *New York Times* published a letter written by Rajab in September 2016, the government levied an additional charge of “defaming the state.”⁷⁵ On 21 December 2016, authorities referred Rajab to the PPO on nearly identical charges for publishing a separate letter in the French newspaper *Le Monde*.⁷⁶ If convicted of all these charges, Rajab could serve more than 15 years in prison for exercising his right to free expression. Since his most recent arrest, Rajab has been intermittently hospitalized due to deteriorating health conditions. He remains in detention, despite a court order that he be provisionally released on bail in December 2016.⁷⁷

On 14 March 2016, the authorities arrested human rights activist Zainab al-Khawaja along with her 15-month-old son, Abdulhadi, after she was convicted of a number of charges related to free expression and nonviolent dissent. An appeals court upheld a nine-month prison sentence against

70 Ibid.

71 “On International Human Rights Day, GCHR calls for detained human rights defenders to be freed,” Gulf Center for Human Rights, 10 December 2016, <http://www.gc4hr.org/news/view/1443>

72 “Bahraini Opposition Activist Fadhel Abbas Sentenced to Three Years in Prison on Appeal,” ADHRB, BCHR, BIRD, and ECDHR, 27 October 2016, <http://www.adhrb.org/2016/10/bahraini-opposition-activist-fadhel-abbas-sentenced-three-years-prison-appeal/>

73 “Serious Concerns over Trial on 6 October of Prominent Bahraini Human Rights Defender Nabeel Rajab,” BCHR, 5 October 2016, <http://www.bahrainrights.org/en/node/8226>

74 Ibid.

75 Ibid.

76 “Bahraini Authorities refer Nabeel Rajab to Prosecution for Letter Published in *Le Monde*,” ADHRB, BCHR, BIRD, and ECDHR, 21 December 2016, <http://www.adhrb.org/2016/12/11534/>

77 Bahrain’s Prosecution Detains Nabeel Rajab Despite Court-Ordered Release,” ADHRB, BCHR, and BIRD, 28 December 2016, <https://www.adhrb.org/2016/12/11554/>

al-Khawaja in February 2016 for attempting to visit her father, human rights defender and BCHR cofounder Abdulhadi al-Khawaja, at Jau Prison in August 2014. Al-Khawaja also had a pending prison sentence of one year and four months for tearing a picture of the king and allegedly insulting a public officer during a peaceful protest. Though the authorities released al-Khawaja with her son on 31 May 2016 – more than two months after Bahrain’s foreign minister had announced their impending discharge on humanitarian grounds – she was forced to leave the country for Denmark after Bahraini officials threatened her with re-arrest. Al-Khawaja’s sister, Co-Director of the Gulf Center for Human Rights (GCHR) and former acting-president of the BCHR Maryam al-Khawaja, has also been targeted by the government and forced into exile in retaliation for her activism. The al-Khawaja family suspects that the authorities may have timed the latest arrest of Zainab in retaliation against Maryam’s recent international advocacy work.⁷⁸

In May 2016, an appellate court increased the prison sentence against Sheikh Ali Salman, Secretary-General of the now dissolved Al-Wefaq National Islamic Society, from four years to nine years. The court convicted him of “attempting to overthrow the regime,” a charge of which he had been previously acquitted. Security forces initially arrested Sheikh Salman on 28 December 2014, just two days after his re-election as Al-Wefaq’s Secretary-General. He was arrested after delivering a speech calling for reform of the country’s political system. Six months later, on 16 June 2015, the Criminal Court sentenced Sheikh Salman to four years in prison for “publicly inciting hatred, inciting civil disobedience of the law, and insulting public institutions” in his speeches. The judge refused the defense team’s request to present supporting evidence, including the recordings of the speeches for which he was prosecuted. In September 2016, after an activist delivered an oral intervention at the UN HRC on Sheikh Salman’s behalf, the authorities summoned him for renewed interrogation; it is as yet unclear if the government will issue additional charges.⁷⁹ In December, following an abrupt retrial, Bahrain’s courts re-sentenced Sheikh Salman to nine years in prison.

Most recently, the authorities rearrested human rights defender and leader of the Women’s Petition Committee Ghada Jamsheer as she was returning to Bahrain from the United Kingdom on 15 August 2016. The government first arrested Jamsheer in 2014 after officials accused her of defamation for tweets she posted. She was released after spending 10 weeks at Isa Town Detention Center. Twelve hours later, Bahraini forces rearrested Jamsheer and accused her of assaulting a female police officer. Both Jamsheer and her lawyers reject this claim, stating the Bahraini government has yet to produce sufficient evidence. Jamsheer spent the next three months in prison until being released on house arrest in December 2014. In May and June 2015, Bahraini courts handed down a one year suspended sentence for the alleged assault and a one-year sentence for the social media comments. On 21 June 2016, the Second High Criminal Court upheld Jamsheer’s one-year sentence on appeal. In December 2016, the government released Jamsheer on the condition that she would work off the remainder of her sentence at a state-appointed community service position.⁸⁰

The cases listed above represent only a fraction of the recent instances of judicial harassment of individuals for expression of peaceful dissent in Bahrain. Since June 2016, the government has

78 “#TriedForTweets: @angryarabiya – Zainab al-Khawaja,” ADHRB, 15 November 2016, <http://www.adhrb.org/2016/11/triedfortweets-angryarabiya-zainab-al-khawaja/>

79 “Imprisoned Opposition Leader Interrogated over UNHRC Intervention Delivered on his Behalf,” BCHR, 17 September 2016, <http://www.bahrainrights.org/en/node/8175>

80 “ADHRB welcomes release of Ghada Jamsheer but calls for remaining sentence to be commuted,” ADHRB, 16 December 2016, <http://www.adhrb.org/2016/12/adhrb-welcomes-release-ghada-jamsheer-calls-remaining-sentence-commuted/>

summoned and/or detained more than 75 Shia clerics on charges related to the content of their sermons and their participation in nonviolent demonstrations. The government has charged internationally renowned interfaith leader Sheikh Maytham al-Salman, as well as activist and medic Dr. Taha al-Derazi, with “illegal gathering” for participating in a peaceful sit-in at the village of Diraz, for example. The demonstration was sparked by the government’s decision to denaturalize and prosecute Ayatollah Sheikh Isa Qassim, the country’s most prominent Shia religious leader, on charges related to the Shia religious practice of collecting and distributing charity, known as *khums*.⁸¹ Sheikh Qassim has also been an outspoken critic of the government and advocate for reform. Reviving a tactic that was common during the suppression of the 2011 pro-democracy movement, Bahraini authorities have also recently arrested demonstrators after pro-government supporters have posted images of them taking part in the sit-in online, such as in the case of Ali Abdullaheem, an official at the state Labour Market Regulatory Authority (LMRA). The government has summoned and/or charged dozens of individuals for peacefully protesting in 2016, including more than 80 for participating in the Diraz sit-in between June and August alone.⁸² For more information on restrictions on free assembly, see Section M, and for more on the judicial harassment of Shia clerics and discrimination against the Shia community, see Section N.

Third-Cycle Recommendations

Ultimately, the Bahraini government has entirely failed to increase judicial independence, institute greater protections for due process, or ensure trials are conducted in accordance with international standards. On the contrary, the judiciary and the prosecution have continued to cooperate in order to secure convictions of activists, human rights defenders, and opposition figures on charges related to their free expression. Rather than address previous allegations of torture, politically motivated charges, and unfair trials, the judiciary remains deeply reliant on coerced confessions and testimony provided under duress. Moreover, the government has failed to preclude the establishment of future military courts to try civilians, and it has additionally failed to appropriately review convictions issued by the NSC. Instead, it has refused to release hundreds of political prisoners and has continued to incarcerate individuals for exercising their right to free expression. To address these critical deficiencies and fully implement the second-cycle UPR recommendations concerning judicial independence and due process, the Government of Bahrain should:

- Take measures to guarantee the independence of the judiciary, such as formally limiting the king’s *de facto* authority to appoint and remove judges at will.
- Require both judges and prosecutors to initiate investigations into all allegations of torture or coercion, and to suspend related trials until said investigations have been properly resolved.
- Mandate that judges reject all confessions or testimony determined to have been obtained through torture or provided under duress.
- Take measures to increase the independence of the SIU, such as separating it from the PPO.
- Repeal the anti-terror legislation to limit the PPO’s excessive summoning and detention

81 “Bahraini authorities continue to target Sheikh Isa Qassim,” ADHRB, 10 November 2016, <http://www.adhrb.org/2016/11/bahraini-authorities-continue-target-sheikh-isa-qassim/>

82 “Bahrain: Gov’t Prosecutes Religious Freedoms Advocate Sheikh Maytham Al-Salman and Rights Activist Al-Derazi for ‘Illegal Gathering,’” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 15 August 2016, <http://www.adhrb.org/2016/08/bahrain-govt-prosecutes-religious-freedoms-advocate-sheikh-maytham-al-salman-rights-activist-al-derazi-illegal-gathering/>

authority, among other undue powers, as well as to prevent its usage as a means to criminalize acts of free expression.

- Investigate collusion between the PPO, the SIU, the MOI, and the judiciary; in particular, investigate the leadership of these institutions for malfeasance, such as Attorney General Ali bin Fadhul al-Buainain, who continues to deny the existence of torture in Bahrain despite overwhelming evidence to the contrary.
- Reinstate Al-Wefaq National Islamic Society and other wrongfully dissolved political and civil society organizations.
- Release immediately all political prisoners and prisoners of conscience, including the remaining incarcerated members of the Bahrain 13 – Dr. Abduljalil al-Singace, Abdulhadi al-Khawaja, Abdulwahab Hussain, Hassan Mushaima, Sheikh Abdulhadi al-Mukhodher, Mohammed Hassan Jawad, Mohammed Habib al-Miqdad, Sheikh Mirza al-Mahroos, Mohammed Ali Ismael, Sheikh Saeed al-Noori, and Sheikh Abduljalil Al-Miqdad.

2. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

Not Implemented
No Perceived Progress

- 115.22** Explicitly criminalize torture and other cruel and inhuman treatment (Spain);
- 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); and
- 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);

I. Legal Framework

Though torture is legally prohibited in Bahrain, its definition in Bahraini law is problematic and the ban is rarely enforced. Article 19(d) of Bahrain's constitution states, "No person shall be subjected to physical or mental torture, inducement, or degrading treatment, and the law shall provide the penalty for these acts."⁸³ The Bahrain Penal Code of 1976 contains two additional provisions criminalizing the use of torture by public officials. Specifically, Article 208 mandates a prison sentence "for every civil servant or officer entrusted with a public service who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to admit having committed a crime or give statements or information in respect thereof."⁸⁴ Article 208 also establishes the penalty of life imprisonment for any civil servant or officer whose "use of torture or force lead[s] to death."⁸⁵ Further, Article 232 includes the penalty

83 *Constitution of the State of Bahrain*, 26 May 1973, Part Three, Public Rights and Duties, Article 19(d)

84 Bahraini Penal Code 1976, Kingdom of Bahrain, reprinted by the UN Office on Drugs and Crime (UNODC), 1976, https://www.unodc.org/res/cld/document/bhr/1976/bahrain_penal_code_html/Bahrain_Penal_Code_1976.pdf

85 *Ibid.*

of “at least six months” imprisonment for any use of torture or force that “results in harming the safety of the body.”⁸⁶

In October 2012, the king issued Royal Decree 52 amending the Penal Code, including Articles 208 and 232.⁸⁷ The amendments sought to bring the definition of torture in line with that of the CAT, which Bahrain acceded to in 1998, by expanding it to include “severe pain or suffering, physically or morally.”⁸⁸ The amendment to Article 232 also reiterated the punishment of life imprisonment for any use of torture that results in death, but removed the provision requiring a minimum six-month sentence for any use of torture that results in bodily harm. Additionally, the Government of Bahrain amended the Code of Criminal Procedure to specifically obligate the PPO to investigate and prosecute allegations of torture or ill treatment. However, the legislation does not explicitly mandate that the PPO *must* investigate all credible torture allegations, contravening Article 12 of the CAT.

Despite the amendment instituted by Royal Decree 52, the government has still failed to extend the definition of torture to fully encompass the provisions of Article 1 of the CAT,⁸⁹ which states:

For the purposes of this Convention, the term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.⁹⁰

Bahraini law continues to define torture as an act committed by an official or non-official on a “prisoner or detainee,” for example. This language fails to provide protections for persons who may have been tortured but were not officially detained or incarcerated at the time of abuse, such as those subjected to short-term enforced disappearance. Of the more than 500 cases of abuse documented by ADHRB and formally submitted to the UN Special Procedures, 18 per cent included a period of enforced disappearance.

The Government of Bahrain has not ratified the Optional Protocol to the CAT (OP-CAT) or the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED). After repeated cancellations, it has also indefinitely postponed a visit from the Special Rapporteur on torture, contravening second-cycle recommendations such as 115.59, which explicitly called on the government to ensure the Rapporteur’s visit before the end of 2012 (see Section J).

II. Trends and Recent Cases

Technical prohibition notwithstanding, torture remains widespread in Bahrain, and perpetrators regularly go unpunished. During the government’s suppression of the pro-democracy demonstrations in 2011 and its immediate aftermath, security forces tortured hundreds – if not thousands – of individuals. Since 2013, ADHRB has submitted over 370 complaints concerning

⁸⁶ Ibid.

⁸⁷ “Royal Decree 52 – Amendments to Penal Code Articles 208 and 232,” Kingdom of Bahrain, 2012, https://www.biciactions.bh/wps/themes/html/BICI/pdf/1719/amendment_penal_code_article_208_232_en.pdf

⁸⁸ Ibid.

⁸⁹ “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” United Nations, 10 December 1984, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

⁹⁰ “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” United Nations, 10 December 1984, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

torture to the UN. ADHRB has so far submitted 13 complaints concerning cases of torture in 2016, and the Bahrain Center for Human Rights (BCHR) has received reports of 10 new cases of torture between 1 January 2016 and 26 June 2016; of those ten cases, five were minors at the time of arrest. The Ombudsman of the Bahraini Ministry of Interior (MOI), which is tasked with investigating human rights violations committed by security personnel, reported that it had received 908 complaints of abuse from May 2014 to April 2015, a 375 per cent increase over the previous year.⁹¹ Due to the general failure of government accountability mechanisms like the Ombudsman,⁹² as well as the threat of reprisal by security forces, torture remains underreported in Bahrain; all of these figures likely represent only a fraction of the actual total cases of abuse.

Most recently, on 31 July 2016, the MOI announced that 35-year-old detainee Hassan Jassim Hasan al-Hayki had died after being taken to Salmaniyya hospital to be treated for unknown ailments. Al-Hayki's family has confirmed that he did not suffer from any health issues prior to his arrest and have alleged that he died from injuries sustained during torture at the MOI's CID. Nevertheless, nine days after it announced that it had begun investigating the case, the PPO's Special Investigative Unit (SIU) concluded on 10 August that it had ruled out "any criminal suspicion."⁹³ Four days later, the PPO charged the al-Haykis' lawyer with "publicly spreading false information with the intention of influencing the judicial authority in charge of the case" after he allegedly disagreed with the SIU's findings, telling "a local newspaper that there were injuries and bruises on the body of the deceased that proved beyond any doubt a criminal suspicion."⁹⁴ He has since been released and is awaiting trial.

Bahraini authorities employ a variety of torture methods, the most common of which is beating the victim with their fists and with weapons or blunt objects. Other methods include electric shock, forced standing, hanging, and sexual abuse such as sodomization or genital manipulation. Many victims have reported to ADHRB that Bahraini officials deprived them of water, food, sleep, and access to a toilet, exposed them to extreme temperatures, and threatened their family members with harm, torture, and/or sexual assault. In nearly a quarter of the torture complaints submitted by ADHRB to the UN, the victims claimed that security forces either prevented them from praying or subjected them to sectarian insults and hate speech, or both. Of the 13 complaints submitted by ADHRB in 2016, 12 included physical beating, five included sexual abuse, five included forced standing, three included sleep deprivation, three included electrocution, and one included hanging. Security forces also subjected these individuals to sectarian insults, deprivation of food and water, prevention of prayer, denial of medical care, forced nudity, suffocation, burning, and threats of further violence against the victims and their families (see Figure 1).

Torture occurs at both official and unofficial detention centers and regularly follows arbitrary arrest and enforced disappearance. With the significant exception of undisclosed or unofficial facilities, most cases of torture take place at the CID. Typically, after a period at the CID, authorities transfer detainees to the PPO, where interrogation resumes. Following PPO interrogation, the authorities normally take male pre-trial detainees to Dry Dock Detention Center and female pre-trial detainees to the Isa Town Women's Prison; convicted women will continue to serve their sentence at Isa Town, while men are usually transferred to Jau Prison.

91 "Ombudsman releases second annual report," Bahrain News Agency (BNA), 31 May 2015, <http://www.bna.bh/portal/en/news/671348>

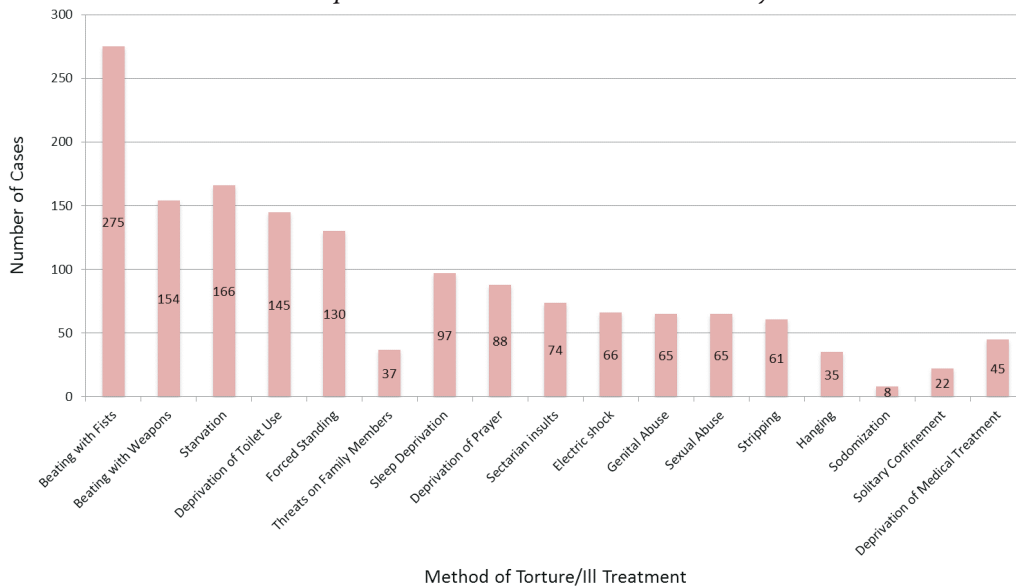
92 See Section A.4.

93 "No criminal suspicion in detainee's death: SIU," BNA, 10 August 2016, <http://www.bna.bh/portal/en/news/739387>

94 "Lawyer charged with disseminating false information," BNA, 14 August 2016, <http://www.bna.bh/portal/en/news/739869>

Bahraini security forces commonly use torture and other forms of ill treatment to coerce detainees into making false confessions or testimony. In more than 120 of the cases of torture ADHRB has submitted to the UN, Bahraini officials extracted false confessions from prisoners. Twenty-three of those detainees also reported that the authorities used their coerced confessions as the primary source of evidence at their trial, resulting in their conviction on fabricated charges. In many instances, masked officers blindfolded the detainees and forced them to sign documents without knowledge of their contents. It is also common for the authorities to place detainees beside weapons or other planted evidence while they force them to make a confession on videotape. ADHRB has documented cases of the government broadcasting these coerced video confessions on national television and other media. At time of writing, ADHRB has submitted 12 complaints involving coerced confessions in 2016, and BCHR has found that security forces used coerced testimony as the basis for mass arrests and house raids as recently as April 2016.⁹⁵ Such conduct is in breach of Article 19 of the Bahraini constitution, which prohibits torture and invalidates any testimony found to be coerced.

Figure 1. The Frequency of Torture and Ill Treatment by Method
ADHRB Complaint Database, October 2013 - February 2016



In addition to extracting confessions, Bahraini security forces use torture and ill treatment as a form of punishment or reprisal. One of the most severe examples occurred over several months in spring 2015 at the country’s primary male detention center, Jau Prison.⁹⁶ In March, the authorities responded to a riot at the facility with excessive force and intensified torture. Although only a minority of the inmates participated in the riot, which began as a protest against the facility’s increasingly overcrowded and unsanitary living conditions, the government collectively punished the prison population. Security forces fired tear gas into enclosed spaces and beat inmates indiscriminately, including minors. Once they regained control of the prison, the authorities continued to torture the inmates, beating them and depriving them of food and sleep. Some inmates were specifically targeted and forcibly disappeared elsewhere in the prison.

⁹⁵ For more on BCHR’s recent documentation, see: *From 2011 to 2016, the Screams of Torture Still Echo*, BCHR, 26 June 2016, http://www.bahrainrights.org/sites/default/files/file_attach/BCHRReportonTorture26June.pdf

⁹⁶ *Inside Jau: Government Brutality in Bahrain’s Central Prison*, ADHRB, BCHR, and BIRD, May 2015, http://www.adhrb.org/wp-content/uploads/2015/06/Inside-Jau-Report_Final.pdf

The authorities took many political prisoners and those suspected of instigating the riot to Building 10, which incarcerated BCHR cofounder Abdulhadi al-Khawaja has described as “the torture building.”⁹⁷ At least 100 inmates were transferred to Building 10 in the weeks following the riot. Police who hesitated to abuse the prisoners were reprimanded and transferred. While the government claims to have installed some cameras in Jau, much of this abuse occurred in the lobbies and the bathrooms, where there is no official surveillance. On 15 April 2015, the UN Special Rapporteurs on the right to freedom of opinion and expression, human rights defenders, and torture, in conjunction with the WGAD, issued a joint communication to the Government of Bahrain in which they noted that the authorities’ excessive response to the Jau riot resulted in the injury of approximately 500 inmates.⁹⁸ They also expressed concern that the authorities had rearrested human rights defender and BCHR president Nabeel Rajab after he documented cases of torture in Jau; Rajab is currently detained and facing trial on several of the same charges he received in April 2015 relating to tweets in which he discussed torture in Bahrain’s prison system.

Since the aftermath of the riot and collective punishment, torture and ill-treatment have continued. ADHRB, BCHR, and BIRD continue to receive reports of torture and ill treatment at the facility, particularly against political prisoners and prisoners of conscience. New cases of torture include Mohammed Fakhrawi and Ali Fakhrawi, nephews of al-Wasat cofounder Abdulkarim Ali Ahmed Fakhrawi, who was tortured to death by security forces in 2011.⁹⁹ The authorities detained and then repeatedly tortured the Fakhrawi brothers until they signed forced confessions; they have yet to stand trial.¹⁰⁰ ADHRB has also received recent reports of prison officials denying medical care for the following ten prisoners: Ilyas Almulla, Hisham Alsabagh, Adel Ayoub, Sayed Sadiq Alalawie, Jaafar Maatoq, Ali Ibrahim Alzaki, Sadiq Alshabani, Dr. Abduljalil al-Singace, Mohammad Fadhel, and Mohammad Mirza, who remains in prison despite having served his full sentence.¹⁰¹

The only criminal charges issued by the government in connection with the incident at Jau have been brought against inmates. On 25 January 2016, the PPO announced that a court had sentenced 57 prisoners to additional 15-year jail terms for their alleged involvement in the riot, with the government accusing the individuals of a variety of offenses, including “damaging public property, attacking police, arson and resisting authorities.”¹⁰² Mohammed al-Tajer, a prominent human rights lawyer and counsel for some of the accused, stated that the government disregarded the evidence of human rights violations: “We raised a complaint that our clients were beaten during the unrest in Jau Prison, but the court sentenced them at the end of the day, ignoring these complaints.”¹⁰³ Despite the UN Special Procedures’ request that the Bahraini authorities investigate allegations of torture and “ensure that any victims...have access to appropriate remedies,” the

97 Ibid.

98 “UA BHR 2/2015,” UN OHCHR, Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 15 April 2015, [https://spdb.ohchr.org/hrdb/30th/public_-_UA_Bahrain_15.04.15_\(2.2015\).pdf](https://spdb.ohchr.org/hrdb/30th/public_-_UA_Bahrain_15.04.15_(2.2015).pdf)

99 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain – Volume II*, ADHRB, BCHR, and BIRD, 13 September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

100 “ADHRB at HRC: Prisoners in Jau Prison Continue to Face Ill-treatment,” ADHRB, 8 March 2016, <http://www.adhrb.org/2016/03/adhrb-at-hrc/>

101 Ibid.

102 “Bahrain court sentences 57 men to 15-year terms for prison violence,” 25 January 2016, Reuters, <http://in.reuters.com/article/bahrain-security-court-idINKCN0V31FE>

103 “Bahrain’s Miscarriage of Justice in Sentencing 57 Jau Prisoners,” ADHRB, BIRD, BCHR, ECDHR, and JHRO, 27 January 2016, <http://www.adhrb.org/2016/01/8620/>

government has thus far failed to hold any perpetrators accountable.¹⁰⁴

In June 2016, a similar incident occurred at the Dry Dock Detention Center after 17 detainees reportedly escaped.¹⁰⁵ According to the MOI, security forces immediately deployed dozens of police vehicles and set up checkpoints to search for the detainees. On 3 June, the day of the escape, a MOI spokesperson reported that the authorities had apprehended sixteen individuals who either escaped or “assisted in the planning and execution [of the escape].”¹⁰⁶ Six escapees reportedly remain at large. The authorities have not disclosed any details concerning the alleged escapees or the reasons for which they were incarcerated. Since 3 June, ADHRB, BCHR, and BIRD have received reports from families of Dry Dock detainees, specifically those held in buildings used for the long-term detention of minors, claiming that the authorities have subjected inmates to increased abuse in retaliation for the alleged escape. According to the families, prison officials have blindfolded and physically beat the detainees and forced them to stand for long hours. They reportedly told the detainees that they deserved the punishment because they did not report the escape attempt. Several inmates suffered injuries as a result of the torture. One detainee told his family that the authorities pulled him by his neck and hit his head on a wall. Guards reportedly forced number of detainees to eat after they initiated a hunger strike several days into the reprisal. Although many of the detainees’ families have reported that they informed the Ombudsman’s office of these abuse, it has yet to formally investigate. The Ombudsman’s office told several of the families that it was unable to intervene, citing difficulty communicating with the broader MOI in such cases.

Bahraini authorities have also targeted the close relatives of activists and victims as another form of reprisal.¹⁰⁷ In some instances, officials have intimidated relatives of victims in an attempt to dissuade them from seeking accountability for the abuse of their family member.¹⁰⁸ In other cases, the government has targeted individuals simply for being related to a human rights defender or opposition figure.¹⁰⁹ In 2015, for example, Bahraini security forces arbitrarily arrested Ali Isa Ali al-Tajer, the brother of the human rights lawyer, Mohamed al-Tajer.¹¹⁰ The security forces disappeared Ali for twenty-five days, tortured him, denied him proper legal counsel, and forced him to confess to charges of which he maintains his innocence. Mohamed and other members of the al-Tajer family filed complaints concerning Ali’s torture to a number of state human rights mechanisms, including the PPO’s SIU.¹¹¹ On 29 December, Bahraini authorities brought Ali to the SIU to be examined by a forensic doctor who then referred him to three different medical specialists for a knee injury and a prolapsed disc in his spine. Nevertheless, when the authorities took Ali before the public prosecutor the next day, the prosecutor stated that the forensic doctor had not seen any signs of torture on Ali’s body and rejected his claim. Ali remains in prison, and officials continue to deny Mohamed access to his brother’s interrogation sessions as well as his medical reports.

The government has also harassed the families of individuals tortured and/or killed by security

104 Ibid.

105 “Bahrain’s Dry Dock Detention Center: Mass and Indiscriminate Punishment,” ADHRB, BCHR, BIRD, and ECDHR, 10 June 2016, <http://www.adhrb.org/2016/06/9905/>

106 Ibid.

107 “Champions for Justice: Victims of Government Reprisal,” ADHRB, BCHR, and BIRD, 7 January 2016, <http://www.adhrb.org/2016/01/champions-for-justice-victims-of-government-reprisals/>

108 Ibid.

109 Ibid.

110 Ibid.

111 “Ali al-Tajer: Government Reprisal in Bahrain,” ADHRB, 26 May 2016, <http://www.adhrb.org/2016/05/ali-isa-ali-al-tajer-government-reprisal-bahrain/>

forces, in some cases coercing them into signing agreements that prevent them from protesting or publicly discussing their deceased relative.¹¹² In June 2016, the authorities imposed a travel ban on the parents of two protestors who had been killed, preventing them from attending the 32nd session of the HRC.¹¹³ On 31 July 2016, activists reported that the fathers of two victims were detained and awaiting transfer to the PPO for reasons unknown.¹¹⁴

In conjunction with the WGAD, the UN Special Rapporteur on torture has issued 16 joint communications to the Bahraini government, all of which demonstrate that arbitrary detention and torture are closely linked in Bahrain.¹¹⁵ These communications have noted a multitude of cases, including Mohammed al-Buflasa, Naji Fateel, Maher al-Khabbaz, Zainab al-Khawaja, other members of BYSHR, and several unnamed minors.¹¹⁶ The authorities tortured some of these individuals, such as Maher al-Khabbaz, into signing coerced confessions that were later used to secure death sentences.¹¹⁷ Since 2014, the WGAD has noted in its communications¹¹⁸ to Bahrain that the widespread use of arbitrary detention and its associated human rights violations may potentially amount to crimes against humanity.¹¹⁹ The Government of Bahrain has repeatedly denied visitation requests from the Special Rapporteur on torture,¹²⁰ and the WGAD has not visited the country since 2001.¹²¹

Third-Cycle Recommendations

Although the Government of Bahrain accepted most of its second-cycle UPR recommendations to criminalize and end torture, it has wholly failed to implement them. The government has formally prohibited torture and nominally improved its legal framework, but it has demonstrated a complete unwillingness to enforce these laws. Rather, security personnel continue to regularly employ torture with impunity. Consequently, torture and ill treatment remain near-constant features of the Bahraini criminal justice system, especially in politically motivated cases. ADHRB, BCHR, and BIRD call on the the Government of Bahrain to:

- Amend the Penal Code to bring it in further line with the CAT.
- Ratify the OP-CAT and the ICPPED.

112 “Champions for Justice: Victims of Government Reprisal,” ADHRB, BCHR, and BIRD, 7 January 2016, <http://www.adhrb.org/2016/01/champions-for-justice-victims-of-government-reprisals/>

113 Tyler Pry, “Bahrain’s Use of Travel Bans Are Reprisals Against Activists and HRDs,” ADHRB, 25 July 2016, <http://www.adhrb.org/2016/07/bahrain-use-travel-bans-reprisals-activists-hrds/>

114 Maryamal-Khawaja, Twitter, 31 July 2016, <https://twitter.com/MARYAMALKHAWAJA/status/75978666542399488>

115 *Charting the Seas of Abuse: Analysis of United Nations Special Procedure Communications to the Kingdom of Bahrain 2011 – 2016*, ADHRB, BCHR, and BIRD, 14 June 2016, <http://www.adhrb.org/2016/06/9921/>

116 *Ibid.*

117 “NGOs Condemn Capital Punishment Sentence for Maher al-Khabbaz,” ADHRB, BCHR, and BIRD, 30 October 2014, <http://www.bahrainrights.org/en/node/7144>

118 “Bahrain NGOs commend WGAD decisions on Bahrain,” ADHRB, BCHR, and BIRD, 22 July 2015, <http://www.adhrb.org/2015/07/bahrain-ngos-commend-wgad-decisions-on-bahrain/>

119 For example: “A/HRC/WGAD/2014/22, Opinion adopted by the Working Group on Arbitrary Detention at its seventieth session (25 to 29 August 2014), No. 22/2014 (Bahrain), Communication addressed to the Government on 17 June 2014 concerning Jassim al-Hulaibi,” UN HRC, WGAD, 20 November 2014.

120 “Bahrain / Human rights: Government effectively cancels UN Special Rapporteur on torture’s visit,” 24 April 2013, UN OHCHR, <http://www.ohchr.org/EN/NewsEvents/pages/DisplayNews.aspx?NewsID=13261#sthash.gkZnjbm.dpuf>; and “Juan Mendez: The torturers’ worst nightmare,” Amnesty International, 10 December 2014, <https://www.amnesty.org/en/latest/news/2014/12/juan-mendez-torturers-worst-nightmare/>

121 “Country Visits - Working Group on Arbitrary Detention,” UN OHCHR, 2016, <http://www.ohchr.org/EN/Issues/Detention/Pages/Visits.aspx>

- Extend an immediate invitation to the Special Rapporteur on torture and ensure the mandate visits to follow-up on cases and provide an objective report on efforts to combat abuse by the midterm of the third-cycle.
- Mandate that the judiciary reject evidence obtained under duress and order immediate investigations into any allegations of torture.
- Commute prison sentences based on coerced confessions.
- Review all convictions based on coerced confessions.
- Install cameras in all areas of all detention facilities, including police stations, the CID, and the PPO, and make these cameras available to detainees' legal counsel.
- Enforce the rights of the accused to access to family and legal counsel, particularly during interrogation.
- Improve prison conditions and reduce overcrowding through the decriminalization of nonviolent free expression and assembly.
- Eliminate the culture of impunity by holding perpetrators of torture accountable.

3. POLICE PRACTICES AND TRAINING

Not Implemented
No Perceived Progress

- 115.41** Take immediate actions to restore peace and the respect of human rights and fundamental freedoms (Slovenia);
- 115.89** Ensure that security forces respond proportionally 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);

In addition to torture (see Section A.2, above), Bahraini security forces have routinely employed a variety of abusive practices to disperse peaceful protests and suppress dissent. During the period under review, the Government of Bahrain has proven unable or unwilling to prevent police from engaging in arbitrary detention, enforced disappearance, and the use of excessive force. It has also failed to hold perpetrators accountable. Simultaneously, Bahraini authorities have conducted training programs that have, at best, failed to produce tangible improvements in police practices, and have, at worst, served to whitewash security forces' human rights abuses. ADHRB, BCHR, and BIRD assess that the government has not implemented its recommendations to eliminate abusive police practices and provide effective human rights training.

I. Arbitrary Detention and Enforced Disappearance

Despite its second-cycle recommendations, and particularly **115.130**, the Bahraini government has not prevented police from regularly employing practices of arbitrary arrest, detention, and enforced disappearance. In recent years, Bahraini security forces have arbitrarily or unlawfully arrested thousands of nonviolent demonstrators, political activists, government critics and human rights defenders without presenting a proper warrant or reason for arrest. Victims of arbitrary detention are also at an extremely high risk of experiencing other human rights abuses in Bahrain, including enforced disappearance, torture, and unfair trial. Such abuses are in violation of articles 7, 9 and 14 of the ICCPR, to which Bahrain acceded in 2006.

In 2015 alone, BCHR documented 1,883 arrests related to forms of expression, association and assembly, including protests.¹²² Of the arrested, 237 were children under the age of 18, and 34 were women. Security forces conducted the majority of these arrests illegally or arbitrarily, contravening both Bahraini and international law.

ADHRB, BCHR, and BIRD tracked police actions in the last third of 2015 and found that Bahraini security forces made more than 421 arrests, 319 of which failed to meet the international standards provided by the ICCPR.¹²³ ADHRB, BIRD and BCHR found that in approximately 76 percent of the documented arrests, the authorities failed to inform the arrestees of the reason for their detention or of any charges against them. During home raids, which accounted for the majority of total arrests recorded for this period, security forces consistently entered the property without a court order and did not identify themselves. Many detainees and their families have reported that the arresting officers were dressed in plainclothes and/or wearing masks, which obstruct their identification in instances of abuse. ADHRB, BCHR, and BIRD found that approximately 90 percent of house raids conducted by Bahraini security forces in the last third of 2015 were unlawful. Arbitrary arrests occurred in many locations, with more than 100 arbitrary arrests recorded at checkpoints, travel hubs, courts, hospitals, traffic offices, prisons, and other public spaces during the same period.¹²⁴

Bahrain's Penal Code criminalizes a wide range of expression and assembly. The police often enforce these laws to detain activists and government critics. Detention of persons exercising their rights to freedom of expression, assembly and association, as protected under the articles 19 and 20 of the UDHR and articles 19 and 22 of ICCPR, are defined as arbitrary by the WGAD. For more information on Bahrain's Penal Code and its adherence to international standards, see Section M.

BCHR president Nabeel Rajab currently faces prosecution on multiple charges related to his free expression, for example. In one case, he is charged with "spreading false news during wartime", "offending a foreign country (Saudi Arabia)" and "offending a public institution" under articles 133, 215 and 216 of the Penal Code respectively, and faces up to 15 years in prison if convicted. The charges relate to Twitter messages in which Rajab exposed acts of torture in Bahrain's Central Jau Prison and criticized Bahrain's involvement in the Saudi-led military intervention in Yemen. A second case was brought in September 2016, when the PPO brought a new criminal charge of "intentionally broadcasting false news and malicious rumours abroad, impairing the prestige of the state" against Rajab after the New York Times published a letter in his name. The government interrogated Rajab on a similar set of charges in

122 *Bahrain: 2015, Human Rights Violations from Practice to Policy*, BCHR, 10 April 2016, <http://www.bahrainrights.org/en/node/7786>

123 "From the Ground: Arbitrary and Unlawful Arrests in Bahrain," ADHRB, BCHR, and BIRD, 10 February 2016, <http://www.adhrb.org/2016/02/8768/>.

124 *Ibid.*

December 2016 after he published a separate letter in the French newspaper *Le Monde*. He could face additional prison terms if convicted of these charges.¹²⁵

Rajab was initially arrested on 13 June 2016, on a third charge sheet of “spreading false news and rumours about the internal situation in Bahrain” in relation to media interviews he gave in 2015. Rajab has been detained in police custody since. Though a court ordered that he be provisionally released on bail in December 2016 in relation to Rajab’s first case, the PPO has continued to hold him in pre-trial detention, detaining him in relation to the third case, for which he has not been granted bail. The authorities have arbitrarily held him in solitary confinement for long periods. This is a form of ill treatment that may amount to torture, and it has contributed to a serious deterioration in Rajab’s health, necessitating urgent medical attention.

Articles 178 and 180 of Bahrain’s Penal Code and Law 32/2006 on Public Gatherings effectively criminalize public assembly. Security forces have enforced the offence of “illegal gathering” to arrest hundreds of individuals for exercising their right to nonviolent free assembly. The WGAD defines arrests and detention arising from a person’s exercise of their freedom of religion and association, as protected under articles 18 and 19 of the UDHR and ICCPR, as arbitrary.

On 20 June 2016, the MOI ordered that Sheikh Isa Qassim, the spiritual leader of Bahrain’s Shia majority, be stripped of his citizenship. Immediately after, police surrounded his hometown of Diraz with checkpoints, banning all non-residents from entering the village. Protesters still managed to gather outside Sheikh Isa Qassim’s house, where a prolonged sit-in continues nightly. Since then, over 75 Shia clerics have variously been questioned, charged and prosecuted in relation to their participation in the demonstrations and for their speech, in some cases including their religious sermons. Multiple clerics have been prosecuted on charges related to free assembly and expression, including Sayed Majeed Al-Misha’al, who was sentenced to two years for illegal gathering and inciting hatred against the government. For more on the Diraz demonstrations and the government’s judicial harassment of Shia clerics, see Section N.2.

Additionally, the Government of Bahrain has taken no steps towards ratifying the International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED), and continues to forcibly disappear detainees. Over the last five years, Bahraini security forces have subjected hundreds of individuals to short-term enforced disappearances. The authorities routinely hold these individuals incommunicado and refuse to disclose information regarding their status or whereabouts to their family. During this period, Bahraini officials commonly subject victims of enforced detention to torture and other forms of ill treatment.

Enforced disappearances most commonly occur in the initial stage of an arbitrary detention. Typically, Bahraini security forces arrest individuals—on many documented occasions without warrant—and proceed to hold them in indefinite incommunicado detention at the CID.¹²⁶ The authorities usually disappear individuals for a period of between several days and two weeks, but in some cases they have failed to reveal the whereabouts of a detainee for several months.¹²⁷

From November 2014 to November 2015, BCHR and the Bahrain Youth Society for Human Rights

125 See Section A.1.

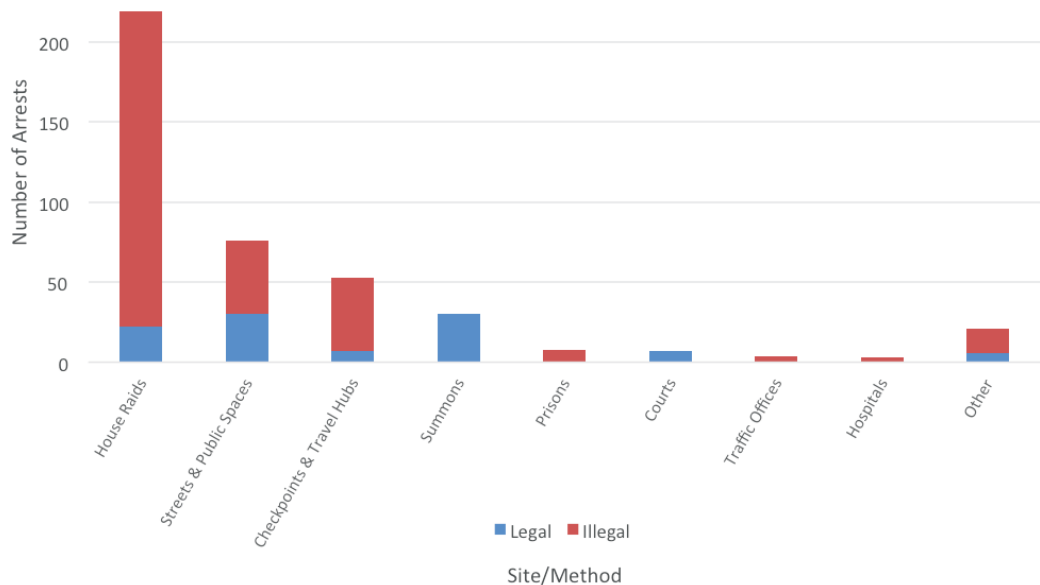
126 “From the Ground: Systematic Torture in Bahrain,” ADHRB, 9 February 2016, <http://www.adhrb.org/2016/02/analysis-adhrb-un-complaint-documentation-database/>

127 “Bahrain: Events of 2015,” Human Rights Watch, 2016, <https://www.hrw.org/world-report/2016/country-chapters/bahrain>

documented 441 cases of enforced disappearance in Bahrain.¹²⁸ In 37 percent of these cases, the victims were children under the age of 18. As recently as 24 October 2016, Bahraini authorities forcibly disappeared Sayed Alawi Hussein Alawi from his workplace. Alawi's family were unaware of his location for over a month until security forces allowed him to make a brief phone call to his wife. At time of writing, officials have continued to prevent Alawi's family from seeing him. They fear that the authorities have subjected him to torture and other abuse.¹²⁹

Bahrain government efforts to eliminate these abuses have been extremely limited and ineffective. In 2012, the government announced that it planned to institute an electronic system to track a detainee's experience within the criminal justice system in order to increase accountability and prevent abuses like enforced disappearance.¹³⁰ A year later, the BICI Follow-up Unit suggested that the mechanism had been implemented, stating that authorities were increasing their use of "electronic monitoring and notification systems to prevent breaches of the rights of suspects at the points of investigation, arrest and detention."¹³¹ Bahraini lawyers informed ADHRB, BCHR, and BIRD that they had found no evidence that the system was being used to detect abuses; rather, the authorities typically use the system to monitor individuals and assist in their prosecution.¹³²

Figure 2. The Frequency and Legality of Arrests in Bahrain
31 August 2015 – 31 December 2015



128 *Bahrain: 2015, Human Rights Violations from Practice to Policy*, BCHR, 10 April 2016, <http://www.bahrainrights.org/en/node/7786>

129 Sayed Alawi: Fears of Torture as Arbitrary Detention in CID Continues," ADHRB, BCHR, BIRD, and ECDHR, 7 December 2016, <https://www.adhrb.org/2016/12/sayed-alawi-fears-torture-arbitrary-detention-cid-continues/>

130 *BICI Follow-Up Report*, Kingdom of Bahrain, December 2013, http://www.biciunit.bh/reports/Final%20Report_EN_Dec_2013.pdf

131 *Moving Beyond 2011: A Special Report Detailing the Government of Bahrain's Implementation of the Recommendations of Bahrain Independent of Inquiry*, BICI Follow-up Unit, Kingdom of Bahrain, February 2014, http://www.bna.bh/pdf/BICI_Implementation_report_ENGLISH.pdf

132 *Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

ADHRB, BCHR, and BIRD know of no cases where the government has used the information to compel officials to release details about a detainee to his or her family members; rather it has prevented lawyers from accessing the records. If the authorities do provide information after a request from a detainee's legal counsel for use in court, it is often incomplete.

As noted, ADHRB, BCHR, and BIRD have additionally found that ill treatment and torture remain strongly linked to arbitrary arrest and enforced disappearance. Since October 2013, ADHRB has documented and submitted complaints to the UN Special Procedures concerning the arrests of more than 500 Bahraini citizens, including 71 minors; of the 495 cases documented between 2013 and 2015, 370 included instances of torture. ADHRB has so far submitted an additional 13 complaints to the UN Special Procedures concerning cases of torture in 2016, and BCHR has received reports of ten new cases of torture between 1 January 2016 and 26 June 2016. Of those ten cases, five were minors at the time of arrest. Victims of these abuses are rarely provided proper access to legal counsel, and the authorities routinely interrogate detainees in the absence of a lawyer. For more information on torture, see Section A.2.

The cases of Mohammed Ramadan and Husain Moosa exhibit the use of arbitrary detention, enforced disappearance, and torture. Their cases are among the most severe in Bahrain, as their torture led directly to the imposition of death sentences. Both individuals exhausted all legal means of appeal in November 2015, when the High Appeals Court ruled against them. They are at imminent risk of execution.

Police arrested Mohammad Ramadan at the Bahrain International Airport, where he worked as a police officer, on 20 March 2014 without presenting an arrest warrant. Authorities detained Ramadan on suspicion of involvement in a 14 February 2014 attack on a police convoy, and transferred him to the CID. His family was not immediately informed of his whereabouts. According to Ramadan's lawyer and his family, the government has no evidence that he was involved in a crime beyond his coerced confession; rather, it is targeting him in reprisal for his participation in peaceful pro-democracy rallies. His family states that police beat him with their feet, fists, and with wires. Much of the abuse was focused on his genitalia. Officers sexually insulted his wife and threatened him with sexual assault; they also insulted his Shia faith. Officers allegedly told him that they do not care about his human rights or the findings of the BICI. They also reportedly indicated that they knew he was innocent, but wanted him to be punished for attending opposition rallies. Despite the torture, Ramadan did not verbally confess, but was coerced into signing a sheet of paper while blindfolded. This paper was later admitted to Bahrain's Fourth Higher Criminal Court as Ramadan's "confession." Despite the fact that Ramadan never directly confessed to a judge or a prosecutor, the court convicted him, largely on the strength of the written "confession."

In December 2014, the court sentenced Ramadan and his co-defendant Husain Moosa sentenced to death. Moosa also claims he is innocent and that police torture him at the CID. He claims to have been beaten, suspended from his hands and wrists, and threatened with the rape of his family members. Moosa confessed to being involved in the bombing incident after three days of torture and later recanted this confession before the PPO. Authorities then transferred Moosa back to the CID, where they tortured him again. Like Ramadan, Moosa was sentenced to death in a trial that relied almost solely on his coerced, recanted confession.

II. Excessive Force

Bahraini security forces continue to misuse crowd control equipment to violently disperse demonstrations, in contravention of recommendations **115.89** and **115.109**. Security forces

routinely fire non-lethal ammunition directly at individuals' vital organs and at close range, either negligently or deliberately increasing the likelihood of serious injury and death.

In May 2014, the authorities fired birdshot at fourteen-year-old Sayed Mahmood Mohsen Ahmed during a funeral procession in Sitra; the pellets, fired from a range of 2-3 meters, penetrated his lungs and heart, killing him.¹³³

In January 2015, the authorities fired birdshot at two different demonstrations, wounding both participants and bystanders; in one of the incidents, birdshot hit 14-year-old Mohammad Mahdi al-Sawad in the face as he was playing outside of his grandparent's house. Al-Sawad was blinded in one eye as a result.¹³⁴

Security forces have also deployed tear gas indiscriminately and in confined places, causing severe respiratory problems for those in the target area. This practice is particularly dangerous for children and the elderly. In just one month in 2013, security forces killed 87-year-old Habeeb Ibrahim and 8-year-old Qassim Habib after they launched tear gas rounds into the villages of Malkiya and Karbabad, respectively.¹³⁵ Both died of asphyxiation as a result of tear gas inhalation.¹³⁶

Additionally, the authorities have fired tear gas canisters in such a way as to inflict blunt physical trauma. On 19 November 2014, Sitra residents held a memorial event for 16-year-old Ali Yousif Badah, who was killed after being run over by a police jeep in 2011. The peaceful gathering was attacked by police, who shot tear gas at the protesters at close range. The father of the deceased, Yousif Badah, who was holding a banner near the front of the gathering, was struck in the face by a tear gas canister, irreparably damaging his left eye socket. Such abuse of tear gas contravenes the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in particular articles 4, 5, and 8.

BCHR has found that the use of excessive force by security personnel has led to the death of at least 97 individuals between 14 February 2011 and 6 February 2015.¹³⁷ Eighteen of the deceased were children under the age of 18. Most recently, in March 2016, ADHRB, BCHR, and BIRD received reports that 17-year-old Ali Abdulghani died after being twice hit by a police car as security forces were in the process of arresting him.¹³⁸ Witnesses allegedly observed security forces tampering with the scene after Abdulghani's body had been taken to the hospital.¹³⁹

In February 2014, the Bahraini government issued Decree 24/2014, which sought to amend the 2012 code of conduct for police and further regulate the use of force.¹⁴⁰ The new law limits

133 "Individuals Killed By Government's Excessive Use of Force Since 14 February 2011," BCHR, 6 February 2015, <http://www.bahrainrights.org/en/node/3864>; and "Bahrain: 14 Year-Old Shot And Killed By Police," BCHR, 21 May 2014, <http://bahrainrights.org/en/node/6887>; and *Country Reports on Human Rights Practices for 2014: Bahrain*, US Department of State, 2015, <http://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/index.htm#wrapper>

134 Ibid.

135 "Individuals Killed By Government's Excessive Use of Force Since 14 February 2011," BCHR, 6 February 2015, <http://www.bahrainrights.org/en/node/3864>

136 Ibid.

137 "Individuals Killed By Government's Excessive Use of Force Since 14 February 2011," BCHR, 6 February 2015, <http://www.bahrainrights.org/en/node/3864>

138 "Immediate and Impartial Investigation Needed After Death of Teenager," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 4 April 2016, <http://www.adhrb.org/2016/04/immediate-impartial-investigation-needed-death-teenager/>

139 Ibid.

140 *Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrain-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

on paper the use of force by police to only those situations of “extreme necessity” such as self-defence where there is a serious threat to an officer’s life. It also states that force must be governed by the principles of legitimacy, necessity, proportionality, and accountability, echoing the four basic principles in the International Rules and Standards for Policing.¹⁴¹ However, the law grants police commanders the right to authorize the use of force even in situations that do not meet the conditions of “extreme necessity.”¹⁴² This vaguely defined provision effectively negates what positive language is included in the decree, as it empowers commanders to waive the aforementioned restrictions and sanction the use of lethal force in a range of unnecessary circumstances, such as peaceful protests or funeral processions. Moreover, the decree explicitly includes “imminent risk to private or public property” among the cases of “extreme necessity” in which potentially lethal force may be lawful, granting police officers additional discretionary authority to use force to disperse nonviolent demonstrations.¹⁴³ As the government has criminalized most nonviolent acts of expression, association, and assembly – and as it has systematically failed to hold the vast majority of perpetrators accountable for violent human rights abuses – it has increased the likelihood that Bahrain’s security personnel will continue to employ excessive force.

III. Training Programs

Despite a number of policies enacted since 2012, including the introduction of training and accountability mechanisms, the Bahraini security forces under the MOI generally operate with impunity and experience only superficial human rights training.

Nevertheless, with the assistance of international partners, the Government of Bahrain has instituted several training programs with the stated purpose of improving police practices and bringing the security apparatus in line with international standards. According to the US State Department in 2016, the British government has collaborated with the MoI in order to instruct officers “to show more restraint [regarding use of force], to use less teargas and birdshot, and to improve transparency.”¹⁴⁴ Northern Ireland Co-operation Overseas, a state-owned Northern Irish company providing assistance to Bahrain on behalf of the UK government, has provided training to Bahraini prison guards and police.¹⁴⁵ The UK’s College of Policing has also provided training to Bahraini police. Reportedly, the NIHR and the PPO’s SIU, which is tasked with prosecuting cases of abuse committed by security personnel, have also both provided the security services with frequent lectures and training workshops focused on protecting human rights and related policing issues. As of 2016, the Government of Bahrain claimed that approximately 8,000 security personnel had “received public order training” since 2011 and that the Ministry of Interior had distributed a handbook of international policing standards to all its officers.¹⁴⁶ The government has not publicly released information regarding any similar training for the Bahrain Defense Force

141 International Committee of the Red Cross, *International Rules and Standards for Policing*, p. 18, <https://www.icrc.org/eng/assets/files/other/icrc-002-0809.pdf>.

142 Ibid.

143 Ibid.

144 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

145 *Belfast to Bahrain: The Torture Trail*, Reprieve, September 2016, <http://www.reprieve.org.uk/wp-content/uploads/2016/09/BelfastToBahrain.pdf>.

146 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>.

(BDF), the National Guard, or its private security contractors.¹⁴⁷

Ultimately, these training programs do not appear to have had any substantial effect on the rate of abuse in Bahrain, however, and security personnel continue to commit frequent human rights violations. As shown above in Sections A.2, A.3.I, and A.3.II, security forces regularly engage in arbitrary detention, enforced disappearance, excessive force, and torture.

Third-Cycle Recommendations

ADHRB, BCHR, and BIRD find that the government has entirely failed to implement its second-cycle UPR recommendations to bring police practices in line with international standards and improve respect for human rights within the security apparatus. Arbitrary detention, enforced disappearance, and use of excessive force remain systematic and widespread in Bahrain. Security forces have consistently employed these abusive practices to target nonviolent demonstrations, human rights defenders, opposition figures, and religious leaders. The Government of Bahrain should:

- Enforce existing protections for rights of detainees, such as prompt communication with legal counsel and family.
- Establish a dedicated, independent oversight body tasked with monitoring the status and location of detainees.
- Guarantee detainees immediate access to legal counsel.
- Require, both in theory and in practice, that security personnel present an arrest warrant when conducting arrests.
- Establish independent judicial oversight of arrest warrants and home raids.
- Commute all death sentences, and in particular all cases where defendants have been subject to practices of arbitrary arrests, arbitrary detention, enforced disappearance and torture.
- Commute all prison sentences arising from arbitrary arrests, in particular persons arbitrarily detained for exercising their freedoms of expression, assembly, association and religion.
- Reform the legal system to decriminalize all forms of nonviolent dissent so as to eliminate arbitrary arrests related to the freedoms of expression, assembly, and association and religion.
- Cease bringing criminal charges against all persons detained in relation to their peaceful assembly, expression and association.
- Allow the UN Working Group on Arbitrary Detention to visit Bahrain.
- Impose greater restrictions on the use of force, and specifically the deployment of ‘non-lethal’ equipment such as teargas, birdshot, and baton rounds.
- Limit the discretion of police commanders to authorize force in unnecessary situations.
- Investigate independently all reports of excessive use of force.
- Prosecute all cases of excessive use of force.

¹⁴⁷ *Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

- Decriminalize nonviolent assembly and expression, including laws banning protests in Manama.
- Establish more effective human rights training programs for its security forces that focus explicitly on issues of arbitrary detention, enforced disappearance, and excessive force.
- Release all information regarding police training programs to the public in the interest of transparency.
- Discontinue or restructure any training program that does not appropriately address human rights issues or does not adhere to international standards of police conduct.

4. ACCOUNTABILITY

Not Implemented
No Perceived Progress

- 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);
- 115.106** 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);
- 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)

Though the government has introduced a number of ostensible accountability measures since 2012, very few security personnel have been prosecuted for acts of ill treatment; those prosecuted have received light sentences; and no senior officials in the MOI have been held accountable.

The Bahraini MOI continues to be led by Sheikh Rashid bin Abdullah Al Khalifa, who has held

the post of Minister of Interior since 2004. Under his supervision, hundreds of activists, political figures, and average Bahrainis have been subjected to arbitrary arrest, enforced disappearance, and torture both before and after the events of the 2011 uprising. Likewise, the Bahraini Chief of Public Security, Tariq Al Hassan, has also held his post since 2011. As with his superior the Minister of Interior, he has overseen systematic violations of human rights.

The most senior security official prosecuted after 2011 was Lt. Col. Mubarak bin Huwail. Multiple victims of torture named Huwail as their attacker in the aftermath of the March-June 2011 State of Emergency, and the PPO eventually charged him in connection with torture of four medical professionals. On 1 July 2013, the Third High Criminal Court acquitted Huwail. On the same day, Huwail met with Bahraini Prime Minister Sheikh Khalifa bin Salman Al Khalifa. In the visit, filmed and published online, the Prime Minister thanked Huwail for his “good work” and told those gathered, “these laws cannot be applied to you.”¹⁴⁸ Huwail has since been promoted to the rank of Brigadier and is now General Director of the Southern Governorate Police Directorate.

Since the acquittal of Huwail in 2013, the government has not prosecuted any high-ranking security personnel.

The Bahraini government has established three mechanisms that have the stated objective of ensuring accountability, though all three remain problematic in both law and in practice. These are the Ombudsman of the MOI, the Prisoners and Detainees Rights Commission (PDRC) and the SIU.

I. The Office of the Ombudsman

The Ombudsman of the Ministry of Interior, established in 2012, is intended to receive and investigate complaints filed against Bahraini security forces and MOI employees. Where it finds merit in a complaint, the Ombudsman is then to refer the complaint to the SIU for criminal investigation. Victims, their families, lawyers and/or agents (including NGOs) can submit complaints to the Ombudsman, which it is obliged to investigate.

As documented in ADHRB and BIRD’s report, *Subservient and Unaccountable*, the Ombudsman has had limited positive impact, and the institution is extremely hamstrung by its enabling legislation, which grants the MOI undue influence over its operations.¹⁴⁹ Article 7 of Decree 27/2012, which established the Ombudsman, vests the MOI and the Prime Minister with the power to dismiss the chief Ombudsman and his deputy if they are judged to not be fulfilling their mandate. Article 16 of the same decree states that the MOI apportions the Ombudsman’s budget. While the Ombudsman claims independence, these articles demonstrate that it is operationally dependent on the MOI.

In practice, these flaws have prevented the Ombudsman from making significant progress toward holding perpetrators of human rights violations accountable. Though the Ombudsman reported receiving 908 complaints from May 2014 to April 2015, it ultimately referred only 19 police officers

148 The video is available on YouTube: <https://www.youtube.com/watch?v=YYundvyyNS8>. Lt. Col. Mubarak bin Huweil is seated to the Prime Minister’s right.

149 *Subservient and Unaccountable: A Shadow Report on the Bahraini Ministry of the Interior’s Ombudsman and Bahrain National Institute for Human Rights*, ADHRB and BIRD, 2014, http://birdbh.org/wp-content/uploads/2014/10/ADHRB_Mechanism_Final-0814_Web.pdf

for prosecution during this period.¹⁵⁰ At time of writing, it is unclear if these 19 officers were convicted or even charged.¹⁵¹ The Ombudsman similarly claimed to have sent 55 complaints to the SIU in 2015-16, though these had resulted in exactly zero convictions as of June 2016.¹⁵² Moreover, according to the Ombudsman's office itself, both the MOI and the SIU have blocked its investigations into allegations of torture on several occasions.¹⁵³

Additionally, the Ombudsman has routinely failed to satisfy the international minimum standards governing such inquiry bodies, principally the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the Istanbul Protocol. The best-documented case of these failings is that of Mohammad Ramadan (see Section A.3, above). Ramadan's wife submitted a complaint alleging his mistreatment in custody in April 2014. ADHRB submitted a separate complaint on behalf of Ramadan's wife in July 2014, describing his torture in extensive detail. Despite these complaints, the Ombudsman never opened an investigation into Ramadan's torture, even when he was convicted and sentenced to death on the basis of confessions that he and his co-defendant alleged were coerced.

Following a lengthy six-month investigation, ADHRB, BCHR, BIRD, and human rights organization Reprieve demonstrated to the United Kingdom's (UK) Foreign and Commonwealth Office (FCO), which sponsors and trains the Ombudsman's office, that the Ombudsman had received multiple complaints about Ramadan's torture more than two years ago and failed to investigate them.¹⁵⁴ In spite of this, the Ombudsman's office continued to lie to the UK FCO for months, claiming it never received such complaints. Finally, in June 2016, and in the face of overwhelming evidence, the Ombudsman's office admitted that it had received torture complaints in Ramadan's case and did not investigate them. The Ombudsman's office subsequently opened a new investigation into Ramadan's torture.

