



**Submission for Bahrain's List of Issues Prior to Reporting (LOIPR) under
the Convention on the Elimination of All Forms of Racial Discrimination**

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(ADHRB)**

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i. Submitting Organization

1. ADHRB is a non-profit organization that fosters awareness of and support for democracy and human rights in Bahrain and the Middle East.
2. ADHRB's reporting is based primarily on its United Nations (UN) complaint program, by which it works with victims of human rights violations on the ground in the region to document evidence of abuses and submit this evidence to the UN Special Procedures. ADHRB has repeatedly requested permission to formally visit Bahrain in order to consult with official human rights bodies, such as the National Institute for Human Rights (NIHR), but has been so far denied access. As yet, the Government of Bahrain has declined to cooperate with ADHRB on any level.

1. Introduction

3. Systematic discrimination against the Baharna, Ajam, and broader Shia Muslim community remains widespread in Bahrain. Anti-Shia prejudice, including extremist discourse, is present in Bahraini legislation, policy, and official narrative. For decades the government has failed to eliminate, tolerated, or actively facilitated such discrimination, resulting in the marginalization of these Shia communities across almost every sector of Bahraini society. Since its violent suppression of the cross-sectarian pro-democracy movement in 2011, the government has further intensified its targeting of Shia activists, political leaders, and religious figures for reprisal, often with the specific purpose of enflaming sectarian divisions and undermining cross-sectarian civil society organizing.
4. This submission demonstrates these trends in the context of widespread, persistent, and systematic violations of the Convention on the Elimination of All Forms of Racial Discrimination. While the Committee on the Elimination of Racial Discrimination (CERD) has held that religion itself is not a prohibited ground of discrimination in the Convention, it has also found that when religion and ethnicity coincide, this may constitute grounds for a violation.ⁱ Religion and ethnicity do coincide in the cases of Bahrain's Baharna and Ajam ethnoreligious groups – the country's indigenous Shia population, and Bahrainis of Persian descent, respectively – and the discrimination faced by these communities is based on the intersection of faith and heritage. The CERD itself has previously noted that many groups in Bahrain face different forms of discrimination, “in particular the Shia, that may be distinguishable by virtue of their tribal or national origin, descent, culture or language.”ⁱⁱ Additionally, in October 2015, the UN Special Rapporteurs on cultural rights, extreme poverty and human rights, and freedom of religion, documented “patterns of continuous discrimination against Shia citizens (mainly Baharna and Ajam), which have been taking place since 2011 and which are undermining their rights to freedom in the area of religion, expression and culture...such discrimination takes the form of destruction of places of worship and other signs of the presence of Shia citizens in the country, their marginalization in the historical narratives of the country, misinformation regarding their religious and cultural identity through the educational system and the media, as well as violence.”ⁱⁱⁱ And, in August 2016, five UN Special Procedures issued a statement condemning the “systematic harassment of the Shia population by the authorities in Bahrain, including stripping many of them of citizenship.”^{iv} The Special Procedures noted that “Shias are clearly being targeted on the basis of their religion” and that anti-Shia “persecution ... [has] intensified” in recent years, causing a “chilling effect on fundamental human rights” for the greater Shia community, including the Baharna and Ajam ethnoreligious groups.^v
5. The Government of Bahrain remains in serious violation of its obligations under the Convention. It should be a matter of grave concern to the international community that Bahrain continues to act and legislate in a manner that overrides the Convention with impunity. Discrimination against Bahrain's Shia community and its ethnoreligious subgroups – predicated on a combination of heritage, culture, and religion – violates the text and spirit of the Convention.

6. This submission will proceed with a brief history of anti-Shia discrimination in Bahrain, followed by a list of themes with supplementary information for inclusion in Bahrain's CERD review. It concludes with brief analysis of how such discrimination contravenes the text of the Convention.