ADHRB, BCHR, and BIRD have followed the investigation closely and communicated with the Ombudsman's office regarding its progress. Unfortunately, this investigation has not satisfied the Istanbul Protocol's minimum requirements. Violations have included, but are not limited to: the Ombudsman's office interviewing Ramadan inside of Jau Prison without allowing him the presence of his legal counsel, in violation of paragraph 81 of the Istanbul Protocol; the Ombudsman's office refusing to share any details of its investigation, including transcripts of its meetings with Ramadan and his wife, with Ramadan's legal counsel, in violation of paragraph 81 of the Istanbul Protocol; the Ombudsman's office apparently failing to arrange for a compliant, independent medical examination to be conducted on Ramadan, in violation of paragraph 104 of the Istanbul Protocol,

150 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

151 Ibid.

152 "Ombudsman Report Continues to Sidestep Key Human Rights Issues," ADHRB, 29 June 2016, <http://www.adhrb.org/2016/06/ombudsman-report-continues-sidestep-key-human-rights-issues/>

153 "Bahrain Independent Ombudsman: First Annual Report 2013/2014," Ministry of the Interior, Bahrain Independent Ombudsman, 2014, <http://ombudsman.bh/mcms-store/pdf/610-First%20Annual%20Report%20%202013-2014-2812251.pdf>.

154 Jamie Doward, "Bahrain torture 'ignored' by UK-funded monitor," *The Guardian*, 16 July 2016, <https://www.theguardian.com/world/2016/jul/16/bahrain-torture-foreign-office-criticised>; and "UK trained hundreds of guards at Bahrain's death row prison, new report finds," Reprieve, 29 September 2016, <http://www.reprieve.org.uk/press/uk-trained-hundreds-of-guards-at-bahrains-death-row-prison-new-report-finds/>; and *Belfast to Bahrain: The Torture Trail*, Reprieve, September 2016, <http://www.reprieve.org.uk/wp-content/uploads/2016/09/BelfastToBahrain.pdf>

and; and the Ombudsman's office ignoring offers of international expert advice and assistance, in violation of paragraph 90 of the Istanbul Protocol.

ADHRB, BCHR, and BIRD have also received reports from the families of detainees indicating that their incarcerated relatives experienced further torture after submitting complaints to the Ombudsman, which has an office at Jau Prison.¹⁵⁵ These families believe that the renewed abuse may have been in retaliation for the complaints, and at least one inmate at Jau Prison reported that officers explicitly mentioned his complaint to the Ombudsman while they tortured him.¹⁵⁶ This threat of reprisal in connection with complaints has caused ADHRB to suspend its previous engagement with the Ombudsman's office. With the assistance of the UN OHCHR, ADHRB reopened its engagement with the Ombudsman's office in late 2015 and began to see some substantive responses – such as locations of allegedly missing persons the alleged provision of medication to certain detainees – the Ombudsman has yet to address the key concerns outlined above.¹⁵⁷

More generally, these problems contribute a trust deficiency between victims of abuse and Ombudsman, which is counter-productive to holding security forces to account and improving police practices in line with the relevant recommendations.

II. The Special Investigation Unit (SIU)

The SIU was established in 2012 and, like the Ombudsman, is mandated to investigate allegations of torture and ill-treatment. However, the SIU as yet lacks the requisite independence from the PPO, the MOI, and the broader criminal justice system to serve as an effective accountability mechanism. The SIU is administratively placed within the PPO and its offices are based in the same location. It reports to the PPO's Attorney General, who has directly overseen the prosecution of activists and opposition figures on charges related to free expression.¹⁵⁸ Additionally, the SIU's Chief Public Prosecutor, Nawaf Hamza, previously served as Deputy Attorney General at the PPO, and five of eight SIU employees are former MOI personnel.¹⁵⁹

Moreover, the SIU has a Memorandum of Understanding with the Ombudsman. Under this memorandum, the Ombudsman transfers cases with potential criminal liabilities to the SIU, and must cease all investigations into a case if the SIU undertakes criminal investigation into it. In 2015/16, the Ombudsman transferred 55 complaints to the SIU; zero resulted in criminal convictions. Of the 138 cases transferred by the Ombudsman between July 2013 and June 2016, the SIU has successfully prosecuted only one involving torture. The SIU has no public reporting mandate, and complaints are not treated transparently. Therefore, if the Ombudsman transfers a complaint to the SIU, its resolution will not necessarily be communicated to the complainant or the public.

These structural deficiencies have undermined the SIU's ability to conduct impartial investigations,

155 *Inside Jau: Government Brutality in Bahrain's Central Prison*, ADHRB, BCHR, and BIRD, 26 June 2015, <http://www.adhrb.org/2015/06/inside-jau-report-finds-rampant-torture-and-abuse-inside-bahrain-political-prison/>; and *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

156 *Inside Jau: Government Brutality in Bahrain's Central Prison*, ADHRB, BCHR, and BIRD, 26 June 2015, <http://www.adhrb.org/2015/06/inside-jau-report-finds-rampant-torture-and-abuse-inside-bahrain-political-prison/>

157 "Ombudsman Report Continues to Sidestep Key Human Rights Issues," ADHRB, 29 June 2016, <http://www.adhrb.org/2016/06/ombudsman-report-continues-sidestep-key-human-rights-issues/>

158 *Ibid.*; and for more on the PPO and the Attorney General, see Section 1.B.

159 *Implementation by the Government of Bahrain of the Recommendations by the Bahrain Independent Commission of Inquiry*, US Department of State, August 2013, <http://adhrb.org/wp-content/uploads/2015/06/State-Report-on-Implementation-of-BICI-3-2.pdf>

and have implicated it in ongoing human rights violations committed by the PPO and the MOI. ADHRB, BCHR, and BIRD have found that the SIU's investigations, like that of the Ombudsman, contravene relevant international standards, such as the Istanbul Protocol.¹⁶⁰ The SIU takes no confidentiality precautions, in breach of paragraph 84 of the Istanbul Protocol. BIRD recorded one incident in late 2015 where the brother of a detainee submitted a complaint to the SIU, alleging that his sibling was being illegally detained by the National Security Agency (NSA) an intelligence-gathering body that was formally stripped of law enforcement powers after the events of 2011 until January 2017, when the king restored its domestic surveillance and detention authority.¹⁶¹ Within days, the complainant received a summons from the NSA, where he met an official who held the original hand-written complaint and who wanted to know why he had written this complaint against them. This lack of confidentiality, and protection from reprisal, is typical of SIU investigations.

SIU medical examinations also exhibit serious flaws. In the case of BYSHR cofounder Naji Fateel, the SIU referred him to the state medical examiner after he claimed he had been tortured by MOI personnel. Though Fateel has repeatedly raised these allegations,¹⁶² the MOI announced that the examiner "confirmed there were no signs to show he was subjected to torture... [and] the Ministry has not received any complaint about him having been tortured."¹⁶³ Fateel is currently serving a combined 30-year prison term in Jau Prison, where authorities reportedly subjected him to further abuse after the facility's March 2015 riot.¹⁶⁴ According to the witnesses, guards "treated him like an animal" and beat him so severely that he was unable to walk.¹⁶⁵ Though Fateel's wife has complained to the authorities about his case, prison officials have reportedly denied him proper medical treatment.¹⁶⁶

Furthermore, the SIU has failed to secure convictions against perpetrators of torture and other human rights violations. According to the US State Department, from January to October 2015, the SIU received 227 cases via referral, only eight of which it brought to court.¹⁶⁷ Of these eight, one was acquitted because the victim refused to testify, while the remaining seven are reportedly ongoing.¹⁶⁸ The US State Department noted that the SIU also reported receiving 40 complaints in December 2015, but it provided no information regarding the outcome of these cases. While SIU did successfully prosecute at least nine security officials in 2015 and 2016, the US State Department also noted that "security officials facing serious charges of abuse, however, are typically released and are not suspended from duty during the duration of their trials, including

160 *Behind the Rhetoric: Human Rights Abuses in Bahrain Continue Unabated*, Amnesty International, 2015, https://www.amnesty.org.uk/sites/default/files/2015-04_-_behind_the_rhetoric_english_-_final_1.pdf

161 "Bahrain Restores Law Enforcement Powers to NSA, Reversing BICI Recommendation," ADHRB, BIRD, and ECDHR, 5 January 2017, <http://www.adhrb.org/2017/01/11571/>

162 *Locked Inside a Nightmare: Voices from Bahraini Prisons*, BCHR and BYSHR, 9 June 2014. <http://bahrainrights.org/sites/default/files/Prison%20Report%20-%20FINAL%20II.pdf>.

163 "MOI Response to US State Department's 2013 Country Report on Human Rights," Ministry of Interior, Kingdom of Bahrain, 8 May 2014, <http://www.policemc.gov.bh/en/print.aspx?articleId=22819&mode=print>

164 *"The Blood of People Who Don't Cooperate": Continuing Torture and Mistreatment of Detainees in Bahrain*, Human Rights Watch, November 2015, https://www.hrw.org/sites/default/files/report_pdf/bahrain1115_4upload.pdf

165 Ibid.

166 "Bahrain: Ailing human rights defenders Dr. Abduljalil Al-Singace and Naji Fateel not receiving medical support in prison," 30 July 2015, <http://www.bahrainrights.org/en/node/7591>

167 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

168 Ibid.

while waiting for appeals.”¹⁶⁹ Moreover, even those convicted in cases involving fatalities often receive light sentences; of the nine security officials cited by the US State Department, six were sentenced to between one and five years in prison for their involvement in the 2014 beating death of a Jau Prison inmate Hassan al-Shaykh.¹⁷⁰ This sentence contravenes the 2012 amendment to Article 232 of the Bahraini Penal Code, which mandates life imprisonment for those convicted of torture leading to death; to date, no security official has been convicted of this crime, despite numerous deaths in government custody.¹⁷¹ Moreover, in 2016, an appeals court acquitted two of the six officials and reduced the sentences issued to three others from five to two years.¹⁷²

The SIU has also failed to complete a number of legitimate investigations it had previously initiated. In 2015, Amnesty International identified eight stalled SIU cases, including that of Mahdi ‘Issa Mahdi Abu Dheeb, a former president of the Bahrain Teachers’ Association (BTA) who submitted credible evidence that he had been tortured in 2011.¹⁷³ Mahdi Abu Dheeb was released in April 2016 after serving a five-year prison term for participating in peaceful protests,¹⁷⁴ but it is unclear if the SIU has made any progress processing the complaint; although Mahdi Abu Dheeb provided names of the officers who allegedly tortured him, none of them had been prosecuted as of April 2015.¹⁷⁵ Other complainants report that SIU investigators have purposefully intimidated them during official interviews, focusing more on where they had gotten their information and who had encouraged them to complain than on the details of the incident in question.¹⁷⁶

As of September 2016, the SIU claimed it had prosecuted 93 members of the security forces, resulting in 15 convictions and 40 acquittals. None of the convictions were of high-ranking officials. According to Amnesty International, the remaining 38 cases either remain pending or have not been clarified by the SIU.¹⁷⁷

Like the Ombudsman, such problems contribute to a trust deficiency between victims of abuse and SIU, which is counter-productive to holding security forces to account and improving police practices in line with the relevant recommendations.

III. Prisoner and Detainees Rights Commission

The PDRC, established in 2013, is tasked with inspecting places of detention and publicly reporting its findings. This body is effectively subordinate to the Ombudsman, who is mandated as its permanent leader under Decree 61/2013. Other members of the PDRC are drawn from the

169 Ibid.

170 Ibid.

171 *Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrain-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

172 *Window-Dressing or Pioneers of Change? An Assessment of Bahrain’s Human Rights Oversight Bodies*, Amnesty International, November 2016, <http://www.amnestyusa.org/research/reports/window-dressing-or-pioneers-of-change-an-assessment-of-bahrain-s-human-rights-oversight-bodies>

173 “*The Blood of People Who Don’t Cooperate: Continuing Torture and Mistreatment of Detainees in Bahrain*,” Human Rights Watch, November 2015, https://www.hrw.org/sites/default/files/report_pdf/bahrain1115_4upload.pdf

174 “Good News! - Bahrain: Mahdi ‘Issa Mahdi Abu Dheeb Released (UA 227/11),” Amnesty International, 29 April 2016, <http://www.amnestyusa.org/get-involved/take-action-now/good-news-bahrain-mahdi-%E2%80%98issa-mahdi-abu-dheeb-released-ua-22711>

175 Ibid.

176 *Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrain-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

177 *Window-Dressing or Pioneers of Change? An Assessment of Bahrain’s Human Rights Oversight Bodies*, Amnesty International, November 2016, <http://www.amnestyusa.org/research/reports/window-dressing-or-pioneers-of-change-an-assessment-of-bahrain-s-human-rights-oversight-bodies>

NIHR, PPO, and judiciary. ADHRB, BCHR, and BIRD have found the PDRC to lack independence and to maintain poor inspection and reporting mechanisms.¹⁷⁸ Its reports tend to omit issues of torture and its inspections of police stations and the CID, a location named in many allegations of pre-trial ill treatment and torture, have been cursory.

In late 2015, the PDRC inspected Jau Prison, Bahrain's largest male long-stay prison. The resulting report was the longest of the PDRC's reports, a fact that was touted by the PDRC as a major improvement and sign of progress. However, ADHRB, BCHR, and BIRD find that the report's length—which, at 50 pages is still relatively brief for a report of this kind—is not an indication of its quality. To the contrary, the PDRC's report on Jau Prison is marred by serious failings and inconsistencies. Principal among these is the PDRC's failure to investigate a mass torture event that took place in Jau Prison. In March 2015, Jau was the location of acts of collective punishment and torture for which no police have been held accountable. ADHRB, BCHR, and BIRD investigated this event and found that hundreds of prisoners had been collectively humiliated, starved, forced to sleep in courtyards in extreme weather conditions, and subjected to torture (see Section A.2). In its report, the PDRC explains that it is only mandated to examine the prison conditions at the time of its inspection, and does not investigate allegations of abuses. The report then goes on to repeat the MOI's narrative of events of March 2015, which exonerates the prison staff and police force, and the PDRC does not appear to have questioned inmates on the events or on other incidents of torture and ill treatment. The word "torture" is not included in the report's description of the events.

Third-Cycle Recommendations

ADHRB, BCHR, and BIRD find the government's accountability mechanisms to be deeply flawed. While the establishment of the Ombudsman, SIU, and PDRC suggested progress, they have provided only an illusion of reform. In practice, these institutions have consistently failed to protect victims of abuse or adhere to international standards like the Istanbul Protocol, and in some cases have actively worked against the interest of complainants. In doing so, they have helped to reinforce abusive police practices such as arbitrary arrest, excessive use of force, and torture. The government has not implemented its recommendations to properly investigate allegations of abuse and hold public officials of all levels of seniority responsible for the actions. The Government of Bahrain should:

- Amend Decree 27/2012 establishing the Ombudsman Office of the MOI to guarantee its total independence by removing the MOI's excessive authority over its operation as contained within articles 2, 4, 5, 6, 7, 16 and 17.
- Amend Decree 61/2013 establishing the Prisoners and Detainees Rights Commission, in particular articles 2 and 9, to separate its leadership and finance from the Ombudsman and guarantee its total independence.
- Ratify the Optional Protocol to the UN CAT in order to bring both the PDRC and the Ombudsman's office under the supervision of the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- Establish greater independence for the SIU by removing it administratively and physically from the PPO and by placing limitations on its recruitment from the MOI.
- Ensure that all investigations conducted by the SIU and other accountability mechanisms

¹⁷⁸ See *Fundamentally Flawed: Bahrain's Prisoners and Detainees Rights Commission*, ADHRB and BIRD, 2 September 2015, <http://www.adhrb.org/2015/09/bird-and-adhrb-publish-report-on-prisoners-and-detainees-rights-commission-fundamentally-flawed/>

are conducted impartially, promptly, and transparently.

- Take greater measures to prevent the possibility of reprisal against complainants and hold the members of accountability mechanisms responsible for leaking information.
- Increase efforts to ensure that the SIU investigates and prosecutes liable high-level officials as well as personnel directly responsible for inflicting abuse.
- Impose greater restrictions on the ability of the SIU, the MOI, or any other body to impede or cancel Ombudsman investigations.
- Allow the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Bahrain and inspect the accountability mechanisms.

5. ARAB COURT OF 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)

In 2013, the Arab League voted to establish the Pan-Arab Court on Human Rights with Bahrain as its permanent host.¹⁷⁹ The decision, regarded as a public relations project by many Bahraini human right activists, was met with widespread international criticism as human rights abuses continued unabated in Bahrain.¹⁸⁰

Third-Cycle Recommendations

During the period under review, the Arab Court for Human Rights has had little to no effect on the human rights situation in Bahrain, and the government has intensified its restrictions on basic freedoms. ADHRB, BCHR, and BIRD find that, while it is clear that the court was created and thereby represents progress toward the implementation of recommendation **115.31**, it has not led the Bahraini government to promote and protect human rights. This recommendation is therefore only partially implemented, with some perceived progress. The Government of Bahrain should:

Demonstrate its commitment to promote and protect human rights by ensuring that all perpetrators of human rights abuses are held accountable in all appropriate judicial venues, be they domestic, regional, or international.

¹⁷⁹ Elizabeth Dickinson, "Bahrain Selected as HQ of Arab court for Human Rights," *The National*, 3 September 2013.

¹⁸⁰ Brian Dooley, "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; and Graeme Baker, "Bahrain to host pan-Arab human rights court," *Al-Jazeera*, 2 September 2013, <http://www.aljazeera.com/news/middleeast/2013/09/20139219939454621.html>.

Compensation for Victims

Second-Cycle UPR Recommendations

In 2012, the Government of Bahrain fully accepted its second-cycle UPR recommendation **115.56** concerning the compensation of victims of state violence, stating:

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 streamlines process. To date, US\$2.6 million have been allotted to relatives of 17 mortal victims. The process continues.¹⁸¹

Brief assessment

The Government of Bahrain has as yet failed to institute a compensation system that both provides victims with appropriate reparations and holds perpetrators accountable. The three remedial mechanisms it established – the National Compensation Fund for Victims (NCFV),¹⁸² the Civil Settlement Initiative (CSI),¹⁸³ and the MOJ’s Special Compensation Courts – are deeply flawed and, in some cases, designed to divert criminal responsibility from the state. The government has particularly failed to address the growing number of individuals killed, injured, or tortured in the years since 2011. ADHRB, BCHR, and BIRD find no evidence that this recommendation has been implemented beyond a cursory or technical level.

1. COMPENSATION FOR VICTIMS

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)

The Government of Bahrain established the NCFV to provide remuneration to individuals or families who experienced state violence in February-March 2011 under Decree Law No. 30 of 2011.¹⁸⁴ A year later, the government promulgated Decree No. 13 of 2012 to regulate the NCFV’s methods of operation.¹⁸⁵ Its leadership committee is appointed by the Supreme Judicial Council¹⁸⁶ and comprises five members, including two from the judiciary, two from civil society organizations, and one from the government. According to the Government of Bahrain, the NCFV is modeled on international best practices for victim funds as well as the UN Basic Principles and Guidelines on the Right to Redress and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.¹⁸⁷ The NCFV’s stated goal is to compensate families of deceased victims and any person who has suffered material, psychological, or physical harm as a result of government action during the 2011 uprising and its

181 UN 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.

182 Also known as the National Fund for the Reparation of Victims (NFRV).

183 Also known as the Civil Settlements Office (CSO).

184 “Government Inaction in implementing the BICI – Recommendation 1722,” Bahrain Watch, 2016, <https://bahrainwatch.org/bici/1722j.php>

185 *Ibid.*

186 *Ibid.*

187 “Progress Report 2014,” Kingdom of Bahrain, 2014, <http://www.upr.bh/index.php/progress-report-2014/>

aftermath.¹⁸⁸ It can also request formal apologies on behalf of the victims and their families, and ask concerned parties to work together to ensure these incidents are not repeated.¹⁸⁹

In early 2012, the government instituted two other mechanisms purportedly intended to expedite compensation: the Supreme Judicial Council established the Special Compensation Court to adjudicate relevant cases, and the MOJ launched the CSI as a means to resolve some claims outside of the courts.¹⁹⁰

In its 2014 UPR Progress Report, the Bahraini government reiterated that it had created the NCFV, modeling it “after international best practices for victim funds around the world and the UN Basic Principles and Guidelines on the Right to Redress and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,” as well as the CSI.¹⁹¹ It claimed that, by “the end of 2013, all deaths identified by BICI (and additional ones) have been awarded compensation (approximately US\$159,000 on average to the families of each victim).”¹⁹² The government also claimed that it received 421 applications from individuals who were injured by security forces in 2011, and that it was considering 193 of these cases for compensation.¹⁹³ The report made no mention of any government efforts to provide compensation for deaths and injuries that have occurred since 2011, although the US State Department reported in 2016 that the MOI had received five claims in 2015 concerning “damages caused by police,” two of which have been resolved by the courts and three of which are outstanding.¹⁹⁴ Additionally, the government reportedly compensated one person for “tear-gas related property damages,” also in 2015.¹⁹⁵

Despite the government’s claims, there is little evidence to suggest that these mechanisms have provided adequate compensation to the victims of state violence in Bahrain. To actually disburse funds, for example, the NCFV requires a final judgement rendered by a court of competent jurisdiction.¹⁹⁶ In many cases, this means that the plaintiff must be able to demonstrate that a Bahraini court already convicted a specific perpetrator of the pertinent crime.¹⁹⁷ As a result, the government’s broader failure to institute criminal justice reform or hold its security personnel accountable remains a major obstacle for effective compensation. The judiciary’s general lack of independence – coupled with the consistent failure of the government’s human rights mechanisms and oversight bodies – has led to a dearth of criminal cases against alleged perpetrators, and therefore the convictions necessary for compensation.¹⁹⁸ By 2014, for example, the Public Prosecutor’s SIU, which is tasked with pursuing allegations of torture and other human rights violations committed by Bahraini security forces, had investigated only 150 cases, just seven

188 *Shattering the Façade*, ADHRB, BCHR, and BIRD, November 2015, http://www.bahrainrights.org/sites/default/files/ADHRB_BICI_Web-rev2.pdf

189 *Ibid.*

190 *Ibid.*

191 “Progress Report 2014,” Kingdom of Bahrain, 2014, <http://www.upr.bh/index.php/progress-report-2014/>

192 *Ibid.*

193 *Ibid.*

194 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

195 *Ibid.*

196 *Ibid.*

197 Habib Toumi, “Bahrain sets up national compensation fund,” *Gulf News*, 20 September 2011, <http://gulfnews.com/news/gulf/bahrain/bahrain-sets-up-national-compensation-fund-1.870371>

198 *Shattering the Façade*, ADHRB, BCHR, and BIRD, November 2015, http://www.bahrainrights.org/sites/default/files/ADHRB_BICI_Web-rev2.pdf

of which led to convictions.¹⁹⁹ According to the US State Department, the SIU received 227 additional cases from January 2015 to October 2015, only eight of which it referred to the courts; of these, one was acquitted because the victim refused to testify in court, and the other seven remain unresolved.²⁰⁰ Similarly, from May 2014 to April 2015, the MOI's Ombudsman Office received 908 complaints concerning human rights violations committed by security forces; by 2016, it reportedly referred 19 police officers to criminal courts.²⁰¹ The outcome of these cases remains unclear.²⁰² See Section A for more information.

The NCFV's payments are thereby directly limited by the judiciary's low conviction rate for cases involving security forces or other allegations of government malfeasance.²⁰³ Even for those who have been able to obtain compensation orders within this system, Bahrain's generally slow judicial process has caused long waiting periods for both the decision and the disbursement.²⁰⁴ Moreover, ADHRB, BIRD, and BCHR have found that families must sign liability waivers stating that they will not bring additional legal action against the state or publicly discuss their cases at any time in the future in order to receive compensation.²⁰⁵

Additionally, although the stated purpose of the CSI is to expedite compensation by offering an opportunity for resolution outside the court system, the government has used it to obscure allegations of human rights violations and further insulate perpetrators from prosecution. To obtain civil compensation through the CSI, victims or their families must waive their right to pursue criminal charges against the perpetrator(s) and/or the government, much as recipients of NCFV compensation must forego additional action against the state.²⁰⁶ The CSI also lacks transparency and has been slow to process claims. Interlocutors in Bahrain have reported that many families specifically refuse to apply for compensation with the CSI because it would not represent a clear acknowledgment of government responsibility for the deaths, which has not been forthcoming. Rather than expedite the process, the CSI has further limited plaintive families' willingness to seek redress with the existing compensatory mechanisms.²⁰⁷

More still, the government has not taken significant measures to provide compensation for victims of injury, torture, and other non-lethal abuse. Bahraini courts rarely convict members of the security forces for non-lethal acts of violence, leaving victims with little opportunity for redress within the existing system.²⁰⁸ Although the authorities have specifically designated the CSI as a compensatory mechanism for victims of non-lethal abuse, it publicly announced in 2014 that it was considering only 193 cases – a fraction of the more than 1,800 reports of torture documented by BCHR and the Cairo Institute for Human Rights Studies (CIHRS) between February 2011 and

199 "Moving Beyond 2011: A Special Report Detailing the Government of Bahrain's Implementation of the Recommendations of the Bahrain Independent Commission of Inquiry," BICI Follow-up Unit, February 2014, accessed October 18, 2015, http://www.bna.bh/pdf/BICI_Implementation_report_ENGLISH.pdf, 33.

200 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

201 Ibid.

202 Ibid.

203 *Shattering the Façade*, ADHRB, BCHR, and BIRD, November 2015, http://www.bahrainrights.org/sites/default/files/ADHRB_BICI_Web-rev2.pdf

204 Confidential source; and Government Inaction in implementing the BICI – Recommendation 1722," Bahrain Watch, 2016, <https://bahrainwatch.org/bici/1722j.php>

205 Confidential source.

206 *Shattering the Façade*, ADHRB, BCHR, and BIRD, November 2015, http://www.bahrainrights.org/sites/default/files/ADHRB_BICI_Web-rev2.pdf

207 Ibid.

208 Ibid.

March 2012.²⁰⁹ The government has particularly failed to compensate victims who suffered abuse or torture in 2011 but were not specifically identified in the BICI report.²¹⁰

The government has also failed to adequately compensate plaintiffs seeking reparations for deaths or injuries that occurred after 2011. None of the existing mechanisms are intended to address new cases. As these families and victims must seek redress with these institutions nonetheless, they face nearly all the same obstacles as those who were effected in 2011. Though the Bahraini authorities have killed at least 98 people since the pro-democracy uprising,²¹¹ the government has only deemed one family eligible for compensation beyond the 17 families specifically identified by the BICI.²¹² ADHRB, BCHR, and BIRD have found no evidence that any of the dozens of remaining families have been compensated.²¹³

Similarly, though ADHRB has received several hundred complaints concerning instances of torture and abuse since it began its complaint program in 2013, only one of these cases has been reportedly subject to government investigation, let alone compensation proceedings. In this case, the accused was eventually dismissed on appeal. None of the victims on behalf of whom ADHRB has submitted complaints have reported receiving any compensation for their treatment while detained.²¹⁴ In June 2016, the US State Department reported that the MOI received five requests for compensation for “damages caused by police” in 2015, but it did not indicate what type of damages these cases entailed or the amount of compensation disbursed.²¹⁵ In fact, the State Department’s report only notes that “two [cases] have been resolved through courts, [and] three are outstanding;” it does not clearly state whether the two resolved cases were accepted or rejected, and it does not include any citation or evidence to support its assertion.²¹⁶ Additionally, the report noted that “the police court compensated one person for tear gas-related property damages” in 2015, but it similarly fails to disclose the amount of compensation or any evidence demonstrating the proper resolution of the case.²¹⁷ Even still, like the 193 cases of injury under consideration by the CSI, these six claims represent only a fraction of the cases of police-related damages reported since 2011, be they physical, psychological, or material. For more information on torture and police abuse in Bahrain, see Section A.

209 *From 2011 to 2016, The Screams of Torture Still Echo*, BCHR, 26 Jun 2016, <http://www.bahrainrights.org/en/node/7948>

210 “One Year Later: Assessing Bahrain’s Implementation of the BICI Report,” Project on Middle East Democracy, November 2012, <http://pomed.org/wp-content/uploads/2013/12/One-Year-Later-Assessing-BahrainImplementation-of-the-BICI-Report.pdf>, 18.

211 “Individuals Killed By Government’s Excessive Use of Force Since 14 February 2011,” BCHR 2014, <http://www.bahrainrights.org/en/node/3864>; and “Immediate and Impartial Investigation Needed After Death of Teenager,” ADHRB 2016, <http://www.adhrb.org/2016/04/immediate-impartial-investigation-needed-death-teenager/>

212 *Shattering the Façade*, ADHRB, BCHR, and BIRD, November 2015, http://www.bahrainrights.org/sites/default/files/ADHRB_BICI_Web-rev2.pdf

213 *Ibid.*

214 “From the Ground: Systematic Torture in Bahrain,” ADHRB, BCHR, & BIRD, 9 February 2016, <http://www.adhrb.org/2016/02/analysis-adhrb-un-complaint-documentation-database/>

215 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

216 *Ibid.*

217 *Ibid.*

Third-Cycle Recommendations

Despite the government's claim to have compensated victims of abuses perpetrated by the security forces in 2011, the system it established is onerous and – in some cases – designed to obfuscate or divert responsibility from Bahraini authorities. Furthermore, there is no evidence that it has taken any practical measures to address the larger number of deaths and injuries that have occurred in the years since 2011. ADHRB, BCHR, and BIRD therefore propose the following recommendations, which, if implemented, should lead to proper compensations for the victims of state violence in Bahrain. The Bahraini Government should:

- Reform the existing mechanisms to allow families of all victims to make claims for compensation or for remedial action.
- Remove technical barriers that restrict the NCFV's ability to disburse compensation in order to ensure a timely handling of cases.
- Improve the transparency of the disbursement process by making it publicly available, in order to allow for international monitoring of compliance, and of the entire compensatory proceedings, so that perpetrators are publicly held accountable for their actions.
- Reform the CSI and NCFV waiver requirements so that victims or their families can seek compensation without relinquishing their right to press criminal charges or discuss their case.
- Reform the criminal justice system to increase judicial independence and to improve the capacity of the government's oversight and investigatory mechanisms in order to ensure proper legal action is taken against alleged perpetrators of human rights violations.

Nationality Regulations and Statelessness

Second-Cycle UPR Recommendations

The Government of Bahrain fully supported recommendations **115.75**, **115.95**, **115.96**, **115.140**, **115.141**, **115.142**, and **115.143** concerning the nationality of children and gender-based discrimination in the country's nationality legislation.

*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.*²¹⁸

Although the government initially grouped these recommendations under the Nationality category, rather than the Children's Rights or Gender Equality categories, it only addressed the effects of the country's nationality regulations on the rights of women and children. In order to assess this impact as well as the broader consequences of Bahrain's nationality legislation, we analyze the government's implementation of its specific recommendations concerning the nationality of children in Section E: Women's and Children's Rights, while we additionally analyze wider trends pertaining to nationality in Bahrain here in this section. This redundancy allows the report to address issues that were not explicitly covered in Bahrain's second UPR cycle, including arbitrary citizenship revocation and statelessness.

Brief Assessment

In the four years since the Government of Bahrain accepted its second-cycle UPR recommendations, there have been no substantial signs of progress toward the promulgation of a draft law to amend the discriminatory provisions of Bahrain's nationality legislation. Rather, the government has issued amendments to the nationality and counterterrorism laws that, together, grant authorities wide powers to strip Bahrainis of their citizenship. Officials have increasingly exploited these amendments to arbitrarily revoke the citizenship of activists and critics of the government, in some cases forcibly deporting them from the country. The growing rate of political denaturalization has added to the thousands of stateless individuals already living in Bahrain. ADHRB, BCHR, and BIRD therefore find that the government has not only failed to technically implement its second-cycle recommendations to improve its nationality legislation in order to protect the rights of children and curb gender-based discrimination; it has also expanded problematic aspects of the wider legal framework governing citizenship rights, empowering authorities to arbitrarily denaturalize and expel citizens.

1. NATIONALITY LAWS

Not Implemented
No Perceived Progress

- 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 on-Bahraini fathers to obtain Bahraini nationality (Uruguay);

²¹⁸ UN 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.

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

The Government of Bahrain has not taken significant measures to ensure the realization of the right of every person to nationality during the period under review, and it has increased the practice of arbitrarily depriving individuals of their nationality. Government action has either failed to resolve or actually intensified the major causes of statelessness in Bahrain, including gender-based discrimination in nationality legislation, the marginalization of stateless Bidoon and Ajam communities, and political denaturalization.

I. Gender discrimination in nationality law

Law No. 10 for 1981, which amended the 1963 Bahraini Citizenship Act, is Bahrain's core nationality legislation.²¹⁹ Article 4 of the law prescribes the main mechanism of transferal of nationality, stating that:

Anyone shall be regarded a Bahraini national, if: (A) Born in Bahrain after the effective date of this Act and his father was a Bahraini at the time of birth. (B) Born outside Bahrain, after the effective date of this Act, and his father was a Bahraini national at the time of birth provided that this father or the grandfather was born in Bahrain. (C) Born in Bahrain or abroad, after the effective date of this Act, and his mother, at the time of birth was a Bahraini national provided that father was unknown, without nationality or fatherhood was not substantiated.

The law is therefore based on paternal *jus sanguinis*, which means that nationality is only transferred through a Bahraini male. Women cannot transmit their nationality to their children or husbands. According to this law, Bahraini mothers can only confer their nationality to their children when the father is unknown or not legally related to the children.

As a result, Bahrain remains one of 27 countries that continue to discriminate against women in their ability to confer nationality to their children on an equal basis with men. The discriminatory provisions of Bahraini nationality law also put children at a heightened risk of statelessness, as they are excessively reliant on obtaining the nationality of their father.²²⁰ If the father is foreign or stateless, the child will then become stateless regardless of the status of the mother. In order to transfer nationality to their children, unless the father is stateless, women have to actively

²¹⁹ Bahraini Citizenship Act (last amended 1981) [Bahrain], 16 September 1963, available at: <http://www.refworld.org/docid/3fb9f34f4.html>

²²⁰ For more information see UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2016, 8 March 2016, available at: <http://www.refworld.org/docid/56de83ca4.html>

demonstrate that the father is unknown or that fatherhood was not substantiated, which can be extremely difficult to achieve. Reports additionally suggest that some Bahraini women married to Bidoon men have not been able to transfer their nationality to their children.

Despite its commitment to reform the discriminatory aspects of the nationality law, the Bahraini government has yet to do so. However, it has taken nominal steps to reduce the negative effects of the legislation over the last several years. In June 2009, the government established a waiver in order to grant access to certain state services for children of foreign fathers.²²¹ Subsequently, the SCW began advocating and lobbying for an amendment to the nationality legislation.²²² The king has intermittently granted nationality to children of foreign fathers via royal decree, but this process remains piecemeal and arbitrary.²²³ In January 2014, Bahrain's prime minister referred a draft law to the National Assembly that would permit Bahraini mothers to confer nationality to children of non-Bahraini fathers,²²⁴ but this law has yet to be promulgated.

II. Bidoon and Ajam Communities

Bahrain, alongside the other Arab Gulf states, contains a large number of Bidoon. The Bidoon are individuals who have historically lived in the country but – for various reasons including initial exclusion from citizenship registration during the official formation of the state²²⁵ – have not obtained formal nationality. The word Bidoon translates to “without,” originating from the description of those who are “without nationality.” As the government does not maintain a statelessness determination procedure and has made no attempt to collect information on the current number of stateless individuals, it remains unclear how many Bidoon reside in the country. The UNHCR has no figure for the number of stateless persons in Bahrain.²²⁶

In the years prior to the second UPR cycle, Bahrain had taken significant steps to grant nationality to many Bidoon. In 2008 for example, the government naturalized 7,012 individuals, including many Bidoons.²²⁷ However, the naturalization process remains arbitrary and politicized, and naturalized citizens are not always guaranteed equal rights with natural-born citizens – or, in many cases, even other naturalized citizens performing certain functions, such as serving in the security forces – rendering it a problematic means through which to incorporate Bidoon (for more information on naturalization/denaturalization policies in Bahrain, see Section C.1.III below, and Section N.2). Article 6 of the Bahraini nationality law holds that naturalized citizens are deprived of a number of civil rights for the first ten years after obtaining citizenship.

Despite some positive efforts, thousands of Bidoon remain stateless in Bahrain. BCHR estimates there to be between 2,000 and 5,000 eligible Bidoon families that have yet to be granted nationality.²²⁸ Additionally, as noted in Section C.1.I, the children of Bidoon fathers and Bahraini mothers continue to be born stateless due to discriminatory legal provisions. The failure to resolve

221 “Follow Up: State Reporting: Action by Treaty Bodies, Including Reports on Missions.” *CEDAW*. 2009. http://www.bayefsky.com/html/bahrain_cedaw_follow_report.php.

222 Ibid.

223 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>.

224 “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>.

225 For more information on this group see Institute on Statelessness and Inclusion, *The Worlds Stateless*, 2014, access at <http://www.institutesi.org/worldsstateless.pdf>

226 2014 UNHCR statistical yearbook reporting

227 UNHCR, MENA report on Statelessness, 2010, access at <http://www.unhcr.org/4ce63e079.pdf>

228 Bahrain Centre for Human Rights, *Stateless in Bahrain*, 2014 access at <http://bahrainrights.org/sites/default/files/Stateless%20in%20Bahrain%20-%20Final.pdf>

these problems not only leaves thousands of individuals in a precarious legal situation,²²⁹ but also creates a self-perpetuating cycle of statelessness.

Many of Bahrain's Ajam population, an ethnoreligious group of predominantly Shia individuals of Persian descent, are also stateless and face similar challenges as the Bidoon. Combined with longstanding forms of institutionalized discrimination against the country's majority Shia population, the denial of citizenship for Ajam has forced the community disproportionately into lower socioeconomic conditions. Being both Shia and stateless, they are even more likely to be denied access to social welfare or assistance programs available to other Bahraini citizens.²³⁰ Ajam have also been among those arbitrarily deprived of citizenship by the government (see Section C.1.III below). For more on the specific discrimination faced by Bahrain's Ajam community and the larger Shia population, see Section N.

III. Arbitrary deprivation of nationality

Bahrain's constitution states, in Article 7, that Bahraini nationals cannot be stripped of their nationality "except in case of treason, and such other cases as prescribed by law."²³¹ However, in 2013 and 2014, King Hamad expanded the grounds for deprivation of Bahraini citizenship by royal decree. First, in July 2013, the king issued a decree²³² implementing 22 recommendations proposed by the Shura Council, the royally-appointed upper house of parliament, to augment the 2006 Law of Protecting Society from Terrorist Acts.²³³ Among other things, the decree enabled Bahraini courts to revoke the citizenship of any citizen convicted of a terrorist offense.

Because the 2006 anti-terror law contains a broad and ambiguous definition of "terrorist acts and incitements to such acts" that includes freedoms of expression, assembly, and association, Bahraini officials have utilized their increased authority to deprive the nationality of activists and human rights defenders alongside alleged violent extremists. For example, in February 2015, the government released a list of the names of 72 persons whose citizenship it had revoked via MOI order; as many as 50 of these individuals were human rights defenders, political activists, journalists, academics or religious scholars, while 20 were linked to extremist groups like Al Qaeda and Daesh (also known as the Islamic State of Iraq and Syria, the Islamic State of Iraq and the Levant, the Islamic State).²³⁴ For more on the anti-terror legislation and additional amendments to the law, see Section M.

In 2014, the government promulgated Law 21 of 2014, amending certain provisions of the 1963 Citizenship Law to empower the MOI to revoke citizenship by administrative order. Article 8 now provides that "Bahraini citizenship may be revoked, upon request from the Interior Minister and approval of the cabinet, from any naturalised person" who has, among other things, been

229 *Stateless in Bahrain*, BCHR, 2014, <http://bahrainrights.org/sites/default/files/Stateless%20in%20Bahrain%20-%20Final.pdf> and Blitz, B. Lynch, M, *Statelessness and the Benefits of Citizenship: A Comparative Study*, 2011, Edward Elgar Publishing

230 For more information on discrimination against Ajam and Bahrain's broader Shia population, see *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>; and *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

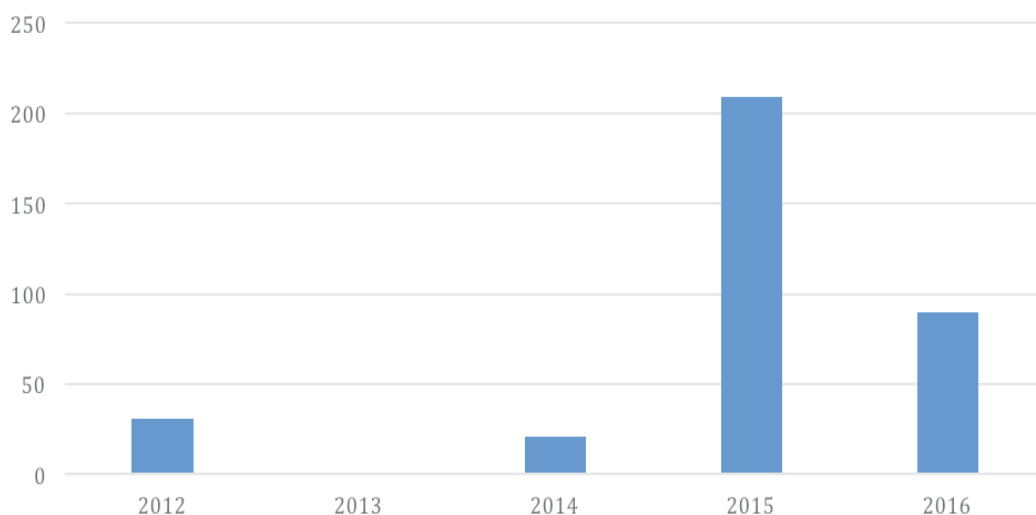
231 Constitution of the Kingdom of Bahrain, 14 February 2002, <http://www.wipo.int/wipolex/en/details.jsp?id=7264>

232 31 جلاالة الملك المفدى يصدر مرسومين بشأن حماية المجتمع من الاعمال الارهابية و تنظيم جمع المال للأغراض العامة, July 2013, BNA, <http://www.bna.bh/portal/news/573609>

233 2006 Law of Protecting Society from Terrorist Acts, Kingdom of Bahrain, 18 August 2006, <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2125>

234 These figures are derived from a database maintained by ADHRB, BCHR, and BIRD. For further information, see: "Stop Revoking Citizenships – BIRD Publishes Full Documentation," BIRD, 10 February 2016, <http://birdbh.org/2016/02/revoked-citizenship/>

Figure 3. Citizenship Revocations During the Second UPR Cycle



“found guilty of a crime connected with honour and integrity” within ten years of receiving it.²³⁵ Furthermore, Article 10 enables the MOI to issue revocation orders for any citizen who: “(1) serves in a foreign army, (2) helps to or serves a hostile country, and (3) causes harm to the interests of the kingdom.”²³⁶ Like the anti-terror legislation, these vague provisions give the authorities wide discretion to issue arbitrary orders to deprive the nationality of activists and government critics. Unlike court-ordered revocations, the MOI’s citizenship revocations are often ineligible for appeal.

Since 2012, more than 330 persons have been stripped of their nationality; at least 100 of these were the result of MOI administrative orders, rather than court orders.²³⁷ Many of these individuals were subsequently deported, frequently to Lebanon or Iraq. Some individuals who were denaturalized were residing abroad or had other nationalities, but many were left stateless in Bahrain. Although the government has long used citizenship revocation as a form of reprisal against activists and opposition leaders,²³⁸ the rate of revocation has dramatically increased in the years since the suppression of the 2011 pro-democracy movement, and especially since the beginning of 2015.²³⁹ According to ADHRB, BCHR, and BIRD’s data, the government revoked citizenship from at least 31 people in 2012; zero in 2013; 21 in 2014; 209 in 2015; and at least 90 in 2016 (see Figure 3). As many as 292 of those who have had their citizenship revoked are members of the country’s marginalized Shia majority, including activists, journalists, and some of the community’s most prominent religious figures. For example, in June 2016, the MOI

²³⁵ “HM the King ratifies law amending some provisions of the Citizenship Law,” BNA, 7 July 2014, <http://www.bna.bh/portal/en/news/625156>

²³⁶ *Bahraini Citizenship Act (last amended 1981)*, Kingdom of Bahrain, 16 September 1963, <http://www.refworld.org/docid/3fb9f34f4.html>

²³⁷ These figures are derived from a database maintained by ADHRB, BCHR, and BIRD. For further information, see: “Stop Revoking Citizenships – BIRD Publishes Full Documentation,” BIRD, 10 February 2016, <http://birdbh.org/2016/02/revoked-citizenship/>

²³⁸ Some notable examples are: Dr. Mansoor al-Jamri, 1996, activist and journalist; Dr. Saeed al-Shehabi, 1981, political activist living in exile; Dr. Abdulhadi Khalaf, 1978, academic and former MP living in exile

²³⁹ For more information, see: Aljazeera, Protests mark fourth anniversary of Bahrain uprising, 2014, access at <http://www.aljazeera.com/news/2015/02/protests-mark-fourth-anniversary-bahrain-uprising-150214074700114.html>

issued a revocation order for Ayatollah Sheikh Isa Qassim, widely considered the spiritual leader of Bahrain's Shia.²⁴⁰ The government has also stripped Shia clerics Sheikh Hussein Najati and Sheikh Mohammad Hasan Ali Husain Khojasta of their citizenship. For more information on the disproportionate denaturalization of Shia individuals, see Section N.

Other individuals who have had their citizenship revoked include Husain Abdulla, ADHRB's Executive Director; Sayed Ahmed Alwadaei, BIRD's Director of Advocacy; Ali Abdulemam, a member of the human rights organization Bahrain Watch; Taimoor Karimi, a human rights lawyer; Abbas Busafwan, a journalist; Dr. Masood Jahroomi, an academic; Shaikh Hasan Sultan, a former opposition parliamentarian; and Sayed Ahmed al-Mousawi, an award-winning photographer.

The government has additionally subjected many of these individuals to further forms of abuse. For example, on 10 February 2014, after Sayed Ahmed al-Mousawi photographed protests, Bahraini authorities raided his home and arrested him and his brother. The security forces disappeared and allegedly tortured al-Mousawi for five days, subjecting him to severe beatings on his genitals, electrocution, and hanging from a door. For the duration of his disappearance, he was stripped naked and forced to stand for long periods of time. Officers did not allow a lawyer to accompany al-Mousawi when they transferred him to the Public Prosecutor. Courts renewed al-Mousawi's pre-trial detention six times, and he spent over a year in prison without formal charges. In November 2015, a court sentenced him to ten years in prison and revoked his nationality, along with twelve other defendants.²⁴¹ For more information on reprisals against journalists, see Section H.

Similarly, in April 2011, Bahraini authorities arrested and forcibly disappeared Dr. Jahroomi, who is a member of the Ajam community. The security forces subjected Dr. Jahroomi to abuse and denied him access to a lawyer. In March 2016, the government summoned him for deportation following a MOI nationality revocation order that was issued in January 2015.²⁴²

IV. Additional Human Rights Violations

Being born stateless is an inherent human rights violation,²⁴³ but stateless persons in Bahrain are at a heightened risk of experiencing additional abuses. Stateless individuals are routinely denied access to certain employment opportunities and are often unable to register new-born children. A stateless individual may not be able to obtain a lawyer, own property, access healthcare and social services, and may be unable to enroll for education.²⁴⁴ The Bahraini government also restricts foreign and domestic travel for stateless individuals.²⁴⁵ Stateless children have to renew their residency permits yearly and, once they are adults, must be sponsored by an employer in order to continue living in Bahrain.²⁴⁶ Many of these children obtain sponsorships from family members – making them dependent thereupon – but many others remain at constant risk of detention or deportation.

²⁴⁰ "Bahrain revokes top Shi cleric citizenship," BBC, 2016, <http://www.bbc.com/news/world-middle-east-36578000>

²⁴¹ "End Impunity: Violence against Journalists in Bahrain," ADHRB, BCHR, and BIRD, 2 November 2015, <http://www.adhrb.org/2015/11/violence-against-journalists-in-bahrain/>

²⁴² "Bahraini Scholar Dr. Masood Jahroomi Forcibly Deported After Citizenship Revocation, as Pattern of Discrimination Continues," ADHRB, BCHR, BIRD, and JHRO, 8 March 2016, <http://www.adhrb.org/2016/03/bahraini-scholar-dr-masood-jahroomi-forcibly-deported-citizenship-revocation-pattern-discrimination-continues/>

²⁴³ For example, the right to nationality is prescribed under Article 15 of the Universal Declaration of Human Rights

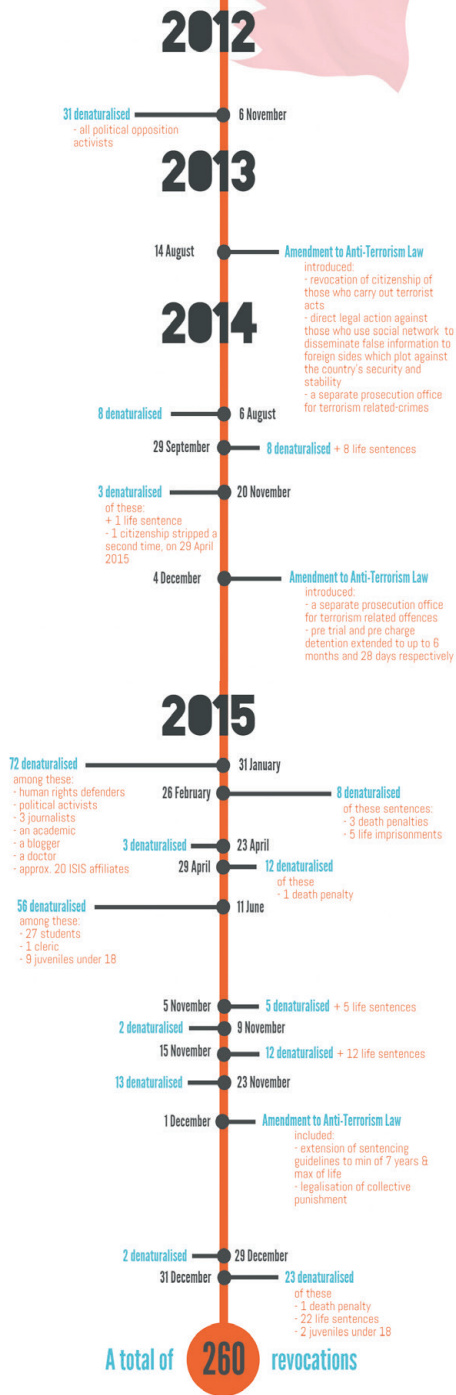
²⁴⁴ *Stateless in Bahrain*, BCHR, 2014, <http://bahrainrights.org/sites/default/files/Stateless%20in%20Bahrain%20-%20Final.pdf>

²⁴⁵ Ibid.

²⁴⁶ Ibid.

Revocation of Citizenship

A Timeline



V. Adherence to International Obligations

The Bahraini government has not met its obligations to ensure nationality and prevent statelessness under international law. Article 15 of the UDHR states that “everyone has the right to a nationality” and “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” Article 24 of the ICCPR, which Bahrain ratified in 2006, states, “Every child has the right to acquire a nationality,” and Article 7 of the CRC, which Bahrain is also party to, states, “(1) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parent. (2) States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.” Bahrain therefore has strong international treaty obligations to ensure that all children born on its territory, regardless of their ethnicity or status or that of their parents or guardians, will acquire Bahraini nationality if they would otherwise be stateless.

Additionally, CEDAW states in Article 9 that, “States Parties shall grant women equal rights with men with respect to the nationality of their children.” Bahrain is party to CEDAW, but the government has placed a reservation on this article.²⁴⁷ As stated by the CEDAW, Article 9 is “central to the object and purpose of the Convention” and that “reservations impact negatively on the enjoyment by women of their rights.”²⁴⁸ Therefore, the maintenance of nationality laws that discriminate on the basis of gender are themselves in conflict with the object and purpose of the CEDAW and with the general obligation of all state parties to “agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.”²⁴⁹ Furthermore, UNHCR’s Global Campaign to end statelessness prioritizes the removal of gender discrimination from nationality laws through its Action Point 3.7.²⁵⁰

Furthermore, the 2013 report of the OHCHR and Secretary-General on “Human rights and arbitrary deprivation of nationality”²⁵¹ addresses regulation of loss and deprivation of nationality, particularly emphasizing that “any interference with the enjoyment of nationality has a significant impact on the enjoyment of rights. Therefore, loss or deprivation of nationality must meet certain conditions in order to comply with international law, in

Note: Timeline represents major developments between 2012 and 2015; the current total number of revocations is more than 330 (See Figure 3).

247 United Nations Treaty Collection, https://treaties.un.org/pages/Overview.aspx?path=overview%2foverview%2fpage1_en.xml

248 The CEDAW Committee has noted this on a number of occasions and in Concluding Recommendations for State Parties under review, including in CEDAW/C/ARE/CO/1, para 16.

249 Report of the Committee on the Elimination of Discrimination against Women (Eighteenth and nineteenth sessions), A/53/38/Rev.1, page 47.

250 See UN High Commissioner for Refugees (UNHCR), *Global Action Plan to End Statelessness*, 4 November 2014, available at: <http://www.refworld.org/docid/545b47d64.html>

251 *Human rights and arbitrary deprivation of nationality*, OHCHR and Secretary-General, 19 December 2013, <http://www.refworld.org/docid/52f8d19a4.html>

particular the prohibition of arbitrary deprivation of nationality.²⁵² Bahrain is neither a party to the 1954 Convention relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness.

Third-Cycle Recommendations

The Government of Bahrain has yet to amend the nationality legislation in order to eliminate provisions that discriminate based on gender and that contribute to child statelessness. Although the king has taken sporadic action to reduce statelessness through royal decree, this approach as well as exempting excluded children from public service and residency fees, does not address the systemic causes of statelessness. Moreover, the government has introduced new legislation that expands the grounds for citizenship revocation, and it has substantially increased its use of arbitrary denaturalization policies to punish activists, journalists, religious figures, and critics. ADHRB, BCHR, and BIRD therefore find that the government has not implemented its recommendations to improve the nationality law, and have exacerbated the wider problem of statelessness in additional ways that must be addressed in the third UPR cycle. The Government of Bahrain should:

- Remove Bahrain's reservation to and ensure full compliance with Article 9 of the CEDAW.
- Continue the steps that have been taken to amend the Citizenship Law to enable Bahraini women to transfer nationality to their children without restriction, on an equal basis to men, and ensure that this is completed without unnecessary delay, in accordance with international standards.
- Conduct research and initiate clear procedures to identify and determine the number of stateless individuals in Bahrain, particularly the Bidoon and Ajam communities.
- Take steps to ensure access to citizenship and the full rights associated with citizenship for those who have been determined stateless in Bahrain.
- Accede to and fully implement the 1954 and 1961 Statelessness conventions,
- Eliminate the MOI's authority to deprive persons of their nationality through the issuance of orders under the decree.
- Amend the Citizenship Law to prevent arbitrary deprivation of and to ensure redress and the right of appeal for all persons who have been deprived of their nationality. In particular, prohibit the deprivation of nationality that results in statelessness.
- Reinstate the nationality of all persons whose nationality was arbitrarily deprived, prioritizing those who have consequentially been left stateless.
- Repeal the 2006 Law of Protecting Society from Terrorist Acts or amend it so as to provide a clear and narrow definition of terror activity and to prevent the arbitrary prosecution of activists, human rights defenders, and other civil society actors.

Ensure that stateless individuals living in Bahrain can access their fundamental rights, including the right to education, travel, healthcare, own property and access social services

252 A detailed report of the impact of deprivation of nationality on the enjoyment of human rights is contained in A/HRC/19/43.

SECTION D

National Legislation on Education and Disabilities

Second-Cycle UPR Recommendations

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, including for persons with disabilities. 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.²⁵³

The government also accepted recommendation **115.37** concerning human rights education in the public sector, initially grouping it into a broad thematic issue area concerning respect for human rights. This report does not include that category (see Methodology), and will therefore assess it here.

Brief Assessment

When it accepted its second-cycle recommendations in 2012, the Government of Bahrain claimed it had already promulgated legislation that adhered to international treaties to protect the rights of children and the disabled. Despite these legal protections, however, the government has often taken action that violates international standards on the rights of children and persons with disabilities, and that undermines equal access to education and other services. In particular, Bahraini authorities have targeted disabled persons in their broader campaign against activists and government critics, even subjecting them to torture and depriving them of adequate medical care. ADHRB, BCHR, and BIRD therefore find that, while the government has implemented its recommendations to advance education and the rights of children and persons with disabilities, it has often contravened these goals in practice.

1. EDUCATION AND DISABILITY LEGISLATION

Technically Implemented
No Perceived Progress

- 115.37** Continue its efforts to build up capacities and knowledge of human rights in the public sector (Singapore);
- 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);

²⁵³ UN 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.

- 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** Provide adequate education opportunities for the persons with disabilities (Saudi Arabia)

1. Education and Children’s Rights

The Government of Bahrain promulgated the Children’s Act in 2012, which provides 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. More generally, the law affords guaranteed state protection from abuse and mistreatment for all children, with abuse broadly defined to include physical, psychological, and sexual forms.²⁵⁴ The government additionally created a Child Protection Center to facilitate the pursuit of justice for families and the rehabilitation of children.²⁵⁵

Despite these legal steps, the Bahraini government continued to violate the rights of children. Bahraini authorities have detained children on charges related to the ongoing protest movement and in the pursuit of suspects for acts of vandalism. Children report experiencing abuse and ill-treatment while in detention, and ADHRB, BCHR, and BIRD have found that dozens of children have been held in custody with adult prisoners.²⁵⁶ Though children 15 years old or younger are not considered criminally responsible under Bahraini law, the authorities consistently arrest and try minors before adult courts. As a further consequence of arbitrary arrest and detention, many children are denied the chance to complete their education. After security forces temporarily disappeared, tortured, and forced sixteen-year-old Nedhal Ali Hussain al-Abood into signing a false confession in 2013, for example, a Bahraini court sentenced him to life imprisonment under Bahrain’s terrorism law.²⁵⁷ While an appellate court reduced his sentence to fifteen years, al-Abood was unable to take any of his final exams and had yet to complete his schooling as of 2015. The Child Protection Center does not seem to play a role in cases like al-Abood’s, which typically

²⁵⁴ *Law No. (37) for the year 2012 by issuing the Child Law*. Legislation and Legal Opinion Commission, <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=2050#Umlivmsim6>

²⁵⁵ “Child Protection Centre” Ministry of Social Development, Government of Bahrain, 26 June 2013, <http://www.social.gov.bh/node/348>.

²⁵⁶ Patrick Seed, “Child Prisoners in Bahrain,” ADHRB, 23 February 2015, <http://www.adhrb.org/2015/02/child-prisoners-in-bahrain/>; and “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>

²⁵⁷ *Ibid.*

involve beatings, threats of further torture, and attempts to force confessions.²⁵⁸ Additionally, the extreme methods used by security forces to disperse crowds and the practice of deploying mass quantities of tear gas in residential neighborhoods have resulted in the injury and even death of children²⁵⁹ (for more information on children's rights and the violence against children, see Section E).

Furthermore, the government has continued to discriminate against the country's Shia majority community, often preventing Shia children and adolescents from equal access to education, career opportunities, and social services (for more on religious and cultural rights and discrimination against Shia in education, employment, and social services, see Section N.2.IV). Bahrain's problematic nationality legislation has also resulted in a substantial stateless population, the children of which face severe obstacles to accessing education and other services (for more on statelessness and the nationality law, See Section C). In 2016, the Child Rights International Network (CRIN) ranked Bahrain 168th (out of 197 countries assessed, between Libya at 167th and Algeria/South Sudan at 169th) for the extent to which the legal system can ensure a child's right to access to justice.²⁶⁰

The Bahraini government has also implemented a number of general 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.²⁶¹ Those outside the government who attempt to access human rights education programs, however, typically face judicial harassment including arrest and imprisonment.²⁶²

II. Rights of Persons with Disabilities

As noted, Bahrain has made some legal progress toward protecting rights of the disabled, including the promulgation of the Children's Act, the ratification of the Convention on the Rights of Persons with Disabilities (CRPD), and the drafting of a national strategy for the disabled.²⁶³ Prior to its second UPR cycle, the Bahraini government had also worked with the UN Development Program (UNDP) to support their efforts for children and the disabled.²⁶⁴

However, the government's efforts in this area do not extend substantially beyond legislation and consulting. Not only have disabled persons been subject to the government's general campaign of arbitrary arrest since 2011, but their detentions have also been particularly characterized by the absence of appropriate treatment or accommodation for their disabilities.

258 "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>.

259 "Children as Young as Five are Targets of Riot Police Excessive Use of Force." BCHR. 14 September 2012. <http://bahrainrights.hopto.org/en/node/5406>.

260 Access to Justice for Children: Global Ranking, Child Rights International Network, 2016, <https://www.crin.org/en/access-justice-children-global-ranking>

261 "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,'" BNA, 23 September 2013, <http://www.bna.bh/portal/en/news/580921>

262 "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/>

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

264 "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>.

The authorities have arrested and tortured a number of persons with physical and mental disabilities during the period under review,²⁶⁵ and other individuals have become disabled due to abuse, such as Shia cleric Sayed Hussein al-Guraifi.²⁶⁶ In October 2014, Bahraini security forces arrested Mohammed Faraj, who suffers from a rare disease called Relapsing Remitting Multiple Sclerosis that has confined him to a wheelchair, for example, on allegations of “criminal burning and illegal gathering.”²⁶⁷ Faraj received a ten-year prison sentence, later reduced to seven, and was taken to Jau Prison to serve his term. There, guards denied him medical care, including necessary tri-weekly injections. His health has deteriorated and he is at risk of blindness and paralysis.²⁶⁸

In 2013, the authorities arrested and temporarily disappeared Ali Abdullah Saad, who is suffering from visual impairment. Security forces reported tortured Saad and denied him medical care.²⁶⁹ That same year, the government detained and interrogated Qassim Ghuloom Ahmed, who receives psychiatric treatment for a mental condition, without the presence of a lawyer on unknown charges.²⁷⁰ Earlier in 2012, Bahraini authorities arrested Aqeel Hassan Jassim, who suffers from epilepsy, on charges of attempting to kill a police officer. Jassim, whose home has been raided by security forces more than 30 times, was taken to the CID and reportedly beaten. According to Jassim’s family, guards beat him after he was transferred to Dry Dock Prison as well. A complaint had been filed at the PPO against the officer responsible, but the authorities did not take action. Moreover, officials prevented Jassim from being transferred to a hospital for medical treatment, despite a court order.

Children with special needs are also among those targeted by the security forces since 2012; authorities arrested Jassim al-Banna, a child suffering from Marfan syndrome, during his final examination period and prevented him from taking his tests.²⁷¹ In 2015, several UN Special Procedures including the WGAD issued a joint communication to the Bahraini government concerning 39 incarcerated minors between the ages of 10 and 17, including a child with severe hearing and speech impediments and another who has walking problems due to a deformity in his leg.²⁷²

The government has particularly targeted disabled activist Dr. Abduljalil al-Singace, a member of the Bahrain Academic Society, the Human Rights Bureau, and the Haq Movement for Liberty and Democracy, as well as a blogger who has advocated against human rights violations in Bahrain.²⁷³ Dr. al-Singace also suffers from long-term poliomyelitis, which has left him paralyzed since childhood. In 2011, a Bahraini court sentenced him to life in prison on charges of attempting to

265 “Bahrain: After Arbitrary and Violent Arrest, Prisoners with Special Needs Denied Adequate Medical Treatment,” BCHR, 26 July 2013, <http://www.bahrainrights.org/en/node/6247>

266 “ADHRB at HRC: Persons With Disabilities Face Discrimination in the GCC,” ADHRB, 4 March 2016, <http://www.adhrb.org/2016/03/9104/>

267 “Bahrain: Mohamed Faraj Deprived of Medical Care in Jaw Prison,” BCHR, 14 July 2015, <http://www.bahrainrights.org/en/node/7570>

268 Ibid.

269 “Bahrain: After Arbitrary and Violent Arrest, Prisoners with Special Needs Denied Adequate Medical Treatment,” BCHR, 26 July 2013, <http://www.bahrainrights.org/en/node/6247>

270 Ibid.

271 “Bahrain Salam: Urgent Action for the release of the child with special needs Jassim Al-Banna,” BCHR, 11 January 2014, <http://www.bahrainrights.org/en/node/6707>.

272 “Abuse of Bahraini Children concerns UN Special Procedures,” ADHRB, 11 September 2015, <http://www.adhrb.org/2015/09/summary-and-brief-analysis-of-joint-communications-report-for-hrc30/>

273 “Abduljalil al-Singace,” BIRD, <http://birdbh.org/abduljalil-al-singace/>

overthrow the government, related solely to his peaceful activism.²⁷⁴ Since March 2013, Bahraini officials have habitually ignored Dr. al-Singace's requests for medical attention. Security forces have beat and sexually abused Dr. al-Singace, and forced him to sign a false confession. They also specifically exploited his medical condition to further torture him, such as forcing him to stand on one foot.

Dr. al-Singace's health has recently deteriorated in prison as a result of government negligence and abuse. Reports from those who have seen Dr. al-Singace state that his skin is pale and his hands are yellow.²⁷⁵ Blood tests indicate that Dr. al-Singace has a dangerously low number of white blood cells.²⁷⁶ The latest test revealed a white blood cell count of 3,700; for adults, anything below 4,000 is considered atypical and a potential health concern.²⁷⁷ In addition, Dr. al-Singace's potassium level has reached 6.8.²⁷⁸ For adults, healthy levels average around 3.6 to 5.2 millimoles per liter, and any level higher than 7.0 requires immediate medical intervention.²⁷⁹ In 2016, ADHRB received reports that the Bahraini authorities had prevented al-Singace from accessing urgent medical care and had denied his request for the rubber pads that are needed for his crutches.²⁸⁰ They additionally denied his requests for appropriate medical grips, also known as joint holders.²⁸¹ Bahraini officials have yet to administer Dr. al-Singace the medication needed to regulate and stabilize his fluctuating white blood cell and potassium levels. Dr. al-Singace remains in Jau Prison, and on 28 January 2016 he ended a 313 daylong liquid-only hunger strike to protest the abuse and poor living conditions at the facility.²⁸² No officials have been held accountable for Dr. al-Singace's treatment.

Third-Cycle Recommendations

Overall, the Bahraini government has been willing to legislate on education and to protect the rights of children and persons with disabilities, but not to limit the abuse suffered by these groups within the criminal justice system. These laws have not prevented the government from discriminating against Shia children in the education sector (see Section N.2.IV). Furthermore, many of the positive steps highlighted by Bahraini government were undertaken before the second-cycle UPR, and it is unclear whether they have had any additional positive effect on Bahraini children and persons with disabilities during the period under review. Because current legislation has not proven effective at protecting these groups from arbitrary detention, torture, medical neglect, and other government abuses, ADHRB, BCHR, and BIRD find the second-cycle recommendations regarding national legislation on education and disabilities to be technically implemented with little perceived progress. The Government of Bahrain should:

- Take additional measures to ensure that all children, including those that are Shia and/or stateless, are able to access education.

274 "Champions for Justice: Bahrain Prisoners of Conscience – Abduljalil al-Singace," ADHRB, 2013, <http://www.adhrb.org/wp-content/uploads/2013/11/Champion-of-Justice-Abduljalil-al-Singace.pdf>

275 Confidential source.

276 Ibid.

277 "Low white blood cell count," Mayo Clinic, 2016, <http://www.mayoclinic.org/symptoms/low-white-blood-cell-count/basics/definition/sym-20050615>

278 Confidential source.

279 "High potassium (hyperkalemia)," Mayo Clinic, 2016, <http://www.mayoclinic.org/symptoms/hyperkalemia/basics/definition/sym-20050776>

280 "Prominent Bahraini activist 'Al-Singace' ends 313-day hunger strike," Bahrain Observer, 30 January 2016, <http://www.bahrainobserver.com/en/page/4409/Prominent+Bahraini+activist+%26rsquo%3BAL-Singace%26rsquo%3B+ends+313-day+hunger+strike.html>

281 Ibid.

282 Ibid.

- Create new legislation, and enforce existing legislation, to protect children and persons with disabilities from arbitrary detention, torture, and other abuses.
- Mandate juvenile courts try cases involving minors, and guarantee that children are held in separate facilities from adults.
- Ensure that all prisoners have access to necessary medical care, particularly persons with disabilities.
- Guarantee that persons with disabilities, if under criminal investigation, are held in appropriate facilities and provided with necessary medical or safety equipment.
- Hold all security personnel responsible for torturing or otherwise abusing children and/or person with disabilities accountable.
- Release all children and disabled persons currently detained on charges that are political motivated, derived from coerced confessions, or related to free expression, assembly, association, or belief.

Women's and Children's Rights

The Government of Bahrain fully supported recommendations **115.39, 115.48, 115.49, 115.50, 115.51, 115.68, 115.69, 115.70, 115.71, 115.72, 115.73, 115.74,** and **115.77** concerning combatting gender discriminating and enhancing women's rights. In accepting these recommendations, the Government of Bahrain stated:

*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.*²⁸³

The government also accepted recommendations **115.138** and **115.139** concerning the implementation of a unified family law. In response to these 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 [Shia] 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.*²⁸⁴

Furthermore, the government accepted recommendations **115.75, 115.95, 115.96, 115.140, 115.141, 115.142,** and **115.143** concerning the promulgation of nondiscriminatory nationality legislation allowing Bahraini women to transfer citizenship to their children. In response to the recommendations, the government noted:

*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.*²⁸⁵

Additionally, the Government of Bahrain supported recommendation **115.29** to protect the rights of children by issuing a child law. In accepting the recommendation, the government noted:

*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.*²⁸⁶

Brief Assessment

Despite the government's stated commitment to enhancing women's and children's rights – specifically by promulgating new family, child, and nationality legislation – Bahraini authorities

283 UN 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.

284 Ibid.

285 Ibid.

286 Ibid.

have largely failed to institute adequate protections for these rights, or to translate nominal technical improvements into empirical progress. Discrimination against women remains systemic and the government has proven unable to remedy the persistent imbalance of women's participation in leadership roles both politically and economically. Though the government announced a national plan for integrating and advancing women in Bahraini society, the plan's full implementation continues to be delayed. Additionally, the government has neither unified the country's family law nor reformed the nationality law, putting women and children at heightened risk of discrimination and – in the latter case – statelessness. These failures have further undermined the limited protections put in place by the 2012 Children's Act. Moreover, against this backdrop, the government has intensified its judicial harassment of women human rights defenders, de-funded women's civil society groups, and imposed new restrictions on women's freedom of movement.

ADHRB, BCHR, and BIRD therefore find that the government has failed to implement its second-cycle UPR recommendations **115.39, 115.48, 115.50, 115.73, and 115.77** to improve the situation of women's rights beyond a technical level. Moreover, the government has entirely failed to implement recommendations **115.138 and 115.139** pertaining to family law; recommendations **115.75, 115.95, 115.96, 115.140, 115.141, 115.142, and 115.143** pertaining to nondiscriminatory nationality legislation and citizenship transference; and recommendations **115.6, 115.49, 115.51, 116.69, 115.70, 115.71, 115.72, and 115.74** pertaining to the reduction of discrimination and the promotion of gender equality.

1. GENDER EQUALITY AND DISCRIMINATION

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);
- 115.51** Continue the efforts in favour of the promotion of women's rights (Senegal);
- 115.68** Take further measures, including legislative, in order to expand rights and opportunities of women and promote gender equality (Belarus);
- 115.69** Take all necessary measures to combat all forms of discrimination against women and enhance their participation in State institutions (Jordan);
- 115.70** Meet the aspirations of groups that are the victim of discrimination (Belgium);
- 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);
- 115.72** 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);
- 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 Bahrain mothers and non-Bahraini fathers to obtain Bahrain nationality (Uruguay);
- 115.96** Take the necessary measures in order to eliminate all discriminatory treatment of Bahraini women married to non-Bahrainis (Argentina);

- 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);
- 115.139** Consider passing legislation on family law containing clear and non-discriminatory provisions on marriage, divorce, inheritance, and child custody (Brazil);
- 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 CEDAW and the CRC have pointed out (Japan);
- 115.141** Enact law providing for full citizenship rights for the children of Bahraini mothers and non-Bahraini 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
- 115.143** Speed up the reforms on the legislation for citizenship for children of Bahraini mother and non-Bahraini father (Algeria);

Although the government often publicly emphasizes its support for women’s rights, including through an English-language publication presented at Bahraini embassies entitled *A Journey of Progress: The Empowerment of Women in Bahrain*,²⁸⁷ Bahraini authorities have made only limited progress toward implementing recommendations to promote gender equality and end discrimination against women. Since 2012, and especially since the midterm of Bahrain’s second UPR cycle in 2014,²⁸⁸ the status of women’s rights has plateaued or even regressed in key areas, with the government taking new measures to restrict women’s travel and target female activists. Women continue to face discrimination in the legal system, underrepresentation in government, and marginalization in the economy. The Government of Bahrain has acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but it has refused to withdraw blanket reservations or to ratify its Optional Protocol. Although the Supreme Council for Women (SCW) – a government body tasked with “promoting women’s empowerment and gender equality,”²⁸⁹ headed by the wife of King Hamad bin Isa Al Khalifa, Sheikha Sabika bint Ibrahim Al Khalifa – has organized numerous campaigns aimed at the advancement of Bahraini women in society, the government has proven unable or unwilling to translate these initiatives into practical benefits.

I. Family Law and Personal Status

While Article 18 of Bahrain’s constitution technically prohibits discrimination on the basis of sex, the legal system does not guarantee this protection in practice.²⁹⁰ The government has yet to introduce a family law that applies to the entire resident population, for example, making Bahrain one of the only countries in the Middle East and North Africa region that has failed to do so. Law No. 19 of 2009 on the Law of Family Rulings (also known simply as the Family Law) regulates “the matrimonial relationship of Muslims, such as marriage, divorce, dowry, custody,

287 *A Journey of Progress: The Empowerment of Women in Bahrain*, Kingdom of Bahrain, 2016, Print.

288 *A Follow-Up Report on Bahrain’s UPR Second Cycle: The Deteriorating Human Rights Situation in Bahrain*, ADHRB, February 2014, http://adhrb.org/wp-content/uploads/2014/04/ADHRB_February2014_web.pdf

289 *A Journey of Progress: The Empowerment of Women in Bahrain*, Kingdom of Bahrain, 2016, Print.

290 *The Constitution of the Kingdom of Bahrain*, Kingdom of Bahrain, 14 February 2002, http://www.wipo.int/wipolex/en/text.jsp?file_id=189442

and other matters,²⁹¹ but it does not apply to either the country's majority Shia population or non-Muslims.²⁹² On 5 December 2016, the Minister of Justice and Islamic Affairs, Sheikh Khalid bin Ali Al Khalifa, announced that the government had finalized the draft of a unified family law that takes "into consideration the relevant laws of various Islamic schools...and works to advance the role of women."²⁹³ The minister did not indicate when the government would introduce the legislation.

The Bahraini judicial system is separated into Civil Courts, which adjudicate criminal cases, and Sharia Courts, which rule in cases of family matters and personal status (for more information on the judiciary, see Section A). However, while the provisions of the Family Law technically regulate the decisions of the Sunni Sharia Courts, their Shia counterparts are not subject to similar constraints and can exercise even wider discretion to interpret Islamic law.²⁹⁴ Although issues of family law and personal status remain largely governed by the individual rulings of exclusively male jurists in both branches of the Sharia courts, non-Sunnis lack any formal protections.²⁹⁵

This discrepancy is particularly disadvantageous for women, whom the government claimed it was attempting to "support and empower" with the original family legislation.²⁹⁶ As the majority of Bahraini women are Shia,²⁹⁷ and because the 2009 Family Law regulates matters of personal status only in Sunni Sharia courts, most women in the country do not enjoy codified personal status rights. These women are left especially vulnerable to arbitrary or discriminatory rulings. Alternatively, even with the protections of the Family Law, Sunni women continue to face discrimination in the Sharia court system, and the testimony provided by women of both sects is valued less than that of man.²⁹⁸

In the absence of a unified family law, women may face different obstacles or forms of gender-based discrimination based on sect. Bahraini women of both sects can inherit property through the Sharia Court system, for example, but the procedure varies substantially. According to the Family Law, Sunni women may only inherit a portion of their deceased husband's property if he did not have a male heir,²⁹⁹ while a Shia Sharia court may allow Shia women to inherit all of their husband's property under the same circumstances.³⁰⁰

Similarly, though men have the right to divorce without significant legal or financial obstacles, women of both sects face a variety of challenges when seeking to secure divorce. Under the Family Law, Sunni women can initiate divorce proceedings in the Sunni Sharia Courts via *khula*, an Islamic practice that allows a woman to request divorce if she agrees to return the dowry. Many

291 *A Journey of Progress: The Empowerment of Women in Bahrain*, Kingdom of Bahrain, 2016, Print.

292 *Bahrain 2015 Human Rights Report*, US Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252919EXECUTIVE#wrapper>

293 "Government finalising draft uniform family law," BNA, 5 December 2016, <http://www.bna.bh/portal/en/news/759611>

294 *Bahrain 2015 Human Rights Report*, US Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252919EXECUTIVE#wrapper>

295 *Freedom in the World: Bahrain 2015*, Freedom House, <https://www.freedomhouse.org/report/freedom-world/2015/bahrain>

296 *A Journey of Progress: The Empowerment of Women in Bahrain*, Kingdom of Bahrain, 2016, Print.

297 The Shia community represents between 60% and 70% of the citizen population.

298 *Family Law in Bahrain*, BCHR, 10 February 2014, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16373_E.pdf

299 *Bahrain 2015 Human Rights Report*, US Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252919EXECUTIVE#>

300 Ibid.

women lack the financial means or independence to incur the costs of *khula*, however, and men commonly abuse this practice by demanding more money than the original dowry in exchange for accepting the divorce. Women of both sects may also obtain divorce if they can prove that they have suffered physical abuse by their husband, but this is typically an arduous process. If the court does grant a woman's divorce request on grounds of abuse, she is usually still required to return her dowry.³⁰¹ For Shia women, in the absence of personal status protections, this remains the primary means through which to seek divorce. In 2015, the US State Department found that the lack of a Family Law resulted in far higher rates of refusal for divorce requests in Shia courts than in their Sunni counterparts.³⁰²

There are additional discrepancies for child custody. Under the Family Law, Sunni women may retain custody of their sons until 15 years of age, and their daughters until they reach 17 years or get married, whichever occurs first (more on marriage age below).³⁰³ After such time, the custody of the children goes to the father regardless of his qualifications for holding custody. Shia women are granted custody of their children only until they are seven.³⁰⁴ For both sects, the father retains the right to possess the children's passports, allowing him to control their movement without the mother's consent.³⁰⁵ This right can be used to pressure the mother in times of disagreement, such as when a woman threatens divorce. The US State Department also found that both branches of the Sharia courts routinely grant mothers initial custody of daughters younger than age nine and sons younger than age seven in divorce cases.³⁰⁶ However, once these daughters and sons reach the ages of nine and seven, respectively, the courts often revert custody back to the father.³⁰⁷ Moreover, even if the mother gains custody of a child, the father retains guardianship, or the right to make all legal decisions for the child until he or she reaches the age of 21.³⁰⁸ For expatriate or stateless women residing in Bahrain, the courts automatically revoke custody if they find that the woman initiated divorce proceedings against a male citizen "without just cause."³⁰⁹

The government has also failed to bring the country's marriage age in line with international standards. Currently, the minimum marriage age is 18 for men and 15 for women, effectively legalizing female child marriage according to the definition of adulthood provided in the UN Convention on the Rights of the Child (CRC),³¹⁰ to which Bahrain acceded in 1992.³¹¹ Married women between the ages of 15 and 19 – the range that the World Economic Forum categorizes as "early marriage" – accounted for approximately 4% of Bahrain's population in 2015, or roughly 53,600 people.³¹²

In January 2016, Fatima Al Kooheji, a member of the Women and Children's Committee of the Shura Council, the upper chamber of the National Assembly appointed by the king, called for

301 *Family Law in Bahrain*, BCHR, 10 February 2014, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16373_E.pdf

302 Ibid.

303 Ibid.

304 Ibid.

305 *Home Truths: A Global Report on Equality in the Muslim Family – Bahrain*, Musawah, 3 August 2016, <http://www.musawah.org/sites/default/files/Bahrain-Home%20Truths-EN.pdf>

306 *Family Law in Bahrain*, BCHR, 10 February 2014, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16373_E.pdf

307 Ibid.

308 Ibid.

309 Ibid.

310 Convention on the Rights of the Child, UN, 1989, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

311 "Status of Ratification: Bahrain," UN OHCHR, 2016, <http://indicators.ohchr.org/>

312 *Economies: Bahrain*, World Economic Forum, 2015, <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=BHR>

the minimum age of marriage for women to be changed to 18.³¹³ She argued that the difference in the age requirements is unconstitutional, as Article 18 of Bahrain's constitution provides for protections against discrimination based on sex.³¹⁴ Moreover, Kooheji said that early marriages could have negative effects on families and society in general, including an increase in the number of divorces.³¹⁵ Nevertheless, there is no evidence that government has moved to implement Kooheji's recommendations.

In addition to the discriminatory effects of the Family Law and the Sharia Court system, Law Number 10 for 1981, which amended the 1963 Bahraini Citizenship Act, deprives women of equal citizenship rights.³¹⁶ Under this legislation, female citizens are unable to pass their nationality on to foreign husbands through marriage, which also prevents them from passing citizenship to their children.³¹⁷ The children of Bahraini women remain stateless if their father is "unknown, stateless, or unable to present documents from his country of citizenship."³¹⁸ During the period under review, the government has not taken any substantive steps to reform the laws that prohibit female citizens from passing on citizenship to their families, despite seven second-cycle UPR recommendations (**115.75, 115.95, 115.96, 115.140, 115.141, 115.142, and 115.143**) to do so.³¹⁹ As such, Bahrain remains in violation of CEDAW. The children of non-Bahraini fathers continue to face discrimination and statelessness due to the gendered nature of the legislative status quo.³²⁰

In March 2016, Secretary-General of the SCW Hala al-Ansari stated that "Bahrain will not lift any of its reservations to CEDAW but will redraft them in a positive manner in order to ensure that the text of the convention does not prejudice Islamic law nor does it trespass Bahrain's sovereignty."³²¹ Al-Ansari specifically addressed Article (9), paragraph (2) of the CEDAW, which requires states to "grant women equal rights with men with respect to the nationality of their children,"³²² indicating that the Bahraini government will not only retain its reservation to this article but will also decline to redraft said reservation until such time as the country's nationality legislation is amended.³²³

Bahrain's citizenship regulations place women in an inferior social position *vis a vis* their male counterparts, while additionally facilitating and exacerbating violations of other human rights. In 2015, the UN Special Rapporteurs on freedom of religion or belief and cultural rights, extreme poverty and human rights noted that there were at least 2,000 stateless Shia residing in Bahrain prior to 2011 (for more on anti-Shia discrimination, specifically, see Section Q). Since then, the

313 "Bahrain MP calls for rethink on minimum marriage age," Gulf News Bahrain, 11 January 2016, <http://gulfnews.com/news/gulf/bahrain/bahrain-mp-calls-for-rethink-on-minimum-marriage-age-1.1651809>

314 Ibid.

315 Ibid.

316 *Bahraini Citizenship Act (Amended 1981)*, Kingdom of Bahrain, 16 September 1963, <http://www.refworld.org/docid/3fb9f34f4.html>

317 *Bahrain 2015 Human Rights Report*, US Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252919EXECUTIVE#>

318 Ibid.

319 "Backtracking on Women's Rights: Discriminatory Citizenship Law in Bahrain," ADHRB, 13 April 2016, <http://www.adhrb.org/2016/04/backtracking-womens-rights-discriminatory-citizenship-law-bahrain/>

320 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>.

321 "Backtracking on Women's Rights: Discriminatory Citizenship Law in Bahrain," ADHRB, 13 April 2016, <http://www.adhrb.org/2016/04/backtracking-womens-rights-discriminatory-citizenship-law-bahrain/>

322 Convention on the Elimination of All Forms of Discrimination Against Women, United Nations, 1979, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article9>

323 "Backtracking on Women's Rights: Discriminatory Citizenship Law in Bahrain," ADHRB, 13 April 2016, <http://www.adhrb.org/2016/04/backtracking-womens-rights-discriminatory-citizenship-law-bahrain/>

government has dramatically escalated its use of arbitrary naturalization and de-naturalization to alter the country's demographics and impose statelessness as a form of political reprisal.³²⁴ This policy, which primarily targets the Shia community as well, adds to the number of individuals rendered stateless or denied citizenship as a result of the family law and related Sharia court decisions; as indicated by the Special Rapporteurs, these individuals are more "likely to belong to the nation's lower socioeconomic strata and exposes them to violations of many other human rights such as rights to education, health, housing that are attributed by poverty."³²⁵ For more information on statelessness and denaturalization in Bahrain, see Section C.

The Bahraini government also imposed a major new restriction on women's freedom of movement in August 2016, when the MOJ announced an unprecedented policy requiring women under the age of 45 to be accompanied by a male guardian in order to participate in the *hajj*, a religious pilgrimage to Mecca in Saudi Arabia.³²⁶ Bahraini authorities have attributed the move to a new regulation in the neighboring kingdom, where the male guardianship system originated.³²⁷ Prominent religious leaders like Sheikh Maytham al-Salman, an internationally-recognized interfaith activist, have criticized the policy, arguing that "prohibiting women from performing the rituals of the hajj without a male guardian literally means prohibiting single women, divorced women and women who do not intend to or cannot have a male guardian during the pilgrimage of hajj from their worship rights."³²⁸ The regulation is set to be implemented in 2017.³²⁹

II. Combating Violence Against Women

The Government of Bahrain has taken some technical steps to combat domestic violence. In August 2015, the government promulgated Law 17/2015, which grants the PPO and the courts greater authority to address domestic violence cases. In November 2015, the SCW also announced a National Strategy for the Protection of Women from Domestic Violence.³³⁰

Nevertheless, current legislation is not sufficient to protect against gender-based violence, and domestic abuse remains common.³³¹ While Law 17/2015 empowers the authorities to issue victims protection orders of up to three months³³² and to set penalties for individuals who violate these orders and use violence, it limits the sentence to only three months in prison.³³³ Moreover, the government rejected an article in the draft law that would have prohibited spousal rape. Article 353 of the Penal Code additionally allows unmarried rapists to avoid criminal sanction by marrying their victims. A male perpetrator can also typically secure a unilateral divorce from his

324 BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

325 Ibid.

326 Farah Kader, "Bahrain hajj policy is a major step backwards for women's rights," ADHRB, 19 August 2016, <http://www.adhrb.org/2016/08/bahrain-takes-major-step-backwards-womens-rights/>

327 Ibid.

328 Twitter feed of Sheikh Maytham al-Salman, @MaythamAlSalman, 12 August 2016, <https://twitter.com/MaythamAlsalman/status/764077122725875713?lang=en>

329 Farah Kader, "Bahrain hajj policy is a major step backwards for women's rights," ADHRB, 19 August 2016, <http://www.adhrb.org/2016/08/bahrain-takes-major-step-backwards-womens-rights/>

330 *Annual Report: Bahrain 2015/2016*, Amnesty International, 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/>; "HM King Issues Law 17/2015," Bahrain News Agency, 6 August 2016, available at: <http://bna.bh/portal/en/news/680675>

331 *Bahrain 2015 Human Rights Report*, US Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252919EXECUTIVE#>

332 *Annual Report: Bahrain 2015/2016*, Amnesty International, 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/>; "HM King Issues Law 17/2015," Bahrain News Agency, 6 August 2016, available at: <http://bna.bh/portal/en/news/680675>

333 Ibid.

victim once the threat of criminal punishment has been nullified.³³⁴ Though the SCW and some members of the National Assembly have called for the removal of this provision, it remains in effect.

BCHR estimates that at least 30 percent of women experienced some form of domestic abuse in 2015. According to the US State Department, these women “rarely sought legal redress for violence due to fear of social reprisal or stigma.”³³⁵ Additionally, many rape victims did not pursue legal redress because it is extremely difficult to prove a perpetrator’s guilt in the absence of a confession or a witness to the crime, which are both uncommon.³³⁶

The US State Department has found that, generally, Bahraini authorities have “devoted little public attention” to the problem of domestic abuse.³³⁷ The government maintains shelters for women and children subjected to domestic violence, but victims continue to report difficulty in determining who to contact or how to proceed when filing a complaint. In addition, the procedures for filing a complaint against an abuser require interviews of both the accused and the victim at the same police station, rendering victims vulnerable to their alleged attacker.³³⁸ As of 2015, the government had put “no provisions in place to prevent accused family members from having access to their victims.”³³⁹

Furthermore, in June 2016, the Bahraini government cut funding for 13 women’s rights NGOs, including a charity that provided counseling and other forms of support for victims of domestic abuse.³⁴⁰ A representative of the umbrella organization for these groups, the Bahrain Women’s Union (BWU), told media that the funding cuts are a form of “revenge” for a report the BWU issued in 2014 on the government’s failure to adhere to the CEDAW.³⁴¹ The government has additionally taken steps to block the BWU and other organizations from receiving foreign funding. A number of BWU members also participated in the 2011 protests, further suggesting that these measures may constitute a form of political reprisal.

III. Suppression of Women Human Rights Defenders

Compounding the specific institutional barriers and inequalities faced by women Bahrain, the government has imposed excessive restrictions on civil society, undermining the work of women’s rights activists. In recent years the authorities have targeted many prominent women human rights defenders, subjecting them to travel restrictions, detention, and even forced exile. BCHR has documented the cases of more than 300 women arrested on charges related solely to exercising basic human rights like free expression and assembly.³⁴² The following list includes several representative cases of political reprisal against women human rights defenders during the period under review.

334 *Family Law in Bahrain*, BCHR, 10 February 2014, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BHR/INT_CEDAW_NGO_BHR_16373_E.pdf

335 *Bahrain 2015 Human Rights Report*, US Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252919EXECUTIVE#>

336 *Ibid.*

337 *Ibid.*

338 *Ibid.*

339 *Ibid.*

340 “Women’s groups accuse Bahrain of cutting funds on political grounds,” *Middle East Eye*, 23 June 2016, <http://www.middleeasteye.net/news/womens-groups-accuse-bahrain-cutting-funding-political-grounds-1787893824>

341 *Ibid.*

342 “Bahrain: Ayat Al-Safar Still In Detention For Sheltering Wanted Suspects,” BCHR, 4 January 2015, <http://www.bahrainrights.org/en/node/7222>

On 20 April 2013, Bahraini authorities arrested activists Rihanna al-Mosawi and Nafeesa al-Asfoor on charges of “attempting to plant an explosive device in the Formula 1 racetrack” after they planned to stage a peaceful protest in the area.³⁴³ During their detention, police threatened to electrocute them and arrest their families in order to force them into confessing. Officials also stripped al-Mosawi of her clothing, beat her, and threatened to rape her. Courts sentenced the women to five years in prison under the anti-terror legislation³⁴⁴ and al-Mosawi received an additional five-year prison term on a separate charge of “being affiliated with the membership of a terrorist group” for her alleged association with the 14 February Coalition, though the latter sentence was later reduced to three years.³⁴⁵ The government ultimately pardoned al-Asfoor and al-Mosawi in 2015 and 2016, respectively, but it has failed to properly investigate their torture claims. Al-Mosawi’s legal counsel reports that the SIU has prevented their client from accessing records of her 2013 medical examination and, in 2016, questioned her after she spoke about her torture in an interview with *Bahrain Mirror*.³⁴⁶ According to the lawyer, the SIU was focused primarily on the journalists who interviewed al-Mosawi, rather than investigating the torture allegations.³⁴⁷

On 14 March 2016, security forces rearrested activist Zainab al-Khawaja on charges related to her peaceful dissent against the government. The government detained her for two months along with her 1-year-old son until releasing her for “humanitarian” reasons on 31 May 2016.³⁴⁸ Zainab al-Khawaja is the daughter of Abdulhadi al-Khawaja, a human rights defender and BCHR cofounder who is currently serving a life sentence, and the sister of Maryam al-Khawaja, another prominent activist who was forced into exile by the government after being targeted for her human rights work. Bahraini authorities have repeatedly subjected the al-Khawajas to arbitrary detention and other forms of judicial harassment. In June 2016, Zainab al-Khawaja fled Bahrain for Denmark after learning of threats that she would be again rearrested.³⁴⁹

Bahraini courts sentenced Taiba Darwish to five years in prison in March 2016 for “harboring fugitives” after she leased part of her home to pro-democracy activists. She is a 41-year-old mother who has served just over one year of her sentence.³⁵⁰ Darwish suffered from uterine fibroids prior to her detention and her health has deteriorated in prison. Though the authorities took her to a military hospital for treatment in April 2016, they did not allow her to receive a direct examination; instead, they instructed the doctor use a police officer as an intermediary. Darwish

343 “Champions for Justice: Bahrain’s Prisoners of Conscience,” ADHRB, BCHR, and BIRD, 2015, http://www.adhrb.org/wp-content/uploads/2015/03/2015-03_Bahrain-Women-Champions-for-Justice-final.pdf

344 Bahrain: Sentencing Two Activists with 5 Years in Prison and Neglecting the Torture and Abuse,” Bahrain Youth Society for Human Rights, 2 March 2014, <http://www.byshr.org/?p=1850>

345 “Urgent Action: Grand Prix Protestor Released After Pardon,” Amnesty International, 4 May 2016, <https://www.amnesty.org/en/documents/mde11/3929/2016/en/>

346 *Window-Dressing or Pioneers of Change? An Assessment of Bahrain’s Human Rights Oversight Bodies*, Amnesty International, 2016, <http://www.amnestyusa.org/research/reports/window-dressing-or-pioneers-of-change-an-assessment-of-bahrain-s-human-rights-oversight-bodies>

347 Ibid

348 “ADHRB Cautiously Welcomes Release of Zainab al-Khawaja.” *Americans for Democracy & Human Rights in Bahrain*. May 31, 2016. Accessed June 15, 2016. <http://www.adhrb.org/2016/05/adhrb-cautiously-welcomes-release-zainab-al-khawaja/>.

349 “Bahrain : Sentencing and Continuing Judicial Harassment of Ms. Ghada Jamsheer.” *Mouvement Mondial Des Droits Humains*. June 12, 2015. Accessed June 15, 2016. <https://www.fidh.org/en/region/north-africa-middle-east/bahrain/bahrain-sentencing-and-continuing-judicial-harassment-of-ms-ghada>.

350 EBOHR: Taiba Darwish’s Sentence Is Politically Motivated.” *European-Bahraini Organization for Human Rights*. April 1, 2016. Accessed June 15, 2016. <http://mirror.no-ip.org/en/news/30358.html>.

was not provided with a medical report, and the authorities threatened to remove her uterus if her condition did not improve. She has since developed additional problems in her kidneys, but the authorities have denied her consistent medical treatment.³⁵¹

The government rearrested Bahraini woman human rights defender Ghada Jamsheer on 19 August 2016. Jamsheer is the head of the Women's Petition Committee, which campaigns for the rights of women in the Sharia Court system, among other things. She was returning to the country after spending several months in London for medical treatment. Security forces arrested Jamsheer at the airport on charges stemming from her criticism of the government on social media. Jamsheer began serving a combined ten-month prison term at Isa Town Women's Detention Center before she was released on 13 December 2016 to work off her remaining four months at a government-appointed community service position.³⁵² Since September 2014, the Government of Bahrain has brought more than twelve criminal cases against Jamsheer related to her activism and free expression.³⁵³

Third-Cycle Recommendations

Since 2012, the government has failed to improve the status of gender equality in law and practice, as well as to substantively combat gender-based discrimination. Taken together, the legal system's institutionalized biases, and the bifurcated family law specifically, undermine the technical protections for gender equality included in the Bahraini constitution. Although Bahrain has generally seen a positive decline in the UN Development Program (UNDP)'s Gender Inequality Index over the last decade, it has experienced an uptick during the period under review: from 0.253 in 2013 to 0.265 in 2014 (where a rating of 0 represents perfect equality and 1 represents perfect inequality).³⁵⁴ The government additionally works to suppress activists and women human rights defenders who peacefully advocate for reform and greater equality. Ultimately, women in Bahrain continue to face substantial discrimination in both law and practice. ADHRB, BCHR, and BIRD therefore find the second-cycle UPR recommendations to unify the family law, eliminate discriminatory provisions of the nationality legislation, and more generally enhance protections for women's rights within the Bahraini legal system to be not implemented. The Government of Bahrain should:

- Promulgate a unified family law that applies to all residents of Bahrain, and that creates uniform provisions for issues like custody and divorce that do not discriminate based on gender.
- Rescind reservations to CEDAW.
- Ensure that courts are mandated to equally value the complaints and testimony of women and men.
- Set a policy and timeline to train and employ more female judges in both the Civil and Sharia court systems.

351 <http://www.bahrainrights.org/en/node/8051>

352 "Case History: Ghada Jamsheer," Frontline Defenders, December 2016, <https://www.frontlinedefenders.org/en/case/case-history-ghada-jamsheer>

353 "Bahrain : Sentencing and Continuing Judicial Harassment of Ms. Ghada Jamsheer." *Mouvement Mondial Des Droits Humains*. June 12, 2015. Accessed June 15, 2016. <https://www.fidh.org/en/region/north-africa-middle-east/bahrain/bahrain-sentencing-and-continuing-judicial-harassment-of-ms-ghada>.

354 Human Development Report 2015, United Nations Development Program, 2016, http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf

- Amend the nationality legislation to remove discriminatory provisions for women and all mothers to transfer citizenship to their children.
- Repeal the male guardianship system for the *hajj*.
- Institute a uniform minimum marriage age of 18, regardless of gender.
- Criminalize spousal rape.
- Repeal Article 353 of the Penal Code permitting rapists to marry their victim in order to avoid criminal penalties.
- Devote greater public resources to combating domestic abuse and providing services for victims.
- Ensure that victims of domestic abuse have access to legal redress and are not made vulnerable to further abuse by the legal system, such as by reforming the complaint process for cases of abuse to protect the accuser from the alleged perpetrator.
- Repeal restrictions on civil society organizations and non-governmental organizations, including women's rights groups, and cease all reprisal against such organizations for their work.
- Immediately release and end all acts of reprisal against women human rights defenders and other activists for exercising basic human rights.

2. 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 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);
- 115.73** 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 full respect for human rights in particular the field of the rights of women (Nicaragua)

The Government of Bahrain has made some technical progress toward implementing its second-cycle recommendations to empower women politically, economically, and socially by implementing and supporting national initiatives oriented around these objectives.³⁵⁵ In 2013, the Second National Conference for Bahraini Women, led by Sheikha Sabika, decided to activate the National Model for the Integration of Women, demonstrating that the government has technically established a countrywide program aimed at addressing women's standing in Bahraini society. Nevertheless, this conference came more than a year after the government received its second UPR cycle recommendations. Furthermore, the conference and its findings were only preliminary, and substantial new efforts to empower women or legally enshrine their equal treatment have not been forthcoming.

³⁵⁵ UN 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.

Similarly, on 22 November 2016, King Hamad bin Isa Al Khalifa was presented the United Nations Industrial Development Organization (UNIDO) Award for Bahrain's progress toward developing economic opportunities for empowering women and youth. The Bahrain Model for Economic Empowerment, an initiative started through UNIDO and the Bahraini government's partnership, has experienced success integrating women in the labor market and is reportedly being replicated in 48 other countries.³⁵⁶

Still, despite the adoption of the National Model for the Integration of Women and the Bahrain Model for Economic empowerment, the status of women's empowerment has declined in Bahrain since 2013, according to the 2015 World Economic Forum's Gender Gap Index. The country's overall ranking shifted from 112 out of 136 countries in 2013 to 123 out of 145 countries in 2015. Bahrain's educational attainment score also decreased from .991 to .981, where a score of 1 indicates parity between genders.³⁵⁷ Though this figure still represents a high rate of education, the lower level of female economic participation, assessed at .597, demonstrates that a large proportion of educated women are prevented from entering the work force in order to benefit from their training. Additionally, Bahraini women who are employed earn approximately 20 percent less income than men occupying the same position, though this is an improvement from 31 percent in 2013. The World Economic Forum's Gender Gap Index also found that the percent of women in senior business or management positions has remained static for the past three years, at approximately 14 percent, while the statistics for women in government positions have decreased. The percent of women parliamentarians fell from 11 percent in 2013 to just eight percent in 2015. Women accounted for less than five percent of ministerial positions in 2015, a 10 percent drop from 2013.³⁵⁸

Third-Cycle Recommendations

As a result of the stagnation of women's participation and inclusion in Bahraini society since the onset of the second UPR cycle, as well as persistent inequality concerning issues such as financial compensation, ADHRB, BCHR, and BIRD find that the government has only technically implemented its recommendations to support initiatives to empower women. Although Bahrain has seen slight, albeit inconsistent improvement in the UN Development Program (UNDP)'s overall Gender Development Index – the country has been ranked 48th, 55th, and 45th in 2013,³⁵⁹ 2014,³⁶⁰ and 2015,³⁶¹ respectively – the government has not translated its backing of national initiatives into sustained progress for advancing women's roles in society. On the contrary, many indicators for specific issue areas suggest that Bahrain may be regressing – a reflection of increased gender-based discrimination detailed in Section E.1 above. The Government of Bahrain should:

- Take further measures to increase employment for women in all sectors of the Bahraini economy.
- Ensure that education rates remain high for women and that female students have equal

356 Bobby Froembling, "Despite UNIDO award, women's rights may be trending down in Bahrain," ADHRB, 16 December 2016, <http://www.adhrb.org/2016/12/despite-unido-award-womens-rights-may-trending-bahrain/>

357 "The Global Gender Gap Report: 2015." *The World Economic Forum*. 2015. <http://www3.weforum.org/docs/GGGR2015/The%20Global%20Gender%20Gap%20Index%202015.pdf>.

358 Ibid.

359 United Nations Development Programme (UNDP), *Human Development Report 2015* (2015), available at: http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf

360 "Table 5: Gender Inequality Index," United Nations Development Programme (UNDP), 2015, <http://hdr.undp.org/en/composite/GII>

361 United Nations Development Programme (UNDP), *Human Development Report 2015* (2015), available at: http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf

access to all fields of education.

- Mandate equal pay for women and men.
- Appoint more women to leadership roles in government and take efforts to increase the number of women in management positions in public sector occupations.

3. CHILD RIGHTS: TECHNICALLY IMPLEMENTED

Technically Implemented
No Perceived Progress

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

Although the Government of Bahrain instituted the Children's Act in 2012, ADHRB, BCHR, and BIRD have not documented a significant improvement in the status of children's rights in Bahrain. Additionally, since 2012, the government has not implemented any new regulations to protect children's rights. Instead, the authorities have denied children equal access to education and social services, suppressed their rights to free expression and assembly, and even subjected them to arbitrary detention and torture. Many children are also negatively impacted by religious discrimination, outlined in Section N. ADHRB, BCHR, and BIRD therefore find that, while the Bahraini government has technically implemented recommendation 115.29 by promulgating the Children's Act, it continues to neglect and violate children's rights in practice.

I. Legal Framework

The Children's Act contains 69 articles designed to protect the rights of children and their mothers.³⁶² The law purportedly addresses children's healthcare, alternative care, and education. It also applies to more specific issues, such as care for children with disabilities and protecting children from traffic.³⁶³ Critically, however, while Bahraini law holds that children of 15 years old or younger are not criminally responsible, the government has continued to prosecute minors in adult courts, leading a variety of severe human rights and due process violations.³⁶⁴

Additionally, Bahrain ratified the CRC without reservation in 1992.³⁶⁵ 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.³⁶⁶ 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.³⁶⁷ Bahraini law also fails to protect the wives and children of male prisoners, preventing them from accessing important services. In its 2015 report on Bahrain, the US Department of State documented how the wife of imprisoned Al-Wefaq Secretary-General Sheikh Ali Salman was unable to obtain a birth certificate and other civil documents for their young child because the government had incarcerated her husband. Bahrain officials told her that Sheikh Ali Salman was required to request

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

363 "Child Law Ratification Grants Further Protection," Information Affairs Authority, Kingdom of Bahrain, 8 August 2012, <http://www.iaa.bh/uploads/pressreleasepdf/97e5fc25-0ca2-40fd-8275-a66038cf9d6c..pdf>.

364 Patrick Seed, "Child Prisoners in Bahrain," ADHRB, 23 February 2015, <http://www.adhrb.org/2015/02/child-prisoners-in-bahrain/>

365 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.

366 "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>.

367 See Section 3 concerning Nationality for more information.

these services in person, although the government does not facilitate this activity for prisoners.³⁶⁸ Like stateless persons, Bahraini children without this documentation have limited access to social services and education. Sheikh Ali Salman's case additionally demonstrates how arbitrary and politically motivated detention has attendant negative consequences for the victim's family. For more on gender-based discrimination in nationality legislation, see Section E.1 above, and for more information on statelessness, see Section N.

II. Arbitrary Detention, Torture, and other Violations of Children's Rights

Bahraini security forces have routinely subjected children to arbitrary detention, torture, and other abuses during the period under review. In 2013, 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 threats of torture."³⁶⁹ The BYSHR recorded 22 cases of child detention between August and September 2013. That same year, the government prosecuted several minors as young as 15 years old and held them in adult detention facilities.³⁷⁰ On 17 January 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.³⁷¹ Al-Naino fell a year behind in her schooling due to judicial harassment and became fearful of leaving her house due to the risk of violent arrest.³⁷²

Not only security forces have targeted children; 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 to the Ministry of Education.³⁷³ 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 that the Government of Bahrain ban the practice in all settings, but it as yet to do so.³⁷⁴

Since the beginning of Bahrain's second UPR cycle in 2012, reports suggest that the rate of arbitrary detention of children, as well as the overall number of child prisoners, may be increasing. According to the Bahraini government, at the end of 2012, 53 juveniles were in detention.³⁷⁵ As of April 2013, Amnesty International reported at least 80 children were being held in adult

368 *Country Reports on Human Rights Practices 2015 – Bahrain*, United States Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

369 "Bahrain: Security Forces Detaining Children," Human Rights Watch, 15 September 2013,

370 "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>.

371 International Women's Day: Bahraini Women imprisoned, tortured, killed, stripped from nationality, and impunity for abusers," BCHR, 7 March 2013. <http://www.bahrainrights.org/en/node/5672>

372 Ibid.

373 "Bahrain: 8 year-old child suspended from school for chanting political slogans," BCHR, January 2013, <http://www.bahrainrights.org/en/node/5597>

374 "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.

375 Ibid., 9.

prisons alone.³⁷⁶ More recently, however, in just 2015, BCHR documented the arbitrary arrest and imprisonment of at least 237 minors.³⁷⁷ As of February 2015, approximately 200 minors were incarcerated in Bahrain, half of whom are housed in adult facilities. BCHR estimates that the government has arrested as many as 1,500 children since 2011, and killed 14.³⁷⁸

The arrest and imprisonment of six children from Bahrain's Sar region in late 2015 illustrates these ongoing violations of children's rights. Bahraini authorities arrested 16-year-old Sayyid Ali Abass Mohammed; two brothers, Jassem Mohammed Hassan, 16, and Hassan Mohammed Hassan, 15; Fadhel Mohammed Hassan, 15; Sayyid Fadhel Saeed Shams, the 14-year-old brother of Sayyid Ahmed Shams, who was shot dead by security forces in 2012; and Sayyid Mohammed Hashem, 13, during an investigation into allegations including "making fake explosives," "planting a foreign object in the street," burning tires, and "illegal gathering."³⁷⁹ Most of the boys were beaten, forced to make false confessions, and/or detained for extended periods of time without access to legal counsel.

Bahraini prison officials regularly deny youth inmates access to education. In 2013 and 2014, Jau Prison authorities prohibited detainee Sayed Qassim, a ninth grade student, from studying for school. As a result, Sayed Qassim failed his courses, and can no longer register for classes. Additionally, Sayed Adnan Sayed Majeed al-Khabbaz had to forfeit his education altogether due to alleged miscommunications between Jau Prison and the Ministry of Education.³⁸⁰

After visiting the CID in December 2014, Bahrain's PDRC found that staff were not trained to treat special needs suspects or those between the ages of 15 and 18 differently than adults.³⁸¹ As noted above, Bahraini authorities have subjected children, sometimes under the age of 15, to various forms of mistreatment, including beating, slapping, kick, and verbal abuse, and many children are detained under vague politically motivated charges such as "protesting against public order," and "offending police officers."³⁸² In January 2015, the PDRC visited the Juvenile Care Center, where there were 20 children in custody. Of the 20, three had been detained for "protesting against public order and offending police officers."³⁸³

One of the most extreme cases is that of 15-year-old Ebrahim Ahmed al-Muqdad, who was arrested on 23 July 2012 following protests in Bilad al-Qadeem. The authorities transported al-Muqdad to Qudaibiya police station and the CID, and then forcibly disappeared him for two days. During this time, security officers tortured al-Muqdad by beating him with police batons and sexually harassing him. Security forces shocked him and deprived him of sleep, food, and water. They pointed a gun at his head and told him to confess. During his interrogation, officials

376 "Bahrain: crackdown ahead of Grand Prix condemned," Amnesty International, 17 April 2013. http://www.amnesty.org.uk/news_details.asp?NewsID=20734.

377 "Authorities continue to target children," BCHR, 3 February 2016, <http://www.bahrainrights.org/en/node/7698>

378 "Bahrain: The authorities Violate the Rights of Hundreds of Children Against the Convention on the Right of the Child," BCHR, 20 November 2015, <http://www.bahrainrights.org/en/node/7657>; and *Children Under Attack: Violations Against the Convention on the Rights of the Child in Bahrain*, BCHR, 17 June 2013, http://www.protectingeducation.org/sites/default/files/documents/children_under_attack.pdf

379 "Authorities continue to target children," BCHR, 3 February 2016, <http://www.bahrainrights.org/en/node/7698>

380 "BCHR Representative Highlights Children Denied Education in Bahrain at HRC29," ADHRB, 19 June 2015, <http://www.adhrb.org/2015/06/bchr-representative-highlights-children-denied-education-in-bahrain-at-hrc29/>

381 *Country Reports on Human Rights Practices 2015 – Bahrain*, United States Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

382 (<http://www.state.gov/documents/organization/253131.pdf>)

383 *Country Reports on Human Rights Practices 2015 – Bahrain*, United States Department of State, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

denied al-Muqdad access to his lawyer. On 4 April 2013, a court sentenced al-Muqdad to 10 years in prison based on charges of murdering a policeman, stealing a police vehicle, burning a military armored vehicle, illegal gathering and possession of Molotov cocktails. Al-Muqdad is the youngest political prisoner prosecuted under the internationally condemned terrorism law in Bahrain, and is serving his sentence at Jau Prison.³⁸⁴

More recently, 17-year-old Ali Abdulghani died from injuries sustained during his arrest on 31 March 2016 by Bahraini security forces.³⁸⁵ Bahraini officials had sentenced Abdulghani to five years imprisonment on charges related to his participation in demonstrations, and witness report that security personnel ran over him twice with their car while attempting to apprehend him. Abdulghani reportedly got up to run away after he was initially hit by the security vehicle, but was then hit for a second time and fell to the ground. According to witnesses, Abdulghani got up again, running to another property approximately 200 meters away from his aunt's house. A few moments later, the victim was photographed lying on the ground, bleeding from a serious head injury; witness videos appeared to show security personnel tampering with the scene.³⁸⁶

In the majority of cases documented by ADHRB, BCHR, and BIRD, officers issued no warrants and failed to follow basic due process. Authorities have abducted children from their homes and prevented them from contacting family members or legal counsel.³⁸⁷ For more information on abusive police practices, see Section A.

In a 2015 joint communication to the Government of Bahrain, UN Special Procedures raised concerns over the alleged arbitrary arrest, detention, torture, and sentencing of 39 minors in Bahrain.³⁸⁸ The minors were boys between the ages of 10 and 17.³⁸⁹ The Special Procedures noted that some of the minors were being held in solitary confinement, and that the others serving prison sentences ranging from six months to 43 years appeared to have been convicted as a result of forced confessions and unfair trials.³⁹⁰

The authorities have also included the children of activists in their reprisals against anti-government criticism and human rights work. On 14 March 2015, security forces arrested and imprisoned human rights activist Zainab al-Khawaja along with her 15-month old son.³⁹¹ Al-Khawaja's son, Abdulhadi, spent two months in prison with his mother. In May, al-Khawaja fell ill and was unable to fully take care of her son. She asked police to allow her family to retrieve her son from prison in order for them to care for him while she was ill. Police denied her request. Al-Khawaja's family also traveled to the prison and asked police to allow Abdulhadi to leave with them, but they again denied request.³⁹² Al-Khawaja's mother, Khadija al-Mousawi, stated that her

384 "August Champions for Justice: Bahrain's Student Prisoners," ADHRB, 7 August 2015, <http://www.adhrb.org/2015/08/august-champions-for-justice-bahrain-student-prisoners/>

385 "Immediate and Impartial Investigation Needed After Death of Teenager," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 4 April 2016, <http://www.adhrb.org/2016/04/immediate-impartial-investigation-needed-death-teenager/>

386 Ibid.

387 "Bahrain: 15 Year-Old Child Detained and Denied Education," BCHR, 4 June 2014, <http://www.bahrainrights.org/en/node/6907>

388 Abuse of Bahraini Children concerns UN Special Procedures," ADHRB, 11 September 2015, <http://www.adhrb.org/2015/09/summary-and-brief-analysis-of-joint-communications-report-for-hrc30/>

389 Ibid.

390 Ibid.

391 "NGOs call for the release of activist Zainab al-Khawaja," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 14 March 2016, <http://www.adhrb.org/2016/03/ngos-call-release-activist-zainab-al-khawaja/>

392 "Zainab and son wait for Bahrain to fulfill its "humanitarian" promise," ADHRB, 21 May 2016, <http://www.adhrb.org/2016/05/zainab-son-wait-bahrain-fulfill-humanitarian-promise/>

grandson was no longer just accompanying her daughter and had become the country's youngest detainee.³⁹³ The authorities ultimately released al-Khawaja on humanitarian grounds in May, but she and her family were forced to leave the country due to threats of rearrest.

Finally, exacerbating the negative effects of Bahrain's nationality legislation on children, the government has directly targeted minors for citizenship revocation. On 11 June 2015, the government stripped 56 citizens, including nine children, of citizenship.³⁹⁴ Nine of the defendants in this trial were juveniles under 18 years of age at the time of the alleged criminal activity.³⁹⁵ The two youngest defendants were 15 years old.³⁹⁶ Those children deprived of nationality cannot practice any of their civil, political, social, or economic rights in contradiction with article 7 of the CRC ratified by Bahrain.

In its 2016 global report on children's access to justice within state legal systems, the Child Rights International Network (CRIN) ranked Bahrain at 168 out of 197 countries assessed, between Libya at 167 and Algeria/South Sudan at 169.³⁹⁷ This ranking places the Bahraini criminal justice system among the worst 30 for children in the world.

Third-Cycle Recommendations

The Government of Bahrain has not taken adequate steps to protect children's rights. While the government enacted the Children's Act in 2012, ADHRB, BCHR, and BIRD have repeatedly found that that law has failed to protect children from severe human rights violations. Children are regularly denied access to education and other social services; their rights to freedom of expression and assembly are suppressed; and in many cases they are arbitrarily detained, tortured, and even killed. Furthermore, the children of Bahraini mothers and non-Bahraini fathers still suffer from discrimination that forestalls their ability to access key services, and the authorities have revoked citizenship from minors altogether. ADHRB, BCHR, and BIRD therefore find that the Government of Bahrain has technically implemented its narrow second-cycle UPR recommendation to enact a children's rights law, but that it has made little to no progress toward affecting the spirit of the law in practice. The Government of Bahrain should:

- Release all persons detained on charges related to basic human rights like free expression and assembly, or due to coerced confessions, particularly minors.
- Reform the Children's Act to provide stronger protections against violence and other abuses.
- Enforce provisions of the Children's Act and other legislation to prevent children from being treated as adults.
- Bring the Children's Act and other legislation in line with the CRC.
- Set limits on the prison sentences that juveniles can receive.
- Impose new policies to ensure that government officials do not prevent children from benefiting from public services due to the incarceration of their father and/or gender-based discrimination.

393 Rori Donaghy, "Bahrain refuses to release baby held in prison with ill mother," Middle East Eye, 23 May 2016, <http://www.middleeasteye.net/news/bahrain-refuse-release-baby-held-prison-ill-mother-232741308>

394 "Bahrain Strips Citizenship of 56 Including 9 Children, Bringing 2015 Total up to 128," ADHRB and BIRD, 11 June 2016, <http://www.adhrb.org/2015/06/bahrain-strips-citizenship-of-56-bringing-2015-total-up-to-128/>

395 Ibid.

396 Ibid.

397 *Access to Justice for Children: Global Ranking*, Child Rights International Network, 2016, <https://www.crin.org/en/access-justice-children-global-ranking>

- Amend or create legislation mandating prison officials permit juvenile detainees to access education.
- Separate all juvenile prisoners from adult facilities.
- Hold all individuals responsible for the arbitrary detention, torture, or any other abuse of children accountable.

Implementation of the Bahrain Independent Commission of Inquiry (BICI)

Second-Cycle UPR Recommendations

The Government of Bahrain fully accepted recommendations **115.28, 115.43, 115.45, 115.99, 115.107, 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 Bahrain Independent Commission of Inquiry (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.*³⁹⁸

Brief Assessment

By accepting the UPR recommendations concerning the BICI, the Bahraini government again officially pledged to implement these policy prescriptions. Nearly five years after the release of the BICI report, however, the government has failed to fully address the majority of the 26 recommendations. Rather, the Government of Bahrain has demonstrated a marked decline in preserving basic civil and human rights in the country, and it has continued to perpetuate many of the abuses of the security and justice systems that the BICI recommendations were intended to correct. Independent evaluations of the government's progress range from as high as ten fully implemented recommendations to as low as two, as in ADHRB, BCHR, and BIRD's assessment. We therefore find that the government has not implemented its second-cycle UPR recommendations to fulfill its obligations under the BICI.

1. IMPLEMENTATION OF THE BICI

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

³⁹⁸ UN 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.

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
- 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)

The Government of Bahrain established the Bahrain Independent Commission of Inquiry (BICI),³⁹⁹ a panel of international human rights experts, in July 2011 to examine events in Bahrain during February and March 2011 and propose recommendations for reform. Following its investigation, the BICI issued 26 recommendations to the government aimed at providing for accountability, easing social tensions, and laying the groundwork for national reconciliation. The recommendations addressed a range of human rights concerns, including torture, lack of accountability for government officials accused of gross human rights violations, unfair trial procedures, arbitrary detention, and the targeting of nonviolent political activists. The BICI also addressed the sectarianization of the security forces and the lack of proper training. Other recommendations call on the government to reinstate Bahraini workers and students who were dismissed from their businesses and schools for participating in the pro-democracy protests. In November 2011, the BICI submitted its finalized report to the king, which he accepted and pledged to urgently implement.