2. Historic Background

7. The Baharna, Bahrain's indigenous ethnoreligious Shia community, are the longest continuous inhabitants of Bahrain.^{vi} They are thought to be the descendants of both a pre-Islamic east Arabian community and Muslim migrants fleeing persecution during the Umayyad and Abbasid caliphates.^{vii} In 1783,^{viii} the Sunni Al Khalifa tribe invaded Bahrain and defeated the forces of the Safavid Empire, which was then in control of the territory. The military victory had explicitly religious overtones: Ahmad bin Muhammad Al Khalifa, who led the attack, became known as *al-fatih*, which translates literally to "the opener" in Arabic.^{ix} This word is commonly interpreted to mean "the conqueror," but it is also a historical reference to the seventh century religious wars waged by Muslim armies known as the "opening of Islam" (*fath al-islam*), "a euphemism for the conversion and, upon refusal, subjugation of non-Muslim peoples."^x Justin Gengler, Research Program Manager at the Social and Economic Survey Research Institute (SEPRI) at Qatar University and creator of the first mass political survey of Bahrain, explains that the use of such terminology to describe Ahmad Al Khalifa and the invasion of Bahrain "implies not simply that the island was conquered militarily by Ahmad Al Khalifa and his Sunni tribal allies, but that it was 'opened' for Islam – that is, for true Islam – in view of its indigenous Shi'a inhabitants and its prior status as a protectorate of Safavid Persia, which since 1501 had embraced Shi'ism as a state religion."^{xi} This terminology remains common today: Bahrain's grand mosque is named Al-Fatih and is located by Al-Fatih highway,^{xii} for example, and Shia opposition activists are routinely labelled "Safavid loyalists of Iran" in state or pro-government media, with Iran cast as a modern incarnation of the Safavid Empire.^{xiii}
8. Though the Bahraini government has not disclosed figures on sectarian demographics since 1941, present estimates place Bahrain's population at approximately 70% Shia and 30% Sunni, with other religious groups constituting the marginal percentages.^{xiv} Some indicators, like Gengler's 2009 survey, however, suggest that the country's sectarian distribution has experienced dramatic changes as a result of government social engineering policies in recent years, with the percentage of Shia dropping as low as 58 (more on these policies in Section 4, below).^{xv}
9. The Baharna make up the largest proportion of Bahrain's Shia community, accounting for as much as 70% of the Shia population, by some estimates. They are accompanied by a smaller Ajam population, a group of Persian descent that predominantly ascribes to Shia Islam.^{xvi} Ajam face discrimination based on their Persian heritage as well as their Shia faith, although Baharna are typically subjected to similar – if not identical – prejudice over alleged Iranian or Persian sympathies and backgrounds.
10. Since the consolidation of Al Khalifa rule, and particularly since 2011, Bahraini authorities have been unable or unwilling to eliminate discrimination against the Baharna and Ajam in most aspects of daily life, from hiring practices to social services. Nearly all practical political power is concentrated within the Al Khalifa ruling family and most key government posts are held by Al Khalifas or Sunni supporters.^{xvii} As repeatedly documented by academics,^{xviii} UN Special Procedures,^{xix} foreign governments,^{xx} and independent human rights organizations,^{xxi} Bahraini authorities have specifically intensified restrictions on Shia religious and cultural rights since 2011, when nearly half the kingdom's population protested for democratic and human rights reforms.^{xxii} Despite a substantial Sunni presence in the protest movement and no evidence of external involvement, the government characterized the uprising as Shia-led and instigated by Iran,^{xxiii} leading to increased attacks on Shia political participation and religious traditions. Security forces routinely employ violence to suppress

the Shia community's rights to free assembly, free association, free speech, and free cultural and religious expression. Conversely, the Bahraini authorities have virtually barred Shia from employment in the security services, preventing the majority community from participating in national policing and defense and increasing the likelihood of sectarian conflict.

3. Suppression of Religious Practices, Gatherings, and Associations

11. The government has used a variety of methods, up to and including lethal violence, to interfere in traditional Shia religious practices and infringe on the community's rights to free belief, assembly, and association.^{xxiv}