399 Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Phillippe Kirsch, and Mahnoush Arsanjani, *Report of the Bahrain Independent Commission of Inquiry*, Bahrain Independent Commission of Inquiry, <http://www.bici.org.bh/BICIreportEN.pdf>

More than five years later, in May 2016, the Government of Bahrain announced that it had fully implemented all 26 BICI recommendations. State media quoted Professor Cherif Bassiouni, chairman of the BICI, as evidence of its progress.⁴⁰⁰ However, on 10 May 2016, Professor Bassiouni stated that the BNA had wrongfully cited him,⁴⁰¹ asserting that the Bahraini government had only made progress on ten of the 26 recommendations, and had failed to address “priority” reforms such as those pertaining to accountability and prisoners of conscience.⁴⁰²

The chairman’s assessment is the most generous assessment outside of those released by the Bahraini government. In 2012, a year after the BICI report was released, the Project on Middle East Democracy (POMED) found that the government had fully implemented just three of the recommendations.⁴⁰³ Moreover, it concluded that no meaningful progress had been made toward six of the most important recommendations, including proposals to increase accountability for officials responsible for torture and severe human rights violations, release political prisoners, prevent sectarian incitement, and relax of censorship and controls on free expression. ADHRB, BCHR, and BIRD assess that the government has fully implemented only two of the 26 recommendations: recommendation 1718, which proposes that the National Security Agency (NSA) be stripped of its law enforcement and arrest powers; and recommendation 1722(i), which calls on courts to commute the death sentences of those defendants charged for murder during February and March 2011.⁴⁰⁴ However, in January 2017, the Bahraini government announced that it would be restoring the law enforcement powers of the NSA for terror offenses, directly contravening the earlier decree that satisfied recommendation 1718 and effectively reducing the number of fully implemented recommendations to just one.⁴⁰⁵ Further, ADHRB, BCHR, and BIRD have found that sixteen recommendations remain only partially implemented and eight have not been implemented at all. Similarly, Human Rights First (HRF) noted in May 2016 that since the release of the BICI report, no senior government figure has been held accountable for the arrests or deaths in custody, key political leaders remain in jail, and the authorities have continued to deny basic rights including freedom of association, assembly, and expression – all issues meant to be addressed by the BICI recommendations.⁴⁰⁶

The US Government has made comparable assessments. In 2013, the US Department of State found that the Government of Bahrain had only fully implemented five of the 26 recommendations. The State Department noted that “much work” remains in order for Bahrain to uphold its promise of fulfilling all BICI recommendations.⁴⁰⁷ In late June 2016, the State Department belatedly released

400 “BICI recommendation objectives achieved,” Bahrain News Agency, 9 May 2016, <https://www.bna.bh/portal/en/news/726424>

401 Rori Donaghy, “Bahrain human rights reviewer says quotes praising reforms ‘wrong,’” Middle East Eye, 11 May 2016, <http://www.middleeasteye.net/news/bahrain-fabricates-quotes-bici-chair-praising-human-rights-reform-1160948930>

402 “Bahrain: The Right Thing to Do,” M. Cherif Bassiouni Blog, 5 June 2016, <http://mcherifbassiouni.com/bahrain-right-thing/>

403 *One Year Later: Assessing Bahrain’s Implementation of the BICI Report*, Project on Middle East Democracy, November 2012, <http://pomed.org/pomed-publications/one-year-later-assessing-bahrains-implementation-of-the-bici-report/>

404 *Shattering the Façade: A Report on Bahrain’s Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrains-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>

405 “Bahrain Restores Law Enforcement Powers to NSA, Reversing BICI Recommendation,” ADHRB, BIRD, and ECDHR, 5 January 2017, <http://www.adhrb.org/2017/01/11571/>

406 “Bahrain 2010-2016,” Human Rights First, 11 February 2016, <http://www.humanrightsfirst.org/resource/bahrain-2010-2016>

407 *Implementation by the Government of Bahrain of the Recommendations by the Bahrain Independent Commission of Inquiry*, US Department of State, 2013, <http://adhrb.org/wp-content/uploads/2015/06/State-Report-on-Implementation-of-BICI-3-2.pdf>

its second BICI analysis.⁴⁰⁸ This report did not include explicit assessments of implementation status for each BICI recommendation, but our reading of the report suggests that the US State Department considers only seven of the 26 BICI recommendations to have been implemented by the government. The State Department concluded that while the “Government of Bahrain has implemented some important recommendations of the commission of inquiry...there are other key recommendations that have not been fully implemented.”⁴⁰⁹

Particularly, rather than implement the BICI recommendations aimed at reducing arbitrary detention, judicial harassment, and religious discrimination, the government has increased its suppression of free expression, association, and assembly in order to target activists and religious leaders. On 13 June 2016, Bahraini authorities rearrested prominent human rights defender and BCHR President Nabeel Rajab on charges related to tweets and other forms of expression. Security forces initially held him in solitary confinement and in very poor conditions, causing his health to deteriorate. Rajab faces up to 10 years if convicted of spreading “false or malicious news, statements, or rumours” under article 133 of Bahrain’s Penal Code. In addition, if convicted under article 215 of the Penal Code for “offending a foreign country [Saudi Arabia]” for tweets related to the Saudi-led war in Yemen, he faces a further two years imprisonment. He faces an additional three-year sentence if convicted of “offending a statutory body” under article 216 of the Penal Code for comments relating to abuses in Jau prison in Bahrain. In total, Rajab could serve up to 15 years imprisonment for exercising his right to free expression. In September 2016, after Rajab published an article in the *New York Times*, the government pressed another charge of “spreading false news and statements,” which carries an additional 1-year prison sentence. The authorities again referred Rajab for prosecution related to similar charges after he published a separate letter in the French Newspaper *Le Monde*. Rajab remains in detention.⁴¹⁰

The government has sentenced human rights defenders Abdulhadi al-Khawaja, Zainab al-Khawaja, and Maryam al-Khawaja on a range of charges related to free expression. Abdulhadi remains at Jau Prison on a life sentence and the Bahraini government has effectively exiled Maryam and Zainab. Most recently, in March 2016, Bahraini authorities arrested Zainab Al-Khawaja with her infant son. She began serving a 37-month prison term that month. The authorities did not allow Zainab’s family to take her infant son out of prison when Zainab fell ill and was unable to care for him. On 31 May, the Bahraini authorities released Zainab and her son from prison. Zainab left Bahrain for Denmark after the Danish consulate informed her of threats from a government official that she would be re-arrested and detained indefinitely if she remained.⁴¹¹

In 2015, Bahraini courts also sentenced two prominent political leaders, Sheikh Ali Salman and Ebrahim Sharif, to prison for peaceful speeches criticizing government human rights violations. Sharif, a leader of the Wa’ad opposition society, completed his one-year sentence and was released in 2016, but he has been subject to additional judicial harassment related to his free expression.⁴¹² On 30 May 2016, a court more than doubled the prison sentence for Sheikh Ali Salman, Al-Wefaq Secretary-General, from four to nine years after it convicted him of a previously dropped charge related to his peaceful speech. Despite a retrial in the fall, Sheikh Ali Salman’s nine-year sentence stands.⁴¹³

408 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

409 Ibid.

410 See Section A.

411 See Section A and Section E.

412 See Section A and Section M.1.

413 See Section A and Section N.

In June 2016, the government took unprecedented steps to constrain civil society space in the country. In addition to the arrest of Nabeel Rajab and the forced exile of Zainab al-Khawaja, Bahraini authorities began targeting a wide range of civil society actors of reprisal.⁴¹⁴ On 12 June 2016, authorities prevented a delegation of human rights defenders, activists, and family members of victims from traveling to Switzerland to take part in the 32nd Session of the UN Human Rights Council (UNHRC). Among those whom the government has banned from travel is Ebrahim Demistani, a medic, human rights defender, and labor activist, as well as the parents of victims of the government's violent suppression of the pro-democracy protests in 2011.⁴¹⁵

On 14 June 2016, the MOJ shut down Al-Wefaq, the largest political opposition society in the country. A court ordered the expedited closure of Al-Wefaq, the freezing of their assets, and the suspension of all their activities. On 17 July 2016, the High Civil Court ordered the dissolution and liquidation of all assets of Al-Wefaq. On 22 September, an appellate court upheld the decision to dissolve the society.⁴¹⁶

On 20 June 2016, the Bahraini authorities revoked the citizenship of Ayatollah Sheikh Isa Qassim, regarded as the most prominent spiritual leader of Bahrain's majority Shia population. The arbitrary denaturalization order was also followed with a 72-hour deportation order. Since the decision was announced, demonstrators have held a peaceful, permanent sit-in around Sheikh Isa's home in Diraz. In July, the government announced it was bringing charges of money laundering against Sheikh Isa. Despite government claims to the contrary, the charges appear to be related to the Shia practice of *khums*, a major religious practice and obligation by which Shia Muslims donate money to Shia clerics for distribution to orphans and other vulnerable members of society.⁴¹⁷

In addition to Sheikh Isa Qassim, the Bahraini authorities have targeted dozens of other religious leaders on accusations related to the contents of their sermons or their participation in peaceful gatherings. Since June 2016, Bahraini authorities have summoned and/or detained more than 75 Shia clerics; more than 20 have been formally arrested and charged. On 21 September, courts sentenced three Shia clerics to one-year prison terms on charges of "illegal gathering" for participating in the sit-in at Diraz.⁴¹⁸

Throughout this period and since 2011, the national human rights and oversight mechanisms initiated by the government – and recommended by the BICI – have failed to fulfil their role. The Public Prosecution's SIU, the MOI's Office of the Ombudsman, the PDRC, and the NIHR have all failed to hold the vast majority of government officials accountable for abuses or to properly monitor ongoing rights violations.⁴¹⁹ At worst, these institutions have obscured government abuses or allowed it to feign progress. As indicated by the deteriorating political situation, they have had little positive effect on human rights in Bahrain.

414 See Section A and Section L.1.

415 Tyler Pry, "Bahrain's Use of Travel Bans Are Reprisals Against Activists and HRDs," ADHRB, 25 January 2016, <http://www.adhrb.org/2016/07/bahrain-use-travel-bans-reprisals-activists-hrds/>

416 See Section M.1 and Section N.2.

417 See Section N.

418 Ibid.

419 See Section A.4 and Section G.

Third-Cycle Recommendations

Ultimately, these recent actions demonstrate that the government is only moving away from implementing the core BICI recommendations. The government has intensified its restrictions on freedom of speech, expression, and assembly, and it has further undermined the possibility of substantive national dialogue and reconciliation. ADHRB, BCHR, and BIRD find that the Government of Bahrain has not met its second-cycle UPR recommendations to fully implement all 26 recommendations from the BICI. The government should:

- Acknowledge that it has not fully implemented all 26 BICI recommendations.
- Establish another BICI follow-up unit, comprised of impartial figures from the human rights community, to analyze the government's current failure to properly assess and implement the BICI recommendations, and to propose immediate reforms to address recent regressive measures.
- Set and announce new deadlines for the implementation of all 26 BICI recommendations.
- Increase the transparency of the reform and implementation process via regular public updates and reports.
- Allow independent organizations to visit the country to monitor progress on implementation of the recommendations.
- Allow the UN High Commission on Human Rights to open an office in Bahrain to provide training and monitor the government's progress on implementation of the recommendations.

National Human Rights Institution

Second-Cycle UPR Recommendations

The Government of Bahrain fully accepted recommendations **115.34**, **115.35**, and **115.36** concerning the creation and function of a national human rights institution in accordance with the Paris Principles. In accepting these 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.⁴²⁰

Brief Assessment

Although the government established the Bahrain National Institute for Human Rights (NIHR) in 2009, it has failed to bring it into full compliance with the Paris Principles, a set of international guidelines for national human rights institutions.⁴²¹ The NIHR is not sufficiently independent, it lacks adequate investigatory powers, and it has ultimately had little positive effect on the country's human rights situation. At worst, the NIHR has even endorsed government action that is in clear violation of international human rights standards. ADHRB, BCHR, and BIRD find that the Bahraini government has not implemented its second-cycle recommendations to establish a fully functioning NIHR in accordance with the Paris Principles.

NATIONAL HUMAN RIGHTS INSTITUTION

Not 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 Bahraini government created the NIHR with the stated purpose of serving as an independent monitor of human rights in the country. While the king nominally revised its mandate to better meet certain provisions of the Paris Principles in 2014, the NIHR retains structural flaws that prevent it from meeting these standards and fulfilling its function. For example, the NIHR is not independent from the government, it has been unable to secure the confidence of victims of human rights violations, and it regularly fails to address cases of torture, unfair elections, and politically motivated human rights violations, among other problems.

In late 2015, the NIHR submitted itself for review before the International Coordinating Committee (ICC), the accreditation body for national human rights institutions charged with assessing their compliance with the Paris Principles. Recognizing its failings, the Global Alliance of National Institutions for the Promotion and Protection of Human Rights' (GANHRI) Sub-Committee on Accreditation (SCA) determined that Bahrain's NIHR did not meet its obligations

⁴²⁰ UN 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.

⁴²¹ "The Paris Principles and General Observations," ICC Sub-Committee on Accreditation (SCA), <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Pages/default.aspx>

and assigned it “B” status in its 2016 review.⁴²² This ranking, which is just one level above failure, provides the NIHR with only non-voting membership in the ICC and prevents it from enjoying many privileges, such as speaking at the UN Human Rights Council (HRC). The NIHR remains in violation of sections 3(a), 3(b), 3(c), and 3(d) of the “Competence and responsibilities” category, sections 1 and 2 of the “Composition and guarantees of independence and pluralism” category, and subsections (e), (f), and (g) of the “Methods of operation” category.

I. Competence and Responsibilities

Sections 3(a), 3(b), and 3(c) of the “Competence and responsibilities” category state that the NIHR must, among other things, promote national legislation, regulations, and practices that adhere to international human rights standards and instruments; encourage the ratification of, or accession to, these instruments; ensure the effective implementation of legislation and instruments; and draw attention to instances where human rights are violated. The NIHR neither promotes legislation that conforms to international human rights norms, nor does it criticize legislation in clear violation thereof. Although it has previously supported legislation that would allow female Bahraini citizens to pass their citizenship on to their children, the NIHR has rarely endorsed other laws intended to advance human rights in Bahrain or engender greater observance of international standards. When it has in fact called for reform, it has typically failed to yield concrete government action. In 2014, for example, the NIHR recommended the ratification of additional international human rights instruments for the first time in its history, but the government has yet to act on this proposal.

The NIHR has exhibited a reluctance to follow through with its obligations under those instruments or institutions already ratified by the Bahraini government. Despite having acceded to the International Covenant on Civil and Political Rights (ICCPR) in 2006, the government has never submitted a report to the Human Rights Committee, and it has fallen increasingly behind on its other treaty-mandated reporting. At time of writing, there is no evidence to suggest that the NIHR has recommended these reports be submitted. This inaction is in clear violation of section 3(d) of the “Competence and responsibilities” category of the Paris Principles, which states that a national human rights institution must contribute to the reports required by the “United Nations bodies and committees ... pursuant to their treaty obligations.” The NIHR has neither urged the government to fulfill these duties nor taken any substantive action to address the considerable backlog.

Additionally, the NIHR has largely failed to address ongoing human rights abuses in Bahrain. Since 2009, the NIHR has refused to criticize a series of legislation enacted by the government in clear contravention of international human rights law, including decrees that impose seven-year prison sentences for publicly insulting the king, prohibit free interaction between civil society organizations and foreign governments, and grant broad detention authority to the security forces. In 2014, the NIHR took no action as the government prosecuted members of the Al-Wefaq opposition party for meeting with US Assistant Secretary of State for Democracy, Human Rights, and Labor, Tom Malinowski. It similarly did not act when the government later branded Malinowski *persona non grata* and expelled him from the country. In 2016, the NIHR did release statements criticizing the government’s use of travel bans against activists and its publication of detainees’ photographs prior to the conclusion of legal proceedings, but it also failed comment on

422 “Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA),” Global Alliance of National Institutions for the Promotion and Protection of Human Rights, 9-13 May 2016, <http://nhri.ohchr.org/EN/AboutUs/ICC/Accreditation/Documents/SCA%20FINAL%20REPORT%20-%20MAY%202016-English.pdf>

the increased denaturalization and judicial harassment of human rights defenders and religious leaders, as well as the closure of Al-Wefaq National Islamic Society, the largest opposition group. Moreover, the NIHR recently praised the government's stated efforts to protect privacy and freedom of expression on social media, despite its continued detention and prosecution of individuals for online speech, such as human rights defender and Bahrain Center for Human Rights (BCHR) president Nabeel Rajab.

When the NIHR has taken decisive action, it has often served to obscure or ostensibly legitimize government abuse. In 2013, for example, the NIHR endorsed 22 recommendations made by the Bahrain National Assembly that sought to ban peaceful gathering in Manama and enable security forces to arbitrarily detain vaguely-defined "terror suspects." Though the Bahrain Independent Commission of Inquiry (BICI) provided contradictory recommendations in 2011, the NIHR argued that the National Assembly's proposal was consistent with international human rights norms and urged critics to "stand behind the Kingdom's wise leadership." After the king passed the recommendations into law, the government routinely exploited the legislation to stifle dissent and criminalize protest. This overt support for abusive government practices is representative of the NIHR's wider failure to effectively document and guard against violations of human rights in Bahrain.

II. Independence and Composition

In addition to its inability or unwillingness to meet the standards of "Competence and responsibilities," the NIHR has also exhibited structural problems concerning the Paris Principles' requirements of independence and pluralism. Section 1 of the "Composition and guarantees of independence and pluralism" category requires a national human rights institution to "ensure the pluralist representation of the social forces (of civilian society)," namely through the representation of human rights organizations, unions, and professional associations, as well as independent academics and journalists.⁴²³ According to the Paris Principles, government employees should serve only in an advisory capacity if they are included in the membership a national human rights institution at all.

Bahrain's NIHR has not observed these principles. On the contrary, it has permitted a number of government officials to serve as full members while excluding representatives from independent civil society actors, such as human rights NGOs. In 2013, the NIHR indicated in its newsletter that many of its staff are, or have been, members of the government or government-affiliated organizations. These members have included former employees of the Ministry of Interior (MOI) and the Public Prosecutor's Office (PPO) – two of the institutions most clearly implicated in the government's systemic human rights abuses. The NIHR's chairperson, Dr. Abdulaziz Hassan Ali Abul, is a royally-appointed member of parliament. Two other members, Jameela Ali Salman Nassif and Khalid Abdulaziz Alshaer, are also members of the parliament. Others, including Farid Ghazi Jassim Rafee and Abdulrahman Abdulhusain Jawahery, hold high-level positions within the government.⁴²⁴

At the 28th session of the HRC in March 2015, Khalid Abdulaziz Alshaer, publicly threatened to use his influence over the MOI to bring charges against a human rights defender if the activist

423 "Principles relating to the Status of National Institutions (The Paris Principles), Adopted by General Assembly resolution 48/134 of 20 December 1993," Office of the High Commissioner for Human Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

424 "ADHRB Engagement with Bahrain MoI Ombudsman and National Institute for Human Rights," ADHRB, April 2016, pg. 5.

entered a room to attend an event. Though UN security eventually removed Alshaer from the scene, he later accosted ADHRB's executive director, Husain Abdulla, threatening members of Abdulla's family in Bahrain if he continued his human rights-related activities. These events have been documented by both the Presidency of the Human Rights Council and the Special Rapporteur on the subject of human rights defenders. Alshaer was appointed to the NIHR soon after this incident. Similarly, in April 2016, Alshaer posted a Twitter message stating that anyone who accuses the king of "crimes against the state" should be sentenced to death.⁴²⁵

The NIHR's close relationship with government officials is exacerbated by its failure to adhere to Section 2 of "Composition and guarantees of independence and pluralism," which states that a national human rights institution must have its own independent infrastructure in order to facilitate the "smooth conduct" of its activities, and "in particular adequate funding" so that it might maintain "its own staff and premises." Further, the national human rights institution must maintain this infrastructure "independent of the Government and not be subject to financial control which might affect its independence." Bahrain's NIHR does not possess such an infrastructure, nor does it maintain sufficiently independent staff, as demonstrated. Though the 2014 revisions to the NIHR's mandate ostensibly eliminated the king's power to dismiss members, the Bahraini government reserves a significant degree of direct supervisory authority over the institution. The king retains the power to appoint NIHR board seats, for example. The public prosecutor — who is supervised by the MOJ and appointed by the king⁴²⁶ — is also free to manage court-ordered investigations into NIHR activities. The NIHR has additionally signed an official memorandum of understanding with the MOI's Office of the Ombudsman, a subdivision of the MOI tasked with investigating allegations of abuses committed by the security forces. ADHRB has received reports that persons who have submitted complaints regarding human rights abuses to the Ombudsman, however, have been subjected to retaliatory acts of torture by MOI employees. ADHRB has also reviewed the structure of the Ombudsman's Office, finding that it remains financially and administratively dependent on the MOI, undermining its ability to transparently monitor these security forces. Nevertheless, the NIHR has long refused to criticize the Ombudsman and its activities. By effectively partnering with a compromised subdivision of the MOI, the NIHR has exceeded the consultative role envisioned by the Paris Principles, and has potentially jeopardized its ability to protect its own complainants from reprisals. Moreover, while it directly collaborates with the MOI, the NIHR has continued to marginalize the contribution of independent NGOs. ADHRB, for example, has submitted over 50 complaints to the NIHR, but, despite repeated follow-up communications, the NIHR has refused to acknowledge a single ADHRB complaint at time of writing.

Combined with the semi-formal exchange of personnel, the government's legal authority to determine NIHR membership and oversee NIHR activities undermines the institution's ability to operate autonomously. As such, the current NIHR infrastructure cannot guarantee independence or compositional pluralism, nor can it support the smooth conduct of NIHR activities free from government obstruction.

425 Alan White, "UN Torture Expert Says Britain Should Pressure Bahrain To Allow Him To Visit," BuzzFeed News, 1 June 2016, https://www.buzzfeed.com/alanwhite/un-torture-expert-says-britain-should-pressure-bahrain-to-al?utm_term=.v1YeNKmbeM#.lqONDoQ7Nw

426 "Law of the Judicial Authority," Kingdom of Bahrain Ministry of Justice and Islamic Affairs, 2002, available at http://www.moj.gov.bh/en/Print_p6f7c.html?printid=977.

III. Reporting

In January 2014, five years after it was created, the NIHR issued its first official report to the Government of Bahrain. Although the report documents a number of significant human rights abuses, it also attempts to obscure NIHR dereliction. Rather than acknowledge its history of institutional and operational failings, the report knowingly misrepresents the NIHR's dubious record. It falsely asserts that the NIHR has publicly opposed all government legislation enacted in contravention of international human rights law. At the same time, the report fails to note that the NIHR has explicitly endorsed laws that were used by the government to violate human rights in Bahrain, such as those proposed by the National Assembly to criminalize peaceful protest. While it does provide some valuable recommendations that would advance human rights if adopted by the government, the NIHR has been unable to leverage its otherwise excessive connections to the state in order to gain the necessary support.

In 2015, the NIHR released its second report. The report documented the institution's inability to implement recommendations made the previous year, a failure it characterized as having resulted from a recent election and a new cabinet. Fully half of the second annual report is dedicated to the legal provisions of the NIHR, and much of the remainder documents its activities to promote and protect human rights in Bahrain. However, the report fails to address cases of torture, unfair elections, and politically motivated human rights violations, though numerous international organizations continue to document the systematic use of torture and criminalization of free speech in Bahrain. The report additionally lacked any details concerning incidents, violating parties, how it addressed these violations, or how it resolved the 36 complaints it claims were resolved.

As noted in the SCA's recent review, the NIHR's reporting on visits to detention facilities also particularly lack transparency. The SCA specifically called on Bahrain's NIHR to publicly release its report on an August 2013 visit to Dry Dock Detention Center, for example. Until the NIHR's field visits are spontaneous and adequately and transparently documented, the SCA noted that it will continue to fail to receive "A" status accreditation with the Paris Principles.

Third-Cycle Recommendations

Ultimately, Bahrain's NIHR has failed to meet international standards for national human rights institutions, and it has not received full accreditation under the Paris Principles. ADHRB, BCHR, and BIRD therefore find that the NIHR, in its current form, does not satisfy the government's second-cycle UPR recommendations. The Government of Bahrain should:

- Establish independence for the NIHR by ensuring that staff members are not influenced by government pressure and by replacing staff that currently hold or recently held government positions, especially those relating to law enforcement or public prosecution.
- Include more representatives from civil society, such as human rights organizations, unions, and professional associations, as well as independent academics and journalists.
- Adopt and implement strict criteria regarding recruitment and appointment for membership within the institution, including standards dictating that future members cannot have held a government position within the last four years and cannot have been directly implicated in human rights infringement and abuse.
- Restrict the king's power to appoint NIHR board members.

- Guarantee government funding for the institute without government input on institution activity.
- Limit the PPO's oversight of NIHR activities.
- Eliminate cooperation between the NIHR and the MOI's Ombudsman until such time as the latter has undergone significant reform to secure sufficient independence from the government in order to protect complainants from reprisal and ensure proper function.
- Require the NIHR to be more transparent in its resolution of complaints, while taking necessary measures to ensure the privacy of complainants and prevent reprisal.
- Require the NIHR to conduct spontaneous site inspections, particularly of detention facilities, and release its findings publicly.
- Invite foreign delegations and non-governmental organizations to observe and support NIHR activities and to report on the human rights situation in the country.
- Set a timeframe for the implementation of the above recommendations and any additional reforms necessary to improve the NIHR's compliance with the Paris Principles from "B" status to "A" status.

Freedom of Expression, Press, and Media

Second-Cycle UPR Recommendations

The Government of Bahrain fully supported recommendations **115.25**, **115.30**, **114.48**, **115.149**, **115.151**, **115.152**, **115.153**, **115.154**, **115.155**, **115.156**, and **115.158** concerning respect for free expression and free press; protection and access for journalists; the national legal framework for media and the adoption of a new press law; and compliance with Bahrain's international obligations in respect to freedom of expression.

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.*⁴²⁷

The government additionally accepted recommendation **115.157** concerning the abolishment of provisions prohibiting peaceful demonstrations, removing restrictions on freedom of expression, and permitting the opposition greater access to media. 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 accepted recommendations **115.156** and **115.158** to lift restrictions on freedom of expression and end any suppression of human rights defenders and journalists. These recommendations were initially grouped under a category pertaining to restrictions on non-governmental organizations and human rights activists, but will be assessed here. Similarly, the government accepted recommendation **115.161** concerning protections for freedom of expression and assembly, grouping it under a broad thematic issue area concerning respect for human rights. This report does not include that category, and will instead assess **115.161** here (see Methodology).

Brief Assessment

The Government of Bahrain has made almost no effort to implement greater protections for media and press freedoms since its second UPR cycle, and it continues to prosecute journalists and citizens for exercising the right to free expression. Though the government claimed in 2012 that a new draft media law “designed to ensure freedom of expression and reduce restrictions on the media” was “in its final stages of debate,” it has yet to implement any such law.⁴²⁸ Meanwhile, both traditional and citizen journalists continue to face arbitrary detention, judicial harassment, and torture for criticizing the government or simply reporting the news. Four years on, Bahrain remains among the lowest-ranked countries in the world in indices related to press freedom, such as Reporters sans Frontières (RSF)'s 2016 World Press

⁴²⁷ UN 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.

⁴²⁸ Universal Periodic Review Twenty-first Session, “Report of the Working Group on the Universal Periodic Review: Bahrain,” United Nations Human Rights Council, 6 July 2012, A/HRC/21/6, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/49/PDF/G1215049.pdf?OpenElement>.

Freedom Index, in which Bahrain is ranked 162nd out of 180 countries.⁴²⁹ Ultimately, Bahraini authorities have only intensified their restrictions on media and free expression.

1. Freedom of Expression, Press, and Media

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);
- 115.151** 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);
- 115.152** Enact a progressive, substantive Freedom of Information law (Austria);
- 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);
- 115.155** Undertake all efforts to relax censorship and to grant oppositional groups the possibility to establish their own media outlets (Germany);
- 115.156** Lift all restrictions on movements of foreign journalists and international organizations defending human rights (Belgium);
- 115.157:** Abolish legal provisions unduly restricting peaceful demonstrations, remove restrictions on freedom of expression contained in Law 32 of 2006, and allow the opposition greater access to television broadcasts, radio broadcasts and print media
- 115.158** Cease all intimidation or repression against human rights defenders, journalists and Non-Governmental Organizations (Spain); and
- 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)

I. Legal Restrictions

Although the Bahraini constitution technically guarantees freedom of speech and press, a network of legislation – primarily the Penal Code, the press law, the anti-terror law, and the cybercrime law – empower the authorities to prosecute individuals on a range of offenses related solely to journalism or expression. Article 169 of the Bahraini Penal Code, for example, assigns a prison term of up to two years for the publication by any method of “untrue reports” or information that undermines “the public peace” or the “state’s creditworthiness.” In 2013, the government amended the Penal Code to increase the punishment for “insulting the King” and, in 2014, the

⁴²⁹ “2016 World Press Freedom Index,” RSE, 2016, <https://rsf.org/en/ranking#>

King mandated a prison term for “any person who offends the emir of the country, the national flag or emblem.” Effectively, the amendment allows for civilians to be sentenced for up to seven years in prison and a fine of BHD 10,000 simply for exercising their right to freely express criticism. One activist who has fallen foul of the increased punishment for “insulting the King” is activist Zainab al-Khawaja, daughter of imprisoned human rights defender Abdulhadi al-Khawaja. Before she fled the country for fear of reprisal, al-Khawaja received several multi-year prison terms for charges related to insulting the King, among other forms of free expression, after she tore a photo of King Hamad bin Isa al-Khalifa.

In 2006, the government promulgated the Law of Protecting Society from Terrorist Acts, commonly known as the anti-terror law, which gave the authorities grounds to prosecute individuals as terrorists for speech that can be construed as “threatening the Kingdom’s safety and security or damaging national unity or security of the international community.” In 2013 and 2014, amendments to the law expanded the authorities’ power to suspend due process in terror cases. Article 29 currently stipulates that the Public Prosecution “acquires the additional authority of the judge of [the] Lower Court provided in the Law on Penal Procedure, and the consultative authority of the Higher Court...when investigating” terrorist crimes. This means that the Public Prosecution is exempt from the standard restrictions of the Bahraini Penal Code when it pursues a terrorist case. Article 29 provides the PPO with grounds to issue initial detention orders of up to 90 days, and, Article 30 permits security forces to detain and interrogate an individual for a renewable period of 14 days. The Public Prosecution may give permission to extend this detention period “when necessary and for reasons of investigation or for the security of the society” without any explicit justification.

The 2002 Press and Publication Law similarly empowers the Bahraini government to prosecute journalists based on 17 categories of offence with associated sentences of up to five years in prison. Like those outlined in the Penal Code, many of these offences directly infringe on free expression and invite extremely broad interpretation, including publishing criticism of Islam or the King, inciting actions that undermine state security, or advocating a change in government. While in 2008 the Shura Council, Bahrain’s royally appointed upper chamber of parliament, proposed several amendments to improve the law, the amendments stalled and the authorities continue to prosecute journalists based on these provisions. For example, in July 2016, the PPO charged Nazeeha Saeed, a correspondent for France 24 and Radio Monte Carlo Doualiya, with unlawfully working with foreign media. Under article 88 of the 2002 Press and Publication Law, Bahraini journalists are required to obtain and annually renew a license from the Information Affairs Authority (IAA) – the executive organ of the Ministry of Information Affairs (MIA), headed by former MOI official Ali al-Rumaihi – in order to cooperate with any foreign media outlets. Saeed had applied for renewal at the end of March 2016 but the IAA refused her request; it was the first time her license had been rejected. The authorities have frequently targeted Saeed in reprisal for her journalism.⁴³⁰

In February 2016, the government announced that it had finalized a first draft of a new law on media, but it did not provide a timeline for its promulgation. Moreover, the language of the current draft appears to grant authorities additional power to limit free expression, rather than instituting greater protections thereof. The law would require journalists to “respect the kingdom’s

430 For more information, see “44 NGOs to Government of Bahrain: Rights of Nazeeha Saeed and all journalists must be respected,” ADHRB, PEN International, English PEN, Committee to Protect Journalists, et al., 28 July 2016, <http://www.adhrb.org/2016/07/42-ngos-government-bahrain-rights-nazeeha-saeed-journalists-must-respected/>

sovereignty, system of governance, icons, institutions and statutory bodies,” providing even wider grounds for the authorities to criminalize criticism of the government.⁴³¹

Though it has yet to promulgate a new media law, the government has implemented new media policies. In December 2015, the MIA announced that the editors-in-chief of Bahrain's six daily newspapers had signed a “charter of press ethics” to guide Bahraini media coverage.⁴³² The charter emphasizes the importance of the press in solidifying national unity and “the preservation of national security and stability in order to serve the national interest.”⁴³³ It also calls for “not supporting any incitement on any sect or group of people”, and avoiding the language of sectarianism in the kingdom.⁴³⁴ The charter additionally places the responsibility of any violation of the ethics code on the newspaper editors-in-chief. Ultimately, the charter further empowers the IAA to target and restrict media outlets. The ethics code does not define terms like “sectarianism” or “incitement,” leaving interpretation and enforcement to the discretion of the IAA. In the past, the IAA has consistently employed these catch-all terms to effectively criminalize government criticism, using these grounds to censor outlets like *Al-Wasat*, the country's only semi-independent newspaper: in August 2015, the IAA temporarily suspended *Al-Wasat* reportedly because the newspaper had failed to refer to Bahraini military casualties in Yemen as “martyrs.” The IAA had also issued a warning to *Al-Wasat* after it had published an editorial entitled “They will never approve you,” by Hani Al-Fardan.⁴³⁵ Though the column primarily criticized social media campaigns directed at opposition members, the IAA accused its author of spreading false or misleading information.⁴³⁶

The authorities used similar grounds to suspend the Al-Arab TV network in February 2015, only two hours after it began broadcasting, following an interview with Khalil al-Marzooq, the Deputy Secretary-General of Al-Wefaq political society.⁴³⁷

The government has specifically imposed greater restrictions on online free expression with a series of new decrees and the cybercrime law. Based on ministerial decree No. 1 in 2009, the IAA is empowered to filter websites that violate articles 19 and 20 of the 2002 Law on Press and Publications. Those articles allow the IAA to block any websites that criticize the royal family or the government, or that publish material that can be judged as “encroaching on religions and jeopardizing public peace.”⁴³⁸ It is estimated that Bahraini authorities block more than a 1,000 websites. These include websites for human rights organizations, political societies, personal blogs, online forums, newspapers, and websites that broadcast Shia religious events within the country. Many online chat services are also blocked, such as PalTalk. In 2013, after the Gulf Cooperation Council (GCC) collectively approved the Riyadh Document, the Bahraini government promulgated

431 “HRH Premier chairs cabinet session,” Bahrain News Agency, 21 September 2015, <http://www.bna.bh/portal/en/news/687868>

432 “Bahrain editors sign Charter of Press Ethics,” Gulf News, 3 December 2015, <http://gulfnews.com/news/gulf/bahrain/bahrain-editors-sign-charter-of-press-ethics-1.1631107>

433 “Bahrain Charter of Press Ethics”. ADHRB. <http://www.adhrb.org/wp-content/uploads/2016/01/Bahrain-Charter-of-Press-Ethics.pdf>

434 Ibid

435 “Suspension of Newspaper: Further Threats to Freedom of Press in Bahrain,” BCHR, 7 August 2015, <http://www.bahrainrights.org/en/node/7597>

436 For more information on the government's targeting of *Al-Wasat*, see: *Report of the Bahrain Independent Commission of Inquiry*, Bahrain Independent Commission of Inquiry, 10 December 2011, <http://www.bici.org.bh/>; and *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain*, Vol. II, ADHRB, BCHR, and BIRD, 13 September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

437 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain*, Vol. II, ADHRB, BCHR, and BIRD, 13 September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

438 “Press Law”. Bahraini Journalists Association http://www.bahrainijournalists.org/References_and_documents/Law

an associated law “criminalizing anyone who establishes a website, published information online or uses any information technology tool to assist or aid communications with terror cells, as well as promoting disruption of public order or morale.” That same year, the authorities blocked 70 websites allegedly associated with “internationally recognized” terror organizations, including sites and forums connected with Bahraini opposition groups, the February 14th Coalition protest movement, and the Islamic Ulema Council, a major Shia religious organization that the government has since dissolved. In 2016, Bahrain’s major internet service providers (ISPs) began blocking the messaging application Telegram, which is popular with activists due to its purported encryption capabilities. After the government dissolved Al-Wefaq in June 2016, the authorities blocked its website as well. BCHR found that, in just one week, the government blocked four alternative website addresses for the independent LuaLua TV channel and BCHR’s alternative address. It also shut down the Islamic Enlightenment Society (Al-Tawfiya), a Shia civil society organization, and blocked its website.

In December 2014, the government enacted a new cybercrime law, which prescribes punishments for wiretapping internet or computer systems, criminalizes the access or possession of pornographic material online, and forbids data encryption if done with “criminal intentions.” The vague language grants the authorities substantial discretion to define “criminal intentions,” while the criminalization of data encryption particularly affects political activists in the country as they often use encryption technology to keep records of human rights violations or exchange political opinions freely. Husain Hubail, a freelance photojournalist detained by the authorities in July 2013, received a sentence of five years in prison in April 2014 on cybercrime charges that include the use of social media networks to “incite hatred of the regime.” The High Court of Appeals upheld his sentence in September 2014. During his detention, members of the MOI’s dedicated cybercrime unit tortured Hubail and subjected him to other forms of ill treatment.⁴³⁹ The cybercrime unit also investigated Mohammad Al-Ghasra, a CNN Arabic correspondent, after he published a news update on social media related to political corruption. The unit summoned him to be questioned on May 2015, and he later received a warning from the IAA on June 2015.⁴⁴⁰

Information Affairs Minister al-Rumaihi issued an additional decree, Ministerial Decision 68/2016, in July 2016 that expanded the 2002 Press and Publications Law to restrict and regulate online content production. The decree now requires licensed newspapers to obtain another one-year renewable license in order to publish information through electronic media, and it limits the length of publishable videos to two minutes. Livestreaming is banned. To apply for the license, newspapers must submit a list of all associated electronic media, including websites and social media accounts, as well as specific individuals responsible for overseeing them. The decree does not include any clear criteria by which the authorities will review applications. Notably, the authorities were effectively enforcing these regulations for at least several months prior to the decree: in January 2016, the government prohibited *Al-Wasat* from publishing videos on its social media accounts, such as Instagram and YouTube, citing improper licensing.

In August 2016, the authorities additionally issued new online safety regulations that require ISPs to use a centralized filtering system run by the government’s Telecommunications Regulatory

439 For more information on this case, see: “Hussain Hubail: June’s Champion for Justice,” ADHRB, 2 June 2014, <http://www.adhrb.org/2014/06/hussain-hubail-junes-champion-for-justice/>

440 “December 2015: Arrest of the “Al-Wasat” journalist, Mahmoud Al-Jaziri, from his home and warning the “CNN” correspondent, Mohammad Al-Ghasra. Tweeter “Bou Khamees” prosecuted over new charges,” Bahrain Press Association (BPA), 13 February 2016, <http://www.bahrainpa.org/wp/?p=305>

Authority (TRA), allowing it to more extensively monitor and censor internet content. This filtering system may be linked to the government's purchase of a "National Website Filtering Solution" from Canadian technology company Netsweeper for either \$1.1 million USD or \$3.1 million USD. On 21 September 2016, internet research group Citizen Lab found that Netsweeper "helped the Bahraini government block opposition party websites, various news websites and content critical of Islam" and is "being rolled out across the country of Bahrain."⁴⁴¹

There is also mounting evidence that the government has engaged in the targeted disruption of internet service in certain areas to punish and/or impede protests and demonstrations. During the government's violent dispersal of the 2011 pro-democracy sit-in at the Pearl Roundabout, for example, internet service was slow and at times unavailable. Demonstrators have reported almost identical conditions during protests in August 2013 and February 2014; in the former, the authorities specifically restricted Skype, WhatsApp, and Viber.⁴⁴² In June 2016, following the government's decision to denaturalize Sheikh Isa Qassim, the country's most prominent Shia religious figure, hundreds of protestors initiated an open-ended sit-in outside his home in Diraz.⁴⁴³ Security forces surrounded the village and all major ISPs – including the three largest: Batelco, Zain, and Viva – enforced a daily internet blackout between 7:00 p.m. and 1:00 a.m. Digital security experts have determined that the blackout is deliberate and that the ISPs may be following a government order; if true, the blackout would constitute a form of internet interference that has been condemned by the UN.⁴⁴⁴ Meanwhile, outside Diraz, pro-government social media accounts have simultaneously circulated photographs of public sector employees seen participating in the sit-in, equating them with terrorists and calling for their arrest. On 12 July 2016, this campaign culminated in the interrogation and subsequent arrest of Ali Abdulraheem, an official at the state Labour Market Regulatory Authority (LMRA), after social media users, including a member of parliament, posted a picture of him participating in the demonstrations online.⁴⁴⁵

In 2016, Freedom House's *Freedom on the Net* report assigned Bahrain a score of 71/100 (where 100 represents complete restriction) and ranked it the 56th worst country for internet freedom out of the 65 countries it evaluated; Bahrain is ranked the fourth most restrictive country in the MENA region.⁴⁴⁶ The report cites "tight censorship" and "increasing surveillance" as major obstacles to freedom of expression online.⁴⁴⁷

441 For more information, see: Jakub Dalek, Ron Deibert, Bill Marczak, Sarah McKune, Helmi Noman, Irene Poetranto, Adam Senft, *Tender Confirmed, Rights At Risk: Verifying Netsweeper in Bahrain*, Citizen Lab, University of Toronto, 21 September 2016, <https://citizenlab.org/2016/09/tender-confirmed-rights-risk-verifying-netsweeper-bahrain/>; and Laura Wright, "Canadian tech company Netsweeper helped Bahrain censor websites, says report," CBC News, 21 September 2016, <http://www.cbc.ca/news/technology/netsweeper-bahrain-government-internet-censorship-1.3769803>

442 Marc Owen Jones, "Saudi Intervention, Sectarianism, and De-Democratization in Bahrain's Uprising," in *Protest, Social Movements and Global Democracy Since 2011: New Perspectives*, 9 June 2016, <http://www.emeraldinsight.com/doi/abs/10.1108/S0163-786X20160000039011>

443 For more information, see: "In response to government repression Bahrainis hold mass sit-in in Diraz," ADHRB, 29 June 2016, <http://www.adhrb.org/2016/06/10196/>

444 Bill Marczak, "Time for some Internet Problems in Duraz': Bahraini ISPs Impose Internet Curfew in Protest Village," Bahrain Watch, 3 August 2016, <https://bahrainwatch.org/blog/2016/08/03/bahrain-internet-curfew/>

445 "Return of Electronic Witch Hunt in Bahrain Leads to the Arrest of Ali Abdulraheem," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 14 July 2016, <http://www.adhrb.org/2016/07/return-electronic-witch-hunt-bahrain-leads-arrest-ali-abdulraheem/>

446 *Freedom on the Net 2016*, Freedom House, November 2016, <https://freedomhouse.org/report/freedom-net/freedom-net-2016>

447 Ibid.

II. Suppression of Journalists and Activists

The Government of Bahrain has regularly utilized the legislation detailed above to prosecute journalists and activists or interfere in their work. In the two years from the start of its second UPR cycle to the midterm in 2014, the government restricted the travel of 44 journalists and 22 media organizations.⁴⁴⁸ In 2013, the Bahrain Press Association documented 21 cases of the authorities arresting, detaining and/or interrogating journalists, with an additional 14 cases of journalists being subjected to intimidation or physical attack while reporting.⁴⁴⁹ Security forces expelled several Bahraini nationals for filming a government raid on the headquarters of the opposition Al-Wefaq political society.⁴⁵⁰

Since the midterm, the government has continued to target members of the media. In February 2015, a court sentenced cameraman Jaffar Marhoon to life in prison after he was detained for 14 months on charges of terrorism.⁴⁵¹ That same month, a court of appeal upheld a three-year sentence for Qasim Zainal Deen, a freelance photographer who filmed opposition protests, on charges including illegal assembly and vandalism.⁴⁵² Bahraini security forces raided the house of another photographer, Sayed Ahmed al-Mousawi, and arrested him in February 2014.⁴⁵³ In November 2015, after more than a year without trial and having been subject to torture, a court sentenced al-Mousawi to 10 years in prison and revoked his nationality on charges of being a member of a “terror cell.”⁴⁵⁴ The charges stemmed from his coverage of protests as well as accusations that he had given SIM cards to alleged “terrorists.”⁴⁵⁵

Bahraini authorities arbitrarily arrested journalist Mahmood al-Jazeera on 28 December 2015, later charging him with “supporting terrorism, inciting hatred of the regime, having contacts with a foreign country, and seeking to overthrow the regime by joining Al-Wafaa and the February 14 Youth Movement.”⁴⁵⁶ Al-Jazeera, who is a reporter for *Al-Wasat*, denies all the charges against him. During his career in journalism, al-Jazeera reported on a number of sensitive political issues, including a Shura Council member’s demand to deny housing to those who have had their citizenship revoked by the authorities.⁴⁵⁷ Al-Jazeera remains in custody.⁴⁵⁸

Similarly, on 3 February 2016, a Bahraini appellate court upheld a three-month prison sentence

448 *A Follow-Up Report on A Bahrain’s UPR Second Cycle: The Deteriorating Human Rights Situation in Bahrain*, ADHRB, 23 April 2014, <http://www.adhrb.org/2014/04/a-follow-up-report-on-bahrain-s-upr-second-cycle-the-deteriorating-human-rights-situation-in-bahrain/>

449 *Less Freedom, Broader Impunity: 2013 Annual Report*, Bahrain Press Association, 2013, <http://www.bahrainpa.org/wp/?p=176>

450 *Ibid.*

451 “بنابر وفبراير 2015: تجريد 4 صحفيين من جنسياتهم وإغلاق قناة “العرب” ومصوري الوكالات هدفاً مباشراً لعبوات “الداخلية” Bahrain Press Association. 17 June 2015. <http://www.bahrainpa.org/?p=366> [January and February 2015: revocation of citizenships of 4 journalists, closure of Al-Arab TV and targeting photographers by MoI]

452 *Ibid.*

453 “Violence Against Journalists in Bahrain”. Bahrain Centre for Human Rights. 2 November 2015. <http://www.bahrainrights.org/en/node/7645>

454 *Ibid.*

455 *Freedom on the Net 2016*, Freedom House, November 2016, <https://freedomhouse.org/report/freedom-net/freedom-net-2016>

456 “Bahrain accuses journalist of supporting terrorism,” Committee to Protect Journalists, 6 January 2016, <https://cpj.org/2016/01/bahrain-accuses-journalist-of-supporting-terrorism.php>

457 “Bahraini Authorities Arbitrarily Arrest Journalist Mahmood al-Jazeera,” ADHRB, BCHR, and BIRD, 31 December 2015, <http://www.adhrb.org/2015/12/bahraini-authorities-arbitrarily-arrest-journalist-mahmood-al-jazeera/>

458 “2016 prison census - Bahrain: Mahmoud al-Jaziri,” Committee to Protect Journalists, 1 December 2016, <http://www.refworld.org/docid/586cb8f3c.html>

against photojournalist Ahmed al-Fardan and security forces arrested him in the courtroom.⁴⁵⁹ The authorities had initially arrested him on the charges of “illegal assembly” and “attempting” to protest in December 2013, subjecting him to torture that included beatings on his face, torso, and genitals, causing him two broken ribs.⁴⁶⁰

Foreign journalists are intermittently permitted to enter the country but routinely face significant obstacles to their work. In February 2016, American reporter Anna Day and three cameramen were arrested for “carrying out media activities without receiving the permit from the competent authorities.”⁴⁶¹ The government also accused them of illegal assembly and intent to commit a crime while covering demonstrations in Bahrain on the fifth anniversary of the 2011 uprising. They were released and deported two days after their arrest. In April 2013, Bahraini authorities arrested and later expelled an ITN British TV team on similar grounds.⁴⁶² That June, they arrested a BBC News team while they were covering a demonstration in al-Dair. Between February 2011 and February 2015, the government has restricted the travel of at least 51 journalists from various international media organizations.⁴⁶³

In June 2016, the authorities initiated a new wave of prosecutions against activists for exercising their right to free expression on social media. Security forces rearrested human rights defender and BCHR president Nabeel Rajab on charges related to several tweets in which he discussed human rights violations in Bahrain and criticized the Saudi Arabia-led military intervention in Yemen. On 5 September, after *The New York Times* published a letter from Rajab, the authorities additionally charged him with the “deliberate dissemination of false news and spreading tendentious rumours that undermine the prestige of the state and its stature.” The MOI’s Cybercrime Unit again accused him of spreading “false information and tendentious rumors” that “insult Bahrain and the Gulf Cooperation Council (GCC) states” and harm their relations on 21 December 2016, in relation to a similar letter he published in the French newspaper *Le Monde*.⁴⁶⁴ Although a court ordered that Rajab be provisionally released on bail on 28 December, the PPO as continued to hold him in pretrial detention, citing further investigation into the charges of “spreading false information.”⁴⁶⁵ He could face more than 15 years in prison if convicted on all charges.

On 10 November 2016, the PPO charged human rights lawyer Mohammed al-Tajer with “insulting government institutions, inciting hatred of a religious sect, and misusing a telecommunications appliance” for private messages he allegedly sent on WhatsApp. If convicted, al-Tajer could face more than five years in prison. No date has been set for his trial.

In November 2015, the Bahrain High Court of Appeal upheld a one-year prison sentence against Ghada Jamsheer, a human rights defender who leads a network of female activists called the Women’s Petition Committee, in relation to tweets she had posted. Security forces arrested her in August 2016 to serve combined sentences for charges relating to exposing government corruption and advocating for greater rights on social media, though she was ultimately released in December to work off the sentence at a government-appointed job.⁴⁶⁶

459 “Photographer Ahmed al-Fardan Imprisoned for Illegal Assembly,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 5 February 2016, <http://www.adhrb.org/2016/02/photographer-ahmed-al-fardan-imprisoned-for-illegal-assembly/>

460 Ibid.

461 “4 American Journalists Are Released After Arrest In Bahrain,” NPR, 16 February 2016, <http://www.npr.org/sections/thetwo-way/2016/02/16/466907849/four-american-journalists-are-released-after-arrest-in-bahrain>

462 *Less Freedom, Broader Impunity: 2013 Annual Report*, Bahrain Press Association, 2013, <http://www.bahrainpa.org/wp/?p=176>

463 “Access Denied: How Bahrain shuts out the world,” Bahrain Watch, <https://bahrainwatch.org/access/viewreport.php>

464 “Bahraini Authorities refer Nabeel Rajab to Prosecution for Letter Published in Le Monde,” ADHRB, BCHR, and BIRD, 21 December 2016, <http://www.adhrb.org/2016/12/11534/>

465 “Bahrain’s Prosecution Detains Nabeel Rajab Despite Court-Ordered Release,” ADHRB, BCHR, and BIRD, 28 December 2016, <https://www.adhrb.org/2016/12/11554/>

466 “Case History: Ghada Jamsheer,” Frontline Defenders, 2016, <https://www.frontlinedefenders.org/en/case/case-history-ghada-jamsheer>

Additionally, the authorities charged artist Khalil al-Madhoon with “insulting the King” for a comment he posted on Instagram in June 2016. Al-Madhoon is the son of an Al-Wefaq member and was the target of reprisals in 2011. That same month, security forces arrested Mohammed al-Alawiyat, a football player, and charged him with “insulting the King” on Twitter; he remains in pre-trial detention.⁴⁶⁷ On 26 June, authorities also raided Taiba Ismail’s house and arrested her on charges of “inciting hatred against the government” for tweets she had allegedly posted. Courts postponed Ismail’s trial numerous times, subjecting her to more than three months in detention before sentencing her to one year in prison and a \$1,000 fine for offending the king, “misusing social media to post calls of incitement,” and undermining Bahrain’s security and stability. The PPO has so far refused to release the tweets in question.⁴⁶⁸ In July, authorities arrested Hameed al-Khatem for “insulting the king and inciting hatred against the regime” in relation to comments he allegedly posted to Twitter. A court sentenced him to two years in prison, which was later reduced to one year on appeal.

On 29 November 2016, a court sentenced prominent sports journalists Faisal Hayyat to three months in prison on charges of “insulting a sect and religious figure” for a tweet in which he discussed Caliph Yazid, a historic figure in Islam.⁴⁶⁹ Before his arrest, Hayyat had also posted a message on his Facebook page addressed to the Minister of the Interior describing torture he had experienced during an earlier period of detention in the aftermath of the 2011 pro-democracy uprising.⁴⁷⁰

Notably, Rajab is not the only person the authorities have prosecuted for criticizing Saudi Arabia. In 2015, security forces arrested social media activists Hussain Khamis and Yousif al-Amm for posting tweets that allegedly “insulted” soldiers participating in the Saudi-led military operation in Yemen. A court convicted them of spreading false news during a time of war and sentenced each of them to five years in prison on 18 February 2016. Khamis’ prison term was later reduced to three years on appeal. Similarly, authorities arrested Dr. Saeed al-Samaheji in January 2016 after he used social media to criticize the Saudi government’s mass execution of prominent Shia cleric Sheikh Nimr al-Nimr and 46 other individuals that same month.⁴⁷¹ He completed a one-year sentence on charges of “misusing electronic networks to insult a brotherly nation” in January 2017.⁴⁷²

According to BCHR, since 2012, the authorities have sentenced at least 40 individuals to more than 842 months in prison for charges related to exercising their right to free expression on the internet.⁴⁷³ At least 17 people are currently serving prison terms connected to their online activity, including prominent human rights defender and blogger Dr. Abduljalil al-Singace, who was arrested in 2011. Although al-Singace presented credible evidence that he was tortured by security forces, a civilian court upheld his earlier conviction by a military tribunal for attempting to destabilize the government through his online activism and participation in the pro-democracy movement. He is currently serving a life term in Jau Prison, where the authorities have subjected him to further abuse, such as the denial of medical attention for his long-term poliomyelitis, a

467 *Digital Rights Derailed in Bahrain*, BCHR, 2016, http://bahrainrights.org/sites/default/files/BCHR_Derailed_Web_0.pdf

468 “#Tried4Tweets: #Taiba_Ismail,” ADHRB, 28 October 2016, <http://www.adhrb.org/2016/10/tried4tweets-taiba-ismail/>

469 Graham Pough, “Case Update: Faisal Hayyat sentenced to three months in prison,” ADHRB, 6 December 2016, <http://www.adhrb.org/2016/12/faisal-hayyat-charged-three-months-prison/>

470 “Journalist Faisal Hayyat Facing Prison for ‘Defamatory’ Tweets,” ADHRB, BCHR, BIRD, and ECDHR, 3 November 2016, <http://www.adhrb.org/2016/11/journalist-faisal-hayyat-facing-prison-defamatory-tweets/>

471 *Digital Rights Derailed in Bahrain*, BCHR, 2016, http://bahrainrights.org/sites/default/files/BCHR_Derailed_Web_0.pdf

472 “Authorities Release Dr. Saeed Al-Samahiji after Serving his One-Year Jail Term,” Bahrain Mirror, 3 January 2017, <http://bahrainmirror.com/en/news/35793.html>

473 *Digital Rights Derailed in Bahrain*, BCHR, 2016, http://bahrainrights.org/sites/default/files/BCHR_Derailed_Web_0.pdf

serious health condition that has left him paralyzed since childhood. More recently, in October 2015, the authorities arrested and confiscated the electronic devices of Ebrahim Karimi. After subjecting him to abuse and interrogating him about his Twitter account, officials charged him with misusing social media, inciting hatred against the government, and insulting the King, among other offenses. A court sentenced Karimi to two years in prison and revoked his citizenship.⁴⁷⁴

Hundreds, if not thousands, of Bahrain's approximately 4,000 political prisoners remain incarcerated on charges related solely to free expression and/or assembly. In May 2016, a court reversed its previous acquittal of Al-Wefaq Secretary-General Sheikh Ali Salman on charges of attempting to overthrow the government, more than doubling his prison sentence from four to nine years. Sheikh Salman had previously been found guilty of charges relating to "publicly inciting hatred, an act which disturbed public peace, inciting non-compliance with the law and insulting public institutions," according to Bahrain's state news agency, BNA.⁴⁷⁵ His charges stem from a political speech he delivered in 2014. Sheikh Salman was reportedly summoned for interrogation and may face new charges in relation to an oral intervention that was delivered on his behalf at the 33rd UN Human Rights Council Session in September 2016.⁴⁷⁶ Similarly, the leader of the Wa'ad opposition society, Ebrahim Sharif, recently completed a one-year prison sentence on charges related solely to a political speech. Additionally, since June 2016, the authorities have interrogated and/or charged more than 75 Shia religious leaders on accusations related to their participation in peaceful gatherings and/or the contents of their sermons, following government amendments to the country's Political Societies Law which prohibit religious figures from engaging in political speech, among other restrictions.

Third-Cycle Recommendations


Ultimately, the Government of Bahrain has only increased its restrictions on free expression since the start of its second UPR cycle. Activists and journalists remain at an extremely high risk of arrest, torture, and imprisonment for doing their jobs or expressing their opinions in any medium - from print to social media. ADHRB, BCHR, and BIRD therefore find that the government has entirely failed to implement its second-cycle recommendations to protect freedom expression, media, and press. The Government of Bahrain should:

- Repeal or substantially amend legislation, decrees, or other regulations that permit expansive restrictions on free expression and free press, such as Article 169 of the Penal Code, the 2002 Press and Publications Law, the Law of Protecting Society from Terrorist Acts, the cybercrime law, the Charter of Press Ethics, and Ministerial Decision 68/2016.
- Promulgate a new media law that fully enshrines the right to free expression in all media and removes vague offences that can be interpreted to include forms of legitimate free expression.
- Eliminate arbitrary and redundant licensing policies for media outlets and journalists.
- Limit the censorship power of the IAA and other media oversight bodies.
- Release all wrongfully imprisoned journalists, photographers, human rights defenders, and social media activists.

⁴⁷⁴ For more information, please see: ADHRB, BCHR, and BIRD, "End Impunity: Violence against Journalists in Bahrain," 2 November 2015, <http://www.adhrb.org/2015/11/violence-against-journalists-in-bahrain/>

⁴⁷⁵ Bahrain News Agency, 'Society Secretary General sentenced to four years,' (16 May 2015), online: <http://bna.bh/portal/en/news/673862>

⁴⁷⁶ For more information, please see: "Imprisoned Opposition Leader Interrogated over UNHRC Intervention Delivered on his Behalf," BCHR, 2016, <http://www.bahrainrights.org/en/node/8175>

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- End arbitrary arrest and torture of journalists and activists and investigate and hold accountable all security personnel implicated in any such violations.
 - Prohibit the arbitrary disruption of internet service.
 - Cease mass online filtering and reinstate arbitrarily blocked websites.
 - Allow foreign press to report freely from Bahrain.

Labor Rights and Human Trafficking

Second-Cycle UPR Recommendations

The Government of Bahrain fully supported recommendations **115.94** and **115.97** concerning efforts to combat human trafficking. 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.*⁴⁷⁷

The government additionally fully supported recommendations **155.76**, **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.*⁴⁷⁸

Brief Assessment

Though the Bahraini government has undertaken some steps to implement its UPR recommendations to combat human trafficking and migrant labor abuse, these efforts remain mostly legislative and have had little practical effect on victims' welfare. Two years on, ADHRB, BCHR, and BIRD have seen little evidence of positive change. Bahrain continues to be a destination for trafficked persons, who often have their passports seized by employers after being lured into the country. While the government has instituted some new measures to prevent trafficking, many regulations remain unenforced, and abusers continue to go unpunished. Similarly, although Bahrain and several of the other GCC states have created new laws to protect migrant workers in the region, most do not include basic rights such as collective bargaining or a minimum wage. Moreover, ADHRB, BCHR, and BIRD found that Bahrain's 2009 reform of the *kafala* system was mostly symbolic, and that employers continue to subject workers to *kafala* restrictions. The *Alsharq al-Awsat* newspaper reported in December 2016 that the Bahraini government would officially abolish the *kafala* system starting in April 2017, but no progress has yet been made.⁴⁷⁹ ADHRB has documented these trends in Bahrain and across the GCC in *Living as Commodities: Human and Sex Trafficking in the GCC*.⁴⁸⁰ The government has simultaneously failed to eliminate discrimination in labor more generally, and it has undermined the formation of independent trade unions. Overall, the Government of Bahrain has not implemented its recommendations to address human trafficking beyond a technical level, and it has failed to implement those pertaining to labor rights violations.

1. HUMAN TRAFFICKING

Technically 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

⁴⁷⁷ UN 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.

⁴⁷⁸ Ibid.

⁴⁷⁹ "Bahrain abolishes sponsorship system for foreign workers," Al Arabiya, 19 December 2016, <http://english.alarabiya.net/en/business/economy/2016/12/19/Bahrain-abolishes-sponsorship-system-for-foreign-workers.html>

⁴⁸⁰ *Living as Commodities: Human and Sex Trafficking in the GCC*. ADHRB, 2016, http://www.adhrb.org/wp-content/uploads/2016/11/ADHRB_Commodities_Web.pdf

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)

Though the Bahraini government has announced reforms intended to combat human trafficking since 2014, it has failed to fully institute many of these initiatives and has been unable to significantly reduce the number of trafficking cases. In 2013, Dr. Mohamed Mattar, executive director of The Protection Project at Johns Hopkins University's School of Advanced International Studies (SAIS), estimated the number of trafficked persons in Bahrain and the greater Gulf region at 600,000.⁴⁸¹ Bahrain continues to be a destination for trafficked persons, and although the country pledged to dismantle its *kafala* system in 2009, the government did not abolish the sponsorship system. The human trafficking and other abuses associated with the *kafala* system still persist.⁴⁸² The US Department of State's 2016 *Trafficking in Persons* report stated that migrants in Bahrain experience "unlawful withholding of passports, restrictions on movement, contract substitution, non-payment of wages, threats, and physical or sexual abuse."⁴⁸³ These abuses are commonly linked to the *kafala* system and demonstrate the government's failure to implement its reforms in practice. In December 2016, the *Alsharq al-Awsat* newspaper reported that the Bahraini government intends to officially abolish the *kafala* system in April 2017, but no progress has yet been made.⁴⁸⁴ For more on the labor law and migrants rights more generally, see Section I.2.

The Government of Bahrain continues to nominally enforce the 2008 anti-trafficking law. According to Bahraini officials, in 2015, the government investigated "18 trafficking cases involving 28 suspects during the reporting period, eight of which were forced labor cases and 10 sex trafficking cases."⁴⁸⁵ This number is down from the previous year when Bahraini authorities "investigated and prosecuted 21 trafficking cases, involving 51 suspects and 56 victims" in 2014; 16 of these cases reportedly involved sex trafficking crimes.⁴⁸⁶ Bahraini authorities have been largely unable or unwilling to investigate and prosecute trafficking cases in recent years; the numbers reported by the government likely represent only a small fraction of the total incidents.

According to the US State Department, Bahraini officials have begun to make some institutional progress, reforming the National Committee to Combat Trafficking in Persons (NCCTIP) so that its leadership is at a higher ministerial level. In 2015, the government's Labor Market Regulatory Authority (LMRA) assumed control of the NCCTIP and included representatives from the state media outlet BNA as well as three unnamed "human rights-focused NGOs."⁴⁸⁷ The committee's day-to-day operations are now run by the LMRA's dedicated Protection of Migrant Worker's Rights Unit, which is tasked with providing information to victims and potential victims of trafficking, as well as coordinating with other ministries and government agencies as necessary.⁴⁸⁸ In its new form under the LMRA, the committee has reportedly expanded its awareness campaigns to

481 "ME Human Trafficking Numbers Hit 600,000." Trade Arabia, June 11, 2013 http://www.tradearabia.com/news/MISC_237615.html

482 2016 Trafficking in Person Report: Bahrain." U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2016/258720.htm>

483 Ibid.

484 "Bahrain abolishes sponsorship system for foreign workers," Al Arabiya, 19 December 2016, <http://english.alarabiya.net/en/business/economy/2016/12/19/Bahrain-abolishes-sponsorship-system-for-foreign-workers.html>

485 Ibid.

486 "2015 Trafficking in Person Report: Bahrain." U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226676.htm>

487 Ibid.

488 Ibid.

address migrant workers and Bahraini employers.⁴⁸⁹ The State Department in its 2015 Trafficking in Persons Report stated that the committee had met monthly and focused its efforts on “increasing prosecution, expanding victim assistance, broadening training for government personnel, and raising awareness,” though lackluster investigation and conviction rates have persisted.⁴⁹⁰

The LMRA announced in 2015 that it intended to create a “national center to counter human trafficking” by the end of the year, a shelter for victims that would additionally facilitate collaboration between NGOs and law enforcement.⁴⁹¹ The center is part of a joint initiative led by the LMRA in conjunction with the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC). In January 2016, the LMRA issued a statement indicating that the facility, now officially named the Expat Protection Centre, had been established.⁴⁹² According to the LMRA, the Centre can hold up to 200 people and maintains a “24/7 hotline call centre in 7 different languages, a clinic that provides medical and psychiatric care, legal counselling, social services, and a training centre.”⁴⁹³

The LMRA has also instituted a National Referral System (NRS) hotline for victims or witnesses of human trafficking. The hotline is meant to provide an alert system for victims of human trafficking, while also acting as a resource for data collection on the issue. The LMRA’s efficacy remains questionable after law enforcement officials investigated its leadership for accepting bribes in exchange for ignoring trafficking allegations against a restaurateur in 2014.⁴⁹⁴

Despite these institutions, the government has remained unable to significantly curb human trafficking and related migrant rights violations. Employers routinely confiscate their workers’ passports, despite the practice being formally criminalized.⁴⁹⁵ Additionally, Bahraini police often lack accountability and ignore the complaints of trafficked persons. By the government’s own admission, this trend is partly driven by a lack of awareness amongst the police force.⁴⁹⁶ As a result of abuse and little hope of judicial recourse, many trafficking victims attempt to flee their abusive environments. These individuals are then vulnerable to further exploitation and human trafficking. If caught, they are often arrested, detained, and eventually deported.

The government has failed to include comprehensive protections against sex trafficking in its 2008 anti-trafficking law, and it has instituted few reforms aimed at eradicating it or aiding its victims.⁴⁹⁷ In many cases, Bahraini authorities rely on international partners to help curtail the practice. A case involving 6 recently rescued Thai women, who were lured into the country with the promise of work and a decent wage and then later sold into the sex trade, reveals that the onus of protecting migrant workers in Bahrain mostly lies on the workers’ home nations. Only after receiving a tip from Thai authorities did Bahraini officials rescue the women, and only the perpetrators residing

489 Ibid

490 Ibid.

491 “Anti-Trafficking Centre in Bahrain to Provide Shelter to Victims.” Trade Arabia, June 23, 2015, http://www.tradearabia.com/news/MISC_284787.html

492 “IOM: Bahrain A Global Model for Best Practice for Foreign Workers.” Labor Market Regulatory Authority, January 26, 2016, <http://blog.lmra.bh/en/2016/01/06/iom-bahrain-a-global-model-for-best-practice-for-foreign-workers/>

493 Ibid.

494 “2015 Trafficking in Person Report: Bahrain.” U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243391.htm#>

495 “Employer-Employee Relationship Dwindling in Bahrain.” News of Bahrain, January 4, 2016, <http://www.newsobahrain.com/viewNews.php?ppId=11932&TYPE=Posts&pid=21&MNU=2&SUB=33>

496 “2015 Trafficking in Person Report: Bahrain.” U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243391.htm#>

497 Ibid.

within Thailand were charged.⁴⁹⁸

Bahrain has entered into agreements with the governments of migrant source countries in order to better coordinate anti-trafficking efforts. For example, in March 2016, Bahraini and Indian officials signed a Memorandum of Understanding on Cooperation for Prevention of Human Trafficking especially trafficking in Women and Children.⁴⁹⁹ While such agreements represent an attempt to address the problem of human trafficking, none of them are legally binding. MoUs are purely aspirational, and the Government of Bahrain has not drafted or passed legislation to reinforce the content of these agreements. Additionally, Bahrain's limited cooperation with international partners is undermined by its continued denial of a human trafficking problem within the country. For example, just two months after the meeting with Indian officials, the BNA ran a statement in which Bahraini authorities denied the presence of trafficked Indian nationals altogether.⁵⁰⁰

Third-Cycle Recommendations

In sum, ADHRB, BCHR, and BIRD find that the Bahraini government has taken steps to technically implement its UPR recommendations on combatting human trafficking, but has failed to make significant practical progress. To eliminate child labor, forced labor, forced prostitution, and other human trafficking practices, the Government of Bahrain should:

- Coordinate with source countries to better identify, target, and dismantle human trafficking organizations.
- Promulgate and enforce additional legislation criminalizing human trafficking, and aggressively pursue and prosecute human and sex traffickers.
- Develop and enforce systems to identify and protect victims of forced sex trafficking, and specifically decriminalize the act of forced prostitution.
- Provide sexually abused persons/survivors of sexual abuse with dignity, and provide legal assistance to punish perpetrators.
- Abolish the *kafala* system in both law and practice.

2. MIGRANT WORKERS AND LABOR

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 labor 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);

498 "Two Women Arrested for Human Trafficking," Bangkok Post, June 5, 2016, <http://www.bangkokpost.com/news/crime/1002449/two-women-arrested-for-human-trafficking>

499 "India, Bahrain agree on action to curb human trafficking, help victims," Reuters, March 10, 2016 <http://www.reuters.com/article/india-bahrain-trafficking-idUSKCN0WC220>

500 "Human Trafficking Allegations Denied," Bahrain News Agency, May 29, 2016, <http://www.bna.bh/portal/en/news/729521>

115.174 Continue efforts to ensure larger and more inclusive protection for foreign workers (Algeria);

115.175 Implement 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)

I. Migrant Rights

In May 2009, the Bahraini government announced that it would repeal the *kafala* system that August, instituting instead a policy of directly sponsoring migrants through the LMRA.⁵⁰¹ This new system would purportedly grant workers greater freedoms and protections, such as allowing them to unilaterally leave their employers and look for new employment.⁵⁰² That same year, however, Human Rights Watch found that the authorities failed to properly enforce the system and that much of the *kafala* structure remained intact.⁵⁰³ The NGO Migrant Rights reported that, while the legislation was progressive in the context of Gulf labor practices, migrant workers in Bahrain continued to find “the process of changing jobs without employer consent confusing and time-consuming, bogged down by bureaucratic obstacles.”⁵⁰⁴ Moreover, in 2011, the government scaled back these original reforms and instituted new regulations requiring migrant workers to stay with their current employer for at least a year until they could seek other options.⁵⁰⁵ The 2011 update was reportedly meant to appease employers, and it effectively reinstated one of the most abused aspects of the *kafala* system.⁵⁰⁶ The *Alsharq al-Awsat* newspaper reported in December 2016 that the Bahraini government would officially abolish the *kafala* system starting in April 2017, ostensibly acknowledging that the *kafala* system remains intact. No progress on this new initiative has yet been made.⁵⁰⁷

Foreign workers and victims of human trafficking regularly experience violations related to the officially repealed, yet deeply institutionalized *kafala* system. Since its second-cycle UPR midterm, the Government of Bahrain has instituted some additional migrant labor reforms, but inadequate legal protections remain insufficiently enforced. There are over 458,000 migrant workers living in Bahrain, mostly involved in the construction, trade, manufacturing, and domestic service industries.⁵⁰⁸ In 2012, the LMRA instituted a new labor protection law intending to curb labor-related abuses, but it has been slow to fully implement it. Migrant workers continue to hold strikes and protests over withheld wages. In 2015, almost 200 Indian, Pakistani, and Bangladeshi

501 Mohammed Harmassi, “Bahrain to end ‘slavery’ system,” BBC, 6 May 2009, http://news.bbc.co.uk/2/hi/middle_east/8035972.stm

502 Ibid.

503 “Bahrain: Migrant Workers Denied Pay, Right to Travel,” Human Rights Watch, 4 November 2009, <https://www.hrw.org/news/2009/11/04/bahrain-migrant-workers-denied-pay-right-travel>

504 Priyanka Motaparthy, “Understanding *kafala*: An Archaic Law at Cross Purposes with Modern Development,” 11 March 2015, <http://www.migrant-rights.org/2015/03/understanding-kafala-an-archaic-law-at-cross-purposes-with-modern-development/>

505 Ibid.

506 Ibid.

507 “Bahrain abolishes sponsorship system for foreign workers,” Al Arabiya, 19 December 2016, <http://english.alarabiya.net/en/business/economy/2016/12/19/Bahrain-abolishes-sponsorship-system-for-foreign-workers.html>

508 “Bahrain: Abuse of Migrant Workers Despite Reforms,” Human Rights Watch, 30 September 2012, <https://www.hrw.org/news/2012/09/30/bahrain-abuse-migrant-workers-despite-reforms>

construction workers protested over three months' worth of missing pay.⁵⁰⁹ One Pakistani construction worker explained the extent of the harm caused by the still-widespread practice; "we have decided not to return to work until we get our salaries as we are finding it difficult to survive, we have expenses and families waiting for money as many of us are the only earning members in our families."⁵¹⁰

Migrant workers continue to experience poor living conditions in Bahrain. The labor law provides assurances for certain standards of living for migrants and outlines consequences for employers who commit serious violations.⁵¹¹ However, the Labor Ministry reported in 2015 that at least 1 in 10 registered Bahraini labor camps did not meet these standards and deemed them "unsafe."⁵¹² These camps typically feature overcrowding, unsanitary plumbing, and a lack of emergency exits.⁵¹³ Nevertheless, Labor Ministry Under-Secretary Sabah al-Dossary, who reports that his division does over 500 inspections of work camps per year, did not forward any cases to the public prosecution as his office did not detect any offenses considered "serious."⁵¹⁴

The government is additionally unable to oversee a large proportion of migrants' living conditions, as unregistered and illegal labor camps are widespread throughout Bahrain.⁵¹⁵ Officials are reportedly in the process of instituting regulations aimed at stopping the creation of these illegal camps by imposing fines and jail sentences for any landlords or employers implicated in their creation.⁵¹⁶ Still, the government acknowledged in 2014 that migrants inhabited at least 600 unregistered buildings in Manama alone; between 2012 and 2014, 26 Bangladeshi migrant workers died in three separate fires that broke out in unregistered housing facilities.⁵¹⁷ According to the Migrant Workers Protection Society, overcrowding remains a particular problem in both the "unsafe" registered camps and the unregistered camps, where they have found as many as "35 people crammed in three rooms," exceeding the legal limit of eight persons per room.⁵¹⁸

In June 2014, Migrant Rights reported that 2,000 migrant garment workers went on strike to call for better conditions, such as improved healthcare, food, and wages.⁵¹⁹ The employers assented to a small wage increase, but the government responded by arresting and deporting 12 Bangladeshi nationals that it alleged had organized the strike.⁵²⁰ The Institute for Global Labour and Human Rights (IGLHR) documented an even higher number, reporting that the authorities deported

509 "Laborers Strike Over Unpaid wages in Bahrain," Trade Arabia, 17 March 2015, http://www.tradearabia.com/news/CONS_277690.html

510 Ibid.

511 "One in 10 labor camps in Bahrain 'unsafe'" Trade Arabia, 11 April 2015, http://www.tradearabia.com/news/MISC_279490.html

512 Ibid.

513 Ibid.

514 Ibid.

515 Ibid.

516 Ibid.

517 Ibid.

518 Ibid.

519 Priyanka Motaparthy, "Understanding *kafala*: An Archaic Law at Cross Purposes with Modern Development," Migrant Rights, 11 March 2015, <http://www.migrant-rights.org/2015/03/understanding-kafala-an-archaic-law-at-cross-purposes-with-modern-development/>

520 "Labor Strikes in the GCC: Deportations and Victories in 2014," Migrant Rights, 29 October 2014, <http://www.migrant-rights.org/2014/10/labor-strikes-in-the-gcc-deportations-and-victories-in-2014/>

more than 70 Sri Lankan, Indian, and Bangladeshi workers for their participation in the strike.⁵²¹ The IGLHR also reported that, toward the end of the strike, Bahraini security forces and managers from the MRS Fashions garment factory “entered the workers’ dormitories, threatening them to return to work or be forcibly deported.”⁵²² Although its Bahraini facilities closed in 2016, MRS Fashions supplied major US retailers such as Wal-Mart and JC Penney.⁵²³ Employees and NGOs have accused the company’s managers of beating workers and withholding both their wages and their passports.⁵²⁴ The IGHRL found that MRS management also “routinely and illegally deports guest workers who speak up” or attempt to organize.⁵²⁵ Similarly to other forms of assembly, association, and expression in Bahrain, the government has criminalized labor organizing for migrant workers.⁵²⁶

Foreign domestic workers are not formally protected under the labor law.⁵²⁷ Although the government did promulgate Law No. 36 of 2012, the Labour Law for the Private Sector, the vast majority of its provisions do not apply to “domestic servants and persons regarded as such namely gardeners, house security guards, nannies, drivers and cooks for carrying out their job duties for the benefit of an employer or his relatives.” There is no section in Law No. 36 of 2012 specifically regarding domestic worker, nor are they protected under a separate law.⁵²⁸ Due to the omission of migrant workers, Bahrain is not compliant with recommendation **115.164**. The resultant lack of oversight has allowed employers to routinely secure exploitative contracts with domestic workers, which are almost exclusively women from Africa and Southeast Asia. The Bahrain Ministry of Labor offers a model contract for employers of domestic laborers, however the 2014 UN Report on Women found that 65 percent of migrant women had never seen a labor contract, and almost 90 percent were not aware of the terms of their employment.⁵²⁹ On average, these contracts require that domestic laborers work 108 hours per week, and employers regularly confiscate their passports.⁵³⁰ When domestic workers flee their employer and/or their sponsor, they find themselves unprotected by the law and are often prosecuted for breaking their contracts and absconding.⁵³¹ Currently, the Bahraini government is considering instituting a new law that specifically applies to domestic workers, similar to a law recently promulgated in Kuwait.⁵³² Although the Labor Ministry’s al-Dossary indicated that the laws were likely to be instituted in the

521 “Human Trafficking in Bahrain: 14 Workers Still Imprisoned at MRS Fashions Factory,” Institute for Global Labour and Human Rights, 18 June 2014, <http://www.globallabourrights.org/alerts/human-trafficking-in-bahrain-14-workers-still-imprisoned-at-mrs-fashions-factory-walmart-jcpenney>

522 Ibid.

523 Confidential source.

524 “Human Trafficking in Bahrain: 14 Workers Still Imprisoned at MRS Fashions Factory,” Institute for Global Labour and Human Rights, 18 June 2014, <http://www.globallabourrights.org/alerts/human-trafficking-in-bahrain-14-workers-still-imprisoned-at-mrs-fashions-factory-walmart-jcpenney>

525 “Labor Strikes in the GCC: Deportations and Victories in 2014,” Migrant Rights, 29 October 2014, <http://www.migrant-rights.org/2014/10/labor-strikes-in-the-gcc-deportations-and-victories-in-2014/>

526 Ibid.

527 “Law No. 36 of 2012, The Labour Law for the Private Sector,” Kingdom of Bahrain, Ministry of Labour, http://www.rrc.com.bh/media/141168/labour_law_2012__1_.pdf

528 Ibid.

529 “Receiving Countries: Kingdom of Bahrain,” UN Women, http://www.unwomen.org/~media/field%20office%20eseasia/docs/migration_hub/bahrain_laws_policies_regulations_governing_asian_arabstates%20pdf.pdf?v=1&d=20141202T120059

530 Ibid.

531 “Bahrain Mulls Rights for Domestic Staff,” Trade Arabia, July 12, 2015, http://www.tradearabia.com/news/EDU_286101.html

532 Ibid.

near future, the government has not released an update on the progress of the law since 2015.⁵³³

II. Discrimination in Labor

In the aftermath of the pro-democracy uprising in March 2011, in which entire unions went on strike,⁵³⁴ employers in Bahrain dismissed over 4,500 workers, including an estimated 2,000 public sector employees and 2,500 private sector employees.⁵³⁵ Public sector employees reported that disciplinary committees convened by the Civil Service Bureau (CSB) specifically asked them about their political statements, participation in demonstrations, and membership in political societies when evaluating them for dismissal. CSB officials denied that dismissals were based on political activities, but failed to provide an alternative explanation either for the terminations or for why such questions were asked by CSB disciplinary committees. The dismissals were immediately denounced by groups like the International Trade Union Confederation (ITUC).⁵³⁶

In June 2011, a number of International Labor Organization (ILO) Workers Delegates, including the US and UK, presented a complaint to the ILO against the Government of Bahrain for “grave violations of the Discrimination (Employment and Occupation) Convention.”⁵³⁷ In response to the complaint, the Government of Bahrain proposed the establishment of a tripartite committee to resolve the cases the dismissal and ensure the reinstatement of workers dismissed, signing an initial Tripartite Agreement in March 2012. The committee consisted of delegates from the government, the General Federation of Bahrain Trade Unions (GFBTU), and the Bahrain Chamber of Commerce and Industry (BCCI).⁵³⁸ In 2014, the committee identified 165 unresolved cases and the government signed a supplementary agreement that March to resolve the outstanding worker reinstatements. The GFBTU announced that by the end of 2014, the government had resolved roughly half of the 165 cases.⁵³⁹ Reports from activists on the ground, however, indicate that many of the “resolved” cases do not meet the requirements of the Tripartite Agreement, and that many more cases remain entirely unresolved. As of January 2017, as many as 99 of the 165 cases remain dismissed, with another 9 forced into early retirement schemes. Forty individuals returned to their jobs, but they did not receive compensation in accordance with ILO agreement. The status of the remaining 17 is unclear. Moreover, the government has not established an official mechanism to address discrimination, as mandated by the tripartite agreement.⁵⁴⁰

In 2012, the US Department of Labor responded to an April 2011 complaint filed by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) related to the targeting of Bahraini workers and unions during the protests.⁵⁴¹ The DOL found, as of 15 August 2012, that Bahrain had made “significant progress” on the reinstatement of workers, although hundreds still had not been reinstated. It also found that Bahrain acted inconsistently with its commitments under the

533 Ibid.; “Bahrain: Wave of Sackings, Threats and Violence Against Workers and Union Representatives,” ITUC, 2011, <http://www.ituc-csi.org/bahrain-wave-of-sackings-threats>

534 “Teachers ordeal in Bahrain: arrested, tortured, sacked, suspended and prosecuted,” Bahrain Center for Human Rights, July 14, 2011, <http://www.bahrainrights.org/en/node/4387>.

535 *Report of the Bahrain Independent Commission of Inquiry*, Bahrain Independent Commission of Inquiry, 2011, <http://www.bici.org/bh/BICireportEN.pdf>, para. 1659.

536 “Public Report of Review of U.S. Submission 2011-01 (Bahrain),” Office of Trade And Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, December 20, 2012, <http://webcache.googleusercontent.com/search?q=cache:l7GJgijeSPEJ:https://www.dol.gov/ilab/reports/pdf/20121220Bahrain.pdf+&cd=2&hl=en&ct=clnk&gl=us>, 17-8.

537 International Labour Office, Governing Body, *Reports of the Officers of the Governing Body*, GB.320/INS/15/1, March 19, 2014, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_239432.pdf.

538 Ibid.

539 “Bahrain 2014 Human Rights Report,” United States Department of State, 2015, <http://www.state.gov/documents/organization/236806.pdf>, 45.

540 Confidential source.

541 “Public Submission to the Office of Trade & Labor Affairs Under Chapter 15 of the US-Bahrain Free Trade Agreement,” American Federation of Labor and Congress of Industrial Organizations, April 21, 2011, <https://www.dol.gov/ilab/reports/pdf/BahrainSubmission2011.pdf>.

US-Bahrain Free Trade Agreement⁵⁴² by failing to ensure that freedom of association and the right to organize collectively is legally protected, with workers continuing to face “restrictions on trade union freedoms, and political and sectarian-based discrimination against Shia workers”⁵⁴³ (see Section N.2).

In its 2015 report, the US Commission on International Religious Freedom (USCIRF) stated that, among the resolved cases, “hundreds were not reinstated in their original jobs, but in lower level jobs or at different companies.”⁵⁴⁴ Since 2011, businesses have reportedly dismissed employees who miss work on anniversaries of major protests.⁵⁴⁵ Some workers reported being forced to sign loyalty pledges upon their return to work and suffering reduced salaries.⁵⁴⁶ Others reported difficulties in obtaining certificates of good conduct from their employers, rendering them totally dependent upon their current employer.⁵⁴⁷

Further, the government prosecuted many union leaders for their role in organizing protests and strikes in 2011 remain imprisoned and/or have not been reinstated. For example, BTA founder Mahdi Abu Dheeb and vice-president Jalila al-Salman called for teachers to hold sit-ins, for parents not to send children to school, and for the Minister of Education to resign during the protests.⁵⁴⁸ The government formally dissolved the professional association in April 2011.⁵⁴⁹ Authorities arrested, disappeared, and tortured Mahdi Abu Dheeb and Jaleela al-Salman⁵⁵⁰ and charged them with “inciting hatred of the regime” and “attempting to overthrow the ruling system by force.”⁵⁵¹ While Salman was released from prison in November 2012, she remains banned from employment as of February 2015; meanwhile, Abu Dheeb is currently serving a five-year prison term.⁵⁵²

ADHRB, BIRD, and BCHR find that the government has made efforts to resolve many cases of dismissal related to the 2011 protests, but a number of cases remain outstanding. Workers additionally report being reinstated in lower grade positions, positions outside their specialty, or positions without actual jobs, and being forced to sign loyalty pledges upon their return to

542 “Public Report of Review of U.S. Submission 2011-01 (Bahrain),” Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, December 20, 2012, <http://webcache.googleusercontent.com/search?q=cache:l7GJgiESPEJ:https://www.dol.gov/ilab/reports/pdf/20121220Bahrain.pdf+&cd=2&hl=en&ct=cnk&gl=us, ii>.

543 Ibid, i.

544 “Annual Report 2015,” US Commission on International Religious Freedom (USCIRF), 2015, <http://www.uscifr.gov/sites/default/files/Bahrain%202015.pdf>, 191.

545 “Implementation by the Government of Bahrain of the Recommendations by the Bahrain Independent Commission of Inquiry,” US Department of State, 2013, <http://adhrb.org/wp-content/uploads/2015/06/State-Report-on-Implementation-of-BICI-3-2.pdf>.

546 “One Year Later: Assessing Bahrain’s Implementation of the BICI Report,” Project on Middle East Democracy, November 2012, <http://pomed.org/wp-content/uploads/2013/12/One-Year-Later-Assessing-Bahrain-Implementation-of-the-BICI-Report.pdf>, 19.

547 «ما الذي دار في لقاء الحقوقي نبيل رجب مع رئيس مكتب التظلمات التابع لوزارة الداخلية؟» Bahrain Mirror, December 5, 2014, accessed October 26, 2015, <http://bahrainmirror.com/news/20724.html>.

548 Supreme Appellate Court, Case No. 406/2011/13, 484/2011/13, 54/2012/22, Verdict, October 21, 2012 (recounting procedural history of the case); “The 1st Instance National Safety (Criminal) Court issues 4 verdicts,” Bahrain News Agency, September 25, 2011, <http://www.bna.bh/portal/en/news/474052>.

549 “October Champions for Justice: Teachers,” BCHR, October 5, 2015, <http://www.bahrainrights.org/en/node/7634>.

550 “Teachers ordeal in Bahrain: arrested, tortured, sacked, suspended and prosecuted,” BCHR, 14 July 2011, <http://www.bahrainrights.org/en/node/4387>.

551 Tula Connell, “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>.

552 “Bahrain Teachers Honored for Standing up to Repression,” Solidarity Center, 20 February 2015, <http://www.solidaritycenter.org/bahrain-teachers-honored-for-standing-up-to-repression/>.

work. Moreover, since 2011, public and private employers have continued to target employees for exercising their free expression. Union members and leaders continue to face government harassment and unions face ongoing restrictions on rights to organizing and assembly. For more information on civil society organizations such as unions, see Section L.

Third-Cycle Recommendations

Ultimately, the Bahraini government has made minimal progress toward the full protection of migrant rights. Employers continue to exploit expatriate workers in general, and female domestic workers in particular. Moreover, the remnants of Bahrain's technically dismantled *kafala* system – as well as its partial legislative return – continue to generate systemic violations of migrants' rights, such as unsafe living conditions, withheld wages and passports, and restricted freedom of movement and employment. The government has also violated the rights of Bahraini workers and impeded their ability to form unions and other associations. ADHRB, BCHR, and BIRD therefore find that the Bahraini government has neither implemented its recommendations to improve the labor law to protect migrant rights, nor protected the rights of workers more generally. The Government of Bahrain should:

- Create and enforce a legal framework by which migrant workers have the ability to leave employers and seek alternative employment at will.
- Coordinate with governments of source countries to abolish exploitative and predatory recruitment agencies and systems.
- Develop and implement legislation that criminalizes employers' physical abuse of migrant workers and withholding of wages.
- Establish expedient procedures for migrant complaints.
- Enforce existing labor protections.
- Ensure that workers have access to adequate food and drinking water.
- Establish and enforce inspections of migrant's living accommodations to ensure decent and sanitary living environments, including domestic workers' accommodations in private homes.
- Ensure that physical laborers have access to necessary safety equipment.
- Generate and implement legislation providing maximum working hours and shifts, and ensure that employers will provide overtime pay for additional hours.
- Coordinate with relevant police and security forces to ensure these labor laws are properly enforced.
- Abolish the *kafala* system in both law and practice.
- Reinstate all workers dismissed from employment for participating in peaceful demonstrations or for their political beliefs, and review all reinstatements to ensure that workers are returned to appropriate positions.
- Prevent employers from demanding loyalty pledges.
- Halt all reprisals against workers and union organizers for exercising their rights to free assembly and association.
- Lift restrictions on freedom of association to facilitate labor organizing.

Treaties and International Human Rights Mechanisms

Second-Cycle UPR Recommendations

The Government of Bahrain 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.*⁵⁵³

The government additionally 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 **115.2** concerning consideration for the 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 consideration for the ratification of the OP-CAT, the ICCPED, and the Optional Protocols of the ICCPR. The government stated:

Bahrain has acceded to the U.N. 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

⁵⁵³ UN 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.

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 UN 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, 115.16, and 115.17** concerning direct ratification of the OP-CAT, the Rome Statute, and the ICCPR Optional Protocols. 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.

1. ICCPED

Not Implemented
No Perceived Progress

- 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)

115.6 Continue to intensify efforts to ratify the International Convention for the Protection of all Persons against Enforced Disappearance (Argentina); and

115.14 Ratify the International Convention for the Protection of all Persons against Enforced Disappearance (France);

2. 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)

3. OP-CAT

Not Implemented
No Perceived Progress

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)

4. 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)

5. INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL MIGRANT WORKERS

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);

6. OP-CAT, ROME STATUTE, ICCPR OPTIONAL PROTOCOLS

Not Accepted

115.1 Ratify OP-CAT (Czech Republic);

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);
- 115.16** Ratify and fully align its national legislation with all obligations under the Rome Statute of the International Criminal Court, including incorporating the Statute's definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court, and to accede to the Agreement on Privileges and Immunities of the Court
- 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)

7. SPECIAL PROCEDURES

Not Accepted

- 115.58** Continue its active engagement with the human rights mechanisms of the United Nations for the protection and promotion of human rights (Azerbaijan);
- 115.59** Allow the Special Rapporteur on Torture to visit before the end of 2012 (Australia)
- 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 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** Continue and strengthen cooperation with the UN Human Rights Mechanisms and its various efforts made for human rights capacity-building (Republic of Korea);

Brief Assessment

Please refer to Table 1

Table 1

TREATY	SIGNATURE	ACTION TAKEN	INDIVIDUAL COMPLAINT PROVISION	INQUIRY PROVISION	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, 155.17
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 OPP1 – Optional Protocol to the International Covenant on Civil and Political Rights	No	None			115.3, 115.4
ICCPR OPP2 – 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	CEDAW OP – Art. 8-9, Inquiry Procedure	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			

Third-Cycle Recommendations

The Government of Bahrain has not altered its treaty implementation status during the period under review. Bahrain signed on to the Rome Statute of the International Criminal Court (ICC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2000 and 2002 respectively. However, the government has not ratified the former and it has retained substantial reservations to the latter. In 2014, the government nominally altered its reservations to Article 2, Article 16, and Article 15, Paragraph 4 of the CEDAW pertaining to gender-based discrimination, stating that it is now “committed to implement ... [them] without violation to the provisions of Sharia,” but it has yet to make significant progress toward their enactment in practice (see Section E).⁵⁵⁴ Though the Supreme Council for Women, a Bahraini government body, claimed that the CEDAW had finally been “put...into effect” in 2016, there is little evidence of change and the government continues to maintain other, non-updated reservations on Article 9, Paragraph 2 and Article 29, Paragraph 1.⁵⁵⁵

Furthermore, the Government of Bahrain has neglected to adopt most other international treaties pertaining to the promotion and protection of human rights, as recommended during the second UPR cycle. The government claims that it is taking measures to accede to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), but it has yet to take any formal action.⁵⁵⁶ There has been no other action on any of the above-mentioned treaties.

Beyond ratification of treaties, the government has consistently refused to allow UN Special Procedures into the country. Bahrain has twice cancelled scheduled visits from the Special Rapporteur on Torture and has failed to reschedule a third visit.⁵⁵⁷ Juan Mendez, the Special Rapporteur on Torture, has since declared the failure to reschedule to be an effective cancellation and has publically complained about the government’s behavior as recently as 2016.⁵⁵⁸ The Special Rapporteur on the situation of human rights defenders requested a visit in 2012 and has yet to receive a reply.⁵⁵⁹ Similarly, 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.⁵⁶⁰ The Special Procedures on expression, extreme poverty, migrants, and arbitrary detention have also maintained outstanding visit requests since 2011.

554 “International Cooperation and follow up of International Agreements,” Supreme Council for Women, Kingdom of Bahrain, 2016, <https://www.scw.bh/en/CooperationandPartnership/International/Pages/InternationalAgreements.aspx>

555 Ibid.

556 “STATUS OF RATIFICATION INTERACTIVE DASHBOARD- Bahrain,” OHCHR, 2017, <http://indicators.ohchr.org/>

557 “ADHRB Condemns Bahrain’s Decision to Postpone Visit of UN Special Rapporteur on Torture.” ADHRB. 23 April 2013. <http://adhrb.org/2013/04/adhrb-condemns-bahraains-decision-to-postpone-visit-of-un-special-rapporteur-on-torture/>.

558 “HRC32: Bahrain fails to cooperate with the Special Procedures,” ADHRB, 24 June 2016, <http://www.adhrb.org/2016/06/10139/>; and Alan White, “UN Torture Expert Says Britain Should Pressure Bahrain To Allow Him To Visit,” BuzzFeed News, 1 June 2016, https://www.buzzfeed.com/alanwhite/un-torture-expert-says-britain-should-pressure-bahrain-to-allow-him-to-visit?utm_term=.vYeNKmbeM#.lqONDoQ7Nw

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

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

Because the Government of Bahrain has failed to ratify or take significant steps toward ratifying any of the above-mentioned Conventions, and because the government has not permitted the UN Special Procedures to visit the country, we find that it has completely failed to implement these recommendations. We reemphasize the second-cycle recommendations and call on the Government of Bahrain to ratify all international treaties concerning the protection and promotion of human rights and to fully cooperate with international human rights mechanisms like the UN Special Procedures.

National Dialogue

Second-Cycle UPR Recommendations

The Government of Bahrain fully accepted recommendations **115.40**, **115.55**, **115.129**, and **115.131** concerning the continuation and resolution of an inclusive national dialogue process. 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, originally initiated to achieve a peaceful political resolution between the government and the opposition groups, failed to achieve any substantive reform in Bahrain. Since 2011, the process began and was later halted on four occasions. Following the passage of further restrictions on freedom of assembly and expression in 2013, as well as ongoing human rights abuses such as mass arbitrary detention, the opposition withdrew from the most recent dialogue process and it collapsed in early 2014. The government has not restarted the process, and it has moved to further suppress the opposition by dissolving the largest political group, Al-Wefaq National Islamic Society, in 2016.

1. NATIONAL DIALOGUE

Not Implemented
No Perceived Progress

- 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 (Islamic Republic of Iran); and
- 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)

Bahrain's national dialogue process faced significant challenges since its inception and ultimately resulted in failure. Following the 2011 pro-democracy movement, the king began the pre-dialogue process with all political societies in Bahrain. The opposition groups presented several goals that they wanted to achieve through the process, including: a government that represented the will of the people via a fully empowered Council of Representatives; fair electoral districting and an end to gerrymandering; a debate of the government's current naturalization policies; measures to combat corruption; efforts to protect national assets and resources; and a plan to address sectarian tensions. The Government of Bahrain rejected these items. Before the actual dialogue could commence, security forces began violently dispersing protesters in March 2011, effectively suspending the process. The opposition societies stated they were open to dialogue without pre-conditions but that the current situation was not suitable. The government, conversely, stated that "security and safety" was the priority, not dialogue.

By June 2011, the king ordered the resumption of the dialogue. Approximately 300 individuals from civil society, unions, and political societies participated. Invitees proposed views to be discussed during the dialogue. On 2 July 2011, the process officially resumed, focusing on a range of political, economic, social, and human rights issues.

Nevertheless, the process remained flawed. Members of opposition societies accounted for less than 10 percent of total participants, although the main aim of the dialogue was to resolve the political conflict. The process additionally only allowed participants to submit “views,” not “decisions.” Only after these views were discussed in selected subgroups would they be submitted for the government and the king for approval; even then, the government reserved the right to reject points of dialogue. Though the government claimed that it had approved all views, the opposition societies stated that it had refused to put a number of key views up for discussion, including those that included issues of arbitrary arrest, extrajudicial killing, torture, and discrimination. In addition, the government did not select any representatives from Al-Wefaq, the country’s largest political society, for inclusion in the discussion of key political issues, entitled “political societies,” which was one of the most important points of the dialogue.

On 19 July 2011, Al-Wefaq withdrew from the dialogue due to what the society described as the “unseriousness” of the process. The society stated that it was just a discussion forum, not a real dialogue meant to resolve the country’s political situation. It added that it had sent several letters of concern to the government, but that none had been addressed. An Al-Wefaq representative stated that, among other problems, the government refused the society’s proposal to form a smaller committee to discuss political topics; it included many extraneous topics that distracted from the core political issues; the government submitted the agenda without the agreement of the participants; it only gave participants three minutes to discuss their position on elected systems government, fair electoral districts, and other important political issues; and it rejected the views concerning the matters of constitutional monarchy, cancelation of the Shura Council, formal political parties (rather than societies), and a referendum on the eventual outcomes of the dialogue.

On 25 July 2011, the dialogue was concluded and its outcomes were presented to the government. Two governmental committees were ordered to be formed to implement these recommendations. The government stated on more than one occasion that the views/ recommendations of the dialogue were implemented or are being implemented; however, no report of status of implementation were published.

Two years later, the government initiated another dialogue process in February 2013. 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 included 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.

Renewed protests arose in March 2013 and the leader of Al-Wefaq society, Sheikh Ali Salman, stated that the government was not taking the dialogue seriously, characterizing the process as merely “preparation for” real dialogue with the government.⁵⁶¹ The chief complaint was that the government was failing to address the opposition’s key demands, notably popular political

561 “Bahrain protesters clash with police: Reports,” Agence-France Press, 30 March 2013, <http://tribune.com.pk/story/528708/bahrain-protesters-clash-with-police-reports/>

participation by way of elections and more representative electoral districts. Opposition societies also voiced concerns that the dialogue lacked equal representation. In April 2013, a coalition of opposition parties withdrew from the dialogue after the government delegation refused to address this issue. The largest of the opposition parties voiced further frustration with the process' lack of transparency, noting that proceedings were not broadcast to the public and that the government repeatedly avoided key issues. Finally, opposition parties called for outside moderators, including the UN, to assist in the dialogue, which was rejected by the government.

In May 2013, opposition groups boycotted the dialogue for two weeks after authorities raided the home of Ayatollah Sheikh Issa Qassim, the country's leading Shia cleric. This boycott included Al-Wefaq.

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 fair representation.⁵⁶² This proposal was rejected, and the dialogue subsequently went on recess from July to August 2013 in observance of Ramadan.⁵⁶³

After resuming at the end of August 2013, the dialogue was again stalled after the government arrested leading Al-Wefaq member Khalil al-Marzooq for his participation in a protest at which the February 14 Coalition was present.⁵⁶⁴ 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.⁵⁶⁵ After the authorities charged him under the terrorism law, Al-Wefaq and four other opposition groups withdrew from the dialogue. At the same time, the government arrested and sentenced more than fifty activists on terrorism related charges and/or for their participation in demonstrations, branded "illegal gatherings." 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.⁵⁶⁶

The government elected to continue⁵⁶⁷ the dialogue without the participation of the opposition until its final collapse on 9 January 2014, when several pro-government political societies suspended their participation as well. At this point, the government cancelled the dialogue.

Though the government intermittently engaged the opposition in informal dialogue after this period, it intensified its judicial harassment of the opposition societies after the November 2014 parliamentary election. In December 2014, authorities arrested and later sentenced Sheikh Ali Salman to nine-years in prison, and in July 2016 they dissolved Al-Wefaq entirely. The government sentenced Ebrahim Sharif, leader of the secular Wa'ad opposition society, to another year in prison in 2015 on charges related to the contents of a political speech he delivered; though he

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

563 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>

564 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>

565 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>

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

567 "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," *BNA*, 9 January 2014, <http://www.bna.bh/portal/en/news/596992>.

recently completed the term, authorities have continued to judicially harass him for exercising his right to free expression. Fadhel Abbas, the leader of the Al-Wahdawi society, was arrested for tweets criticizing the Saudi-led military intervention in Yemen in March 2015, and a court later sentenced him to three years in prison on appeal. In sum, the authorities have taken no substantive new measures to restart the national dialogue, and have increased their efforts to suppress the opposition, significantly undermining the prospects for further talks.

Third-Cycle Recommendations

The government has not initiated another dialogue process and, since the previous session, it has only further constrained the space for political engagement. There are as many as 4,000 political prisoners currently incarcerated in Bahrain, including multiple members of the major opposition societies. The government has not given any indication that it intends to resume a national dialogue, and nearly all sectors of civil society that would participate in such a dialogue have been targeted with some form of judicial harassment. To fully establish a fully inclusive national dialogue process, the Government of Bahrain must first create the conditions under which a meaningful process could exist. It should:

- Release all incarcerated opposition leaders, political activists, and civil society actors so that they can participate in any future dialogue process.
- Reinstatement of the Al-Wafaq political society and halt legal proceedings against its members.
- Decriminalize and eliminate restrictions on free expression, association, and assembly to facilitate any future dialogue process.
- Empower any future dialogue process to determine binding resolutions for reform with a set and enforceable timetable.

Social Services and Civil Society Organizations

Second-Cycle Recommendations

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.⁵⁶⁸

The government also fully accepted recommendations **115.147**, **115.150**, **115.156**, and **115.158** pertaining to the abandonment of restrictions on human rights defenders, journalists, and non-governmental organizations. Rather than address the wide-ranging issues relevant to these recommendations as a discrete category, however, this report addresses these issues here, in Section C.1, as well as in Section H; relevant issues are also addressed in Section A and Section M (see Methodology).

*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.⁵⁶⁹

Brief Assessment

The Government of Bahrain has imposed significant restrictions on the formation of independent civil society organizations and has continued to undermine the free operation of these groups. During the period under review, 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. Bahraini authorities have also specifically targeted human rights defenders and members of human rights groups for judicial harassment and other forms of reprisal. 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. Systemic religious discrimination also negatively impacts the equal distribution of services. ADHRB, BCHR, and BIRD therefore find that the government has failed to implement the recommendations concerning civil society organizations and only technically implemented the recommendations concerning the provision of welfare.

⁵⁶⁸ UN 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.

⁵⁶⁹ Ibid.

- 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)
- 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)

I. Legal Framework

Article 27 of the Bahraini Constitution technically guarantees the right to freedom of association on a national basis and by peaceful means that do not infringe on religion and public order.⁵⁷⁰ However, the 1989 Law of Associations places CSOs under significant restrictions enforced by the Ministry of Labor and Social Development (MLSD). Article 50 allows the authorities to dissolve CSOs if they are deemed “unable to achieve the objectives [they were] established for... or if they violate the association law, public order and norms.”⁵⁷¹ Article 18 of the 1989 Law of Associations forbids CSOs from participating in politics.⁵⁷² Furthermore, all CSOs, including informal ones, are required to register with the authorities.⁵⁷³ If the MLSD not respond within 60 days, the registration request is automatically denied according to Article 9 of the 1989 Association Law. CSOs that were denied registration may appeal to the High Civil Court, which may then reverse the Ministry’s decision or refuse the appeal. Article 89 of the 1989 Association Law poses a fine of BD1000 (US\$2640) and/or a year of imprisonment for establishing and operating an unregistered organization or publishing or broadcasting on behalf of an unlicensed organization. In addition to these constraints, Article 163 of the Bahraini Penal Code effectively criminalizes membership in any unlicensed national or foreign organization.⁵⁷⁴

If an organization successfully registers with the MLSD, it becomes subject to regular official inspection, including MOJ investigations into its funding sources.⁵⁷⁵ Articles 20 and 21 of the Law of Associations provide that CSOs obtain prior approval from the government before receiving foreign funding, and additionally empowers the authorities to regulate all aspects of such organizations’ financial affairs.⁵⁷⁶ The government prohibits CSOs from engaging in

570 “*Interfere, Restrict, Control*”: *Restraints on Freedom of Association in Bahrain*, Human Rights Watch, 2013, <https://www.hrw.org/sites/default/files/reports/bahrain0613webwcover.pdf>

571 Ibid.

572 Ibid.

573 Ibid.

574 Ibid.

575 *Country Reports on Human Rights Practices 2012 – Bahrain*, United States Department of State, 2013, <http://www.state.gov/documents/organization/204567.pdf>

576 *Freedom of Association in the Arabian Gulf: The Case of Bahrain, Kuwait, and Yemen*, FIDH and AIHR, 31 March 2009, <https://www.fidh.org/IMG/pdf/etude.pdf>

fundraising, accepting local donations, forming unions or coordinating, or joining regional and international organizations.⁵⁷⁷ Violations of these restrictions can lead to the imprisonment of a CSO's membership for six months or more.

According to Article 10 of Law 33/2002, also known as the Workers and Trade Union Law, workers of any particular occupation or sector have the right to form a trade union.⁵⁷⁸ Immediately after the law was passed, however, Bahraini authorities claimed that its provisions did not apply to public sector workers and prevented them from joining or forming a union.⁵⁷⁹ The Post Office Workers, Water and Electricity Workers, Public Works Workers, Healthcare Workers, Social Insurance Workers, and Retirement Fund Workers groups were all repeatedly denied registration as official unions. In response, the General Federation of Bahrain's Trade Unions (GFBTU) issued a complaint to the ILO in 2005 concerning the government's continued refusal to register trade unions in the public sector.⁵⁸⁰ Since 2006, the government has claimed that the National Assembly was considering an amendment to the Workers and Trade Union Law that would allow public workers to form unions, but any such amendment has yet to be enacted.⁵⁸¹ Furthermore, the GFBTU has faced accusations that it lacks sufficient independence from the government since 2012, and the MLSD has been similarly criticized for its excessively slow registration of new unions and trade groups.⁵⁸²

II. Suppression of CSOs

Though the government has established a legal framework for CSOs and unions, it imposes severe restrictions on the creation of such groups, the sphere of their activities, and their day-to-day operations.⁵⁸³ Bahraini authorities have consistently used the Law of Associations and the CSO registration process and to reject, monitor, and/or close human rights organizations or CSOs they determine to be critical of the government. In September 2004, the MLSD ordered BCHR's closure following a speech delivered by its cofounder, Abdulhadi al-Khawaja, in which he criticized Bahrain's prime minister.⁵⁸⁴ The authorities arrested al-Khawaja for this speech and later, in the aftermath of the 2011 pro-democracy protests, sentenced him to life in prison for his activism. BCHR has continued to operate despite its official dissolution, and the government has issued numerous threats warning that further legal action will be taken against its members should they continue their activities. Many BCHR members have since faced arrest, travel ban, and other forms of judicial harassment (see below). In 2005, the Bahrain Youth Society of Human Rights (BYSHR) applied for registration with the MLSD, but it was rejected.⁵⁸⁵ The government later fined BYSHR for operating as an unlicensed organization and, in 2012, arrested its cofounder, Mohammed al-Muskati, on charges of "illegal gathering" for participating in a peaceful demonstration.⁵⁸⁶

577 Abdulnabi al-Ekry, "المجتمع المدني... كيف يكون شريكاً؟", Al-Wasat, <http://www.alwasatnews.com/news/1108656.html>

578 "Interfere, Restrict, Control": Restraints on Freedom of Association in Bahrain, Human Rights Watch, 2013, <https://www.hrw.org/sites/default/files/reports/bahrain0613webwcover.pdf>

579 Ibid.

580 Ibid.

581 Ibid.

582 Ibid.

583 *Country Reports on Human Rights Practices 2012 – Bahrain*, United States Department of State, 2013, <http://www.state.gov/documents/organization/204567.pdf>

584 "The Closure of the Bahrain Centre for Human Rights is 'Final!'" BCHR, 26 March 2006, <http://www.bahrainrights.org/en/node/187>

585 "About Us," Bahrain Youth Society for Human Rights, 2014, http://www.byshr.org/?page_id=1677

586 "Bahraini human rights defender Mohammed Al-Maskati faces prison if his sentence is upheld in December; NGOs call for his sentence to be overturned," FIDH, 18 December 2015, <https://www.fidh.org/en/issues/human-rights-defenders/bahraini-human-rights-defender-mohammed-al-maskati-faces-prison-if>

Although Muskati was released after interrogation, the charges against him were only dropped in February 2016.⁵⁸⁷ In 2010, the government dismissed the board of the Bahrain Human Rights Society, replacing it with a temporary manager appointed by the authorities. Similarly, it dissolved the Bahrain Nursing Society and seized its headquarters after the group held a solidarity event for one of its members who was arrested for treating an injured protester.⁵⁸⁸

Since the pro-democracy movement, the Bahraini government has intensified these efforts to impede the work of CSOs. In just 2011, the authorities: dissolved the Bahrain Teacher's Union and imprisoned several of its members; took control of the Bahrain Medical Society by imposing pro-government board; and declared the legally elected board of the Bahrain Lawyers Society null and void, reinstating the previous board.⁵⁸⁹ The government also subjected the registered political societies to extreme judicial harassment, such as: temporarily closing Wa'ad and imprisoning its Secretary-General Ebrahim Sharif; dissolving the Islamic Action Society (Amal), arresting hundreds of its members, and imprisoning its leadership, including Sheikh Mohammed Ali al-Mahfood; and threatening Al-Wefaq with legal action and arresting many its members (for more information on judicial harassment of political societies, see Sections A.1, M, and N.2).⁵⁹⁰ Furthermore, the government pressured the administrative bodies of the Authors and Writers Family Society and the Bahrain Medical Society to resign. Consequently, the MLSD imposed internal regulations and changes to the structure of both groups' general assemblies to enhance the government's control over their operations.⁵⁹¹

In a more recent example, on 25 April 2016, the Ministry of Culture and Antiquities issued an order to disband the Bahrain Photographic Society, alleging that its members had engaged in "activities contrary to the law and public order."⁵⁹² The government had previously targeted the organization in 2011 as well, arresting its president, Mohammed Al-Sheikh.⁵⁹³

Bahraini authorities have also intensified the judicial harassment of human rights defenders and individual CSO members in 2016. Throughout the year, the government has imposed intermittent – and sometimes secret or de facto – travel bans on dozens of activists human rights defenders, including Essa Al-Ghayeb; Ebtisam Al-Saegh; human rights lawyer Mohammed Al-Tajer;⁵⁹⁴ activist Ebrahim Demistani; journalist Nazeeha Saeed;⁵⁹⁵ interfaith leader Sheikh Maytham al-

587 "Bahrain: Acquittal of Mr. Mohammed Al-Maskati," FIDH, 9 February 2016, <https://www.fidh.org/en/issues/human-rights-defenders/bahrain-acquittal-of-mr-mohammed-al-maskati>

588 Ministry of Human Rights Continues Attempts to Take Over Civil Society Organizations and Cancel Bahrain Bar Society Elections," BCHR, 18 December 2011, <http://www.bahrainrights.org/en/node/4910>

589 Ibid.; and *A Follow-Up Report on Bahrain's UPR Second Cycle: The Deteriorating Human Rights Situation in Bahrain*, ADHRB, 2014, http://adhrb.org/wp-content/uploads/2014/04/ADHRB_February2014_web.pdf

590 Ministry of Human Rights Continues Attempts to Take Over Civil Society Organizations and Cancel Bahrain Bar Society Elections," BCHR, 18 December 2011, <http://www.bahrainrights.org/en/node/4910>; and Sam Jones, "Prosecuting politics: the judicial assault on Bahrain's opposition, 18 December 2016, <https://www.opendemocracy.net/arab-awakening/sam-jones/prosecuting-politics-judicial-assault-on-bahrain-s-opposition>

591 Abdulnabi al-Ekry, "2) (دور منظمات المجتمع المدني في دعم وحماية حقوق الإنسان في مملكة البحرين)" Al-Wasat, 2014, <http://www.alwasatnews.com/news/891952.html>

592 "Bahrain Photographic Society Dissolved as Restrictions on Civil Society Associations Continue," BCHR, 3 May 2016, <http://www.bahrainrights.org/en/node/7814>

593 Ministry of Human Rights Continues Attempts to Take Over Civil Society Organizations and Cancel Bahrain Bar Society Elections," BCHR, 18 December 2011, <http://www.bahrainrights.org/en/node/4910>

594 "Authorities Impose Several Travel Bans as Crackdown on HRDs Continues," CIVICUS, 23 September 2016, <https://monitor.civicus.org/newsfeed/2016/09/23/crackdown-against-human-rights-defenders-and-activists-continue-bahrain/>

595 Jesse Schatz, "Travel Ban Prevents Journalist From Leaving Bahrain," ADHRB, 7 July 2016, <http://www.adhrb.org/2016/07/10317/>

Salman; neurosurgeon Dr. Taha al-Derazi;⁵⁹⁶ Director General of the National Centre for Studies and former President of the Bahrain Transparency Society Abdunabi al-Ekry; and BCHR's Nedal al-Salman, Enas Oun, Hussain Radhi, and Ahmed Saffar.⁵⁹⁷ In addition to violating their freedom of movement, the government specifically prevented many such activists from traveling to Geneva, Switzerland to engage with the UN HRC.⁵⁹⁸ Activists estimate that the government has imposed travel bans on more than 100 people on suspicion of dissent.⁵⁹⁹

Along with al-Ekri and Zeinab al-Khamis, a member of the Bahrain Society for Human Rights, the four BCHR members listed above were also interrogated in November 2016.⁶⁰⁰ The authorities charged Saffar with “illegal assembly” and Radhi with “inciting hatred against the regime, threatening civil peace and publishing false news” due to tweets and retweets he had posted online.⁶⁰¹ Similarly, Sheikh Maytham al-Salman and Dr. Taha al-Derazi were detained and charged with “illegal gathering” in August 2016, and in July 2016 the authorities charged Nazeeha Saeed “practicing journalism without prior official permission” from the IAA.⁶⁰² BCHR's current president, Nabeel Rajab, has been held in pretrial detention since June 2016 on charges related to tweets, retweets, and newspaper editorials. He could face more than 15 years in prison. For more information on the criminalization of free expression and assembly, see Sections H and M, for reprisals against religious figures and public gatherings, see Section N.2, and for violations of media and press freedom, see Section H.

Furthermore, the government has targeted Bahraini activists and human rights groups working internationally, as well as their families. In 2015, a member of Bahrain's Shura Council who would later be appointed to the NIHR personally threatened activists attending the UN HRC and accosted ADHRB's executive director, Husain Abdulla (see Section G). In 2016, Bahraini authorities detained and threatened the wife and child of Sayed Ahmed Alwadaei, BIRD's director of advocacy, after the latter held a peaceful demonstration in London to protest King Hamad's visit. Security forces interrogated Alwadaei's wife about his involvement in the protest and about BIRD's activities before allowing her and her child to leave Bahrain to join Alwadaei in London. The authorities had previously detained and tortured Alwadaei after he participated in the 2011 pro-democracy demonstrations, and both he and Husain Abdulla have been stripped of their Bahraini citizenship. Likewise, with the exception of ADHRB's limited engagement with the MOI's Ombudsman, the Bahraini government has refused to cooperate with ADHRB or BIRD in any fashion. The government also targeted cofounder of BYSHR and chairman of the European-Bahraini Organisation for Human Rights (EBOHR) Hussain Jawad for his activism and for the

596 “Bahrain: Gov't Prosecutes Religious Freedoms Advocate Sheikh Maytham Al-Salman and Rights Activist Al-Derazi for ‘Illegal Gathering,’” ADHRB, 15 August 2016, <http://www.adhrb.org/2016/08/bahrain-govt-prosecutes-religious-freedoms-advocate-sheikh-maytham-al-salman-rights-activist-al-derazi-illegal-gathering/>

597 “Bahraini Authorities Continue Crackdown on Activists: More Human Rights Defenders and BCHR Members Face Reprisals,” ADHRB, BCHR, BIRD, and ECDHR, 16 November 2016, <http://www.adhrb.org/2016/11/11328/>

598 “Bahrain Authorities Prevent Civil Society Members and Human Rights Defenders from Participating in UN HRC 32,” ADHRB, 13 June 2016, <http://www.adhrb.org/2016/06/bahrain-authorities-prevent-civil-society-members-human-rights-defenders-participating-un-hrc-32/>

599 Brian Dooley, “Bahrain Travel Bans Reveal Insecurity,” Huffington Post, 15 November 2016, http://www.huffingtonpost.com/brian-dooley/bahrain-travel-bans-revea_b_12987660.html

600 “Bahraini Authorities Continue Crackdown on Activists: More Human Rights Defenders and BCHR Members Face Reprisals,” ADHRB, BCHR, BIRD, and ECDHR, 16 November 2016, <http://www.adhrb.org/2016/11/11328/>

601 “Bahraini rights defender Hussain Radhi charged over tweets, retweets,” IFEX, 21 November 2016, https://www.ifex.org/bahrain/2016/11/21/charged_over_tweets_retweets/

602 “Case History: Nazeeha Saeed,” Frontline Defenders, 2016, <https://www.frontlinedefenders.org/en/case/case-history-nazeeha-saeed>

work of his organizations. The authorities arrested Jawad twice since 2013, and in 2015 security forces tortured him in order to extract a false confession.⁶⁰³ Though he was eventually released on bail in May 2015 and sought asylum in France, a court later sentenced him to two years in prison and a fine on allegations of “collecting money from Bahrain and abroad without a permit.”⁶⁰⁴ Jawad is the son of Mohammed Hassan Jawad Parweez, a member of the Bahrain 13 who is currently serving a 15-year prison for his activism in 2011 (See Section A).

Legal restrictions and the risk of reprisal, coupled with the difficulty of successfully registering with the MLSD, have forced many groups to form non-official unions and networks, including organizations of writers, journalists, medical doctors, and nurses.⁶⁰⁵ These informal groups are at a high risk of judicial harassment and criminal sanction.

The government reports that the number of CSOs in Bahrain is growing: 376 in 2004, 425 in 2006, 460 in 2007, and a current total that exceeds 500.⁶⁰⁶ However, it is unclear what groups are included in these figures, and the numbers may be skewed by government-organized NGOs (GONGOs). In recent years, the government has funded and/or sponsored a range of civil society actors that do not face the same restrictions as independent CSOs. The authorities typically do not apply certain aspects of the Law of Associations or MLSD regulations to GONGOs, and many of these organizations contain government officials.⁶⁰⁷

The MLSD has prepared a draft Law to reform the Law on Associations that was referred to the National Assembly on 7 January 2013. However, the draft law contains additional restrictions that would substantially enhance MLSD control over CSOs, intensify limitations on the formation and registration of new groups, and significantly impede cooperation and collaboration between different organizations and their members.⁶⁰⁸ It has yet to be approved.

Third-Cycle Recommendations

ADHRB, BCHR, and BIRD find that the government has not only placed undue legal restrictions on CSOs and other organizations, but has also specifically targeted their members for judicial harassment. The Bahraini government has therefore failed to implement its second-cycle recommendation to improve the situation of CSOs in the country. In order to comply with the spirit of this recommendation, the Government of Bahrain should:

- Amend substantially the Law of Associations to lift restrictions on the registration process for CSOs and to ensure the impartiality of the MLSD.
- Reform the MLSD as necessary to ensure independence.
- Revise the pending draft Law of Associations to adhere to international standards on forming and maintaining CSOs; if necessary, create new draft law.
- Remove the restrictions in the Law of Associations and other regulations that forbid CSOs from engaging in political activity, that limit their fundraising, and that unnecessarily impair their functioning.

603 “Head of EBOHR Husain Parweez Subjected to Torture to Extract Confession,” ADHRB, BCHR, and BIRD, 23 February 2015, <http://www.adhrb.org/2015/02/head-of-ebohr-husain-parweez-subjected-to-torture-to-extract-confession/>

604 “Case History: Hussain Jawad,” Frontline Defenders, 2016, <https://www.frontlinedefenders.org/en/case/case-history-hussain-jawad>

605 Abdulnabi al-Ekry, “المجتمع المدني... كيف يكون شريكاً؟,” Al-Wasat, <http://www.alwasatnews.com/news/1108656.html>

606 “UPR Progress Report 2014,” Ministry of Foreign Affairs, Kingdom of Bahrain, <http://www.upr.bh/index.php/progress-report-2014/>

607 Abdulnabi al-Ekry, “المجتمع المدني... كيف يكون شريكاً؟,” Al-Wasat, <http://www.alwasatnews.com/news/1108656.html>

608 “*Interfere, Restrict, Control*: Restraints on Freedom of Association in Bahrain,” Human Rights Watch, 2013, <https://www.hrw.org/sites/default/files/reports/bahrain0613webwcover.pdf>

- Restrict the capacity of the MLSD to control the work of CSOs by instituting a third party, such as a judge or a special committee of the National Assembly, to pre-approve ministerial decisions.
- Impose further limits on the MLSD's power to interfere in the internal decisions of CSOs, such as by invalidating votes and replacing board members.
- Increase transparency regarding the processes and the decisions of the MLSD.
- Permit public sector works to form unions and trade groups.
- Grant more power to the lower chamber of the National Assembly in order to restrict the government's ability to promulgate legislation that would increase its control over CSOs.
- Ratify and implement the conventions of the ILO, which protect the liberties of CSOs. These include the conventions on the Freedom of Association and Protection of the Right to Organize and the Right to Organize and Collective Bargaining.
- Cease all acts of judicial harassment, reprisal, and intimidation against members of CSOs and civil society at large.
- Halt all government action, such as travel bans, preventing representatives of CSOs and other individuals from traveling to engage international human rights mechanisms, like the UN HRC.
- Release and/or drop all charges against members of CSOs prosecuted for their work and for exercising the rights to free expression, association, and assembly.

2. WELFARE

Technically Implemented
No Perceived Progress

115.47 Intensify its 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)

The government has made some attempts to improve welfare services and protect families during the period under review.⁶⁰⁹ In 2012, the Bahraini government announced that the MLSD was working to implement a comprehensive program aimed at supporting eligible low-income families. Under this program, families with an income below BD 1000 (\$2,652) can receive financial aid of BD 50 (\$132).⁶¹⁰ Additionally, the government established the "Dar Al Karama" Homeless and Beggars Shelter, a state institution that provides a variety of services for first-time mendicants and vagrants with Bahraini nationality who are deemed by the PPO to be eligible for housing.⁶¹¹ Additionally, the Royal Charity Organization, established by the king in 2001, provides financial assistance to eligible orphans and widows. However, the organization will not provide financial support to a widowed woman who has children "capable of supporting her."⁶¹² Bahrain's Ministry of Health (MoH) also provides compensatory apparatuses and health services to low-income

609 "Family," Ministry of Social Development, Kingdom of Bahrain, 24 January 2016, <http://www.social.gov.bh/en/family>

610 "Social Assistance," Ministry of Social Development, Kingdom of Bahrain, 8 August 2016, http://www.social.gov.bh/en/family/social_assistance

611 "Dar Al Karama' Homeless and Beggars Shelter," Ministry of Social Development, Kingdom of Bahrain, 19 September 2016, http://www.mlsd.gov.bh/en/family/family_protection/dar_alkarama

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

Bahraini citizens sixty years of age and older.⁶¹³ The MoH states that it operates mobile healthcare units to serve elderly citizens that are unable to travel to medical facilities.⁶¹⁴

Despite these efforts, not all residents are able to access social services and many remain in poverty. Though the government has not determined or released up-to-date poverty statistics, the MLSLSD stated in 2007 that at least 30% of Bahrainis fell under poverty line.⁶¹⁵ At the time, the MLSLSD indicated that it was working with the World Bank to identify a poverty line for Bahrain, but it has yet to make any noticeable progress.⁶¹⁶ In 2012, poverty levels rose as high as 60%, according to some members of parliament.⁶¹⁷

Since 2012, the government has largely maintained existing social welfare programs intended to provide services for women and children in need. The Child Protection Centre, established in 2007, offers protection for children up to the age of 18 years from all forms of mistreatment and negligence. The Dar Al Aman Abused Women Shelter, which was established in 2006, also continues to offer protection, social support, and medical care for women and their children who have experienced violence or abuse, independent of Bahraini citizenship. Nevertheless, the shelter enforces strict admission requirements that exclude vulnerable segments of society and put victims of abuse at heightened risk of further harm. According to the MLSLSD, potential beneficiaries must undergo “social research” and a “medical and psychological examination” to prove that they are “free of mental disorder” and were “exposed to physical, psychological or material harm by others. Also, the research should prove that the case cannot be left with the family until its condition is rectified.”⁶¹⁸ This policy requires victims of abuse to remain with their family and/or their current place of residence after they have communicated with the shelter but before they can receive any services, extending the period of potential contact with their abuser and placing them in increased danger of retaliation. The admissions process includes submission of an official application, completion of housing procedures by the MOI, and the approval of the person who is legally responsible for the applicant of the competent security bodies with respect to housing.⁶¹⁹ Moreover, although citizenship purportedly has no effect on the shelter’s consideration for services, it explicitly notes that “household female workers, in addition to the above procedures...must be referred to police stations.”⁶²⁰ For more information on gender-based discrimination and violence against women in Bahrain, see Section E.