a. Places of Worship

12. In the aftermath of the 2011 unrest, Bahraini authorities damaged or destroyed at least 53 Shia mosques and religious institutions. Of these, at least 28 were entirely demolished.^{xxv} 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 permit process was established; because the Baharna are the longest continuous inhabitants of the island^{xxvi} and can trace their descendants back to the pre-Islamic era, many of the structures built by this community predate the Al Khalifa monarchy.^{xxvii} 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.^{xxviii} The court's decision has forced subsequent efforts to reconstruct Shia places of worship to navigate this burdensome and often retroactive permit process.
13. The government has also halted work on numerous mosques and authorized the re-demolition of others.^{xxix} By December 2012, the authorities had demolished—for the second time—four Shia mosques without providing prior notification.^{xxx} The US State Department's 2012 Report on International Religious Freedom noted that these demolitions continued throughout the year.^{xxxi} 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.^{xxxii} 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.^{xxxiii} 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.^{xxxiv} The UN Special Procedures have received reports that the authorities are removing "engravings linking the mosque to Baharna population and Shia Islam."^{xxxv}
14. By July 2013, the Bahraini government had rebuilt five mosques, completed repairs on four, and tendered reconstruction permits for another eleven.^{xxxvi} The next year, the government reported that it had allocated USD \$7,948,790 for the reconstruction of 30 sites specifically identified in the Bahrain Independent Commission of Inquiry (BICI), a committee of jurists established by the government to investigate human rights violations perpetrated in 2011 and recommend reforms. As of February 2014, it claimed that twelve of these mosques had been fully rebuilt and that the remainder were under construction.^{xxxvii} The government's 2014 Interim Report on the implementation of its Universal Periodic Review recommendations additionally noted that the Jaafari Endowment Directorate,^{xxxviii} an affiliate institution of the Ministry of Justice and Islamic Affairs tasked with regulating Shia religious property, would oversee the reconstruction projects going forward.^{xxxix} The government also announced that it was accelerating the schedule for the reconstruction of all 30 sites from 2018 to the end of 2014,^{xl} although it did not meet this deadline.

15. In 2015, the Bahrain Human Rights Observatory (BHRO) found that a total of 24 mosques had been rebuilt at their original sites.^{xli} However, only 16 of these were explicitly funded and reconstructed by the government, as many mosques were repaired by the local Shia communities.^{xlii} Bahraini authorities rebuilt an additional three mosques at new locations, away from their original sites.^{xliii} The US State Department reported in 2016 that the government had “completely reconstructed” 22 of the 30 mosques specifically identified by the BICI.^{xliiv} 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.”^{xlv}
16. 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 locations^{xlvi} – reportedly including 22 of the 30 mosques identified by the BICI^{xlvii} – between eight^{xlviii} and eleven^{xlix} 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.^l The United States Commission on International Religious Freedom (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.^{li} 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.”^{lii} Moreover, the authorities have interfered in community-led reconstruction efforts since 2011, even re-demolishing a partially repaired mosque in 2014, citing safety concerns.^{liii}
17. The government has also rebuilt several mosques away from their historical locations.^{liv} Officials justified the relocations by stating that the previous sites violated laws governing public land ownership and construction.^{lv} 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.^{lvi} It was also previously located along the route of what would become the King Fahd Causeway, a bridge that connects Bahrain with Saudi Arabia.^{lvii} 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.”^{lviii} The government has additionally restricted access to many of the sites where al-Barbaghi and other relocated mosques originally stood.^{lix} 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.^{lx} 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.^{lxi} 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.^{lxii}
18. 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.

b. Religious Gatherings, Practices, and Associations

19. Authorities frequently disturb public Shia religious ceremonies during the Islamic calendar month of Muharram. In 2015, ADHRB, the Bahrain Center for Human Rights (BCHR), and the Bahrain Institute for Rights and Democracy (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.^{lxxiii} 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.^{lxxiv} The MOI stated that its personnel removed “political slogans that do not represent Ashura,”^{lxxv} 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.^{lxxvi} 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.”^{lxxvii} 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.^{lxxviii} All five were questioned regarding their religious activities during Muharram, such as the contents of their sermons.^{lxxix} Bahraini officials even summoned a youth group in order to interrogate them about a prayer gathering they held on the day of Ashura.^{lxxx}
20. Similar forms of harassment were reported in 2016,^{lxxxi} and ADHRB, BCHR, and BIRD have documented numerous cases of government interference with worshippers and clerics during the month of Muharram, particularly in the town of Diraz.^{lxxxii} 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.^{lxxxiii}
21. 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.^{lxxxiv} Although it has not presented “any credible evidence,” as noted by the US State Department,^{lxxxv} the MOI based its decision on allegations that Sheikh Qassim has “served foreign interests”, promoted “sectarianism and violence,”^{lxxxvi} and “exploited the religious pulpit for political purposes.”^{lxxxvii} Sheikh Qassim is unable to appeal the denaturalization order.
22. 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.^{lxxxviii} 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.^{lxxxix} The charges against Sheikh Qassim stem from 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 international media outlets 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.”^{lxxx} 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.^{lxxxii} 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.^{lxxxii} 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.^{lxxxiii} In May 2017, a court convicted Sheikh Isa Qassim on the money laundering charges

and sentenced him to a suspended one-year prison sentence and a large fine; he remains under effective house arrest.^{lxxxiv}