Bahrain has also experienced a housing crisis, and the government claims to be establishing new programs to alleviate the problem. Between 2012 and 2014, the government announced several initiatives intended to create approximately 80,000-100,000 new homes, as well as the Ministry of Housing’s “Bahrain Affordable Housing public-private partnership project to deliver social and affordable housing solutions to Bahrain’s growing population in Al Madina Al Shamaliya

613 “Elderly Health,” Ministry of Health, Kingdom of Bahrain, 2016, <http://www.moh.gov.bh/EN/MOHServices/Services/OurPrimaryServices/Curative/elderly.aspx>

614 Ibid.

615 “الشيخ: 60% من البحرينيين تحت خط الفقر” Al-Wasat, 22 February 2012, <http://www.alwasatnews.com/news/635062.html>

616 “World Factbook: Bahrain,” Central Intelligence Agency, Government of the United States of America, <https://www.cia.gov/library/publications/the-world-factbook/geos/ba.html>

617 Ibid.

618 “Dar Al Aman Home,” Ministry of Labor and Social Development, Kingdom of Bahrain, 11 August 2016, http://www.mlsd.gov.bh/en/family/family_protection/daralaman

619 Ibid.

620 Ibid.

and Al Luwzi [sic].⁶²¹ Nevertheless, adequate housing remains a significant problem in Bahrain, especially for low-income families. Waiting times to be allotted a housing unit can take up to twenty years, forcing thousands of families to live in poverty and/or substandard conditions.⁶²² Low-income families often share a single room in decrepit and structurally unsound buildings, while others are forced to live in prefabricated shelters while they await government maintenance or reconstruction measures.⁶²³ There are currently at least 2,000 slum areas in Bahrain, housing approximately 10,000 citizens. Though the government has reportedly started initiatives to address the country's slums, little progress has been made. The National Assembly requested to include the program in the 2015-2016 budget, but the government rejected the proposal.⁶²⁴ Additionally, the country's Shia majority community continues to face broad-based discrimination, including in housing programs.⁶²⁵ This is exacerbated by the government's practice of providing expedited housing benefits and other social services to naturalized security personnel, typically recruited from foreign Sunni communities.⁶²⁶ Shia communities remain disproportionately disadvantaged economically, and Shia individuals experience discrimination in public sector hiring processes. For more on anti-Shia discrimination and sectarian recruitment policies, see Section N.2.

A critical barrier to eligibility for most social welfare programs is possession of Bahraini citizenship. According to Article 4 of the 1963 Bahraini Citizenship Act, citizenship is received through birth in Bahrain or as child of a Bahraini father.⁶²⁷ Only if the father is unknown can a Bahraini mother pass her nationality on to her children.⁶²⁸ Article 5 requires a foreigner to legally reside in Bahrain for 25 consecutive years and to fulfil language and conduct requirements to attain citizenship; notably, foreigners recruited for Bahrain's security forces are typically able to bypass these restrictions (for more on foreign recruitment for the security forces, see Section N.2). According to Article 7, a Bahraini woman loses her citizenship if she receives her foreign husband's nationality through marriage.⁶²⁹ Foreign wives of Bahraini citizens can obtain citizenship only after five years of marriage.⁶³⁰ Furthermore, Bahrain has maintained its reservation to Article 9 of the CEDAW,⁶³¹ which provides that states must "grant women equal rights with men to acquire, change or retain their nationality" and with regards to the nationality of their children.⁶³² For more on nationality legislation and statelessness, see Section N, and for additional information on gender-based discrimination in law and practice, see Section E.

621 "A Journey of Progress: Bahrain's Social Achievements," Government of Bahrain, Ministry of Foreign Affairs, 2015. Print.

622 "ارتفاع حصة المنازل الآيلة للسقوط لنحو 5000... و«البلديات» تُخلى مسؤوليتها... والبلديون يُجذرون من كارثة" Al-Wasat, 31 January 2015, <http://www.alwasatnews.com/news/957314.html>

623 "العطيش: مجلس النواب أخفق في إنصاف أصحاب البيوت الآيلة للسقوط" Al-Wasat, 26 April 2016, <http://www.alwasatnews.com/news/1107161.html>

624 Ibid.

625 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

626 Ibid.

627 "Decree Law No. 12 Amending Bahraini Citizenship Act of 1963," Equality Now, 2016,

<http://www.equalitynow.org/content/decre-law-no-12-amending-bahraini-citizenship-act-1963>

628 "Citizenship Act of 1963 and its Amendments," Government of Bahrain, Ministry of Justice, 1989, <http://www.moj.gov.bh/default1d49.html?action=article&ID=872>

629 Ibid.

630 Bahrain Citizenship Act, Kingdom of Bahrain, 1981, <http://www.refworld.org/docid/3fb9f34f4.html>

631 "ما هي اتفاقية «سيداو»... وما هي التحفظات التي أبقّت عليها البحرين؟" Al-Wasat, 6 April 2016, <http://www.alwasatnews.com/news/1099060.html>

632 Convention on the Elimination of All Forms of Discrimination Against Women, United Nations, 1979, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article9>

Third-Cycle Recommendations

The Government of Bahrain has established welfare programs aimed at alleviating key issues such as poverty, gender-based violence, and the housing crisis, but it has failed to rectify a number of shortcomings that undermine the efficacy of these services. With the notable exception of foreign security personnel, non-Bahrainis and stateless persons face extreme difficulty obtaining citizenship and accessing social services. Other vulnerable groups, such as low-income Shia communities, have limited access to welfare programs and experience discrimination in the distribution of public benefits. Problematic regulations and eligibility requirements, meanwhile, prevent many women and children from safely seeking aid and redress in situations of abuse. For these reasons, ADHRB, BCHR, and BIRD find that the government has yet to implement its recommendations to improve social services beyond a technical level. Going forward, the Government of Bahrain should:

- Ensure equal access to welfare programs and social institutions for citizens and foreign nationals alike.
- Set a timeline to determine and publicly release poverty statistics, with demographic information and transparent methodology included.
- Remove undue regulations and eligibility requirements for shelters to more effectively protect families from abuse.
- Implement housing programs with transparency and invest additional resources into streamlining the construction and distribution process.
- Set clear timetables for housing projects.
- Eliminate all forms of discrimination in the distribution of housing or other social programs.
- Withdraw the reservation to Article 9 and 29 of CEDAW and amend the nationality legislation so that Bahraini female citizens have the right to acquire, change, or retain their own nationality and that of their children.

Constitution and National Legislation

Second-Cycle UPR Recommendations

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.*⁶³³

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 reforms for the national Penal Code to bring it in line with Bahrain's 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.*⁶³⁴

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.*⁶³⁵

The government also partially accepted recommendation **115.163** concerning broad protections for the freedoms of expression, association, and assembly. The government stated:

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

Finally, the Government of Bahrain rejected recommendations **115.19, 115.78, 115.80, 115.81, 115.82**, and **115.83** concerning the death penalty. 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.*⁶³⁶

Brief Assessment

In 2012, the Government of Bahrain made significant technical steps toward improving the electoral system of the country by issuing two constitutional amendments limiting the ability of the king to dissolve the National Assembly and allowing the elected lower house to hold a vote of no confidence in the prime minister. However, the government has failed to resolve longstanding gerrymandering issues and has continued to redistrict in such a way as to

⁶³³ UN 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.

⁶³⁴ Ibid.

⁶³⁵ Ibid.

⁶³⁶ Ibid.

undermine political societies across the ideological and sectarian spectrum. These policies have allowed the government to maintain significant influence over the outcome of elections. Additionally, while the constitutional amendments technically limit the ability of the king to dissolve the lower house, in practice, he retains unilateral authority to do so. Moreover, the elected lower house remains substantially constrained by the appointed upper house, and exercises little practical authority to legislate. As such, while the amendments represent nominal progress, they do little to change the autocratic governing structure in Bahrain.

Likewise, 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 explicitly criminalizing torture committed by government officials. Nonetheless, the government has failed to enforce these provisions, and torture remains systematic. The Government of Bahrain has also enacted laws that clearly contravene international human rights standards, including new legislation that restricts free speech, assembly, and association. Prosecution under these laws is commonplace.

The government did not accept recommendations pertaining to the death penalty, and it has made no progress toward its abolition. Since 2012, Bahraini courts have issued and confirmed more death sentences.

In total, ADHRB, BCHR, and BIRD find that the Government of Bahrain has failed to implement its second-cycle UPR recommendations to improve the Bahraini Constitution and national legislation. On the contrary, Bahraini authorities have used the country's expanded legal framework to impose further restrictions on nearly every basic human right.

1. ELECTION REFORM

Technically Implemented
No Perceived Progress

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

The government issued two constitutional amendments in 2012, as promulgated first by the National Assembly and approved by the king.⁶³⁷ The first amendment requires that the king consult with the head of the Shura Council (also known as the Consultative Council), the unelected upper house, and Speaker for the Council of Representatives, the elected lower house, prior to dissolving the National Assembly.⁶³⁸ The second amendment allows the Council of Representatives to hold a vote of no confidence in the prime minister.⁶³⁹

Though these reforms nominally limit the power of the king and prime minister, broader problems with the electoral system and the consultative structure of the National Assembly undermine any popular check on executive power ostensibly intended by the amendments. The king need only inform the National Assembly before dissolving it; as the head of the Shura Council is a royal appointee, and the speaker of the Council of Representatives lacks any recourse to block a royal decision, the king remains free to dismiss the National Assembly at will. This arrangement significantly impacts the efficacy of the second amendment as well: while a two-thirds majority of the Council of Representatives can bring a vote of no confidence against the prime minister, it remains up to the king to act on this vote. He can either accept the Council of Representative's

⁶³⁷ "Bahrain: Constitutional Amendments Issued." *Global Legal Monitor, Library of Congress*. http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205403168_text.

⁶³⁸ Ibid.

⁶³⁹ Ibid.

decision, or he can simply dissolve the National Assembly.⁶⁴⁰

The practical limitations of these amendments reflect the deeper impotence of the National Assembly as an independent legislative institution. Even with the 2012 reforms, the elected lower house can only propose legislation, while the language is actually drafted by a separate Legislation and Legal Opinion Commission. Moreover, any law needs to be passed by both the Council of Representatives and the Shura Council in identical versions, before being sent to the king for final approval or rejection. Both houses also lack the power to alter royal decrees, and the king often bypasses the National Assembly altogether by issuing laws when it is in recess.⁶⁴¹

Years of gerrymandering have exacerbated these problems, ensuring that the Council of Representatives does not proportionately represent the population, with a significant majority of the government representing a small minority of the electorate.⁶⁴² Independent investigations⁶⁴³ and academic studies⁶⁴⁴ have found that Bahraini authorities have engaged in targeted redistricting to dilute the influence of the majority Shia community, amplify that of government supporters, and specifically prevent opposition groups like Al-Wefaq National Islamic Society from securing a larger proportion of ballots. Gulf expert Justin Gengler concluded in 2016 that redistricting along “sectarian lines” has also largely hurt the “electoral prospects of populist and secular candidates,” resulting in a lower house “permanently divided among Sunni Islamists [and] loyalist tribal ‘independents’” following opposition boycotts.⁶⁴⁵ In other cases, the government has completely eliminated municipalities against the will of the district’s leadership, such as in 2014 when the king unilaterally abolished the Central Governorate.⁶⁴⁶ The government’s June 2016 decision to outright dissolve Al-Wefaq, the largest political society, has further undercut the electoral process, as did similar interference with other societies like Amal and Wa’ad in 2012 and 2014.⁶⁴⁷ These issues, in the broader context of increased arbitrary detention and reprisal against opposition political leaders and activists, make it unlikely the 2012 constitutional amendments will have much positive effect on the country’s political situation. For more information on sectarian gerrymandering, see Section N.2.

Other constitutional amendments recommended by the country’s political societies have yet to be implemented. In 2012, opposition groups recommended that Bahrain change its electoral system to ensure that the country’s whole population would be proportionately represented in the government.⁶⁴⁸ The opposition additionally recommended the abolition of the Shura Council, so that the government would be entirely formed through popular vote.⁶⁴⁹ The government has refused to act on these recommendations.

640 Bertelsmann Stiftung, *BTI 2016 — Bahrain Country Report*, Gütersloh: Bertelsmann Stiftung, 2016, https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Bahrain.pdf

641 Ibid.

642 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/>.

643 Ibid.

644 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

645 Justin Gengler, *The Political Economy of Sectarianism in the Gulf*, Carnegie Endowment for International Peace, 2016, http://carnegieendowment.org/files/Gengler_Sectarianism_Final.pdf

646 Bertelsmann Stiftung, *BTI 2016 — Bahrain Country Report*, Gütersloh: Bertelsmann Stiftung, 2016, https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Bahrain.pdf

647 The government closed the Amal society in 2012 and has repeatedly interfered in the operations of other societies like Wa’ad and Al-Wahdawi.

648 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/>.

649 Ibid.

Third-Cycle Recommendations

ADHRB, BCHR, and BIRD find that the 2012 constitutional amendments are ineffective and do not constitute significant electoral reform. The electoral process is extremely flawed, and the National Assembly remains effectively subjugated to the king. The government should:

- Amend the constitution to increase the legislative power of the National Assembly, such as allowing it to directly draft legislation and amend royal decrees.
- Further restrict the king's ability to dissolve the National Assembly.
- Empower the National Assembly to question and approve ministers.
- Phase out the Shura Council and replace it with an elected upper house.
- Create an independent commission to publicly and transparently investigate gerrymandering and oversee proportionate redistricting.
- Lift excessive restrictions on the organization of political societies and do not interfere in their operation.

2. PENAL CODE AND NATIONAL LEGISLATION

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);
- 115.88** 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);
- 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);
- 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); and
- 115.163** That the necessary measures are implemented to guarantee freedoms of expression, association and peaceful assembly (Japan)

The Bahraini government has made nominal technical progress incorporating human rights treaties into national law. Prior to accepting the recommendations of the second UPR cycle, the government proposed a draft law amending the Penal Code's provisions to better adhere to the CAT's definition of torture (for more information on torture in law and practice, see Section A). Nevertheless, this amendment has had little to no empirical effect on reducing torture in Bahrain, and the government has either retained or promulgated other legislation that directly contradict international law and criminalize human rights. In practice, the government generally fails to enforce laws that protect the rights to free expression, assembly, and association, and it commonly uses the Penal Code and other national legislation to restrict these rights.

I. Criminalization of Free Assembly

The Public Gatherings Law of 1973 provides the Interior Minister with the power to ban rallies near "security-sensitive areas" like airports, hospitals, and shopping malls, and additionally requires that rally organizers inform authorities prior to the scheduled date of the assembly and assume full civil and criminal responsibility for damage to private or public property during the demonstration.

On 20 July 2006, the government ratified a series of amendments to the 1973 legislation that further constrain this freedom and explicitly violate the UDHR. Article 11 of Law 32/2006, the collective title for the amendments, imposes blanket restrictions on both the times and locations available for public assembly: demonstrations are limited to the time between sunrise and sunset, and may only be held in specific public areas preapproved by authorities. Whereas the original Public Gatherings Law required organizers give notice of an impending rally in an unrestricted area, Articles 2, 3, and 9 now make it such that demonstrators must submit an application to assemble in one of a set number of public assembly zones. Moreover, the application must be submitted at least three days prior to the intended date, exceeding the maximum 48-hour period recommended by the Special Rapporteur on Freedom of Assembly. The MOI can revoke approval of these applications at will. These articles also grant the MOI full authority to change the time, place, and even route of a mobile demonstration without justification.

If a public gathering should go forward without government authorization, or if the relevant application is at any point invalidated at the discretion of the authorities, all persons participating

are classified as criminals and subject to a fine and/or imprisonment under Article 13. Drawing on Articles 178 and 181 of the Bahraini Penal Code, which permit authorities to charge individuals with the intent to commit violence without tangible evidence, Article 13 renders peaceful protestors subject to the most serious criminal sanctions. Enforced in conjunction with anti-terrorism and cybercrime legislation, even the expression of support for an unauthorized gathering can be grounds for imprisonment. Prior to his most recent arrest, Nabeel Rajab, a prominent human rights defender and BCHR president, was sentenced to three years imprisonment on charges of “participating in an illegal assembly,” “calling others to join [in an illegal assembly],” and “involvement in illegal practices and incitement to gatherings and calling for unauthorised marches through social networking sites.” The charges related to multiple peaceful, though unapproved, pro-democracy gatherings that took place in Manama throughout January, February, and March of 2012. In the case relating to the January rallies, Rajab was charged merely for sending Tweets that encouraged citizens to attend.

On 30 October 2012, the MOI utilized its considerable discretionary power to issue a ban on all demonstrations “until peace and social order is restored.” In early August 2013, the Bahraini government enacted 22 recommendations proposed by the National Assembly that widely restricted free association, assembly, and expression by banning protests in the capital of Manama as well as a number of vaguely worded activities on purported national security grounds.⁶⁵⁰ Also 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.⁶⁵¹ The authorities regularly use the “illegal assembly” offense as grounds to violently disperse peaceful protests and arrest key members of the opposition.⁶⁵² For example, 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.⁶⁵³ For more information on the judiciary and charges like “illegal assembly,” see Section A.1; for more information on police interference with the right to free assembly, see Section A.3; for more information on the government’s suppression of free expression and journalism at peaceful gatherings, including censorship and targeted internet shutdowns, see Section H; and for more information on the government’s restrictions on religious gatherings and its mass arrests on charges of “illegal assembly” in the town of Diraz, see Section N.2.

II. Anti-Terror Legislation

The 2006 anti-terrorism legislation, known as the Law of Protecting Society from Terrorist Acts, contains a broad and ambiguous definition of “terrorist acts and incitements to such acts” that includes basic freedoms of expression, assembly, and association.⁶⁵⁴ In 2013, the prime minister

650 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-bahrain-s-national-assembly/>.

651 “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>.

652 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>.

653 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>.

654 “NGOs Express Concern that Bahrain Anti-Terrorism Amendment Permits Human Rights Violations,” ADHRB, BCHR, and BIRD, 2014, http://www.adhrb.org/wp-content/uploads/2014/12/2014.12.19_NGOs-Express-Concern-that-Bahrain-Anti-Terrorism-Amendment-Permits-Human-Rights-Violations.pdf.

implemented 22 parliamentary recommendations to make the 2006 law even more robust.⁶⁵⁵ Among other violations, these recommendations significantly impinged the right of the accused to a speedy trial. Article 29 currently stipulates that the Public Prosecution “acquires the additional authority of the judge of [the] Lower Court provided in the Law on Penal Procedure, and the consultative authority of the Higher Court...when investigating” terrorist crimes. This means that the Public Prosecution is exempt from the standard restrictions of the Bahraini Penal Code when it pursues a terrorist case. Article 29 provides the Public Prosecution with grounds to issue initial detention orders of up to 90 days, and, Article 30 permits security forces to detain and interrogate an individual for a renewable period of 14 days. The Public Prosecution may give permission to extend this detention period “when necessary and for reasons of investigation or for the security of the society” without any explicit justification. When security forces are satisfied with their interrogation, the Public Prosecutor decides whether or not to move the suspect to pre-trial detention. In 2013 alone, the government charged 328 individuals under the terrorism law in 38 separate cases, for an average of one terrorism case every ten days.⁶⁵⁶

The amendment passed in December 2014 introduced a separate prosecution office for terrorism related-crimes, effectively creating a new criminal procedure for persons accused of terrorism.⁶⁵⁷ In addition to the expanded terror powers provide under the 2013 revisions, the 2014 changes allow the new prosecutor’s office to hold terror suspects without trial for up to six months, thereby violating Bahrain’s commitments to the right to a fair and speedy trial. This provision allows Bahraini authorities to justify prolonged pre-trial detentions under national law, even as they remain in violation of the international standards, such as those laid out in Article 9 of the ICCPR.⁶⁵⁸ The government may detain an individual for up to 28 days without charges or investigation. After this initial pre-trial detention has lapsed, the prosecution has a period of up to three days to interrogate and press official charges against the suspect. When combined with the period of time that the new prosecutor’s office may hold a detainee without trial, a person accused of terrorism may experience up to seven months of pre-trial detention, further violating the rights of detainees to a fair and speedy trial

In December 2015, the Bahraini National Assembly approved several additional amendments to the anti-terror legislation, increasing the minimum penalty for most terror crimes to seven years in prison. Moreover, these amendments allow security forces to “search individuals, stop and search vehicles, restrict the right of movement of vehicles, public transport or pedestrians, cut communications and messages sent from the scene of the crime and sites where anti-terror operations are taking place, for a period of up to 12 hours.”⁶⁵⁹ This effectively legalizes the collective punishment of peaceful gatherings and protests, which the government can interpret as terror offense.

The authorities have used the anti-terror law and its amendments to arrest, prosecute, and/or imprison hundreds of individuals, including political activists, human rights defenders, journalists, and children. For more on political prisoners, see Section A; for more on reprisals against journalists, see Section H; and for more on the prosecution of children, see Section E.3.

655 Ibid.

656 *Terrorism Law in Bahrain*, BCHR, 12 March 2014, <http://bahrainrights.org/en/node/6796>

657 “مرسوم بقانون بإنشاء نيابة لـ«الجرائم الإرهابية» وتحويلها بالحس الاحتياطي 6 أشهر” Manama Voice, 6 December 2014, http://manamavoice.com/news-news_read-25463-0.html

658 International Covenant on Civil and Political Rights, OHCHR, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

659 “Bahraini Authorities Introduce Additional Oppressive Laws,” ADHRB, BCHR, and BIRD, 22 December 2015, <http://www.adhrb.org/2015/12/bahraini-authorities-introduce-additional-oppressive-laws/>

III. Criminalization of Association

In concert with the Public Gatherings Law, the Law of Protecting Society from Terrorist Acts, and their various amendments and corollaries, the Law of Association (21/1989) effectively criminalizes independent civil society actors. The original text of the 1989 law prohibits civil society organizations from “engaging in politics” and allows the authorities to dissolve offending organizations at will. What is more, Articles 23, 47, and 50 provide grounds for the MLSD to directly appropriate civil society for the state by installing government officials as leaders of the NGOs. If it is determined that any given organization is “unable to achieve its aims”, or “if it violates the association law, public order and norms”, the Ministry reserves the right to permanently dissolve it. These articles only pertain if the civil society organization gets approval for its registration application from the MLSD. Article 11 states that an application is considered rejected if the ministry does not respond within 60 days, allowing bureaucratic inaction to serve as effective prohibition. Organizations can appeal this *de facto* ban, but more stringent amendments passed in 2002 make it even more unlikely that applications will be accepted.

In September 2010, the MLSD replaced the board of the Bahrain Human Right’s Society after its secretary general criticized the government for violating the due process rights of detained activists and members of the opposition. For more on the MLSD and restrictions on civil society organizations, see Section I.

Though formal political parties are prohibited in Bahrain, the 2005 Political Society Law regulates the country’s “political societies,” mandating that they apply for licenses and elect secretary-generals, among other requirements.⁶⁶⁰ Nevertheless, the government has consistently interfered with both licensed and unlicensed political groups, often arbitrarily invoking the Political Society Law, the anti-terror law, and other legislation to suspend or close opposition societies.⁶⁶¹ Just prior to the 2014 elections, for example, the MOJ requested that the courts suspend Al-Wefaq and Wa’ad for purported technical infractions; in 2016, the courts approved an MOJ order to completely close Al-Wefaq. Furthermore, in May 2016, the government promulgated an amendment to the 2005 Political Society Law that specifically prohibits religious figures, such as clerics and imams, from political participation. Initially, the law “banned political societies from using religious tribunes to promote their ideas, objectives or programmes,” but the 2016 amendment now forbids religious figures from even discussing politics during sermons and other assemblies, among other restrictions. The government has so far only used this amendment to target Shia religious figures and political groups (for more information on the intersection of sectarian discrimination and political interference, see section N.2).

IV. Anti-Torture Legislation

Despite the criminalization of torture, abuse and ill-treatment remains widespread in Bahrain. As early as December 2012, just two months after the Bahraini government accepted its second-cycle UPR recommendations, a Turkish forensic specialist found signs of torture on a deceased Bahraini after the government questioned him.⁶⁶² ADHRB, BCHR, and BIRD have extensively

660 *Freedom in the World 2016: Bahrain*, Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/bahrain>

661 Sam Jones, “Prosecuting politics: the judicial assault on Bahrain’s opposition,” openDemocracy, 18 December 2016, <https://www.opendemocracy.net/arab-awakening/sam-jones/prosecuting-politics-judicial-assault-on-bahrain-s-opposition>

662 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>.

documented the use of torture by Bahraini authorities during the period under review; see Section A for analysis and recommendations.

V. Criminalization of Free Expression

The government has nominally enshrined the right to freedom of expression in the constitution, but it does not enforce this protection. Instead, it has introduced wide-ranging and severe restrictions on speech and media to suppress dissent, real or perceived. For more information on free expression and free press, see Section H.

Third-Cycle Recommendations

The Government of Bahrain has not brought its Penal Code in line with international human rights law. Since 2012, it has instead enacted a wide range of new legislation that further constrains public freedoms and criminalizes the exercise of basic human rights. Bahraini authorities have utilized this framework to prosecute hundreds of activists, religious figures, human rights defenders, politicians, journalists, and lawyers, and to restrict civil society. ADHRB, BCHR, and BIRD find these recommendations to be not implemented. The Government of Bahrain should:

- Repeal or substantially amend the Public Gatherings Law to decriminalize free assembly, specifically the amendments contained in Law 32/2006.
- Restrict the authority of the MOI to prohibit and interfere with peaceful public gatherings, as well as to prosecute their participants and organizers.
- Repeal the Law of Protecting Society from Terrorist Acts and, if it is replaced with new legislation, include a precise, narrow definition of terror offenses that does not encompass nonviolent expression and assembly.
- Submit all terrorism cases to independent judicial review.
- Impose universal limits on pre-trial detention to ensure that detainees held under any law are protected from excessive or indefinite pre-trial detention and receive a speedy trial.
- Repeal or substantially amend the Law of Association to facilitate the creation of independent civil society actors and restrain government oversight and interference in their operations.
- Repeal the Law of Political Societies and replace it with new legislation permitting the establishment of formal political parties, with codified rights.
- Formally codify protection for all types and non-violent expression, assembly, and association.

Note: for ADHRB, BCHR, and BIRD's recommendations concerning legislation pertaining to torture, see Section A, and for recommendations concerning legislation pertaining to free expression and media, see Section H.

3. 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)

Though the Government of Bahrain acceded to the CAT in the 1998, it has not acceded to the OP-CAT. Moreover, it has entirely failed to prevent security forces from using torture. ADHRB, BCHR, and BIRD therefore find this recommendation to be not implemented. For analysis and recommendations, see Section A.2.

- 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 (Spain);
- 115.81** Establish a moratorium on executions with a view to abolishing the death penalty (Italy)
- 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 rejected its recommendations to end capital punishment. Although the last execution took place in 2010, Bahrain's courts have continued to issue death sentences, including one handed down as recently as December 2015. In some cases, death row inmates have reported that the authorities tortured them into making coerced confessions and prevented them from accessing legal counsel. There are currently 10 individuals sentenced to death in Bahrain; they are at risk of imminent execution.⁶⁶³

I. Legal Framework

The Government of Bahrain has not abolished the death penalty. Offenses such as apostasy, drug trafficking, and treason – which includes ambiguous crimes like harming the territorial integrity and independence of the state, and assisting enemies of the state – are all punishable by death. The Penal Code also provides judges wide discretion to determine sentencing in “serious” crimes.⁶⁶⁴ The penalty for an infraction determined to be “serious” can range from capital punishment to civil disqualification for a period of three to fifteen years.

Minors, defined as persons below the age of 18, are not subject to the death penalty in Bahrain. If the accused is between the ages of 15 and 18, the death sentence must be reduced to a jail sentence or imprisonment. Furthermore, the government does not apply the death penalty to mentally ill prisoners.

In addition to the Penal Code, recent amendments to Bahrain's anti-terror law have listed the death penalty as a possible sentence for acts of terror that cause death or injury and crimes that “disrupt the provisions of the Constitution or laws, or prevent state enterprises or public authorities from exercising their duties.”⁶⁶⁵ The anti-terror law lacks a precise definition of terrorism, however; according to the language, the government may charge an individual with a terror offense when there is no specific intent to commit a terrorist act, and even if there is no intent to cause death or

⁶⁶³ “NGOs Condemn Death Sentences in Bahrain After Record Year,” Action des chrétiens pour l’abolition de la torture (ACAT), Americans for Democracy & Human Rights in Bahrain (ADHRB), Bahrain Center for Human Rights (BCHR), Bahrain Institute for Rights and Democracy (BIRD), European Centre for Democracy and Human Rights (ECDHR), International Federation for Human Rights (FIDH), Redress, and Reprieve, 8 January 2016, <http://www.adhrb.org/2016/01/ngos-condemn-death-sentences-in-bahrain-after-record-year/>

⁶⁶⁴ “Bahrain Penal Code, 1976,” Government of Bahrain, see: https://www.unodc.org/res/cld/document/bhr/1976/bahrain_penal_code_html/Bahrain_Penal_Code_1976.pdf pg 32-36, 45.

⁶⁶⁵ *World Report: Bahrain*, Human Rights Watch, 2009, <https://www.hrw.org/world-report/2009/country-chapters/bahrain>

serious injury. The government has exploited this broad definition to charge nonviolent activists as terrorists and to criminalize acts of peaceful expression, assembly, and association. Bahraini authorities have used the anti-terror law to prosecute children as young as 15 years old.⁶⁶⁶

Individuals sentenced to death can appeal their convictions to the Court of Cassation, Bahrain's highest court of appeals, though this court typically considers only procedural technicalities. Once the Court of Cassation upholds a death sentence, it is sent to the king, who has the authority to ratify the sentence, commute it, or grant a pardon.

II. Cases

In 2015, Bahraini courts issued or confirmed seven death sentences. The Court of Cassation rejected the appeals of death row inmates Mohammed Ramadan and Husain Ali Moosa in November 2015. A lower court initially sentenced Ramadan and Moosa to death on 29 December 2014 for their alleged involvement in a February 2014 bomb explosion. Both men report that they were tortured into confessing, and both men later recanted their confessions. Nevertheless, the court convicted Ramadan and Moosa based solely on their coerced confessions. With the rejection of their final appeals in November 2015, Ramadan and Moosa became the first people since 2010 to have exhausted all legal avenues of appeal. They are at risk of imminent execution. On 31 December 2015, a court rejected the first appeal of death row inmate Salman Isa. The High Criminal Court had originally sentenced Salman Isa to death on 29 April 2015 for his alleged involvement in a bomb attack that killed a police officer in 2014.⁶⁶⁷ That same day, a court sentenced Hussein Abdullah Khalil Ebrahim on charges of forming a terrorist organization, engaging in rioting, and killing a police officer in 2014 with the aim of overthrowing the government. Though Hussein Ebrahim was the only one sentenced to death, eleven of his co-defendants – including two minors – claim that security forces subjected them to enforced disappearance and torture.⁶⁶⁸

Mohamed Ramadan 'Issa 'Ali is a 32-year-old airport security guard in Bahrain. On 20 March 2013, Bahraini authorities arrested Ramadan for his alleged involvement in a bomb explosion that had killed a police officer on 14 February 2013. Without a warrant, and without informing his family, security forces detained Ramadan for at least four days. During this time, MOI officials subjected Ramadan to severe torture. Ramadan eventually signed a confession in order to stop the abuse, but when he attempted to explain this to a judge the authorities tortured him for another 10 to 13 days. According to Ramadan, he was told the government knew he was innocent, but that his involvement in the pro-democracy movement made him a traitor who deserved the death sentence. On 29 December 2014, Ramadan was convicted of murder and sentenced to death based on his false confession and the coerced testimony of other defendants. On 26 May 2015, an appeals court upheld the ruling, and on 16 November the Court of Cassation rejected his final appeal. He is currently detained at Jau Prison, awaiting execution.⁶⁶⁹

666 "NGOs Express Concern that Bahrain Anti-Terrorism Amendment Permits Human Rights Violations," ADHRB, BCHR, and BIRD, 19 December 2014, http://www.adhrb.org/wp-content/uploads/2014/12/2014.12.19_NGOs-Express-Concern-that-Bahrain-Anti-Terrorism-Amendment-Permits-Human-Rights-Violations.pdf

667 "NGOs Condemn Death Sentences in Bahrain After Record Year," Action des chrétiens pour l'abolition de la torture (ACAT), Americans for Democracy & Human Rights in Bahrain (ADHRB), Bahrain Center for Human Rights (BCHR), Bahrain Institute for Rights and Democracy (BIRD), European Centre for Democracy and Human Rights (ECDHR), International Federation for Human Rights (FIDH), Redress, and Reprieve, 8 January 2016, <http://www.adhrb.org/2016/01/ngos-condemn-death-sentences-in-bahrain-after-record-year/>

668 Ibid.

669 "Bahraini Court Approves Capital Punishment of Torture Victims," ADHRB, 16 November 2015, <http://www.adhrb.org/2015/11/7750/>

Hussain 'Ali Moosa Hussain, 28, was tried along with Mohammad Ramadan for his alleged assistance in the 14 February 2013 bombing attack. The authorities arrested Moosa on 21 February 2013 and took him to a security facility. For three days, security officials reportedly hung Moosa from the ceiling while they beat him with batons and threatened to harm his family, specifically his sisters. Like Ramadan, Moosa eventually signed a false confession in exchange for an end to his torture. Also like Ramadan, when Moosa recanted his confession, he was subjected to further torture. This period of abuse reportedly lasted three months.

During his trial, Moosa was denied consistent access to legal counsel. When Moosa did have access to an attorney, the judge prevented the defense from properly preparing and refused to provide appropriate documentation. Furthermore, the prosecution used Moosa's coerced confession to not only convict him, but also to falsely incriminate Ramadan. Moosa and Ramadan were sentenced to death on the same day, 29 December 2014. As noted above, their appeals were rejected in May and November 2015.⁶⁷⁰ Moosa is also being held at Jau Prison, awaiting execution.⁶⁷¹

Sami Mushaima was arrested on 3 March 2014 when Bahraini security forces raided the home of the prominent Mushaima family. Due to the family's association with the pro-democracy movement – Hassan Mushaima is a political leader serving a life sentence for his participation in the 2011 uprising – Bahraini authorities had previously raided the home at least 23 separate times. On this occasion, approximately 15 security officials came to arrest Sami Mushaima for his alleged involvement in a bomb explosion that killed three police officers only a few hours earlier. Though he did not resist arrest, the security forces violently apprehended Mushaima and transported him to a detention facility. Over the next several weeks, he was reportedly subjected to extreme torture. Security officials beat, electrocuted, and sexually assaulted him, among other severe forms of mental and physical abuse. Mushaima's family believes he was tortured into making a false confession. His family has also stated that Mushaima is illiterate and lacks the skill necessary to assemble a remote-controlled explosive device. Nonetheless, on 26 February 2015, a court sentenced Mushaima to death. His sentence was upheld on appeal on 31 May 2016; though the courts ordered a retrial in October, an appeals court again upheld the sentence in December.⁶⁷² On 9 January 2017, Bahrain's court of Cassation confirmed the death sentence.⁶⁷³

Abbas al-Samea is a 25-year-old teacher who was arrested on 3 March 2014, the same day as Sami Mushaima, for his alleged participation in the same bomb explosion. Al-Samea claims that the authorities subjected him to similar forms of torture as they did Mushaima, including electric shocks, sleep deprivation, and sexual assault. Despite credible evidence that al-Samea was in school at the time of the bombing, a judge sentenced him to death along with Mushaima and another defendant (see below) on 26 February 2015. Throughout the trial, the authorities prevented the defendants' lawyers from accessing the case files and from cross-examining the public prosecution's witnesses. The defense team ultimately boycotted the hearings in protest of these due process violations. An appeals court upheld the three defendants' death sentences on 31 May 2016, and again on 4 December, after an October retrial.⁶⁷⁴ The Court of Cassation again confirmed the sentence in January 2017.

670 Ibid.

671 Ibid.

672 "Bahrain: Court of Appeal Ignores Torture Allegations, Upholds Three Death Sentences," BCHR, 23 December 2016, <http://www.bahrainrights.org/en/node/8400>

673 "Bahrain Court of Cassation upholds death sentence against 3 torture victims," ADHRB, BCHR, BIRD, and ECDHR, 9 January 2017, <http://www.adhrb.org/2017/01/11579/>

674 Ibid.

Security forces arrested Ali Abdulshaheed al-Singace around the same time as Sami Mushaima and Abbas al-Samea, accusing him of having also participated in the bomb explosion. Like Mushaima and al-Samea, al-Singace was sentenced to death on 26 February 2015 after an unfair trial. He and his codefendants maintain their innocence and claim they were tortured into providing false confessions. Appeals courts upheld the sentence, which was later confirmed by the Court of Cassation.⁶⁷⁵

On 19 February 2014, a court sentenced Maher al-Khabbaz to death for his alleged use of a flare gun to kill a police officer on 14 February 2013. Three days after the alleged attack, plainclothes officers arrested al-Khabbaz at his place of business and disappeared him to a local security facility. There, the officers subjected al-Khabbaz to severe physical torture including electrocution and *falaka*, a technique of whipping most sensitive areas of the feet and hands. After a week, and although he is illiterate and was blindfolded, the authorities forced al-Khabbaz to sign a confession. The ensuing trial was based on this false confession, the coerced confessions of alleged compatriots, and the testimony of the involved police officers. Throughout the proceedings, the authorities denied al-Khabbaz consistent access to an attorney and threatened him with continued torture. An appeals court upheld his death sentence on 31 August 2014. He is currently detained at Jau Prison, where he awaits execution.⁶⁷⁶

The High Criminal Court sentenced Salman Isa to death on 29 April 2015 for his alleged involvement in a bomb attack that killed a police officer a year prior. Along with Isa, the court sentenced 11 other defendants to prison terms ranging from 10 years to life. The authorities reportedly subjected the defendants to torture and/or other forms of coercion in order to extract false confessions. In December 2015, a court rejected his first appeal.⁶⁷⁷

Third-Cycle Recommendations

The Government of Bahrain's use of the death penalty violates its obligations under the International Covenant for Civil and Political Rights (ICCPR), to which Bahrain acceded in 2006. The ICCPR stipulates that the death penalty must only be handed down for the most serious crimes and that fair trial standards must be applied, including an absolute prohibition against torture. Individuals on death row have reported frequent violations of their due process rights. Among the violations has been severe torture during detention and interrogation. Defendants have also reported arrests without warrants and torture for the purpose of extracting confessions. To comply with its recommendations to end the death penalty, the Government of Bahrain should:

- Commute all death sentences.
- Establish a moratorium on the death penalty with a view to abolition.
- Investigate and prosecute all acts of torture, mistreatment, and enforced disappearance.
- Dismiss all convictions made on the basis of confessions obtained under conditions of torture or coercion.
- Establish further procedures to ensure the fairness of all criminal trials and appeals.
- Amend articles of the Penal Code and repeal anti-terror legislation that ambiguously define 'serious' and 'terror' offenses or criminalize free expression, assembly, and association.

⁶⁷⁵ Ibid.

⁶⁷⁶ NGOs Condemn Capital Punishment Sentence for Maher al-Khabbaz," ADHRB, BCHR, BIRD, and Reprieve, 30 October 2014, <http://www.adhrb.org/2014/10/ngos-condemn-capital-punishment-sentence-for-maher-al-khabbaz/>

⁶⁷⁷ "The Death Penalty in Saudi Arabia and Bahrain," ADHRB, 2016, <http://www.adhrb.org/wp-content/uploads/2016/04/ADHRB-Submission-on-the-Death-Penalty.pdf>

Religious and Cultural Rights

Second-Cycle UPR Recommendations

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.*⁶⁷⁸

The Government of Bahrain also accepted recommendation **115.70** concerning the promotion of welfare for all victims of discrimination. Initially, the government only grouped this recommendation into the thematic issue area concerning women and gender equality, but, because the language is inclusive of all forms of discrimination, it will be additionally addressed here.

Similarly, the government accepted recommendations **115.93** to prevent of violence against members of ethnic and religious communities and **115.103** to increase diversity in the security forces, grouping them into the broad thematic issue area concerning respect for human rights. As this report has created new categories to address issues that were not explicitly included in the second UPR cycle (see Methodology), these recommendations will be assessed below. When the government accepted these recommendations, it 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...Employment is also allowed for all citizens without discrimination in all government departments, not just in the Ministry of Interior.*⁶⁷⁹

Brief Assessment

The Bahraini authorities have continued to discriminate against Bahrain's Shia majority – including the Baharna and Ajam ethnoreligious groups – in most aspects of daily life, from hiring practices to social services. While as much as 70% of Bahrain's population is Shia,⁶⁸⁰ nearly all practical political power is concentrated within the Sunni Al Khalifa ruling family, and most key government posts are held by Al Khalifas or Sunni supporters.⁶⁸¹ As repeatedly documented by scholars,⁶⁸² UN

678 UN 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

679 Ibid.

680 "The Future of the Global Muslim Population: Sunni and Shia Muslims," Pew Research Center, 27 January 2011, <http://www.pewforum.org/2011/01/27/future-of-the-global-muslim-population-sunni-and-shia/>

681 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, print.

682 Marc Owen Jones, "Saudi Intervention, Sectarianism, and De-Democratization in Bahrain's Uprising," in *Protest, Social Movements and Global Democracy Since 2011: New Perspectives*, 9 June 2016, <http://www.emeraldinsight.com/doi/abs/10.1108/S0163-786X20160000039011>

Special Procedures,⁶⁸³ foreign governments,⁶⁸⁴ and independent NGOs⁶⁸⁵ – including ADHRB, BCHR, and BIRD’s two-volume report, *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain*⁶⁸⁶ – the authorities have specifically targeted the Shia community for reprisal and have intensified restrictions on Shia religious and cultural rights since 2011.⁶⁸⁷ In recent years, the government has intensified its attacks on Shia political participation and religious traditions, often employing violence to suppress the community’s rights to free assembly, free association, free speech, and free cultural and religious expression. There is also mounting evidence to suggest that the government is actively working to decrease the Shia population and alter the country’s demographic balance in favor of the Sunni minority. Additionally, Bahraini authorities have also failed to integrate the Shia community into the security services, preventing Shia from participating in national policing and defense and increasing the likelihood of sectarian violence.

Although the Bahraini government has repaired some of the Shia religious sites demolished in 2011, many others have been damaged or destroyed in the time since. More still have been rebuilt by the local community, without adequate state reimbursement. As a result of the government’s limited efforts to rebuild Shia mosques destroyed in 2011, ADHRB, BCHR, and BIRD find second-cycle UPR recommendation **115.145** to be partially implemented. Nevertheless, ADHRB, BCHR, and BIRD also find that the authorities have deepened the broader systems of sectarian discrimination in Bahrain – including by violent means such as arbitrary detention and torture – therefore conclude that the government has entirely failed to implement recommendations **115.70**, **115.93**, or **115.103**.

1. REBUILD RELIGIOUS SITES

Perceived Progress

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

In the aftermath of the 2011 unrest, Bahraini authorities damaged at least 53 Shia mosques and religious institutions; of these, at least 28 were entirely demolished.⁶⁸⁸ The government stated that it only demolished mosques that were constructed without permits, although a number of the structures had been built years – and in some cases centuries – before the modern construction permit process was established; the Baharna, a subset of the country’s majority Shia population,

683 BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

684 *2015 Annual Report: Bahrain*, US Commission on International Religious Freedom (USCIRF), 2015, <http://www.uscirf.gov/sites/default/files/Bahrain%202015.pdf>; and *2016 Annual Report: Bahrain*, US Commission on International Religious Freedom (USCIRF), 2016, http://www.uscirf.gov/sites/default/files/USCIRF_Monitored_Bahrain.pdf; and *Country Reports on Human Rights Practices for 2015: Bahrain*, US Department of State, 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252919EXECUTIVE#wrapper>

685 *Freedom in World 2016: Bahrain*, Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/bahrain>

686 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>; and *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, 13 September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

687 Ibid.

688 “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>.

are the longest continuous inhabitants of the island⁶⁸⁹ and can trace their descendants back to the pre-Islamic era.⁶⁹⁰ Nonetheless, in June 2012, Bahrain's Court of Cassation ruled that government could only authorize the repair or reconstruction of mosques that possessed proper documentation.⁶⁹¹ The court's decision has forced subsequent efforts to reconstruct Shia places of worship to navigate this burdensome and often retroactive permit process.

The government has also halted work on numerous mosques and authorized the re-demolition of others.⁶⁹² By December 2012, the authorities had demolished—for the second time—four Shia mosques without providing prior notification.⁶⁹³ The US State Department's 2012 Report on International Religious Freedom noted that these demolitions continued throughout the year.⁶⁹⁴ It also found that the government halted work on the construction of new mosques and deprived many Shia communities of temporary places of worship consisting of even makeshift "simple structures"; these prefabricated sites were usually destroyed by Bahraini security forces.⁶⁹⁵ In other instances, the government precluded reconstruction by assuming control of the demolition sites and initiating new public construction projects, such as parks or housing complexes. The authorities demolished the 70-year-old Abu Dharr al-Ghifari mosque, for example, and have announced that the site will be converted into another park.⁶⁹⁶ The Al Khamis Mosque, an important Baharna cultural center and the earliest surviving mosque in Bahrain, is set to become a museum under the auspices of the Ministry of Culture.⁶⁹⁷ According to the UN Special Procedures, authorities are reportedly removing "engravings linking the mosque to Baharna population and Shia Islam."⁶⁹⁸

By July 2013, the Bahraini government had rebuilt five mosques, completed repairs on four, and tendered reconstruction permits for another eleven.⁶⁹⁹ The next year, the government reported that it had allocated USD \$7,948,790 for the reconstruction of 30 sites specifically identified in the BICI. As of February 2014, it claimed that twelve of these mosques had been fully rebuilt and that the remainder were under construction.⁷⁰⁰ The government's 2014 Interim Report on the implementation of its UPR recommendations additionally noted that the Jaafari Endowment

689 James Belgrave, *Welcome to Bahrain*, Augustan Press, London, 1953, eight edition, 1973, 16.

690 Cole, Juan, *Sacred Space and Holy War: The Politics, Culture and History of Shi'ite Islam*, I.B. Taurus, 2002, 45; Frederic M. Wehrey, *Sectarian Politics in the Gulf: From the Iraq War to the Arab Uprisings* (New York: Columbia University Press, 2014), 12.

691 "Top court halts mosque rebuilding in Bahrain." *Trade Arabia*. 21 June 2012. http://www.tradearabia.com/news/law_219340.html

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

693 Ibid.

694 "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>.

695 Ibid.

696 Ibid.

697 BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

698 Ibid.

699 "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>.

700 *Kingdom of Bahrain: Universal Periodic Review Interim Report*, Kingdom of Bahrain, September 2014, <http://www.upr.bh/index.php/progress-report-2014/>

Directorate,⁷⁰¹ an affiliate institution of the Ministry of Justice and Islamic Affairs tasked with regulating Shia religious property, would oversee the reconstruction projects going forward.⁷⁰² The government also announced that it was accelerating the schedule for the reconstruction of all 30 sites from 2018 to the end of 2014,⁷⁰³ although it did not meet this deadline.

In 2015, the Bahrain Human Rights Observatory (BHRO) found that a total of 24 mosques had been rebuilt at their original sites.⁷⁰⁴ However, only 16 of these were explicitly funded and reconstructed by the government, as many mosques were repaired by the local Shia communities.⁷⁰⁵ Bahraini authorities rebuilt an additional three mosques at new locations, away from their original sites.⁷⁰⁶ The US State Department reported in 2016 that the government had “completely reconstructed” 22 of the 30 mosques specifically identified by the BICI.⁷⁰⁷ Of the remaining eight, it found that four “appeared to have complete structures with utilities, but were not open” and one “had a nearly complete structure, but a wall around the site implying construction was ongoing.”⁷⁰⁸

Still, the government has only partially fulfilled its commitment to restore Shia places of worship damaged or destroyed since 2011. Though 24 mosques have been rebuilt at their original locations⁷⁰⁹ – reportedly including 22 of the 30 mosques identified by the BICI⁷¹⁰ – between eight⁷¹¹ and eleven⁷¹² mosques remain in disrepair. Additionally, in some cases the government has shifted the financial burden of these reconstruction projects to the public, with at least eight mosques rebuilt by local Shia communities.⁷¹³ USCIRF found in 2014 that, while the government had helped secure permits for six structures rebuilt by the Shia community, it had not provided any reimbursement for these projects.⁷¹⁴ According to the US State Department in 2016, the government now claims it “reimbursed the Shia community for the cost of [seven reconstruction projects] through payments to the national Shia endowment, but members of that community dispute this.”⁷¹⁵ Moreover, the authorities have interfered in community-led reconstruction efforts

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- 701 The Jaafari Endowment Directorate is also known as the Jaffaria Waqf Directorate, or simply Jaafari Endowments.
- 702 “Jaffaria Waqf Directorate: History,” Jaffaria Waqf Directorate, Ministry of Justice and Islamic Affairs, Kingdom of Bahrain, 2009, http://www.jafwaqf.com/view.php?page=home_en
- 703 Ibid.
- 704 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>
- 705 Ibid.
- 706 Ibid.
- 707 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>
- 708 Ibid.
- 709 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>
- 710 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>
- 711 Ibid.
- 712 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>
- 713 Ibid.
- 714 “2015 Annual Report,” United States Commission on International Religious Freedom, 2015, <http://www.uscifr.gov/sites/default/files/Bahrain%202015.pdf>, 191-192.
- 715 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

since 2011, even re-demolishing a partially repaired mosque in 2014, citing safety concerns.⁷¹⁶

The government has also rebuilt several mosques away from their historical locations.⁷¹⁷ Officials justified the relocations by stating that the previous sites violated laws governing public land ownership and construction.⁷¹⁸ One of the relocated buildings, the al-Barbaghi mosque, is particularly representative of the Shia community's role in Bahraini history: al-Barbaghi contains the tomb of Shia religious scholar Ameer Mohammed al-Barbaghi and was built in 1549, predating the arrival of the ruling al-Khalifa family by more than 200 years.⁷¹⁹ It was also previously located along the route of what would become the King Fahd Causeway, a bridge that connects Bahrain with Saudi Arabia.⁷²⁰ The government claims it rebuilt the mosque some 200 meters away from its original site because of security concerns, but critics contend that the authorities were eager to remove a major Shia mosque from its prominent location near "a road much frequented by members of the ruling family and Saudis visiting Bahrain."⁷²¹ The government has additionally restricted access to many of the sites where al-Barbaghi and other relocated mosques originally stood.⁷²² In January 2014, authorities arrested five individuals for attempting to pray at the original site of the al-Barbaghi mosque, and in February, security forces interrogated 20 worshippers for the same activity.⁷²³ BCHR found in 2015 that the government continued to forbid Shia worshippers from visiting holy sites such as the mausoleum of Sheik Ibrahim bin Malik al-Ashtar and the Saassa bin Souhan Mosque, both of which have been the target of sabotage attempts or have been otherwise defaced by security forces.⁷²⁴ In July 2016, the *al-Wasat* newspaper reported that unknown assailants had again vandalized the Saassa bin Souhan Mosque, marking the building with "unethical writings and drawings," disrupting its electrical system, and piling rocks and garbage throughout the interior.⁷²⁵

Progress on the remaining reconstruction sites is stagnant. In many parts of Bahrain, Shia communities continue to hold religious services in damaged mosques, makeshift structures, or other substandard conditions.

716 "2015 Annual Report," United States Commission on International Religious Freedom, 2015, <http://www.uscirf.gov/sites/default/files/Bahrain%202015.pdf>, 191-192.

717 "Apart in Their Own Land Volume I: Government Discrimination against Shia in Bahrain," Americans for Democracy & Human Rights in Bahrain, February 2015, http://adhrb.org/wp-content/uploads/2015/09/ADHRB_ApartLand_Vol2_Web.pdf, 26.

718 "Moving Beyond 2011: A Special Report Detailing the Government of Bahrain's Implementation of the Recommendations of the Bahrain Independent Commission of Inquiry," BICI Follow-up Unit, February 2014, http://www.bna.bh/pdf/BICI_Implementation_report_ENGLISH.pdf, 15.

719 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>

720 Ibid.

721 Bill Law, "Razed mosque symbol of divided Bahrain," *BBC News*, March 27, 2014, accessed October 28, 2015, <http://www.bbc.com/news/world-middle-east-26721084>.

722 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>

723 "Bahrain 2014 International Religious Freedom Report," United States Department of State, 2015, <http://www.state.gov/documents/organization/238662.pdf>, 5.

724 *Bahrain: 2015 Human Rights Violations from Practice to Policy*, BCHR, 10 April 2016, <http://www.bahrainrights.org/en/node/7786>; and BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

725 Quoted in "New Attack against Shiite Mosque in Bahrain," *Bahrain Mirror*, 7 July 2016, <http://bmirror.no-ip.org/en/news/32806.html>

- 115.70** Meet the aspirations of groups that are the victim of discrimination (Belgium);
- 115.93** Prevent incidents of violence against members of ethnic and religious communities (Canada); and
- 115.103** Create a more diverse, inclusive police force, reflective of society (United States of America)

I. Suppression of Religious Practices, Gatherings, and Associations

In addition to its destruction and neglect of Shia religious sites (see above), the government has also escalated its interference in traditional Shia religious practices.⁷²⁶ Authorities frequently disturb public Shia religious ceremonies during the Islamic calendar month of Muhurram. In 2015, ADHRB, BCHR, and BIRD documented numerous cases of security forces arresting Shia clerics, tearing down religious placards marking Ashura (or the Day of Remembrance), and suppressing peaceful public demonstrations with shotguns and teargas.⁷²⁷ The authorities removed flags and banners from more than 30 villages in the first two weeks of Muharram, and they raided a Shia religious hall, a *matam*, in Karzkan village.⁷²⁸ The MOI stated that its personnel removed “political slogans that do not represent Ashura,”⁷²⁹ but residents of the affected villages tell ADHRB, BCHR, and BIRD that their banners exhibited typical Ashura slogans that had been displayed during Muharram for years.⁷³⁰ Moreover, the MOI justified its decision to violently disperse worshippers – resulting in several cases of near-suffocation, bodily injury, and private property damage – as necessary to “ensure traffic safety.”⁷³¹ That same Muharram, Bahraini authorities summoned and interrogated at least five Shia clerics, including Sheikh Abdulzahra al-Mubasher, Mulla Abbas al-Jamri, Mahdi Sahwan, Sheikh Mahmood al-Aali, and Sayed Yasser al-Sari.⁷³² All five were questioned regarding their religious activities during Muharram, such as the contents of their sermons.⁷³³ Bahraini officials even summoned a youth group in order to interrogate them about a prayer gathering they held on the day of Ashura.⁷³⁴

Similar forms of harassment were reported in 2016,⁷³⁵ and ADHRB, BCHR, and BIRD have documented numerous cases of government interference with worshippers and clerics during the

726 “Updates: Bahrain: Authorities Promoting Sectarian Tensions by Targeting Shia Muslims During Ashoura,” BCHR, 15 November 2013, <http://www.bahrainrights.org/en/node/6565>

727 “Attacks on Muharram Ceremonies in Bahrain.” ADHRB, BCHR, and BIRD, 29 October 2015, <http://www.adhrb.org/2015/10/attacks-on-muharram-ceremonies-in-bahrain/>

728 Ibid.

729 “الداخلية: مخالفات «عاشوراء» التي أزالها الأمن تتعلق بالأماكن والمضمون والسلامة العامة.” Al Wasat, 23 October 2015, <http://www.alwasatnews.com/news/1038173.html>

730 “Attacks on Muharram Ceremonies in Bahrain.” ADHRB, BCHR, and BIRD, 29 October 2015, <http://www.adhrb.org/2015/10/attacks-on-muharram-ceremonies-in-bahrain/>

731 “الداخلية: مخالفات «عاشوراء» التي أزالها الأمن تتعلق بالأماكن والمضمون والسلامة العامة.” Al Wasat, 23 October 2015, <http://www.alwasatnews.com/news/1038173.html>

732 “Attacks on Muharram Ceremonies in Bahrain.” ADHRB, BCHR, and BIRD, 29 October 2015, <http://www.adhrb.org/2015/10/attacks-on-muharram-ceremonies-in-bahrain/>

733 Ibid.

734 Ibid.

735 Habib Toumi, “Bahrain security chief vows zero tolerance towards Ashura abuses: Flags, cutouts removed from non-designated locations,” Gulf News, 4 October 2016, <http://gulfnews.com/news/gulf/bahrain/bahrain-security-chief-vows-zero-tolerance-towards-ashura-abuses-1.1906562>

month of Muharram, particularly in the town of Diraz (see below).⁷³⁶ BCHR reported the removal of religious signs in at least 15 predominantly Shia areas, for example, prompting protests that the security forces suppressed with tear gas. The authorities also denied at least two preachers, Said Mustafa Al-Karrani and Sheikh Mohammed Al-Mahfoodh, from entering Diraz to participate in a religious event.⁷³⁷

The government has simultaneously increased its harassment and prosecution of Shia religious figures more generally. In June 2016, the MOI unilaterally revoked the citizenship of Ayatollah Sheikh Isa Qassim, a prominent Shia cleric who is widely considered the spiritual leader of Bahrain's Shia community.⁷³⁸ Although it has not presented "any credible evidence," as noted by the US State Department,⁷³⁹ the MOI based its decision on allegations that Sheikh Qassim has "served foreign interests," promoted "sectarianism and violence,"⁷⁴⁰ and "exploited the religious pulpit for political purposes."⁷⁴¹ Sheikh Qassim is unable to appeal the denaturalization order.

A day after the MOI revoked Sheikh Qassim's citizenship, security forces reportedly raided a religious consultation office associated with the cleric and removed the building's doors.⁷⁴² They also searched the nearby apartments of religious students and other citizens. On 16 July, the government announced that, in addition to the denaturalization order, it was initiating legal proceedings against Sheikh Qassim and two other individuals on charges of illicit fund-raising and money-laundering.⁷⁴³ The charges against Sheikh Qassim – whose trial has been postponed until 30 January 2017 – are related to the traditional Shia practice of *khums*, whereby religious leaders solicit donations from the community, and can warrant up to seven years in jail and a USD \$2.6 million fine. Local sources have told *Middle East Eye* that Sheikh Qassim's prosecution is "likely to accelerate [government] plans to strip the country's Shia imams of the right to collect a religious contribution from the faithful...which could happen as soon as the end of the year."⁷⁴⁴ The government has accused Shia leaders like Sheikh Qassim of "misappropriating" these funds to support political prisoners and is now reportedly working to bring the practice of *khums* under the control of the state.⁷⁴⁵ Critics, however, claim that the government is both infringing on the religious rights of the Shia community and seeking to profit off of Shia religious practices.⁷⁴⁶ Some argue that the Jaafari Endowment Directorate, which will likely assume control of *khums* if the authorities implement this new policy, lacks sufficient independence from the government and is itself engaged in corruption; one activist stated that "not a single high Shia scholar recognizes" the institution.⁷⁴⁷

736 "As the Religious Season of the Month of Muharram Begins, Bahrain Increases Restrictions and Attacks on Religious Freedom," BCHR, 10 October 2016, <http://www.bahrainrights.org/en/node/8233>

737 "As the Religious Season of the Month of Muharram Begins, Bahrain Increases Restrictions and Attacks on Religious Freedom," BCHR, 10 October 2016, <http://www.bahrainrights.org/en/node/8233>

738 "Eminent Shia Cleric Stripped of Citizenship, Faces Deportation," ADHRB, BIRD, ECDHR, and JHRO, 20 June 2016, <http://www.adhrb.org/2016/06/eminant-shia-cleric-stripped-citizenship-faces-deportation/>

739 "Bahrain Revokes Top Shia Cleric Isa Qassim's Citizenship," BBC News, June 20, 2016, <http://www.bbc.com/news/world-middle-east-36578000>

740 Ibid.

741 "Eminent Shia Cleric Stripped of Citizenship, Faces Deportation," ADHRB, BCHR, BIRD, and JHRO, 20 June 2016, <http://www.adhrb.org/2016/06/eminant-shia-cleric-stripped-citizenship-faces-deportation/>

742 "Bahraini Security Forces Raid Al-Bayan Office Linked to Sheikh Isa Qassim," Bahrain Mirror, 21 June 2016, <http://mirror.no-ip.org/en/news/31981.html>

743 "Bahrain's leading Shia cleric charged with corruption," Middle East Eye, 16 July 2016, <http://www.middleeasteye.net/news/bahrain-s-leading-shias-religious-leader-charged-corruption-1212082735>

744 Ibid.

745 Ibid.

746 Ibid.

747 Ibid.

Earlier, on 14 June, the Ministry of Social Development closed two of the only remaining Shia civil society organizations, the Al-Risala Islamic Society and the Islamic Enlightenment Society (Al-Tawiya), on similar allegations related to *khums*.⁷⁴⁸ Security forces arrested the head of Al-Risala Islamic Society, Mahmood al-Arab, on the same day.⁷⁴⁹ On 16 June, the PPO interrogated nine Shia clerics – including Sayed Majeed al-Misha'al, Sheikh Hussain al-Mahroos, Sheikh Hasan al-Maleki, Sheikh Ebrahim al-Ansari, Sayed Hashim al-Bahrani, and Sheikh Abdulmuhsen Attya al-Jamri – in connection with Al-Risala, Al-Tawiya, and/or the “illegal collection of money.”⁷⁵⁰ On 2 August, the lawyer for Al-Tawiya, reported to be the largest Shia association in Bahrain, stated on social media that the charges against the organization represent an attack on “the Shia existence.”⁷⁵¹ The government has twice summoned the head of Al-Tawiya,⁷⁵² Sheikh Baqer al-Hawaj, and has reportedly imposed a travel ban on him, preventing him from performing the hajj for the last ten years.⁷⁵³ The organization’s website is also now blocked in Bahrain.⁷⁵⁴ In addition to international religious and cultural rights, the criminalization of traditional practices like *khums* contravenes Bahrain’s 1956 law on collecting donations as well as Article 22 of the constitution, which states that “freedom of conscience is absolute...[and] the State shall guarantee the inviolability of places of worship and the freedom to perform religious rights and to hold religious processions and meetings in accordance with the customs observed in the country.”⁷⁵⁵

Following the government’s initial decision to denaturalize Sheikh Qassim and render him stateless, hundreds of demonstrators gathered at his home in Diraz to protest his potential deportation.⁷⁵⁶ Though the authorities have not dispersed the peaceful sit-in at time of writing, security forces have surrounded the area and blocked all but two entrances into the village.⁷⁵⁷ Personnel at the two checkpoints have prevented residents without Diraz identification documents from entering the village, and all major Internet Service Providers (ISPs) – including the three largest: Batelco, Zain, and Viva – have enforced a daily internet shutdown in the area between 7:00 p.m. and 1:00 a.m.⁷⁵⁸ Digital security expert Bill Marczak has found that “Batelco and Zain are likely deliberately disrupting both fixed-line and mobile data services in Duraz [sic]” and “it is possible that the disruptions are a result of a Service Restriction Order (SRO) from the Bahrain Government, in

748 “Continued Crackdown on Clerics and Freedom of Religion and Assembly,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 27 July 2016, <http://www.adhrb.org/2016/07/continued-crackdown-clerics-freedom-religion-assembly/>

749 “Bahrain: Authorities Escalate Crackdown on Shia Clerics and Freedom of Religion,” BCHR, 17 June 2016, <http://bahrainrights.org/en/node/7914>

750 “Bahrain: Authorities Escalate Crackdown on Shia Clerics and Freedom of Religion,” BCHR, 17 June 2016, <http://bahrainrights.org/en/node/7914>

751 “First Trial Hearing of Al-Tawiya Society to Start Today,” *Bahrain Mirror*, 2 August 2016, <http://mirror.no-ip.org/en/news/32926.html>

752 “Bahrain: Authorities Escalate Crackdown on Shia Clerics and Freedom of Religion,” BCHR, 17 June 2016, <http://bahrainrights.org/en/node/7914>

753 “Tawiya Society’ Trial Adjourned until September 7,” *Bahrain Mirror*, 3 August 2016, <http://mirror.no-ip.org/en/news/32952.html>

754 “Bahrain: Authorities Escalate Crackdown on Shia Clerics and Freedom of Religion,” BCHR, 17 June 2016, <http://bahrainrights.org/en/node/7914>

755 *Ibid.*; and *Constitution of the Kingdom of Bahrain*, Kingdom of Bahrain, 14 February 2002, <http://www.wipo.int/edocs/lexdocs/laws/en/bh/bh020en.pdf>

756 “Diraz: A Community Under Siege,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 13 July 2016, <http://www.adhrb.org/2016/07/10390/>

757 *Ibid.*

758 *Ibid.*

relation to the protests,⁷⁵⁹ a form of internet interference that has been condemned by the UN.⁷⁶⁰ Pro-government social media accounts have simultaneously circulated photographs of public sector employees seen participating in the Diraz sit-in, equating them with terrorists and calling for their arrest.⁷⁶¹ On 12 July 2016, this campaign culminated in the interrogation and subsequent arrest of Ali Abdulraheem, an official at the state Labour Market Regulatory Authority (LMRA), after social media users, including a member of Bahrain's National Assembly, posted a picture of him participating in the demonstrations online.⁷⁶² The BICI documented a similar “electronic witch hunt”⁷⁶³ practice in 2011, concluding that pro-government social media accounts targeted protesters; disclosed their whereabouts and personal details; and subjected them to harassment, threats, and defamation.⁷⁶⁴ Security forces later arrested and in some cases tortured many of the targeted individuals.⁷⁶⁵ Though the BICI found that such activity amounts to hate speech and incitement to violence,⁷⁶⁶ the government has not prosecuted anyone for participating in these types of campaigns.⁷⁶⁷

In response to the sit-in, Bahrain's prime minister, Khalifa bin Salman Al Khalifa, has stated that “there will be no place for those who incite violations of the law and who threaten the security of the country.”⁷⁶⁸ Since June, the authorities have conducted mass arrests and interrogations of individuals attending Friday prayers in Diraz and/or participating in the demonstrations. In just the first ten days of August, for example, BCHR documented 73 summons, including clerics and religious singers.⁷⁶⁹ The authorities detained the majority of these individuals overnight before presenting them to the PPO, and at least 23 of these were remanded into custody on illegal assembly charges. Several of them reported being asked to sign a pledge to refrain from participating in the sit-in. On 14 August, the authorities charged Sheikh Maytham al-Salman, a renowned interfaith leader and human rights defender, and Dr. Taha al-Derazi, an activist and former prisoner of conscience, with “illegal gathering” for participating in the sit-in; Sheikh Maytham was released

759 Bill Marzcek, “‘Time for some Internet Problems in Duraz’: Bahraini ISPs Impose Internet Curfew in Protest Village,” *Bahrain Watch*, 3 August 2016, <https://bahrainwatch.org/blog/2016/08/03/bahrain-internet-curfew/>

760 “U.N. passes landmark resolution condemning internet shutdowns,” *Access Now*, 1 July 2016, <https://www.accessnow.org/un-passes-resolution-condemning-internet-shutdowns/>

761 “Return of Electronic Witch Hunt in Bahrain Leads to the Arrest of Ali Abdulraheem,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 14 July 2016, <http://www.adhrb.org/2016/07/return-electronic-witch-hunt-bahrain-leads-arrest-ali-abdulraheem/>

762 *Ibid.*

763 Noor Mattar, “Electronic Witch-Hunts in Bahrain, Israel and the ISIS,” *Global Voices*, 2 August 2014, <https://globalvoices.org/2014/08/02/electronic-witch-hunts-in-bahrain-israel-and-the-isis/>

764 Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Phillippe Kirsch, and Mahnoush Arsanjani, “Report of the Bahrain Independent Commission of Inquiry,” *Bahrain Independent Commission of Inquiry*, <http://www.bici.org.bh/BICIreportEN.pdf>

765 “Return of Electronic Witch Hunt in Bahrain Leads to the Arrest of Ali Abdulraheem,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 14 July 2016, <http://www.adhrb.org/2016/07/return-electronic-witch-hunt-bahrain-leads-arrest-ali-abdulraheem/>

766 Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Phillippe Kirsch, and Mahnoush Arsanjani, “Report of the Bahrain Independent Commission of Inquiry,” *Bahrain Independent Commission of Inquiry*, <http://www.bici.org.bh/BICIreportEN.pdf>

767 “Return of Electronic Witch Hunt in Bahrain Leads to the Arrest of Ali Abdulraheem,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 14 July 2016, <http://www.adhrb.org/2016/07/return-electronic-witch-hunt-bahrain-leads-arrest-ali-abdulraheem/>

768 “Bahrain strips citizenship of top Shiite cleric,” *The National*, 20 June 2016, <http://www.thenational.ae/world/middle-east/bahrain-strips-citizenship-of-top-shiite-cleric>

769 “Bahrain Escalates Arrests of Protesters at Duraz Sit-in, Continues to Criminalize and Threaten Freedom of Assembly,” ADHRB, BCHR, and BIRD, ECDHR, and JHRO, 10 August 2016, <http://www.adhrb.org/2016/08/10631/>

on bail but Dr. Al-Derazi remains in detention.⁷⁷⁰ The following are also among those charged with illegal assembly since June 2016: Sheikh Mahmood Al-Aali, vice president of the dissolved Islamic Ulema Council (IUC), a group of the country's leading Shia clerics;⁷⁷¹ Sheikh Fadhel al-Zaki, an IUC member; Sheikh Muneer al-Matooq; Sheikh Ebrahim al-Safa; Sheikh Ali Humaidan; Sheikh Aziz al-Khadran; Sheikh Ali Rahma; Sheikh Hani Ali Ahmed Baseera; Mahdi Sahwan, a religious singer; Sayed Majeed al-Misha'al, IUC president; Sheikh Jasim Al-Motawa; Sayed Yaseen Al-Mosawi; Sheikh Ali Naji al-Hamali; Mula Habib al-Dirazi; Sheikh Mohammad Jawad al-Shahabi; Sheikh Imad al-Shoala; and Sheikh Jasim Al-Khayat, head of the Arbitral Tribunal⁷⁷² for the recently dissolved Al-Wefaq National Islamic Society, the country's largest opposition group. Humaidan, al-Matooq, al-Hamali, al-Mosawi, al-Shoala, and al-Khadran were all convicted and sentenced to one year in prison. Notably, Habib al-Dirazi was sentenced to one year in prison for each day he participated in the sit-in, earning him two years total.⁷⁷³ Additionally, the authorities charged poet Khalil al-Ismaeel with both "illegal gathering" and "reciting a political poem" at Diraz.⁷⁷⁴

The security forces have also denied Shia imams, such as Sayed Abdullah al-Ghoraifi, Sayed Mohammad al-Ghoraifi, and Sheikh Mohamed al-Sanqoor, consistent access to the mosques in Diraz and elsewhere, preventing them from leading Friday prayer sessions.⁷⁷⁵ Confidential sources have reported that Sayed Mohammad al-Ghoraifi was temporarily detained twice and charged with illegal gathering and inciting hatred against the government. Formal Friday prayers have been held only intermittently in Diraz since June, if at all; as of 10 October, the largest Friday prayer session had not been held for at least ten consecutive weeks,⁷⁷⁶ and it appears this has continued into January 2017. According to opposition news sources, on 22 July 2016, the security forces detained as many as 50 individuals as they were leaving Diraz after attempting to hold a Friday prayer gathering.⁷⁷⁷ Two days later, police reportedly arrested another Shia cleric that lives in Diraz,⁷⁷⁸ Sayed Yassine al-Mosawi.⁷⁷⁹

II. Denaturalization, Demographic Engineering, and Political Disenfranchisement

Though Sheikh Qassim may be the most high-profile denaturalization case in Bahrain, the government has revoked the citizenship of at least 348 Bahrainis since 2012. ADHRB, BCHR, and

770 "Bahrain: Gov't Prosecutes Religious Freedoms Advocate Sheikh Maytham Al-Salman and Rights Activist Al-Derazi for 'Illegal Gathering,'" ADHRB, BCHR, BIRD, ECDHR, and JHRO, 15 August 2016, <http://www.adhrb.org/2016/08/bahrain-govt-prosecutes-religious-freedoms-advocate-sheikh-maytham-al-salman-rights-activist-al-derazi-illegal-gathering/>

771 Also written in English as the Islamic Scholars Council or the Shia Scholars Council; *International Religious Freedom Report for 2015: Bahrain*, US Department of State, Bureau of Democracy, Human Rights, and Labor, 10 August 2016, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

772 Also known as the society's Control Body.

773 "As the Religious Season of the Month of Muharram Begins, Bahrain Increases Restrictions and Attacks on Religious Freedom," BCHR, 10 October 2016, <http://www.bahrainrights.org/en/node/8233>

774 "Bahrain Criminalizes Freedom of Artistic Expression & Creation: Poet Khalil Al-Ismaeel Arrested Over Political Poem," BCHR, 25 July 2016, <http://bahrainrights.org/en/node/8029>

775 "Video: Announcing Stopping Friday Prayer in Imam Al-Sadiq Mosque in Diraz," Bahrain Mirror, 29 July 2016, <http://bmirror.no-ip.org/en/news/32832.html>; and "Diraz: A Community Under Siege," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 13 July 2016, <http://www.adhrb.org/2016/07/10390/>

776 "As the Religious Season of the Month of Muharram Begins, Bahrain Increases Restrictions and Attacks on Religious Freedom," BCHR, 10 October 2016, <http://www.bahrainrights.org/en/node/8233>

777 "Consequences of Holding Friday Prayers in Diraz: More than 15 Detainees," Bahrain Mirror, 24 July 2016, <http://mirror.no-ip.org/en/news/32710.html>

778 "Security Authorities Summon Shiite Cleric," Bahrain Mirror, 24 July 2016, <http://mirror.no-ip.org/en/news/32705.html>

779 "Authorities Summon Sheikh Jassim Al-Khayat to Budai Police Station," Bahrain Mirror, 25 July 2016, <http://mirror.no-ip.org/en/news/32720.html>

BIRD have documented the denaturalization of 90 individuals in 2016. Some of these individuals were subsequently deported, typically to Lebanon or Iraq. Authorities stripped Shia cleric Muhammad Hassan Ali Hussain Khojasta of his citizenship, for example, and deported him to Lebanon only three days after an appeals court upheld the order.⁷⁸⁰ Since 2014, the government has denaturalized and deported at least two Shia clerics without court order.⁷⁸¹ In January 2015, the government denaturalized 72 individuals, the majority of whom were civil society activists, journalists, human rights defenders, political leaders, and peaceful critics. Included with these activists were approximately 25 individuals affiliated with the Islamic State of Iraq and Syria (ISIS). In doing so, the government attempted to equate peaceful dissent, political, and human rights activities with terrorism, justifying this policy under the umbrella of Bahrain's broad anti-terror legislation.⁷⁸² At least 13 of the 90 individuals denaturalized in 2016 were allegedly associated with ISIS; the government also revoked the citizenship of three BDF personnel, potentially for links to ISIS. For more on the government's denaturalization policies, see Section C.

As noted in a joint communication issued to the Government of Bahrain by the UN Special Rapporteurs on cultural rights, extreme poverty and human rights, and freedom of religion or belief, the authorities regularly utilize citizenship revocation – or the threat thereof – as a means of suppressing and/or punishing dissent.⁷⁸³ Specifically, they note that Bahraini officials have exploited the broad provisions of both the 2006 Law on Protecting Society from Terrorist Acts and the recently expanded 1963 Citizenship Act to issue unilateral and often un-appealable denaturalization orders for government critics, further “criminalizing the rights to freedom of expression and assembly.”⁷⁸⁴ The Special Rapporteurs also found that the vast majority of denaturalized individuals are Shia, adding to the thousands of stateless, predominantly Ajam Shia already residing in Bahrain prior to the 2011 unrest.⁷⁸⁵

This discriminatory and often arbitrary system for granting or revoking citizenship in Bahrain – one which has simultaneously seen the rapid naturalization of foreign, Sunni security personnel⁷⁸⁶ – has resulted in the Shia community, and particularly the Ajam, being far more “likely to belong to the nation's lower socioeconomic strata...[which] exposes them to violations of many other human rights such as rights to education, health, housing that are attributed by poverty.”⁷⁸⁷

Some reports indicate that the government's deliberate policy of demographic manipulation or

780 “Bahrain: Alarming Spike in Expulsion of Citizens Arbitrarily Stripped of Their Nationality.” Amnesty International. March 7, 2016. Accessed June 21, 2016.

781 “Bahraini cleric sentenced to prison for ‘unauthorized sermon,’” BCHR, 26 May 2016, <http://www.bahrainrights.org/en/node/7844>

782 “Bahrain Escalates Crackdown on Civil Society in Month of Repression,” ADHRB, BIRD, ECDHR, and JHRO, 1 July 2016, <http://www.adhrb.org/2016/07/bahrain-escalates-crackdown-civil-society-month-repression/>

783 BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

784 Ibid.

785 Ibid.

786 *Shattering the Façade: A Report on Bahrain's Implementation of the BICI Recommendations Four Years On*, ADHRB, BCHR, and BIRD, 16 November 2015, <http://www.adhrb.org/2015/11/shattering-the-facade-a-report-on-bahrain-implementation-of-the-bahrain-independent-commission-of-inquiry-bici-four-years-on/>; and Laurence Louer, “Sectarianism and Coup-Proofing Strategies in Bahrain,” *Journal of Strategic Studies*, May 2013, <http://www.tandfonline.com/doi/abs/10.1080/01402390.2013.790314>

787 BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

“sectarian engineering”⁷⁸⁸ has significantly altered the country’s ethnoreligious makeup, resulting in the gradual displacement of “what was clearly a Shiite citizen majority more than thirty years ago” by a growing Sunni population increasingly made up of emigrants.⁷⁸⁹ A survey conducted by scholar Justin Gengler indicated that the country’s sectarian distribution had already seen marked change as of 2009, with the percentage of Shia dropping from as high as 70 to as low as 58, and reciprocal rise in the percentage of Sunni from as low as 30 to as high as 42.⁷⁹⁰ This process has been expedited by the government’s systematic naturalization of foreign security personnel from Sunni majority countries like Pakistan, Yemen, and Jordan (see Section Q.2.iv below).⁷⁹¹ Former adviser to the Cabinet Affairs Ministry Salah al-Bandar, who initially revealed the government’s efforts to manipulate the country’s demographics almost ten years ago, stated in 2014 that the royal family may have authorized the naturalization of approximately 50,000 foreign Sunnis per year since 2006.⁷⁹² Marc Owen Jones, a scholar and Bahrain expert, found in 2015 that the government had likely engaged in such practices for decades.⁷⁹³ According to Jones, Ian Henderson, the former leader of Bahrain’s Security Intelligence Services, noted as early as 1982 that Prime Minister Khalifa bin Salman al-Khalifa and then Crown Prince Hamad “were illegally deporting Bahraini Shi’a for no legal reason.”⁷⁹⁴

Al-Bandar’s documentation also appeared to validate previous reports that the government had granted dual citizenship to as many as 20,000 al-Dawasir tribespeople of Saudi Arabia’s Eastern Province, providing them with passports, national identification cards, and transportation across the King Fahd Causeway in order to vote in Bahrain’s 2002 parliamentary elections.⁷⁹⁵ There is evidence that Bahraini authorities have continued to employ these tactics in recent elections. A report issued by the Bertelsmann Foundation in 2016 found that the government had created at least 13 new polling stations, primarily along the country’s borders.⁷⁹⁶ It concluded that “although

788 “Al Bandar Report’: Demographic engineering in Bahrain and mechanisms of exclusion,” BCHR, 30 September 2006, <http://www.bahrainrights.org/en/node/528>; and Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

789 Simon Henderson, “Beyond Islamists & Autocrats: Bahrain’s Stalled Reforms and the Future US Role,” The Washington Institute for Near East Policy, January 2016, <http://www.washingtoninstitute.org/policy-analysis/view/beyond-islamists-and-autocrats-prospects-for-political-reform-post-arab-spr>

790 Justin Gengler, “Facts on the Ground: A Reliable Estimate of Bahrain’s Sunni-Shi’i Balance, and Evidence of Demographic Engineering,” Religion and Politics in Bahrain, 5 April 2011, <http://bahrainipolitics.blogspot.com/2011/04/facts-on-ground-reliable-estimate-of.html>

791 Simon Henderson, “Beyond Islamists & Autocrats: Bahrain’s Stalled Reforms and the Future US Role,” The Washington Institute for Near East Policy, January 2016, <http://www.washingtoninstitute.org/policy-analysis/view/beyond-islamists-and-autocrats-prospects-for-political-reform-post-arab-spr>

792 “Dr. Salah al-Bandar: ‘The Bahrain regime has been creating sectarian apartheid since 2005,’” YouTube, 2014, <https://www.youtube.com/watch?v=15-e9bDBMFw>; and Marc Owen Jones, “Saudi Intervention, Sectarianism, and De-Democratization in Bahrain’s Uprising,” in *Protest, Social Movements and Global Democracy Since 2011: New Perspectives*, 9 June 2016, <http://www.emeraldinsight.com/doi/abs/10.1108/S0163-786X20160000039011>

793 Marc Owen Jones, “Saudi Intervention, Sectarianism, and De-Democratization in Bahrain’s Uprising,” in *Protest, Social Movements and Global Democracy Since 2011: New Perspectives*, 9 June 2016, <http://www.emeraldinsight.com/doi/abs/10.1108/S0163-786X20160000039011>

794 Marc Owen Jones, “Saudi Intervention, Sectarianism, and De-Democratization in Bahrain’s Uprising,” in *Protest, Social Movements and Global Democracy Since 2011: New Perspectives*, 9 June 2016, <http://www.emeraldinsight.com/doi/abs/10.1108/S0163-786X20160000039011>; and Marc Owen Jones, “Rotten apples or rotten orchards: Police deviance, brutality, and unaccountability in Bahrain,” in Ala’a Shehabi & Marc Owen Jones (Eds.), *Bahrain’s uprising: Resistance and repression in the Gulf* (pp. 207-238). London: Zed Books Ltd.

795 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

796 Bertelsmann Stiftung, *BTI 2016 — Bahrain Country Report*, Gütersloh: Bertelsmann Stiftung, 2016, https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Bahrain.pdf

an international election observation team was allowed into [Bahrain], such remote stations could hardly be monitored, raising suspicions that pro-government dual-citizenship holders of Saudi origin as well as military and police personnel were being bussed in to voting stations.”⁷⁹⁷ Many of these polling stations are not connected to specific districts or constituencies,⁷⁹⁸ increasing the opportunity for manipulation or electoral interference.

Furthermore, the government has long engaged in discriminatory political districting to undermine predominantly Shia political societies and to disenfranchise Shia voters.⁷⁹⁹ In 2010, for example, the average Shia-majority district contained 9,533 constituents compared with just 6,186 for the average Sunni-majority district.⁸⁰⁰ The government failed to rectify this imbalance in the 2014 redistricting process, instead moving to additionally undermine support for Sunni Islamist and populist groups to the advantage of so-called “tribal independents.”⁸⁰¹ In January 2016, journalist and Gulf expert Simon Henderson found that “the drawing of electoral boundaries meant that Shiites, most of whom are affiliated with Al-Wefaq, could never win a majority of the forty constituencies” in the elected lower house of Bahrain’s parliament, known as the Council of Representatives.⁸⁰² Al-Wefaq, whose membership is principally Shia, cited this long-standing history of state-sanctioned gerrymandering, especially in the wake of the collapse of the national dialogue, as a major motivating factor in its decision to boycott the 2014 parliamentary elections.⁸⁰³ Relatedly, ADHRB, BCHR, and BIRD have found the government’s manipulation of non-proportional voting districts – intended to diffuse the voting power of the Shia majority – to be one of the most significant impediments to the realization of fair elections in Bahrain since 2002.⁸⁰⁴ The most recent electoral cycle in 2014 also marked a significant downturn in electoral turnout following a steady decline in popular participation since 2006, verified by the government’s own promotional document, *A Journey of Progress: Bahrain’s Political Achievements*.⁸⁰⁵ As Henderson notes, “the relatively high turnout for 2006 and 2010 reflects the comparative enthusiasm for participation by Bahraini Shiites and their sense that these earlier votes had some meaning” when contrasted with the current constraints on substantive political engagement.⁸⁰⁶ According to the government’s *A Journey of Progress*, approximately 68% of Bahrain’s eligible voters turned out in 2010, compared with just above 52% in 2014;⁸⁰⁷ actual figures are suspected to be significantly

797 Ibid.

798 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

799 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>; and Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

800 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

801 Ibid.

802 Simon Henderson, “Beyond Islamists & Autocrats: Bahrain’s Stalled Reforms and the Future US Role,” The Washington Institute for Near East Policy, January 2016, <http://www.washingtoninstitute.org/policy-analysis/view/beyond-islamists-and-autocrats-prospects-for-political-reform-post-arab-spr>

803 Ibid.

804 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>

805 *A Journey of Progress: Bahrain’s Political Achievements*, Kingdom of Bahrain, 2015, Print.

806 Simon Henderson, “Beyond Islamists & Autocrats: Bahrain’s Stalled Reforms and the Future US Role,” The Washington Institute for Near East Policy, January 2016, <http://www.washingtoninstitute.org/policy-analysis/view/beyond-islamists-and-autocrats-prospects-for-political-reform-post-arab-spr>

807 *A Journey of Progress: Bahrain’s Political Achievements*, Kingdom of Bahrain, 2015, Print.

lower, with Al-Wefaq estimating a turnout of as little as 30%.⁸⁰⁸ The decline in turnout suggests increasing popular dissatisfaction with current constraints on substantive political engagement, which will likely only be exacerbated by the dissolution of major political societies like Al-Wefaq.

On 22 May 2016, just prior to the denaturalization of Sheikh Qassim, the government amended Article 5 of the Political Societies Law to specifically prohibit religious figures, such as clerics and imams, from political participation.⁸⁰⁹ The amendment forbids religious figures from participating in political societies⁸¹⁰ and discussing politics during sermons, among other restrictions.⁸¹¹ So far, the authorities have exclusively used the law to target Shia activists and the predominantly-Shia political societies.⁸¹² This measure has not, however, affected clerics that have been appointed by the king to the Shura Council, the higher house of the National Assembly.

Four months before the law was amended, Simon Henderson noted that “an obvious target of this ‘ban on turbans,’ as it is known in the diplomatic community, is the currently incarcerated al-Wefaq leader, Sheikh Ali Salman.”⁸¹³ In June 2016, a month after the amendment, the MOJ issued an emergency order to suspend Al-Wefaq and freeze its assets.⁸¹⁴ Within hours, the courts confirmed the order.⁸¹⁵ The authorities proceeded to block the society’s website and then seize and vandalize its headquarters; according to Al-Wefaq’s legal counsel, security forces prevented them from entering the building “to get the necessary documents to prepare our defense and support it with documents.”⁸¹⁶ Citing this obstruction and the court’s decision to expedite the hearing the twice, the defense team later announced that it was “impossible to carry out its work legally and professionally” and withdrew from the proceedings.⁸¹⁷ On 17 July 2016, the High Civil Court affirmed the order and formally dissolved Al-Wefaq in the absence of any defense counsel.⁸¹⁸ On 22 September, an appeals court upheld the decision.⁸¹⁹ The government has continued to harass members of Al-Wefaq even after its dissolution, such as on 1 August 2016 when the authorities reportedly summoned former Member of Parliament and the head of the society’s Shura Council, Sayed Jameel Kadhem.⁸²⁰

808 Ismael Naar, “Bahrain holds run-off elections,” Al Jazeera, 29 November 2014, <http://www.aljazeera.com/news/middleeast/2014/11/bahrain-holds-run-off-elections-2014112972631732695.html>

809 Reim Alian, “Political Society Law Amendment Silences Religious Opposition,” ADHRB, 29 June 2016, <http://www.adhrb.org/2016/06/political-society-law-amendment-silences-religious-opposition/>

810 Simon Henderson, “Beyond Islamists & Autocrats: Bahrain’s Stalled Reforms and the Future US Role,” The Washington Institute for Near East Policy, January 2016, <http://www.washingtoninstitute.org/policy-analysis/view/beyond-islamists-and-autocrats-prospects-for-political-reform-post-arab-spr>

811 Reim Alian, “Political Society Law Amendment Silences Religious Opposition,” ADHRB, 29 June 2016, <http://www.adhrb.org/2016/06/political-society-law-amendment-silences-religious-opposition/>

812 Kristin Smith Diwan and Michael Esfahani, “Bahrain’s New Order,” Arab Gulf States Institute in Washington, 19 August 2016, <http://www.agsiw.org/bahrains-new-order/>

813 Simon Henderson, “Beyond Islamists & Autocrats: Bahrain’s Stalled Reforms and the Future US Role,” The Washington Institute for Near East Policy, January 2016, <http://www.washingtoninstitute.org/policy-analysis/view/beyond-islamists-and-autocrats-prospects-for-political-reform-post-arab-spr>

814 “Bahraini court dissolves Al-Wefaq, the largest political opposition party in the country,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 17 July 2016, <http://www.adhrb.org/2016/07/repression-freedom-association-bahrain-dissolves-al-wefaq-largest-political-society-country/>

815 “NGOs Strongly Condemn Bahrain’s Government Closing Al-Wefaq,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 14 June 2016, <http://www.adhrb.org/2016/06/ngos-strongly-condemn-bahrains-government-suspending-al-wefaq/>

816 “Bahraini court dissolves Al-Wefaq, the largest political opposition party in the country,” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 17 July 2016, <http://www.adhrb.org/2016/07/repression-freedom-association-bahrain-dissolves-al-wefaq-largest-political-society-country/>

817 Ibid.

818 Ibid.

819 “Bahrain’s High Court of Appeals Upholds Dissolution of Al-Wefaq,” 22 September 2016, ADHRB, BCHR, BIRD, and ECDHR, <http://www.adhrb.org/2016/09/bahrains-high-court-appeals-upholds-dissolution-al-wefaq/>

820 “Authorities Summon Al-Wefaq Shura Council head, 7 Clerics, 2 Reciters and Woman for Interrogation,” Bahrain Mirror, 2 August 2016, <http://mirror.no-ip.org/en/news/32908.html>

III. Judicial Harassment of Shia Religious and Opposition Figures

The Bahraini government has taken other direct measures to obstruct the political participation of Shia clerics and other religious leaders since the beginning of its second UPR cycle. In 2015, it arrested a number of prominent Shia religious and opposition figures, including Sheikh Hassan Isa, Sheikh Abdulzahra al-Mubasher, Sheikh Isa al-Qufas, Sheikh Sadeq al-Shakhouri, Majeed Milad, and Sheikh Ali Salman, the Secretary General of Al-Wefaq, among others.⁸²¹ The authorities also regularly harassed religious leaders who spoke out in support of those already detained in 2015. In December, for example, the government summoned Sheikh Maytham al-Salman for a speech he gave on the anniversary of Sheikh Ali Salman's arrest, criticizing the government's violations of the latter's due process rights.⁸²² Security forces had arrested Sheikh Maytham al-Salman earlier that year on accusations of "inciting hatred" against the government after he expressed concern for the use of collective punishment in Bahrain.⁸²³ In 2016, Columbia University's Global Freedom of Expression center released a legal statement demonstrating the "illegitimacy" of the charges against Sheikh Maytham al-Saman;⁸²⁴ it also noted that the government had imposed a de facto travel ban on the interfaith leader when it refused to issue him a new passport after his previous one was "lost in mysterious circumstances."⁸²⁵

The government has only intensified its harassment of religious leaders in 2016. In May, a Bahraini court of appeals rejected Sheikh Ali Salman's previous acquittal on a charge of inciting to overthrow the government in a speech, extending his total prison sentence from four years to nine; after a retrial, Sheikh Ali Salman was again sentenced to a total of nine years in December 2016.⁸²⁶ Earlier in May, another court sentenced prominent Shia cleric Sheikh Mohamed al-Mansi to one year in prison for delivering an "unauthorized sermon."⁸²⁷ Sheikh al-Mansi is known for leading prayers at the sites of the Shia mosques destroyed since 2011. On 15 June, the government prohibited Sheikh Mohammed al-Sanqoor, the leader of the largest Friday prayer gathering in Bahrain, from delivering sermons and directing prayers.⁸²⁸ Over the next several days, the authorities repeatedly interrogated Sheikh al-Sanqoor in the absence of a lawyer, ultimately charging him with inciting

821 *Bahrain: 2015 Human Rights Violations from Practice to Policy*, BCHR, 10 April 2016, <http://www.bahrainrights.org/en/node/7786>; and "Opposition Leader Majeed Milad Sentenced to Prison Term," ADHRB, BCHR, and BIRD, 18 November 2015, <http://www.adhrb.org/2015/11/opposition-leader-majeed-milad-sentenced-to-prison-term/>; and "NGOs Condemn Arrest of Former al-Wefaq MP Sheikh Hasan Isa," ADHRB, BCHR, and BIRD, 21 August 2015, <http://www.adhrb.org/2015/08/ngos-condemn-arrest-of-former-al-wefaq-mp-sheikh-hasan-isa/>

822 "Bahrain must end harassment of human rights defender Sheikh Maytham Al-Salman," IFEX, 19 January 2016, https://www.ifex.org/bahrain/2016/01/19/bchr_maytham_appeal/

823 "Further Harassment of Human Rights and Political Activists," BCHR, 31 December 2015, <http://bahrainrights.org/en/node/7677>

824 "Bahrain: An Analysis of the Legitimacy of Charges Against Sheikh Maytham Al Salman," Global Freedom of Expression, Columbia University, 11 February 2016, <https://globalfreedomofexpression.columbia.edu/publications/bahrain-analysis-legitimacy-charges-sheikh-maytham-al-salman/>

825 "Sheikh Maytham Al Salman Clarifies Blasphemy Laws in Bahrain," Global Freedom of Expression, Columbia University, 22 March 2016, <https://globalfreedomofexpression.columbia.edu/updates/2016/03/sheikh-maytham-al-salman-explains-illegitimacy-charges-defaming-religious-symbols-brought/>

826 "Bahrain Court of Appeal Increases the Sentence of Al-Wefaq's Sheikh Ali Salman to Nine Years in Prison," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 30 May 2016, <http://www.adhrb.org/2016/05/bahrain-court-appeal-increases-sentence-al-wefaqs-sheikh-ali-salman-nine-years-prison/>

827 "Bahraini cleric sentenced to prison for 'unauthorized sermon,'" BCHR, 26 May 2016, <http://www.bahrainrights.org/en/node/7844>

828 "Bahrain: Authorities Escalate Crackdown on Shia Clerics and Freedom of Religion," BCHR, 17 June 2016, <http://bahrainrights.org/en/node/7914>

hatred against the government and illegally leading a public service.⁸²⁹ In response, a group of Shia imams and clerics issued a statement indefinitely suspending all weekly Friday prayers, expressing that they felt “unsafe” leading the gatherings at this time. After the statement was released, the government summoned one of its supporters, Mulla Atiya al-Jamri, for interrogation.⁸³⁰

On 26 July, the authorities reportedly arrested Shia cleric Sheikh Saeed Al-Asfour after summoning him to the al-Budai police station; the PPO ordered that he be detained for 15 days pending investigation on unknown charges.⁸³¹ That same day, the BNA announced that the PPO had launched what appeared to be a separate investigation into an unnamed cleric for delivering a sermon that included “provocative expressions that bore the hallmarks of punishable offences,” ultimately charging him with “inciting hatred of the constitutional regime of the kingdom and insulting a statutory entity;” he was released on bail.⁸³² Two days after those charges were announced, the MOJ summoned four clerics it had banned from giving Friday sermons and requested that they “sign a pledge to commit to the conditions of the religious sermons stipulated by the ministry,” which call on preachers to highlight “patriotism” and “Arab identity” among other ambiguous concepts.⁸³³ The MOJ emphasized, however, that it does not consider such topics to be political, and that the preachers remain prohibited from engaging in political discourse. The BNA reported that one of the four clerics signed the MOJ’s pledge and was permitted to resume his Friday sermons.⁸³⁴

On 31 July, the authorities announced⁸³⁵ that they had arrested another Shia cleric and the leader of the previously dissolved IUC, Sayed Majeed al-Misha’al,⁸³⁶ for allegedly encouraging others to “break the law and take part in an illegal gathering.”⁸³⁷ The PPO had summoned al-Misha’al a month earlier on allegations of “illegal collection of money,” as part of its wider attack on the independent management of khums (see Section Q.2.i above).⁸³⁸ Courts ultimately sentenced al-Misha’al to two years imprisonment. A week later, the authorities reportedly arrested Shia clerics Sheikh Mohammad Jawad al-Shahabi and Sheikh Isa al-Mou’min, the imam of the Al-Kheif Mosque in Al-Dair village.⁸³⁹ Sheikh al-Mou’min is a former government employee and a member of the IUC and the Islamic Enlightenment Society (al-Tawiya), both of which are now closed; he was also among the 217 Shia religious leaders who issued a statement in July accusing

829 Ibid; and “Bahrain: Authorities Targeting Shia clerics,” Human Rights Watch, 23 August 2016, <https://www.hrw.org/news/2016/08/23/bahrain-authorities-targeting-shia-clerics>; and “إخلاء سبيل الشيخ محمد صنقور” Al-Wasat, 28 July 2016, <http://www.alwasatnews.com/news/1138589.html>

830 Ibid.

831 “Prosecution Detains Sheikh Saeed Al-Asfour for 15 Days Pending Investigation,” Bahrain Mirror, 7 July 2016, <http://bmirror.no-ip.org/en/news/32803.html>

832 “Provocative sermon suspect questioned,” BNA, 26 July 2016, <http://www.bna.bh/portal/en/news/737368>

833 “Four preachers banned from giving sermons summoned,” BNA, 28 July 2016, <http://www.bna.bh/portal/en/news/737639#.V5pGUscD99U.twitter>

834 Ibid.

835 “Majeed Al Mishal arrested for inciting people to join illegal rally,” Ministry of Interior, Kingdom of Bahrain, 31 July 2016, <http://www.policemc.gov.bh/en/news/ministry/54411>

836 “Bahrain: Authorities Escalate Crackdown on Shia Clerics and Freedom of Religion,” BCHR, 17 June 2016, <http://bahrainrights.org/en/node/7914>

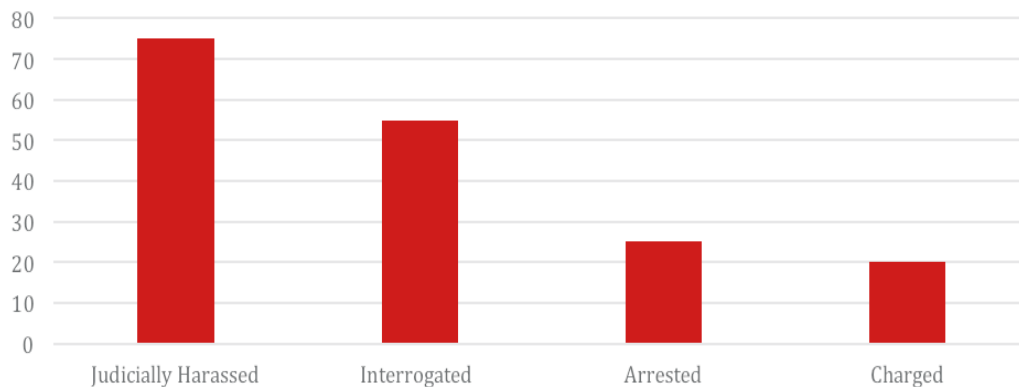
837 “Bahrain: Detainee dies of ‘medical condition’ in custody,” Associated Press, 31 July 2016, http://bigstory.ap.org/8ed6f31defaf4877bd46b30b09e8cc4a?utm_source=Project+on+Middle+East+Democracy+-+All+Contacts&utm_campaign=c46e60a582-Weekly+Wire&utm_medium=email&utm_term=0_75a06056d7-c46e60a582-215964661

838 “Bahrain: Authorities Escalate Crackdown on Shia Clerics and Freedom of Religion,” BCHR, 17 June 2016, <http://bahrainrights.org/en/node/7914>

839 “Al-Marzouq, Al-Dairi and Al-Shahabi Released, Sheikh Al-Mou’min Arrested,” Bahrain Mirror, 7 August 2016, <http://bhmirror.myftp.biz/news/33021.html>; and “Bahrain: Authorities Targeting Shia clerics,” Human Rights Watch, 23 August 2016, <https://www.hrw.org/news/2016/08/23/bahrain-authorities-targeting-shia-clerics>

the government of targeting the “very existence, identity, beliefs, rituals and [religious] duties” of the country’s Shia community.⁸⁴⁰

Figure 4. Judicial Harassment of Shia Clerics
June 2016 - December 2016



On 7 August, the BNA announced that the PPO had remanded an unnamed imam into custody for seven days pending investigation on charges of “inciting hatred against the constitutional regime” during his Friday sermon.⁸⁴¹ The authorities have also interrogated the imams Sheikh Ali Humaidan and Sheikh Aziz al-Khadran on charges of “illegal gathering;” both were convicted and sentenced to a year in prison.⁸⁴² On 9 August, the authorities charged Sheikh al-Shahabi, Sheikh Fadhil al-Zaki, and two other Shia clerics, Sheikh Ali Naji al-Hamali and Mula Habib al-Dirazi, with “unlawful assembly” for participating in the peaceful demonstrations in Diraz (see Section Q.2.i above). A day later, security forces also arrested the cleric Sheikh Imad al-Shoala,⁸⁴³ who was later convicted and sentenced to one year in prison. On 14 August, the government summoned Sheikh Maytham al-Salman on new charges of unlawful assembly related to his participation in the sit-in; the authorities interrogated him for more than twelve hours before they released him on bail.⁸⁴⁴

The Bahraini government has summoned and/or detained more than 70 Shia religious leaders since 14 June 2016 (see Figure 4), representing the most severe government campaign against the Shia ulema since 1996, when the authorities arrested at least 11 clerics. On 16 August 2016, the UN Special Rapporteurs on free expression, free assembly and association, freedom of religion and belief, and human rights defenders, as well as the Chair-Rapporteur of the UN Working Group

840 “Bahraini Authorities Arrest Sheikh Isa Al-Mou’min, Preacher of ‘Al-Kheif,’” Bahrain Mirror, 7 August 2016, <http://bhmirror.myftp.biz/news/33022.html>

841 “Hatred-inciting suspect remanded into custody,” BNA, 7 August 2016, <http://www.bna.bh/portal/en/news/738929>

842 “Bahrain: Authorities Targeting Shia clerics,” Human Rights Watch, 23 August 2016, <https://www.hrw.org/news/2016/08/23/bahrain-authorities-targeting-shia-clerics>; and “Bahrain: End heightened crackdown on peaceful critics,” Amnesty International, 1 September 2016, <https://www.amnesty.org/en/documents/mde11/4749/2016/en/>

843 “حسب 6 رجال دين 15 يوماً على ذمة التحقيق اليوم الأربعاء” Al-Wasat, 10 August 2016, <http://www.alwasatnews.com/news/1147246.html>; and Bahrain: Authorities Targeting Shia clerics,” Human Rights Watch, 23 August 2016, <https://www.hrw.org/news/2016/08/23/bahrain-authorities-targeting-shia-clerics>

844 “Bahrain: Gov’t Prosecutes Religious Freedoms Advocate Sheikh Maytham Al-Salman and Rights Activist Al-Derazi for ‘Illegal Gathering,’” ADHRB, BCHR, BIRD, ECDHR, and JHRO, 15 August 2016, <http://www.adhrb.org/2016/08/bahrain-govt-prosecutes-religious-freedoms-advocate-sheikh-maytham-al-salman-rights-activist-al-derazi-illegal-gathering/>

on Arbitrary Detention, issued a joint statement expressing concern that “Shias are clearly being targeted on the basis of their religion [in Bahrain].”⁸⁴⁵ Specifically citing the cases against Sheikh Isa Qassim, Sheikh Maytham al-Salman, and Al-Wefaq National Islamic Society, the Special Procedures noted that “the intensified wave of arrests, detentions, summons, interrogations, and criminal charges brought against Shia... is having a chilling effect on fundamental human rights.”⁸⁴⁶ At time of writing, more than 19 Shia religious leaders are incarcerated or detained in Bahrain, in addition to thousands of Shia protestors, opposition activists, journalists, and human rights defenders.⁸⁴⁷

In prison, Shia inmates consistently experience religious discrimination and hate speech, adding to the universally poor living conditions within Bahrain’s detention facilities. Since 2013, ADHRB has submitted 88 complaints to the UN Special Procedures that included evidence of Bahraini prison guards preventing detainees from engaging in prayer, and another 74 complaints included cases that involved sectarian insults or hate speech.⁸⁴⁸ BCHR and BYSHR have found that NSA agents and other security forces routinely conduct room searches at the Dry Dock Detention Center during which “they empty the contents of the prisoners’ lockers, throw holy books like the Qur’an and ... sacred Shia texts on the floor, and confiscate money.”⁸⁴⁹ Inmates generally report that guards treat Shia detainees worse than their Sunni counterparts, and that all Shia religious texts are banned within prison.⁸⁵⁰ In December 2016, ADHRB received reports that detainees at Jau Prison had announced a hunger strike after guards assaulted inmates for participating in a mass prayer. The reports indicated that the guards had specifically beaten Sheikh Mohammed al-Mansi for leading prayers.

At the Isa Town Women’s Prison, guards have also punished women for celebrating religious occasions and have reportedly harassed and separated Sunni and Shia inmates that attempt to pray together.⁸⁵¹ Zainab al-Khawaja, activist and daughter of BCHR cofounder Abdulhadi al-Khawaja, observed naturalized security forces subject Shia women to hate speech at Isa Town; in one instance, a guard described a Bahraini Shia prisoner as one of the “disgusting terrorist Iranian people.”⁸⁵² That prisoner, Rabab Mohammed, had been arrested after she spoke back to a squad of riot patrol officers that had called her a “dirty Shia whore.”⁸⁵³ For more torture, prison conditions, and the broader criminal justice system, see Section A.

Bahraini security forces have also disproportionately targeted the Shia community with extrajudicial violence. The UN Special Rapporteurs on cultural rights, extreme poverty and human rights, and freedom of religion or belief found that between 2012 and 2015 “in numerous incidents there were reports of inappropriate use by government forces of tear gas against Shia Bahraini, causing at

845 “UN rights experts urge Bahrain to end the persecution of Shias,” OHCHR, 16 August 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20375&LangID=E>

846 Ibid.

847 *Bahrain: 2015 Human Rights Violations from Practice to Policy*, BCHR, 10 April 2016, <http://www.bahrainrights.org/en/node/7786>; and “Bahraini cleric sentenced to prison for ‘unauthorized sermon,’” BCHR, 26 May 2016, <http://www.bahrainrights.org/en/node/7844>

848 “From the Ground: Systematic Torture in Bahrain,” ADHRB, BCHR, and BIRD, 9 February 2016, <http://www.adhrb.org/2016/02/analysis-adhrb-un-complaint-documentation-database/>

849 *Locked Inside a Nightmare: Voices from Bahraini Prisons*, BCHR and BYSHR, 9 June 2014, <http://www.bahrainrights.org/sites/default/files/Prison%20Report%20-%20FINAL%20II.pdf>

850 Ibid.

851 Ibid.

852 Ibid.

853 Ibid.

least 38 deaths.⁸⁵⁴ They noted that the authorities have effectively weaponized ‘non-lethal’ crowd control equipment like teargas and birdshot, as well as their vehicles, for purposeful misuse against peaceful demonstrations, causing “permanent injuries and death of protesters.”⁸⁵⁵ Security forces have killed at least 18 Shia protestors with “non-lethal” shotgun ammunition alone.⁸⁵⁶ UN Special Procedures have additionally issued at least eight joint communications (including 5/2011, 9/2011, 3/2012, 4/2012, 5/2014, 6/2014 1/2015 and 5/2015) to the Bahraini government concerning the torture of Shia clergy.

IV. Discrimination in Welfare, Culture, and Employment

In addition to active political marginalization, the government has done little to address the systemic socioeconomic inequalities inequality experienced by Bahrain’s Shia community, particularly in the cases of the Baharna and Ajam ethnoreligious groups. The UN Special Rapporteurs on cultural rights, extreme poverty and human rights, and freedom of religion or belief found in 2015 that “few social programs operating in Bahrain reportedly provide Shia with equal benefits as other Bahrainis.”⁸⁵⁷ Though the government does offer welfare programs that provide financial assistance to families and individuals in need, a strict definition of citizenship, accompanied by many other restrictions on eligibility, prevents many families from obtaining these benefits. Moreover, as the government disproportionately revokes the citizenship of Shia (see Section Q.2.ii above, as well as Section C), increasingly large portions of the community are ineligible for welfare programs.⁸⁵⁸ Bahrainis also widely view the educational, social, and municipal services that are provided in Shia areas to be inferior to those afforded to Sunni communities.⁸⁵⁹

Shia communities continue to complain of inadequate housing, for example.⁸⁶⁰ Bahrain’s lower-income citizens – who are predominantly Shia⁸⁶¹ – rely on a state-subsidized housing system that is plagued by delayed project implementation and accusations of corruption.⁸⁶² Citizens living in underprivileged areas often find themselves without houses, adequate sewage systems, and water supply.⁸⁶³ For several years, the Ministry of Housing has been developing new plans to address these concerns, but it has often unevenly distributed new housing units along sectarian lines. In of

854 BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

855 Ibid.

856 Ibid.

857 BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

858 *A Follow-Up Report on Bahrain’s UPR Second Cycle*, Americans for Democracy & Human Rights in Bahrain, January 2014, 52-53.

859 U Department of State, Bureau of Democracy, Human Rights and Labor, *2013 Report on International Religious Freedom*, 2014.

860 Ian Siperco, “Bahrain’s Sectarian Challenge,” Middle East Policy Council, 22 October 2010, <http://www.mepc.org/articles-commentary/commentary/bahrain-s-sectarian-challenge?print>.

861 Reese Erlich, “Bahrain’s monarchy stokes divisions between Sunni and Shiite,” Public Radio International, 13 December 2012, <http://www.pri.org/stories/2012-12-13/bahrain-s-monarchy-stokes-divisions-between-sunni-and-shiite>; and Tahiyya Lulu, “The real story of Bahrain’s divided society,” The Guardian, 3 March 2011, <https://www.theguardian.com/commentisfree/2011/mar/03/bahrain-sunnis-shia-divided-society>

862 Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Phillippe Kirsch, and Mahnoush Arsanjani, “Report of the Bahrain Independent Commission of Inquiry,” Bahrain Independent Commission of Inquiry, <http://www.bici.org.bh/BICIreportEN.pdf>

863 Frederik Richter, “Bahraini Shi’ites feel neglect in government housing crunch,” Reuters, October 13, 2010, <http://thepeninsulaqatar.com/news/middle-east/129121/bahraini-shias-feel-neglect-in-housing-crunch->

2012, the Ministry of Housing acknowledged⁸⁶⁴ that it had received 18,045 housing requests from the Northern Governorate, which contains over 194,000 citizens,⁸⁶⁵ and 3,779 from the Southern Governorate, contains over 32,900 citizens.⁸⁶⁶ Despite the vast disparity in population and need, the government has constructed 1,271 new units in the Southern Governorate and only 1,017 in the Northern Governorate.⁸⁶⁷ With the exception of population size, the prime difference between the two governorates is that the Northern contains a Shia majority and has voted overwhelmingly for Al-Wafaq and other opposition parties in parliamentary elections,⁸⁶⁸ while the Southern contains a Sunni majority and typically votes for government-backed candidates.⁸⁶⁹ The Ministry of Housing has pledged to build 15,000 residential units in a planned “Northern City,” but it has not made any progress on this project since 2012.⁸⁷⁰ Conversely, on 8 August 2016, the Ministry announced a plan to construct another 3,000 housing units in the Southern Governorate.⁸⁷¹

Shia families face other institutionalized obstacles in their attempts to acquire state-owned housing. When the government does complete new housing projects, it disproportionately distributes them to foreign-born Sunnis, despite the demonstrated need of average Bahraini Shia.⁸⁷² President of BCHR Nabeel Rajab has asserted that “most Shi’ites feel that their situation is caused by discrimination and because nationalised foreigners are taking up most of the housing projects.”⁸⁷³ Some Shia citizens have reported waiting as long as 20 years to receive government housing.⁸⁷⁴ Unemployed Shia sometimes have to wait ten or fifteen years longer than foreign-born Sunnis employed in the security services.⁸⁷⁵ In towns like Riffa, the traditional home of the Al Khalifa family, Shia have particular difficulty renting and buying homes and purchasing land. Maryam al-Khawaja of the Gulf Center for Human Rights likens the housing situation of Shia living in Bahrain to that of apartheid,⁸⁷⁶ a sentiment echoed by other observers like Dr. Salah al-Bandar.⁸⁷⁷ For more on social welfare and housing programs in Bahrain, see Section L.

864 “البحرين استقبلت 40 ألف طلب إسكاني خلال 10 سنوات الماضية”. Al-Ayam, June 9, 2012, accessed August 14, 2015, <http://www.alayam.com/alayam/Parliament/170650/%D8%A7%D9%84%D8%A8%D8%AD%D8%B1%D9%8A%D9%86-%D8%A7%D8%B3%D8%AA%D9%82%D8%A8%D9%84%D8%AA-40-%D8%A3%D9%84%D9%81-%D8%B7%D9%84%D8%A8-%D8%A5%D8%B3%D9%83%D8%A7%D9%86%D9%8A-%D8%AE%D9%84%D8%A7%D9%84-%D8%A7%D9%84%D9%80-10-%D8%B3%D9%86%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%A7%D8%B6%D9%8A%D8%A9.html>.

865 “Population by Governorate, Nationality and Sex – 2010 Census,” Bahrain Central Informatics Organisation, 2010, http://www.cio.gov.bh/cio_ara/English/Publications/Census/Population/2.pdf

866 Ibid.

867 “Past Projects,” Ministry of Housing, Kingdom of Bahrain, 2015, <http://www.housing.gov.bh/en/Projects/Pages/Old-Projects.aspx>

868 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, 13 September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

869 Ibid.

870 “Future Projects,” Ministry of Housing, accessed August 24, 2015, <http://www.housing.gov.bh/en/Projects/Pages/Future-Projects.aspx>.

871 “Bahrain starts housing units distribution,” Trade Arabia, 8 August 2016, http://tradedarabia.com/news/CONS_311654.html

872 Frederik Richter, “Bahraini Shi’ites feel neglect in government housing crunch,” Reuters, 13 October 2010, <http://thePENinsulaqatar.com/news/middle-east/129121/bahraini-shias-feel-neglect-in-housing-crunch->

873 Ibid.

874 Maryam al-Khawaja, “Beneath Bahrain’s Shia-versus-Sunni narrative, only the tyrants benefit,” The Guardian, 27 October 2012, <http://www.theguardian.com/commentisfree/2012/oct/27/bahrain-shia-versus-sunni-narrative>.

875 Ian Siperco, “Bahrain’s Sectarian Challenge,” Middle East Policy Council, 22 October 2010, <http://www.mepc.org/articles-commentary/commentary/bahrain-s-sectarian-challenge?print>.

876 Maryam al-Khawaja, “Beneath Bahrain’s Shia-versus-Sunni narrative, only the tyrants benefit,” The Guardian, 27 October 2012, <http://www.theguardian.com/commentisfree/2012/oct/27/bahrain-shia-versus-sunni-narrative>.

877 “Dr. Salah al-Bandar: ‘The Bahrain regime has been creating sectarian apartheid since 2005,’” YouTube, 2014, <https://www.youtube.com/watch?v=15-e9bDBMFw>

As extensively documented in *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain*, the authorities have also worked to systematically exclude Shia culture from the country's official history, media, and educational curricula.⁸⁷⁸ State-sponsored textbooks and museums typically downplay or outright ignore the importance of Shia – and specifically Baharna – communities in the history of Bahrain, focusing instead on the royal family and the period following the Al Khalifa's arrival in the country.⁸⁷⁹ Many government officials and supports have publicly referred to Shia Bahrainis as “Safavid loyalists of Iran,”⁸⁸⁰ “Zoroastrians,”⁸⁸¹ or other derogatory terms that frame the community as intrinsically foreign to official Bahraini nationality and religion.⁸⁸²

This terminology became particularly common in state-sponsored and pro-government media during the 2011 unrest,⁸⁸³ and much of it has persisted in spite of the government's broad censorship powers and strict anti-incitement legislation.⁸⁸⁴ The pro-government newspaper *al-Watan* has run a recurring column dedicated to cataloging the supposed terroristic and subversive activities of Bahrain's Shia community, for example. *Akhbar al-Khaleej*, a state-affiliated newspaper, has run cartoons depicting Bahrain as a wayward ship overrun with “the deviant sect”⁸⁸⁵ as well as the country's only independent newspaper *al-Wasat* as a personified gun killing Bahrain.⁸⁸⁶ In 2013, a Bahrain Watch investigation found that government created and managed possibly hundreds of “extremist [social media] accounts that used sectarian rhetoric to promote discord and polarization.”⁸⁸⁷ These accounts commonly used derogatory terms for Shia such as “maju'si, rawa'fid, safawi, and walad al-mut'a.”⁸⁸⁸ Another investigation in 2016 revealed that government and/or pro-government supporters produced hundreds of automated Twitter accounts with the intention of “repeating propaganda that conflates acts of violence, terrorism, and unrest, with both Arab Shia and Iran.”⁸⁸⁹ Though Twitter acknowledged the investigation and blocked approximately 1,800 automated accounts, sectarian “bots” remained responsible for more than half the tweets

878 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

879 Ibid; and Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

880 Genevieve Abdo, “The New Sectarianism: The Arab Uprisings and the Rebirth of the Shi'a-Sunni divide,” The Saban Center for Middle East Policy at Brookings, 10 April 2013, <https://www.brookings.edu/research/the-new-sectarianism-the-arab-uprisings-and-the-rebirth-of-the-shia-sunni-divide/>

881 Toby Matthiesen, *Sectarian Gulf: Bahrain, Saudi Arabia, and the Arab Spring that Wasn't*, Stanford University Press: 2013, Print.

882 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

883 Mahmoud Cherif Bassiouni, Nigel Rodley, Badria al-Awadhi, Phillipe Kirsch, and Mahnoush Arsanjani, “Report of the Bahrain Independent Commission of Inquiry,” Bahrain Independent Commission of Inquiry, <http://www.bici.org.bh/BICReportEN.pdf>

884 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

885 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

886 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

887 Marc Owen Jones, “Saudi Intervention, Sectarianism, and De-Democratization in Bahrain's Uprising,” in *Protest, Social Movements and Global Democracy Since 2011: New Perspectives*, 9 June 2016, <http://www.emeraldinsight.com/doi/abs/10.1108/S0163-786X20160000039011>;

888 Ibid.

889 Marc Owen Jones, “The Automation of Sectarianism: Are Twitter Bots Spreading Sectarianism in the Gulf?” 21 June 2016, <https://marcownjones.wordpress.com/2016/06/21/the-automation-of-sectarianism/>

posted under the 'Bahrain' hashtag in June 2016.⁸⁹⁰

That same month, the BNA announced the government's decision to dissolve the Al-Wefaq political society by similarly equating the nonviolent opposition movement with externally-sponsored terrorism: "the association's practices...create an environment for terrorism, extremism and violence as well as a call for foreign interference in internal national affairs."⁸⁹¹ Khalifa Ali Alfadhel, an assistant professor of international law at the University of Bahrain and member of the board of trustees for the Bahrain Institute for Political Development (BIPD) – a royally-appointed government body overseen by the Minister of Information and tasked with "spreading the culture of democracy and promoting sound democratic principles"⁸⁹² – recently expounded on the government's position in a US media outlet, *Real Clear Politics*.⁸⁹³ In the article, Alfadhel describes Al-Wefaq as "a proxy for Iran...[that] supported the Iranian-backed sectarian uprising in Bahrain in 2011."⁸⁹⁴ Failing to note that political parties are prohibited in Bahrain, Alfadhel refers to Al-Wefaq as a "radical Shiite religious organization masquerading as a political party," and frames the government's decision to dissolve the society as a "little known democratic move."⁸⁹⁵ Several days before the publication of that article, Alfadhel posted a tweet in response to US Senator Ron Wyden – who has proposed reinstating an American arms ban for Bahrain contingent on human rights reforms – suggesting that the pro-democracy movement "needs to be seen by US lawmakers as an insurgency by pro-Iran rejectionists."⁸⁹⁶ 'Rejectionist' is a derogatory term for adherents of Shia Islam. Such language was echoed by royally-appointed members of the upper house of parliament during the 2011 unrest.⁸⁹⁷

The government has institutionalized this exclusionary rhetoric in several tourism and development projects since 2011. In addition to Shia mosques, the government has sought to erase non-religious symbols of the uprising, often replacing them with explicitly sectarian designators. The clearest example of this policy followed the government's demolition of the Pearl Roundabout monument, the focal point of the pro-democracy demonstrations in 2011. After the authorities bulldozed the structure, they paved the site and renamed it 'Al-Farooq Junction' in reference to an "early Sunni figure considered as having played an important role in the schism between Sunni and Shia communities."⁸⁹⁸ According to the UN Special Procedures, the government then ensured that "coins engraved with the image of the Pearl Roundabout monument were taken out of circulation, postcards featuring its image were removed from tourist shops and in the open-air market places, and pictures of it were removed from official Government websites,"⁸⁹⁹ as well as the logo of the state-run television channel.⁹⁰⁰ Similarly, official tourism materials produced by the

890 Marc Owen Jones, "Around 51% of Tweets on #Bahrain Hashtag Created by Automated Sectarian Bots," 22 June 2016, <https://marcownjones.wordpress.com/2016/06/22/around-51-of-tweets-on-bahrain-hashtag-by-automated-sectarian-bots/>

891 "Court rules closure of Al-Wefaq society, suspension of its activities and reservation of its funds," BNA, 14 June 2016, <http://www.bna.bh/portal/en/news/732195>

892 "About Us," Bahrain Institute for Political Development, 2016, <http://www.bipd.org/EN/aboutus/>

893 Khalifa Ali Alfadhel, "Bahrain's Little Known Democratic Move," *Real Clear Politics*, 29 July 2016, http://www.realclearpolitics.com/articles/2016/07/29/bahrain_little_known_democratic_move_131378.html

894 Ibid.

895 Ibid.

896 Dr. Khalifa Alfadhel, Twitter, 4 July 2016, <https://twitter.com/KAlFadhel/status/749929617117544448>

897 Toby Matthiesen, *Sectarian Gulf: Bahrain, Saudi Arabia, and the Arab Spring that Wasn't*, Stanford University Press: 2013, Print.

898 BHR 6/2015 Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extreme poverty and human rights; and the Special Rapporteur on freedom of religion or belief, OHCHR, 30 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_\(6.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Bahrain_30.10.15_(6.2015).pdf)

899 Ibid.

900 Eyal Weizman, *The Roundabout Revolutions*, Sternberg Press, 2015, 57.

Bahrain Authority for Culture & Antiquities fail to list any mosques or pilgrimage sites directly relevant to the Shia community.⁹⁰¹

In the education system, government policy prevents the vast majority of Shia children from receiving a Shia religious education at school. State-run elementary, secondary, and tertiary schools heavily integrate the precepts of the Maliki school of Sunni jurisprudence into their curricula, and Shia religious practices and beliefs are denigrated.⁹⁰² Additionally, the Government of Bahrain permits only one Shia-specific school, the Jaafari Institute, to operate legally within the country. The Jaafari Institute enrolls some 1,200 in elementary and secondary-education programs.⁹⁰³ Given that the country contains more than a hundred thousand Shia citizens, the government has created a system in which only a small fraction of their children and adolescents can access, at any one time, a Shia-specific education.

Shia teachers also face discriminatory hiring practices. Though official statistics do not delineate by sect, sources report that the majority of unemployed university graduates are Shia, and that a disproportionate number of qualified Shia candidates have been unable to find work as teachers.⁹⁰⁴ Much like its recruitment policies for the security forces and the judiciary (see below and Section A.1, respectively), the government has instead come to rely on foreign teachers from predominantly Sunni countries such as Egypt and Jordan to staff its school system. In 2014, a report indicated that the government employed at least 300 Egyptian teachers and in 2015, the Jordanian Teachers Union revealed that 1,200 Jordanian teachers were candidates for positions in Bahrain.⁹⁰⁵ In February 2015, the Ministry of Education officially opened up teaching vacancies to candidates from Gulf countries; previously, there was at least a stated condition that candidates be Bahraini nationals.⁹⁰⁶

According to Shia students, the Ministry of Education also displays an anti-Shia bias when distributing scholarships. After 2011, it instituted a new financial aid selection process substantially based on interviews, rather than primarily on academic merit or need.⁹⁰⁷ Since the establishment of this policy, many students have claimed that their interview included questions concerning their religious and political beliefs, and that their round of scholarships was unfairly distributed.⁹⁰⁸ In 2015, after that year's round, at least 12,000 tweets were posted under the hashtag "massacre of scholarships" in criticism of the allegedly discriminatory policy.⁹⁰⁹

Following the 2011 unrest, the government dismissed thousands of university employees and

901 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

902 *Apart in Their Own Land: Government Discrimination against Shia in Bahrain, Vol. I*, ADHR, BCHR, and BIRD, February 2015, http://adhrb.org/wp-content/uploads/2015/03/ADHRB_Apart-in-Their-Own-Land_web.pdf, 27.

903 "Bahrain 2013 International Religious Freedom Report," US Commission on International Religious Freedom, April 2013, [http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf), 4.

904 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

905 <<التربية>> فتحت باب الترشح للعاطلين البحرينيين خلال فبراير ولم تعلن عن موعد الامتحان>> Al-Wasat, 15 April 2015, <http://www.alwasatnews.com/4603/news/read/981765/1.html>.

906 <<التربية>> فتحت باب التوظيف أمام مواطني <<الخليج>> Al-Wasat, 23 February 2015, <http://www.alwasatnews.com/4552/news/read/964299/1.html>.

907 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>; and Jane Kinnimont, *Bahrain: Beyond the Impasse*, Chatham House, June 2012, <https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Middle%20East/pr0612kinnimont.pdf>

908 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. II*, ADHRB, BCHR, and BIRD, September 2015, <http://www.adhrb.org/2015/09/adhrb-releases-part-2-of-shia-discrimination-report/>

909 Ibid.

other Bahrainis from their jobs for suspected support of the protest movement.⁹¹⁰ According to the BICI, at least 2,000 public sector employees and 2,400 private sector workers were unlawfully fired for alleged links to the demonstrations or to demonstrators, the majority of which were Shia.⁹¹¹ Though the government claims that it has reinstated nearly all those who lost their jobs in the aftermath of the unrest, the General Federation of Bahrain Trade Unions (GFBTU) found that several hundred cases had yet to be resolved as of 2013.⁹¹² Moreover, many of the rehired individuals claim that they received lower-level, lower-paid positions.⁹¹³ A report issued by Chatham House in 2012 concluded that this form of economic reprisal ultimately “appears to have weakened the ties of patronage between the state and the Shia population” and has driven many Bahraini Shia to seek employment in other countries, even as the government has increasingly outsourced public sector positions.⁹¹⁴

More generally, independent academic studies confirm sectarian employment bias in the Bahraini public sector. Gengler, in his survey of public sector employment in Bahrain, has found that “a Sunni is far more likely to have a job in the public sector, conditional on employment, than a Shi’i of identical employment relevant attributes” such as age, education, and gender.⁹¹⁵ For the approximately 35-40% of working-age Shia with a secondary education or less, Gengler concluded that “inequality in both the opportunity and nature of public-sector employment is more than an anecdotal impression colored by political orientation – it is an empirical reality...The entire selection process for [public sector] employment itself seems to operate in a fundamentally different manner according to a citizen’s sectarian affiliation.”⁹¹⁶

V. Sectarianization of the Security Forces

Bahraini security forces exhibits the most extreme example of discriminatory hiring practices in the public sector. The country’s various security services, which are some of the largest employers in Bahrain, largely refuse to hire Shia as a matter of informal policy.⁹¹⁷ While the BDF does not produce official employment figures, the BICI estimated BDF personnel to be at around 12,000 in 2011, including a substantial number of foreign recruits. Educated guesses put the percentage of Shia citizens in the BDF at less than five, and the number of foreign-born Sunni personnel at as much as 50.⁹¹⁸ A 2009 leak from the NSA additionally suggested that the percentage of Shia in its workforce did not exceed four percent, and that the majority of those who were employed worked in non-supervisory positions or as informants.⁹¹⁹ Gengler’s national survey found that “not a single Shi’i [sic] of those randomly sampled for interview reported worked working for the

910 Ibid.

911 Ibid.

912 Ibid.

913 Ibid.

914 Jane Kinnimont, *Bahrain: Beyond the Impasse*, Chatham House, June 2012, <https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Middle%20East/pr0612kinnimont.pdf>

915 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

916 Ibid.

917 Maryam al-Khawaja, “Beneath Bahrain’s Shia-versus-Sunni narrative, only the tyrants benefit,” *The Guardian*, 27 October 2012, <http://www.theguardian.com/commentisfree/2012/oct/27/bahrain-shia-versus-sunni-narrative>.

918 Brian Dooley, “Bahrain’s Soldier Sailor Sunni Shia Struggle,” *The Huffington Post*, 7 February 2014, http://www.huffingtonpost.com/brian-dooley/bahrains-soldier-sailor-s_b_4745595.html; and “Bahraini Shi’ites protest against settling Sunnis,” *Reuters*, 9 March 2011, <http://www.reuters.com/article/2011/03/09/us-bahrain-protests-idUSTRE7284W320110309>; and Confidential sources.

919 “Bahrain: Dangerous Statistics and Facts about the National Security Apparatus,” BCHR, 8 March 2009, <http://www.bahrainrights.org/en/node/2784>.

police or armed services” compared to 17 percent of working Sunni male respondents.⁹²⁰ In 2015, estimates placed Shia at approximately 2-5 percent of all security personnel, contrasted with the country’s Shia population of between 58-70 percent.⁹²¹ As in the NSA specifically, and public sector positions more generally, those Shia individuals that are employed in the broader security services often occupy non-sensitive roles in the lower rungs of the hierarchy.⁹²² According to a leaked 2006 diplomatic cable, King Hamad explained the country’s military recruitment policy to American officials in explicitly sectarian terms: “as long as [Iranian Ayatollah Ali] Khamenei has the title of Commander in Chief, Bahrain must worry about the loyalty of Shia who maintain ties and allegiance to Iran.”⁹²³

In addition to military and intelligence units, the government has also failed to integrate Shia into the MOI’s police forces, and their presence remains negligible. Of the approximately 30,000 employees of the MOI, only 2,000-3,000 are Shia and most work in administrative roles. In 2012, the government announced plans to form a new community policing program comprised of 500 recruits “from all communities.”⁹²⁴ According to the Bahraini government, a total of 1,500 community police had graduated from the Royal Police Academy by 2015.⁹²⁵ While the US State Department reported in 2016 that its “contacts have confirmed that Bahraini Shia have been among those integrated into the community police and the police cadets” it did find that this integration has not occurred “in significant numbers.”⁹²⁶ Moreover, the Project on Middle East Democracy (POMED) determined that these new units play only a “marginal” policing role.⁹²⁷

In 2011, the MOI specifically pledged to create 20,000 new jobs in the Coast Guard, Traffic Directorate, and Civil Defense, among other security agencies.⁹²⁸ The government claims these hires were drawn from a cross-section of the population, but it has not released demographic information on officers to the public. On the contrary, there are reports that the MOI has begun to require new employees to produce proof of sect.⁹²⁹ Recent job advertisements for the MOI request that applicants also submit their marriage certificates and those of their parents, for example. This is not a standard hiring practice in Bahrain, but marriage certificates are among the few documents that clearly display an individual’s sect.⁹³⁰ Further, as noted by Bahrain Watch, even if Shia were successfully integrated into these sections of the MOI, this would not achieve the ultimate goal of preventing sectarian violence as the Coast Guard and the Traffic Directorate, for

920 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

921 Ian Sipercio, “Bahrain’s Sectarian Challenge,” Middle East Policy Council, 22 October 2010, <http://www.mepec.org/articles-commentary/commentary/bahrain-s-sectarian-challenge?print>.

922 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

923 “Luncheon with King Hamad,” United States Embassy Manama to United States Department of State, 15 March 2006, https://wikileaks.org/plusd/cables/06MANAMA409_a.html

924 *Steps taken by the Government of Bahrain to Implement the Recommendations in the 2011 Report of the Bahrain Independent Commission of Inquiry*, US Department of State, 21 June 2016, <http://pomed.org/wp-content/uploads/2016/06/State-BICI-Report.pdf>

925 Ibid.

926 Ibid.

927 “One Year Later: Assessing Bahrain’s Implementation of the BICI Report,” Project on Middle East Democracy, November 2012, <http://pomed.org/wp-content/uploads/2013/12/One-Year-Later-Assessing-Bahrain-Implementation-of-the-BICI-Report.pdf>, 13-14.

928 Ibid.

929 Ibid.

930 Confidential Source.

example, play no substantive role in the policing of Shia communities.⁹³¹

With the exception of the limited number of Shia community police, there is no evidence to suggest that the government has taken substantial steps toward incorporating Shia into the security forces. This is especially true of the BDF and the NSA.⁹³² Rather, the government has purposefully exacerbated this disparity by hiring a large number of foreign-born Sunni security personnel.⁹³³ Over the past two decades – as hundreds of Shia have been denaturalized – Bahraini authorities have granted citizenship to tens of thousands of foreign Sunnis from countries like Syria, Jordan, Yemen, and Pakistan.⁹³⁴ While many of these expatriates find employment in the judiciary or the school system, the vast majority serve in the security forces. As revealed by Dr. al-Bandar in 2006,⁹³⁵ the government has granted citizenship to at least 100,000 foreign Sunnis in the last 15-20 years, with an accelerated pace of naturalization since 2011.⁹³⁶ Just before the uprising in 2011, pro-government newspaper Gulf Digital News noted that approximately 40 percent of MOI employees were foreign nationals.⁹³⁷ This proportion appears to have only increased during the state of emergency between March and May, when the government recruited over 2,500 former soldiers from Pakistan for service in both the MOI's riot police force and the National Guard.⁹³⁸ According to Al-Jazeera, this move represented a 50% increase in the strength of these two units.⁹³⁹ None of the new recruits were Shia.⁹⁴⁰ Advertisements for positions in Bahrain's security forces have been seen in Pakistan as recently as 2014, and a Pakistani newspaper reported that over 10,000 Pakistani nationals were serving in them that same year.⁹⁴¹ Similarly, leaked documents listed the names and salaries of 499 Jordanian police officers employed by the MOI in 2014, and other reports estimated that up to 2,500 former Jordanian policemen work in the one of the Bahraini security agencies.⁹⁴² Moreover, the government typically provides naturalized Sunni security personnel with housing and other social benefits of which local Shia communities have been increasingly deprived.⁹⁴³

The negative effects of the sectarianization of Bahrain's security forces are also exacerbated by the continued presence of the GCC's Peninsula Shield Force (PSF), a contingent of predominantly

931 "Government Inaction: Recommendation 1722," Bahrain Watch, 2016, <https://bahrainwatch.org/bici/1722e.php>

932 Ibid.

933 *Apart in Their Own Land: Government Discrimination Against Shia in Bahrain, Vol. I*, ADHRB, BCHR, and BIRD, April 2015, <http://www.adhrb.org/2015/03/adhrb-bird-and-bchr-publish-new-report-on-shia-discrimination/>

934 Maryam al-Khawaja, "Beneath Bahrain's Shia-versus-Sunni narrative, only the tyrants benefit," *The Guardian*, 27 October 2012, <http://www.theguardian.com/commentisfree/2012/oct/27/bahrain-shia-versus-sunni-narrative>.

935 "Al-Bandar Report: Demographic engineering in Bahrain and mechanisms of exclusion," BCHR, 30 September 2006, <http://www.bahrainrights.org/en/node/528>; The al-Bandar papers, leaked by a civil servant, revealed an inter-ministry plan to employ foreign Sunni nationals and grant them citizenship at a fast rate, thereby proportionally reducing the Shia demographic from a majority to a minority.

936 Justin Gengler, "Bahrain Drain: Why the King's Sunni Supporters are Moving Abroad," *Foreign Policy*, 5 September 2014, <https://www.foreignaffairs.com/articles/middle-east/2014-09-05/bahrain-drain>.

937 "Police jobs chance for Bahrainis," Gulf Digital New, 1 February 2011, <http://archives.gdnonline.com/NewsDetails.aspx?date=04/07/2015&storyid=297440>

938 Mujib Mashal, "Pakistani Troops Aid Bahrain's Crackdown," Al Jazeera, 30 July 2011, <http://www.aljazeera.com/indepth/features/2011/07/2011725145048574888.html>

939 Ibid.

940 Confidential Source.

941 "King of Bahrain vows to enhance military cooperation at JSHQ" Dawn, 20 March 2014, <http://www.dawn.com/news/1094257/king-of-bahrain-vows-to-enhance-military-cooperation-at-jshq>

942 Nazgol Kafai & Ala'a Shehabi, *The Struggle for Information: Revelations on Mercenaries, Sectarian Agitation and Demographic Engineering in Bahrain*, Jadaliyya, 29 May 2014, <http://www.jadaliyya.com/pages/index/17912/the-struggle-for-information-revelations-on-mercen>

943 Ibid.

Saudi and Emirati military and police personnel that the Bahraini government invited to take part in the suppression of the 2011 pro-democracy protests. Though the BICI found that the PSF primarily guarded state infrastructure and did not directly take part in police actions, protestors have accused Saudi forces of employing excessive force against demonstrators as well.⁹⁴⁴ A demonstrator's pseudonymous article in *The Guardian* claims that Saudi soldiers, identified by their accents, specifically beat Shia protestors and referred to them in derogatory language.⁹⁴⁵

There is also evidence to suggest that the Bahraini government has tolerated, if not directly propagated, anti-Shia and extremist views within its security forces. For example, the BDF and the Department of Religious Education published a book of religious instruction entitled *Nur al-Sunna* that denounces several non-Sunni sects of Islam as heretical, including Shiism.⁹⁴⁶ The book, which is reportedly distributed amongst the employees of these two institutions, also provides purported religious justifications for violence and discrimination against these sects.⁹⁴⁷ Dr. Saeed bin Ali bin Wahaf al-Qahtani, its author, writes that "al-Rafidah" (a pejorative term for Shia that is often translated as 'rejectionist') are among the "misguided sects" that "go against the Sunna of the prophet Mohammed."⁹⁴⁸ A number of Shia religious practices are specifically labelled "forms of heresy," including the Prayer of Raghaleb, fasting on Mid-Sha'aban, and celebrating the birth of the Prophet Mohammed.⁹⁴⁹ Dr. al-Qahtani goes on to describe other Shia worship and burial practices as "shirk," ultimately declaring that those "who commit such acts should repent or else they must be killed."⁹⁵⁰ This rhetoric matches the testimony of some officers recruited from Pakistan, who have reportedly stated that they were "called for jihad against the Shia community" in Bahrain.⁹⁵¹

Books like *Nur al-Sunna*, coupled with the government's aggressive foreign recruitment policy, have therefore led many observers to conclude that Bahrain's security forces foster sectarianism and violent extremism. Marc Owen Jones has termed the process of foreign conscription in Bahrain part of "the deliberate instrumentalization of sectarianism"⁹⁵² and scholar Laurence Louer has described it as means by which the security apparatus is designed to fortify the government against the majority Shia population.⁹⁵³ Similarly, Nabeel Rajab, president of BCHR, characterized the security forces as an "ideological incubator" for violent extremism after a number of personnel defected to join terror groups like ISIS;⁹⁵⁴ he is currently detained on charges related to these

944 *Mapping the Saudi State, Chapter 5: The Saudi Arabian National Guard*, ADHRB, 2015, http://www.adhrb.org/wp-content/uploads/2015/08/2015.07.28_MSS-Ch-5-SANG-Draft_Final.pdf

945 Mahmoud, "A chilling account of the brutal clampdown sweeping Bahrain," *The Guardian*, 2011, <http://www.theguardian.com/world/2011/apr/16/bahrain-eyewitness-riot-police>

946 Dr. Saeed Bin Ali Bin Wahaf Al-Qahtani. *Nur Al-Sunna*. Bahrain Defense Force and Department of Religious Education. Print.

947 Ibid.

948 Ibid.

949 Ibid.

950 Ibid.

951 "Mercenaries in Bahrain: The cruel crackdown of the uprising," Islamic Human Rights Commission, 29 April 2014, <http://www.ihr.org.uk/publications/briefings/11005-mercenaries-in-bahrain-the-cruel-crackdown-of-the-uprising>

952 Marc Owen Jones, "Saudi Intervention, Sectarianism, and De-Democratization in Bahrain's Uprising," in *Protest, Social Movements and Global Democracy Since 2011: New Perspectives*, 9 June 2016, <http://www.emeraldinsight.com/doi/abs/10.1108/S0163-786X20160000039011>

953 Laurence Louer, "Sectarianism and Coup-Proofing Strategies in Bahrain," *Journal of Strategic Studies*, May 2013, <https://americanuniversity.ares.atlas-sys.com/ares/ares.dll?SessionID=O035453420U&Action=10&Type=10&Value=86648>

954 "Bahrain's Prominent Human Rights Activist Arrested for Criticizing Police Defectors Who Joined ISIS," *Global Voices*, 1 October 2014, <https://globalvoices.org/2014/10/01/bahrains-prominent-human-rights-activist-arrested-for-criticizing-police-defectors-who-joined-isis/>

comments and other social media posts.⁹⁵⁵ Rajab's tweets followed the emergence of a YouTube clip posted by a former police lieutenant urging Bahraini security personnel to fight with ISIS.⁹⁵⁶ The MOI later stated that the official was fired for "failure to appear at work."⁹⁵⁷ According to scholar and activist Ala'a Shehabi, "there is a direct link between IS and Bahrain's security services," and the government has admitted that more than 100 Bahrainis had left to join the extremist group in 2014.⁹⁵⁸ Turki al-Binali, a prominent ISIS cleric from a "wealthy and important Sunni family with close ties to the Al Khalifa rulers,"⁹⁵⁹ reportedly traveled and preached freely in Bahrain until 2013.⁹⁶⁰ Some analysts expect him to succeed the extremist group's current leader, Abu Bakr al-Baghdadi.⁹⁶¹

Third-Cycle Recommendations

Although the Bahraini government has repaired many places of worship damaged since 2011, it has failed to rebuild all of the destroyed sites. Moreover, it has rebuilt several prominent Shia mosques away from their original locations and have yet to properly compensate local communities that undertook their own reconstruction efforts. ADHRB, BCHR, and BIRD therefore find second-cycle UPR recommendation **115.145** only partially implemented. To complete its implementation of this recommendation, the government of Bahrain should:

- Finish reconstruction on all damaged religious sites.
- Rebuild any remaining religious sites in their original locations.
- Protect all places of worship from future vandalism or damage.
- Ensure that all communities responsible for funding reconstruction projects are fully and directly compensated.
- Guarantee the freedom of belief and right to worship for all people at all religious sites, including the Shia community.

Bahraini authorities have also failed to protect religious and cultural rights or to reduce discrimination, especially against the country's Shia majority. Rather, they have intensified their suppression of Shia religious practices, political participation, and general enjoyment of basic human rights such as free expression, belief, movement, assembly, and association. Simultaneously, the government has permitted and/or fostered sectarian discrimination in media and education, while further marginalizing the Shia community – and particularly the Baharna and Ajam ethnoreligious groups – through disproportional denaturalization and exclusion from public benefits, such as housing and employment. The sectarianization of the country's security

955 "Nabeel Rajab Trial Postponed, Faces Prison Over Tweets," ADHRB, BCHR, BIRD, ECDHR, and JHRO, 2 August 2016, <http://www.adhrb.org/2016/08/nabeel-rajab-trial-postponed-faces-prison-tweets/>

956 "Bahrain: Rights Activist Detained," HRW, 3 October 2014, <https://www.hrw.org/news/2014/10/03/bahrain-rights-activist-detained>; and أبو سفيان السلمي في اعتصام أمام السفارة الأمريكية, YouTube, 17 September 2012, <https://www.youtube.com/watch?v=7CKv56mqPBU#t=70>; Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

957 Ibid.

958 Ala'a Shehabi, "Why Is Bahrain Outsourcing Extremism?" Foreign Policy, 29 October 2014, <http://foreignpolicy.com/2014/10/29/why-is-bahrain-outsourcing-extremism/>; Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.


959 Ibid

960 Georgio Cafiero, "Meet the likely successor of Islamic State's Baghdadi," Al-Monitor, 14 September 2016, <http://www.al-monitor.com/pulse/originals/2016/09/turki-binali-bahrain-islamic-state-successor-baghdadi.html#ixzz4SwbqCUSv>

961 Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, Print.

forces has additionally heightened the risk of anti-Shia violence and contributed to extremism – ultimately reflecting the high degree of discrimination throughout Bahrain’s public sector. ADHRB, BCHR, and BIRD find that the government has entirely failed to implement second-cycle UPR recommendations **115.70**, **115.93**, and **115.103** and therefore propose the following additional recommendations to more wholly address systemic discrimination and ensure the enjoyment of religious and cultural rights in Bahrain. The Government of Bahrain should:

- Respect the right of the Shia community to publicly observe religious traditions and practices, including Ashura.
- Cease all prosecution related to religious practices like *khums* and codify protections for the independent administration of such practices.
- Permit the reopening of closed religious associations and Shia civil society groups.
- Refrain from obstructing Friday prayers and other religious gatherings.
- Reinstatement of the nationality of Shia religious leaders like Sheikh Isa Qassim and all other arbitrarily denaturalized citizens.
- Create fair and proportional electoral districts.
- Revoke the amendment to the Political Societies Law to remove legal grounds for the prosecution of religious figures for engaging in political speech or belonging to political societies.
- Halt all judicial harassment of religious figures for the content of their sermons or their participation in peaceful gatherings.
- Release all prisoners of conscience held for their religious or political beliefs, such as Sheikh Ali Salman.
- Hold prison guards and other security personnel accountable for discrimination and hate speech.
- Create new housing projects and improve social services in impoverished Shia communities.
- Increase the proportional representation of the Shia population in scholarship distribution and public sector employment.
- Increase the percentage of Shia citizens in all subdivisions of the security forces – particularly the BDF, the National Guard, the regular and riot police of the MOI, and the intelligence agencies such as the NSA – with the aim of gradually achieving proportional representation.
- Set targets for the recruitment and promotion of non-Sunni personnel to be met before the next UPR.
- Expand role of the community police force to include greater law enforcement responsibilities for local units.
- Cease discrimination in recruiting and hiring practices for the security forces, such as requiring documents that indicate sect, like marriage certificates.
- Request that foreign troops from the GCC PSF depart from Bahrain.
- Eliminate any form of discrimination or sectarian rhetoric in the training and training materials of security forces.

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- Institute measures to combat and punish sectarianization and extremism in the security forces.
 - Hold personnel that discriminate along sectarian lines, both in policing and recruitment practices, accountable for their actions.

Medical Impartiality and Public Health

Although the Government of Bahrain did not receive any recommendations concerning improving public health, preventing violence against medical personnel, and respecting medical neutrality and impartiality during its second UPR cycle, ADHRB, BCHR, and BIRD find it has consistently violated the rights of doctors, nurses, and medics during the period under review. Since the suppression of the 2011 pro-democracy movement, Bahraini authorities have targeted medical personnel for their political opinions or for treating protestors, and – as result of government action – healthcare has declined at key facilities. We therefore recommend that the third UPR cycle address the Bahraini government’s responsibility to respect medical impartiality and ensure equal access to quality healthcare in the country.⁹⁶²

Brief Assessment

The dismissal of experienced doctors for providing medical care to injured protestors in the wake of the 2011 protest movement, coupled with the hiring of foreign medics and poor hospital management, have together contributed to a deteriorating standard of healthcare in Bahrain. This is especially true of the Salmaniya Medical Complex (SMC), the country’s largest healthcare facility, which was occupied by security forces after the unrest. The authorities have abused doctors and their patients and medical personnel remain in prison. The Government of Bahrain must reinstate dismissed doctors to their previous positions, hire qualified nurses, and adopt appropriate administrative measures toward the full realization of the right to health. It must also cease all interference in the work of medical personnel, including judicial harassment and violence, in reprisal for their political views or for aiding protestors.

1. MEDICAL IMPARTIALITY AND PUBLIC HEALTH

Not Applicable

I. Public Health: Medical Errors, High Patient Turnover, and Poor Management

In a 2015 survey, 94% of participants indicated that the quality of health services at SMC, Bahrain’s chief public medical facility has deteriorated.⁹⁶³ Bahrain’s National Health Regulatory Authority (NHRA), a body responsible for the licensing and regulation of health care professionals, stated that it had received 116 complaints in 2014 compared with 86 in 2013, 41 in 2012, and 24 in 2011. In September 2012, a sickle cell anemia patient and her unborn child died at SMC due to medical negligence. A year later, in September 2013, a 12-year-old girl was pronounced clinically dead when “an unqualified” doctor mistakenly inserted a tube into the esophagus instead of the trachea. In May 2016, a 65-year-old patient died in May 2016 after he was given a dose of a chemotherapeutic agent ten times the amount he was originally prescribed. On 26 May 2015, a medical device fell on a child who is diagnosed with cerebral palsy, causing harm to his eye.

Medical errors are now the third leading cause of death in Bahrain, claiming one hundred lives

⁹⁶² Much of the information contained in this section is based on research conducted by Defenders Against Medical Impartiality (DMI), a program of the European Centre for Democracy and Human Rights (ECDHR). See <https://defendmedicalimpartiality.org/> and <https://www.ecdhr.org/>

⁹⁶³ “94 % من المشاركين في تصويت ”الوسط“: خدمات ”السلامة الطبية“ تراجعت % 94” Al-Wasat, 2015, <http://www.alwasatnews.com/news/1042365.html>

every year.⁹⁶⁴ Dr. Maha Al Kuwari, president of the Bahraini Medical Association, noted that broader conditions have led to this deterioration in service: “Doctors cannot be solely responsible for medical errors...one must look at management and work environment at Salmaniya.”⁹⁶⁵

High patient turnover is one of the factors contributing to a low standard of health at SMC – the only public hospital in Bahrain that receives cases from all health centers in all five governorates. The hospital receives an average of 950 to 1,050 patients every day and has approximately 1,000 beds. SMC employs around 5,000 people, of whom 1,300 are doctors. The hospital’s Emergency Department alone receives close to 1,100 patients a day. SMC’s nephrology clinic has only two rooms for dialysis and sixteen beds. Meanwhile, the maternity ward has only twelve beds. This number is low considering that there were 5,116 births at SMC in 2014 alone. Further, the hospital’s Obstetrics and Gynecology unit has only eight beds and no isolation rooms. In 2015, three patients, diagnosed with infectious diseases were placed with the other pregnant women due to a lack of isolation rooms. Additionally, sickle cell anemia patients complained to a local newspaper about the limited number of hospital beds at SMC’s Accidents and Emergency Department: “We were surprised by the lack of beds in Room D of the Emergency Department. Fifteen beds were placed in the room that can only fit eight beds. Beds were also placed in the hallways.”⁹⁶⁶

On 9 November 2015, the Directory of Human Resources at Bahrain’s Ministry of Health (MOH) reduced the limit of on-call hours from 156 to 70 hours per month for SMC doctors as part of new austerity measures.⁹⁶⁷ The regulation failed to take the needs of each department into account. Dr. Mahmoud – whose name was changed to protect his identity – said his salary decreased by 30% as a result of the new policy. He, along with other medics, is working beyond the 70 hours monthly limit without pay.⁹⁶⁸ “I cannot just walk away,” he said, “these patients need me and I have to attend to their needs even if I’m not paid for that time.” Dr. Mahmoud sees close to 80 patients a day and is under more pressure to clear the cases he receives.

Since the regulation went into force on 1 December 2015, the number of patients at some departments, especially at the Accidents and Emergency Department, the Department of Anesthesiology, and the Department of Obstetrics and Gynecology, increased due to the insufficient number of doctors on duty.⁹⁶⁹ Those who are on duty receive an increasingly high

964 “الدوري: لا قانون خاصاً يحكم الأخطاء الطبية في البحرين” Al-Watan, 2016,

<http://www.alwatannews.net/NewsViewer.aspx?ID=120788>

965 Al-Ayam, 2014, <http://www.alayam.com/alayam/local/263932/%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%B3%D9%84%D9%85%D8%A7%D9%86%D9%8A%D8%A9-%D9%8A%D8%AA%D8%AD%D9%85%D9%84-%D9%85%D8%B3%D8%A4%D9%88%D9%84%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D8%AE%D8%B7%D8%A7%D8%A1-%D8%A7%D9%84%D8%B7%D8%A8%D9%8A%D8%A9.html>

966 Faitmah Abdullah, “نقص أسرة وحدة «أمراض النساء» في «السلمانية» يدفع المريضة لتلقي العلاج في الممرات» Al-Wasat, 24 June 2015, <http://www.alwasatnews.com/news/1002584.html>

967 Fatimah Abdullah, “بدء تطبيق خفض ساعات بدل «الخفارة» لأطباء «السلمانية» إلى 70 ساعة» Al-Wasat, 6 December 2015, <http://www.alwasatnews.com/news/1053520.html>

968 Fatimah Abdullah, “رؤساء أقسام ب «السلمانية» يجبرون الأطباء على العمل وقتاً إضافياً دون أجر» Al-Wasat, 25 January 2016, <http://www.alwasatnews.com/news/1072071.html>

969 Al-Ayam, 28 January 2016, <http://www.alayam.com/alayam/local/555879/%D9%86%D8%B7%D8%A7%D9%84%D8%A8-%D8%A8%D8%A5%D9%84%D8%BA%D8%A7%D8%A1-%D9%82%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D9%82%D8%B7%D8%A7%D8%B9-%D9%88%D9%85%D9%86-%D8%B3%D9%8A%D8%AA%D8%AD%D9%85%D9%84-%D8%A7%D9%84%D8%B9%D8%AC%D8%B2-%D9%81%D9%8A-%D9%86%D9%82%D8%B5-%D8%A7%D9%84%D8%A3%D8%B7%D8%A8%D8%A7%D8%A1.html>

number of patients. The new policy has also delayed the delivery of medical care for countless patients. Furthermore, many medics report that a higher number of nurses are being transferred from their primary departments to other ones that are outside their area of expertise.

II. Dismissal of Medics and Militarization of Healthcare

In 2011, SMC became a focal point of the protest movement and many injured demonstrators sought treatment at the facility. In March 2011, Bahraini security forces violently dispersed protesters from the Pearl Roundabout in the capital, Manama, and subsequently surrounded and took control of SMC. The authorities prevented ambulances, patients, and medical staff from entering or leaving the hospital, and they fired teargas, rubber bullets, and pellet guns at the windows and entrances. Security forces created “interrogation chambers” within the hospital to question and torture doctors that treated injured patients. Bahraini authorities alleged that anti-government protesters were holding hostages, preventing access to healthcare services, and storing weapons at the hospital; there is no evidence of this.

The authorities tortured and/or arrested over sixty medical personnel and dismissed at least 200 from their positions.⁹⁷⁰ On 6 June 2011, a military court charged 47 health professionals, most of whom worked at SMC, during a closed hearing.⁹⁷¹ Some of those convicted served or are serving their full sentences, some had their sentences reduced, and some were eventually acquitted. Dr. Ali Al-Ekri, a pediatric orthopedic surgeon who was arrested on 17 March 2011 while he was treating an injured teenager in an SMC operating theatre, remains in prison on a five-year sentence. Al-Ekri has described how security forces sexually assaulted him and forced him to eat feces for caring to wounded protestors and speaking with media outlets.⁹⁷²

To date, at least 10 medical personnel remain dismissed from their positions, with some having been forced into an early retirement scheme. Dr. Mahmood Asghar, a Pediatric Surgeon, and Dr. Fatima Salman Hassan Haji, an Internal Medicine and Rheumatology Specialist, continue to be suspended from work, for example. Authorities barred them from returning to SMC or working in the private sector. Bahrain’s MOH refused to reinstate Dr. Ahmed Omran, a Family Physician, to his previous position as the head of the Clinical Audit Group in the Medical Review Office and the coordinator of research and studies in the MOH. Dr. Nabeel Hasan Tammam, former Chairman of SMC’s ENT Department, was suspended from work for a year, and was only rehired at half his prior salary upon his return.

Dr. Taha al-Derazi, a neurosurgeon, works in the private sector after being asked to retire from his position at SMC in 2012 for treating injured protestors. According to Dr. al-Derazi, the government’s removal of medics from their positions in the wake of the 2011 uprising weakened the overall performance of SMC’s medical team. The government has continued to harass Dr. al-Derazi since he retired from his work at the SMC, charging him with illegal gathering for taking part in a peaceful demonstration in Diraz in August 2016.

In recent years, the government has gradually militarized Bahrain’s healthcare system. The Ministry of Health has transferred administration of the public health facilities to the military, and the MOI now controls the ambulatory services. According to medical personnel, security forces are often present in hospitals and interfere in the provision of treatment, including by delaying service and interrogating patients. The authorities have additionally circulated orders to private facilities requiring that they report the arrival of any individuals appearing to have been injured by police or during protests. Medics and first aid responders have been targeted for treating wounded protestors at the scene or in private homes. Many families report that they are afraid to take relatives to the hospital unless their condition is life-threatening, resulting in avoidable complications and permanent injury.

970 United Nations Human Rights Council. “Bahrain: Abuse of Medical Neutrality.” UN Doc. A/HRC/30/NGO/8. 1 September 2015. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/196/71/PDF/G1519671.pdf?OpenElement>

971 “Bahrain puts medical staff on trial for treating injured protestors,” *The Guardian*, 6 June 2011, <https://www.theguardian.com/world/2011/jun/06/bahrain-puts-medics-on-trial>

972 Ali al-Ekri. “A Bahraini doctor — tortured and imprisoned for treating patients — pleads to the US for help.” *GlobalPost*. 2015 September 29. <http://www.globalpost.com/article/6657008/2015/09/25/bahraini-doctor-tortured-molested-and-imprisoned-treating-patients-blames>

III. Hiring Practices

Bahrain medical personnel report that the MOH began hiring medics from abroad after 2011. According to private sources, foreigners make up twenty percent of doctors at SMC, and are mostly from countries such as Egypt, Jordan, India, the Philippines, and Pakistan. While they are paid the same salaries as locals, foreigners receive additional benefits such as housing, education, hospitalization and travel tickets.⁹⁷³ “These doctors are not necessarily qualified and many do not speak Arabic,” said Dr. al-Derazi. The MOH is also hiring nurses from abroad, when more than one hundred Bahraini graduates with a Bachelor of Science in nursing are unemployed in Bahrain. Graduates complained that the MOH was hiring foreign nurses with a certificate in nursing. The MOH hired twelve nurses from Asian countries early in 2016 and another twelve in May 2016.⁹⁷⁴

Third-Cycle Recommendations

By failing to improve management at SMC, targeting doctors for reprisal, and hiring foreign medical personnel, the Government of Bahrain is undermining the quality of healthcare in the country. Combined, these factors may amount to a violation of international human rights law (IHRL) and the principle of medical impartiality. Failure to deliver the highest standard of health care violates Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The scope of Article 12 is described in general comment 14 of the Committee on Economic, Social and Cultural Rights as “the most comprehensive article on the right to health in international human rights law.”⁹⁷⁵ Under Article 12, states parties, including Bahrain, ought to “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”⁹⁷⁶ A violation of Article 12 of the ICESCR triggers a violation of the principle of non-interference, an essential component of the principle of medical impartiality. Under that principle, every person has the right to the highest attainable standard of living adequate for his health and well being, including medical care.

Preference in employment for foreign medically personnel, who may not be as qualified as nationals, may amount to discrimination in employment by Bahrain’s MOH. The dismissal of doctors from SMC for providing treatment to injured protestors in the wake of the 2011 protests is also discrimination in employment, and contravenes on the principle of medical impartiality. Article 2 of the 1958 ILO Convention concerning Discrimination in Respect of Employment and Occupation, which Bahrain has ratified, requires that State Parties pursue national policies designed to promote equality of opportunity and treatment in respect of employment and occupation.⁹⁷⁷

The poor management of SMC may additionally constitute a violation of Bahrain’s constitution. The right to health is enshrined in Article 8 of the constitution, which provides that “[e]very citizen is entitled to health care. The State cares for public health and the State ensures the means

973 Hassan Midhob, “وزير الصحة: نصرف بدل غربة وسكن وتعليم ونذاكر سفر للأطباء والممرضين الأجانب” Al-Wasat, 18 April 2015, <http://www.alwasatnews.com/news/982620.html>

974 Ali al-Moussawi “توظيف 24 ممرضاً أسيوياً في خدمات الإسعاف بـ «السلامية»” Al-Wasat, 16 June 2016, <http://www.alwasatnews.com/news/1127095.html>

975 CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), Office of the High Commissioner for Human Rights, 11 August 2000, <http://www.refworld.org/pdfid/4538838d0.pdf>

976 Ibid.

977 Convention concerning Discrimination in Respect of Employment and Occupation 1958, International Labor Organization, 15 June 1960, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111

of prevention and treatment by establishing a variety of hospitals and health care institutions.”⁹⁷⁸ Furthermore, the dismissal of doctors implicated in the 2011 popular uprisings is a violation of equality and equal opportunity, both of which are enshrined in Articles 4 and 18 of Bahrain’s constitution. The Government of Bahrain should:

- Restore civilian control of public healthcare facilities and services, including ambulances.
- Abolish 2015 regulations reducing the limit of on-call hours for doctors.
- Ensure everyone’s access to a high quality and responsive health services at SMC and other public healthcare facilities.
- Expand SMC by opening more wards.
- Reinstate dismissed doctors to their positions.
- Hire qualified nurses and medical personnel.
- Make salaries of medics equal across Bahrain’s public hospitals.
- Equalize health care quality across Bahrain’s public hospitals.
- Increase funding for Bahrain’s health sector.
- Establish more public hospitals in Bahrain.
- Cease all forms of retaliation against medical personnel for the impartial provision of treatment.

978 Constitution of the Kingdom of Bahrain, 14 February 2002, <http://www.wipo.int/wipolex/en/details.jsp?id=7264>

Other Second-Cycle Recommendations

The Government of Bahrain did not support recommendations **115.110** and **115.120** concerning the implementation of all UPR recommendations, ending violence and impunity, and releasing political prisoners, as well as specifically transferring Abdulhadi al-Khawaja out of the country. 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.⁹⁷⁹

Brief Assessment

The government did not accept these recommendations, and no progress has been made toward their implementation.

1. END VIOLENCE & IMPUNITY AND RELEASE POLITICAL PRISONERS

Not Accepted

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

The Government of Bahrain rejected this recommendation and has not implemented it.⁹⁸⁰ During the period under review, the government has not attempted to fully implement recommendations made by UN mandate holders and it has continued to subject activists and opposition figures to violence and judicial harassment.

The authorities have held activist Khalil al-Halwachi, a former member of the now-dissolved Islamic Action Society (Amal), in pretrial detention on politically motivated charges since September 2014, for example. Security forces raided his home and arrested him without presenting a warrant. Once al-Halwachi was in custody, officials subjected him to psychological torture and ill treatment.⁹⁸¹ On 12 December 2016, a court postponed his trial for the twenty-first time.⁹⁸² Al-Halwachi had been arrested in 2011 as well, before his current detention. The authorities have also judicially harassed al-Halwachi's daughter, Fatima, for her human rights work with the European-Bahraini Organization for Human Rights (EBOHR).⁹⁸³ Fatima al-Halwachi has been banned from travel as recently as August 2016 and was temporarily expelled from school in 2011 after she made comments on social media that raised suspicion of "disloyalty to the ruling family."⁹⁸⁴ No government official has been held accountable for these abuses.

The authorities rarely prosecute and convict public officials on charges related to human rights or

979 UN 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.

980 Ibid., 1.

981 "Bahrain: Justice denied for two years as Khalil Al-Halwachi is imprisoned without a verdict," BCHR, 29 August 2016, <http://www.bahrainrights.org/en/node/8100>

982 Sam Jones, "Prosecuting politics: the judicial assault on Bahrain's opposition," openDemocracy, 18 December 2016, <https://www.opendemocracy.net/arab-awakening/sam-jones/prosecuting-politics-judicial-assault-on-bahrain-s-opposition>

983 Brian Dooley, "Bahrain Travel Bans Reveal Insecurity," Huffington Post, 15 November 2016, http://www.huffingtonpost.com/brian-dooley/bahrain-travel-bans-revea_b_12987660.html

984 Ibid.

due process violations. If the alleged perpetrators of such offenses are in fact brought to court, the Bahraini judiciary systematically favors the accused. For example, in 2013, a court acquitted five police officers that were previously convicted of beating blogger Zakariya al-Asheeri to death.⁹⁸⁵ Al-Asheeri was moderator of “dair.net” online forum, a popular platform for critical perspectives on the government. That same year, Mubarak bin Huwail and Noora bint Ibrahim al-Khalifa, a member of the royal family, were acquitted of charges related to the torture of medics who were detained for providing medical care to injured protestors.⁹⁸⁶ Rather than being punished for their crimes, Huwail was congratulated by the Prime Minister for his efforts and promised future immunity.⁹⁸⁷ The officer responsible for the death of Ali Mushaima, the first person to be killed during the government’s suppression of the 2011 protest movement, 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. An appellate court reexamined the officer’s sentence and reduced it to 3 years in October 2013.⁹⁸⁸ Similarly, courts reduced the prison terms for two police officers convicted of fatally torturing Abdulkarim Fakhrawi, cofounder the country’s only independent newspaper Al-Wasat, from seven to three years.

For information on the judiciary, torture, and impunity, see Section A.

2. RELEASE OF ABDULHADI AL-KHAWAJA

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. Abdulhadi al-Khawaja remains in prison in Bahrain and continues to be denied access to medical treatment for the torture he incurred.⁹⁸⁹ During the period under review, al-Khawaja has gone on hunger strike to protest abuse and ill-treatment in Bahrain’s prison system and has written to the High Commissioner for Human Rights to highlight ongoing abuses in Bahrain. In 2016, Bahraini authorities also detained al-Khawaja’s daughter, activist Zainab al-Khawaja, along with her son on charges related to free expression. Zainab al-Khawaja was released in May 2016 but was forced to flee the country amid threats of rearrest (for more information, see Section E).

Third-Cycle Recommendations

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, the government continued to protect officers accused of abuse from prosecution. ADHRB, BCHR, and BIRD find it troubling that the Bahraini government chose to reject this recommendation by stating that it cannot clearly be classified

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

986 “Bahrain: Acquittal of Officers Accused with Torture of Medics,” BCHR, 1 July 2013, <http://bahrainrights.hopto.org/en/node/6205>

987 “Bahrain: Prime Minister to Officer Acquitted on Torture Charges: “Thank you for your work;” BCHR, 10 July 2013, <http://www.bahrainrights.org/en/node/6219>

988 “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>.

989 “Case History: Abdulhadi al-Khawaja,” Frontline Defenders, <https://www.frontlinedefenders.org/en/case/case-history-abdulhadi-al-khawaja>

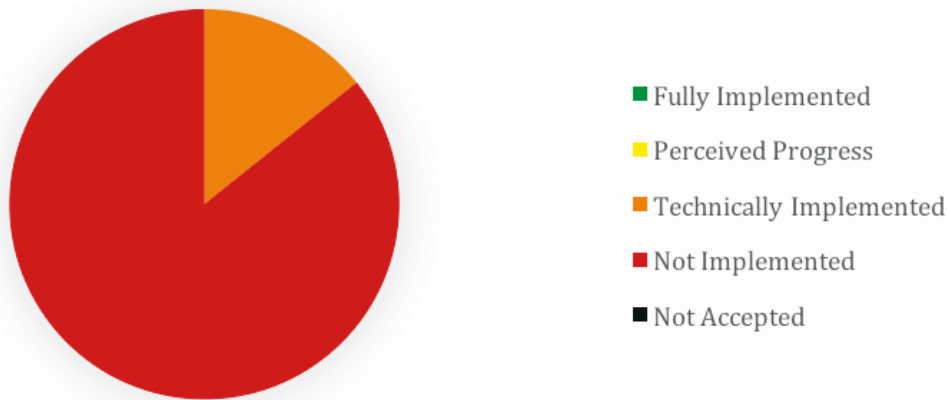
under any category. Yet the government accepted numerous recommendations under categories of “Criminal Justice” and “Respecting Human Rights”— groupings that would accurately describe the prescriptions given under this recommendation. Furthermore, this recommendation expressly calls for the implementation of all recommendations given by UN mandate holders. ADHRB, BCHR, and BIRD find it concerning that the 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 for the human rights situation in the country.

Recommendation **151.120**, which the Bahraini government also refused to accept, called for the transfer of Abdulhadi al-Khawaja to Denmark for medical treatment. Because al-Khawaja remains in prison on charges related solely to his activism, ADHRB, BCHR, and BIRD find that the government has clearly failed to implement this recommendation.

The Government of Bahrain should:

- Take immediate action to end all violence against civil society actors, human rights defenders, political leaders, and religious figures.
- Reform the judiciary and the existing accountability mechanisms, such as the Ombudsman and SIU (see Section A), so that they can operate independently and hold perpetrators of human right violations responsible for their actions.
- Release Abdulhadi al-Khawaja and all other prisoners of conscience in Bahrain.

African States

**Algeria**

115.174 Continue efforts to ensure a larger and more inclusive protection for foreign workers

115.143 Speed up the reforms on the legislation for citizenship for children of Bahraini mother and non-Bahraini father

Egypt

115.175 Implements both procedural and legislative measures to protect to the utmost extent possible migrant workers in the country

115.49 Continue the enactment of laws and the strengthen of policies aimed at safe guarding the position of women and strengthening their roles in society

115.133 Implements as quickly as possible recommendations drawn up by BICI

115.30 Speed up the adoption of legislative amendments relevant to the specialized laws on freedom of expression in the Bahraini Criminal law

Mauritania

115.32 Speed up the adoption of amendments to all national legislation in particular for the Penal Code and relevant legislation

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

Morocco

- 115.33** Accelerate legislative amendments [with regards to forced disappearance] in order to include provisions on enforced disappearance in the Penal Code
- 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

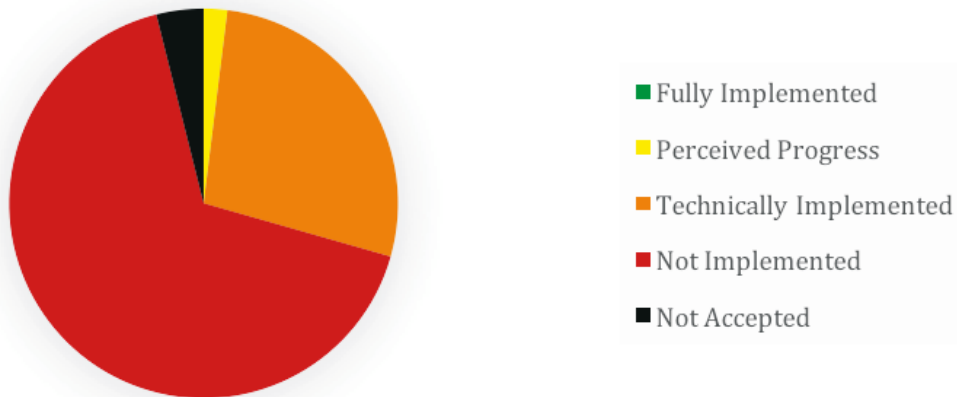
Senegal

- 115.167** Strengthen education and awareness of human rights at the national level
- 115.51** Continue the efforts in favour of the promotion of women's rights

Sudan

- 115.29** Enhance the protection for child rights by issuing the child law
- 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

Asia-Pacific States



Azerbaijan

115.94 Continue its efforts with a view to the prevention and elimination of trafficking in human beings

115.58 Continue its active engagement with the human rights mechanisms of the United Nations for the protection and promotion of human rights

Bangladesh

115.47 Intensify its efforts in addressing the welfare of expected levels

115.48 Continue its efforts to strengthen the policies, programs and mechanism for enhancing women rights

China

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

India

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

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

Indonesia

115.34 Facilitate the work and function of the national human rights institution in accordance with the Paris Principles

115.173 Step up its efforts in promoting and protecting migrant workers

Republic of Iran

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

115.110 Implement fully all recommendations made to Bahrain by the United Nations Mandate holders including the immediate end of violence and release of all political prisoners and ending impunity thus bringing perpetrators to justice

Japan

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

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

115.163 That the necessary measures are implemented to guarantee freedoms of expression, association and peaceful assembly

Jordan

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

115.134 Finalize working on the implementation of the recommendations of the BICI and to implement the outcome of the national conciliation dialogue

115.55 Continuation of cooperation between governmental and non-governmental institutions, considering the dialogue and cooperation among them

115.69 Take all necessary measures to combat all forms of discrimination against women and enhance their participation in State institution

Kuwait

115.113 Develop procedures for accountability and compensation in place in accordance with best practices and related international standards

115.135 Finalize working on the implementation of the recommendations of the BICI and to implement the outcome of the national conciliation dialogue

Lebanon

115.176 Intensify efforts and measures to enhance and expand protection for migrant workers in Bahrain

Malaysia

115.165 Continue its efforts in ensuring that the housing conditions of workers to be continuously inspected and monitored

115.166 Step up efforts to strengthen public education, awareness programme and skill training, particularly aimed at increasing awareness on human rights in Bahrain

Maldives

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

115.35 Ensure that the work of the NHRI is aligned with the Paris Principles

Oman

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 and projects on the development of them and the society at largest

115.136 Continue implementing the recommendations of the BICI

Palestine

115.56 Operationalize the fund establishment for compensation of victims of the unfortunate events recently faced Bahrain, in accordance with relevant best practices

115.104 Continuing of institutional and capacity building of the Bahraini police forces in a way that positively reflects effective respect to human rights

Philippines

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

Qatar

115.53 Implement the constitutional reforms in the elections of 2014

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

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

Republic of Korea

115.10 Withdraw its reservations to CEDAW as soon as possible

115.64 That the country visit by the Special Rapporteur on Torture is realized in the near future

115.66 Continue and strengthen cooperation with the UN Human Rights Mechanisms and its various efforts made for human rights capacity-building

115.72 Strengthen its efforts to promote gender equality

115.90 Clearly prohibit torture and ill treatment along with effective enforcement of relevant legislation

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 of due process

Saudi Arabia

115.57 Continue efforts made by the State and to increase international cooperation, in order to be exposed to all relevant international experiences

115.105 Enhance the efforts for capacity building for police and law enforcement

115.137 Continue the implementation of all the recommendations of the BICI

115.144 Continue to support efforts, programs and initiatives aimed at providing protection for all family members

115.172 Provide adequate education opportunities for the persons with disabilities

Singapore

115.37 Continue its efforts to build up capacities and knowledge of human rights in its public sector

115.74 Continue to pay attention to promoting gender equality and eliminating discrimination against women

Thailand

115.127 Implement fully the recommendations of the BICI report

Turkey

115.45 Implement the recommendations of the report of the Bahrain International 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

United Arab Emirates

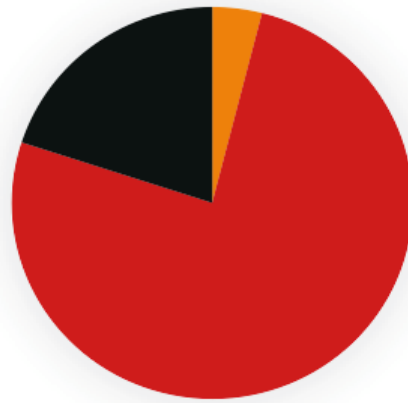
115.52 Pursuing policies and programs in the education of citizenship and human rights as best practices

115.170 Continue strengthening efforts to guarantee access to adequate education for persons with disabilities

Yemen

115.171 Continue strengthening efforts to guarantee access to adequate education for persons with disabilities

Eastern European States



- Fully Implemented
- Perceived Progress
- Technically Implemented
- Not Implemented
- Not Accepted

Belarus

- 115.67** Take additional efforts in order to improve its reporting to the treaty bodies on human rights
- 115.68** Take further measures, including legislative, in order to expand rights and opportunities of women and promote gender equality
- 115.97** Increase its further efforts in the area of combating human trafficking, including considering the possibility to develop a state program or a plan of action aimed at strengthening the Government's measures to prevent and eliminate sexual exploitation and trafficking of children

Czech Republic

- 115.1** Ratify the OP-CAT
- 115.84** Investigate the deaths in government custody
- 115.87** Investigate and prosecute all those responsible for torture and ill treatment, unlawful killings and widespread arbitrary arrests
- 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

Estonia

- 115.4** Accede to ICCPR OP1, ICCPR OP2, OP-CAT and ratify Rome Statute of the ICC
- 115.154** Bring both the Press law and Penal Code in line with article 19 of the ICCPR

Hungary

- 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
- 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

Latvia

- 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
- 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
- 115.61** Consider extending a standing invitation to all special procedures of the Human Rights Council

Poland

- 115.36** Establish a national human rights institution in full compliance with the Paris Principles
- 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

Slovakia

- 115.11** Ratify the Rome statute of the International Criminal Court including its Agreement on Privileges and Immunities
- 115.24** Align the national legislation on freedom of expression, association and assembly with country's international HR obligations
- 115.91** Release, immediately and unconditionally, all detainees, who have participated in peaceful protests lacking credible criminal charges
- 115.92** Prohibit torture and other ill-treatment, in national legislation and in practice in line with its obligations under CAT, ensuring that all allegations of torture or other ill-treatment are independently, promptly and thoroughly investigated, and perpetrators are brought to justice in accordance to international fair trial standards
- 115.106** Ensure that all allegation 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

Slovenia

- 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
- 115.42** Take actions to provide accountability for human rights violations
- 115.41** Take immediate actions to restore peace and the respect of human rights and fundamental freedoms
- 115.65** 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

Latin American and Caribbean States



- Fully Implemented
- Perceived Progress
- Technically Implemented
- Not Implemented
- Not Accepted

Argentina

- 115.6** Continue to intensify efforts to ratify the International Convention for the Protection of all Persons against Enforced Disappearance
- 115.83** Consider the possibility of repealing the death penalty for its legal system
- 115.96** Take the necessary measures in order to eliminate all discriminatory treatment of Bahraini women married to non-Bahrainis

Brazil

- 115.2** Consider Ratifying the Optional Protocol to the Convention against Torture
- 115.139** Consider passing legislation on family law containing clear and non-discriminatory provisions on marriage, divorce, inheritance and child custody

Chile

- 115.8** Withdraw reservations to Convention on the Elimination of all forms of Discrimination against Women
- 115.38** Adopt a national policy on children with disabilities
- 115.73** Continue promoting initiatives aimed at empowering women of the country in their economic, political and social level
- 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
- 115.149** With respect to the draft law on the press currently under examination, repeal restrictions to freedom of expression and ensure that it comply with international norms

Costa Rica

- 115.13** Ratify the Rome Statute of the International Criminal Court

- 115.160** Revise the Public Gathering Law (32/2006), so that peaceful demonstrations can be held as established by the International Covenant on Civil and Political Rights

Cuba

- 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

Ecuador

- 115.164** Speed up as far as possible the adoption of the draft labour law including the section on domestic workers
- 115.169** Continue taking necessary efforts and action to provide appropriate educational opportunities for persons with disabilities

Mexico

- 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
- 115.40** Include opposition parliamentary groups and invite civil society in the implementation of the National Consensus Dialogue

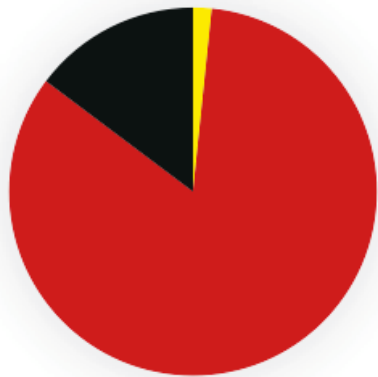
Nicaragua

- 115.77** Continue supporting national initiatives that promote the full respect for human rights in particular the field of the rights of women

Uruguay

- 115.5** Ratify the International Convention for the Protection of all Persons against Enforced Disappearance and the Second Optional Protocol to ICCPR for the elimination of the death penalty
- 115.7** Withdraw reservations to the Convention on the Elimination of all forms of Discrimination against Women and ratify its Optional Protocol
- 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
- 115.62** Extend an open invitation to all of the special procedures of the Human Rights Council
- 115.95** Adopt legislation that allows children of Bahraini mothers and non-Bahraini fathers to obtain Bahraini nationality
- 115.131** Trust be generated, through in-depth democratic reforms and promoting national, social and political dialogue, that is inclusive and representative, to address the country's central issues
- 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

Western Europe & Other States



- Fully Implemented
- Perceived Progress
- Technically Implemented
- Not Implemented
- Not Accepted

Australia

- 115.59** Allow the special Rapporteur on torture to visit before the end of 2012
- 115.126** A speedy conclusion to these cases (of human rights violations against peaceful protestors), such as the ongoing case of Abdulhadi AlKhawaja
- 115.161** Respect the legitimate rights of all its citizens to freedom of assembly and expression, and maintain its commitment to achieving concrete political reforms based on respect for the legitimate rights and aspirations of all its citizens

Austria

- 115.78** Abolish the death penalty, introducing in the meantime a formal moratorium
- 115.79** Ratify the Second Optional Protocol to the ICCPR
- 115.86** Prosecute effectively all security agents that have allegedly tortured or otherwise abused protestors
- 115.114** Make subject to review in civilian courts all convictions and sentences rendered by the National Security Courts
- 115.145** Implement the commitment to rebuild the Shi'a places of worship destroyed
- 115.152** Enact a progressive, substantive Freedom of Information law
- 115.151** Repeal or amend the 2002 Press Law eliminating all restrictions upon freedom of the press not in line with relevant provisions of the ICCPR

Belgium

- 115.7** Meet the aspirations of groups that are the victim of discrimination
- 115.21** Incorporate into national law Bahrain's obligations under International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of the Child

- 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
- 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
- 115.156** Lift all restrictions on movements of foreign journalists and international organizations defending human rights

Canada

- 115.93** Prevent incidents of violence against members of ethnic and religious communities
- 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
- 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
- 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 the ICCPR

Denmark

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

Finland

- 115.16** Ratify and fully align its national legislation with all obligations under the Rome Statute of the International Criminal Court, including incorporating the Statute's definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court, and to accede to the Agreement on Privileges and Immunities of the Court
- 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

France

- 115.14** Ratify the International Convention for the Protection of all Persons against Enforced Disappearance

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

115.63 Accept the visit of the Special Rapporteur on Freedom of assembly and association

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 which guarantees freedom of expression

Germany

115.82 Establish a moratorium on the execution of the death penalty

115.89 Ensure that security forces respond proportionally and with the utmost restraint to non-peaceful protests

115.101 Release immediately all persons solely convicted or detained for offences connected to peaceful assembly and free speech

115.108 Hold officials of all ranks accountable for their actions, especially regarding allegations of killings, torture and other ill-treatment

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

115.155 Undertake all efforts to relax censorship and to grant oppositional groups the possibility to establish their own media outlets

Ireland

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

115.118 All decisions of the National Safety Courts should be subjected to review in ordinary courts

115.119 Laws should be enacted that would prohibit civilians being tried in military courts in the future

Italy

115.81 Establish a moratorium on executions with a view to abolishing the death penalty

115.85 Investigate properly all alleged cases of mistreatment and torture and establish accountability of those responsible

Netherlands

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

- 115.157** Abolish legal provisions unduly restricting peaceful demonstrations, remove restrictions on freedom of expression contained in Law 32 of 2006, and allow the opposition greater access to television broadcasts, radio broadcasts and print media

Norway

- 115.28** Established proper timelines for the implementation of the recommendations of the Bahrain Independent Commission of Inquiry
- 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
- 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
- 115.141** Enact law providing for full citizenship rights for the children of Bahrain mothers and non-Bahrain fathers
- 115.147** That human rights defenders must be protected and allowed to conduct their work without hindrance, intimidation or harassment
- 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

Spain

- 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 Convention on Civil and Political Rights; the International Convention for the Protection of all Persons against Enforced
- 115.22** Explicitly criminalize torture and other cruel and inhuman treatment
- 115.80** Establish an official moratorium on executions with a view to abolishing the death penalty
- 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
- 115.158** Cease all intimidation or repression against human rights defenders, journalists and Non-Governmental Organizations

Sweden

- 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
- 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

Switzerland

- 115.15** Ratify the Rome Statute and take the necessary measures to ensure the full implementation of the Statute in its national legislation
- 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
- 115.150** Abandon any restriction or obstacle to the work of persons and institutions engaged in the protection and promotion of human rights
- 115.159** Release persons imprisoned as required by freedom of expression and repeal all legislation that criminalizes the exercise of this right

United Kingdom

- 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
- 115.125** Urgently conduct new trials of all defendants who have been convicted in national safety courts

United States of America

- 115.98** Review convictions, commute sentences, or drop charges for all persons who engaged in non-violent political expression
- 115.103** Create a more diverse, inclusive police force, reflective of society



*A comprehensive assessment of the Bahraini government's
implementation of its second-cycle United Nations Universal
Periodic Review recommendations, with analysis and
recommendations for the third cycle.*



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