23. 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*.^{lxxxv} Security forces arrested the head of Al-Risala Islamic Society, Mahmood al-Arab, on the same day.^{lxxxvi} 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.”^{lxxxvii} 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.”^{lxxxviii} The government has reportedly twice summoned the head of Al-Tawiya,^{lxxxix} Sheikh Baqer al-Hawaj, and has reportedly imposed a travel ban on him, preventing him from performing the hajj for the last ten years.^{xc} The organization’s website is also now blocked in Bahrain.^{xcii} 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.”^{xciii}
24. 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.^{xciii} 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.^{xciv} 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.^{xcv} 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 relation to the protests,”^{xcvi} a form of internet interference that has been condemned by the UN.^{xcvii} 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.^{xcviii} On 12 July 2016, this campaign culminated in the interrogation and subsequent arrest of Ali Abdulaheem, 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.^{xcix} The BICI documented a similar “electronic witch hunt”^c 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.^{ci} Security forces later arrested and in some cases tortured many of the targeted individuals.^{cii} Though the BICI found that such activity amounts to hate speech and incitement to violence,^{ciii} the government has not prosecuted anyone for participating in these types of campaigns.^{civ}
25. 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.”^{cv} Since June 2016, 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.^{cvi} 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

2016, 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 on bail but Dr. Al-Derazi remains in detention.^{cxvii} 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;^{cxviii} 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 Tribunal^{cxix} 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.^{cx} Additionally, the authorities charged poet Khalil al-Ismaeel with both “illegal gathering” and “reciting a political poem” at Diraz.^{cxvi}

26. The security forces have also denied Shia imams, such as Sayed Mohammad al-Ghoraifi and Sheikh Mohamed al-Sanqoor, consistent access to the mosques in Diraz, preventing them from leading Friday prayer sessions.^{cxii} Confidential sources have reported that Sayed 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.^{cxiii} According to opposition news sources, on 22 July, the security forces detained as many as 50 individuals as they were leaving Diraz after attempting to hold a Friday prayer gathering.^{cxiv} Two days later, police reportedly arrested another Shia cleric that lives in Diraz,^{cxv} Sayyed Yassine al-Mosawi.^{cxvi}
27. On 23 May 2017, two days after Sheikh Isa Qassim was convicted of money laundering, security forces violently dispersed the sit-in in Diraz, killing five demonstrators, injuring hundreds, and arresting at least 286. One of those killed was the older brother of another demonstrator shot dead in a smaller raid on Diraz in January and another was an environmental activist. The government continues to restrict access to the village.

4. Demographic Engineering and Political Disenfranchisement

a. Demographic Engineering

28. Though Sheikh Qassim may be the most high-profile case of denaturalization in Bahrain, the government has revoked the citizenship of more than 400 Bahrainis since 2012,^{cxvii} including more than 90 in 2016 and at least 103 so far this year.^{cxviii} 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.^{cxix} Since 2014, the government has denaturalized and deported at least two Shia clerics without court order.^{cxx} 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), a move seemingly intended to equate peaceful dissent with terrorism and to justify the mass denaturalization policy under Bahrain’s broad anti-terror legislation.^{cxxi} 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.

29. 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.^{cxxii} 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.”^{cxxiii} 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.^{cxxiv}
30. 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 personnel^{cxxv} – 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.”^{cxxvi}
31. Some reports indicate that the government’s deliberate policy of demographic manipulation or “sectarian engineering”^{cxxvii} 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.^{cxxviii} 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.^{cxxix} 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 8, below).^{cxxx} 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.^{cxxxi} Marc Owen Jones, a scholar and Bahrain expert, found in 2015 that the government had likely engaged in such practices for decades.^{cxxxii} 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.”^{cxxxiii}
32. 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.^{cxxxiv} 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.^{cxxxv} It concluded that “although 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.”^{cxxxvi} Many of these polling stations are not connected to specific districts or constituencies,^{cxxxvii} increasing the opportunity for manipulation or electoral interference.

b. Political Disenfranchisement

33. Furthermore, the government has long engaged in discriminatory political districting to undermine predominantly Shia political societies and to disenfranchise Shia voters.^{cxxxviii} In 2010, for example, the average Shia-majority district contained 9,533 constituents compared with just 6,186 for the

average Sunni-majority district.^{cxix} 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.”^{cxl} 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.^{cxli} 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.^{cxlii} 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.^{cxliii} 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*.^{cxliv} 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.^{cxlv} 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;^{cxlvi} actual figures are suspected to be significantly lower, with Al-Wefaq estimating a turnout of as little as 30%.^{cxlvii} 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 and Wa’ad (see below).

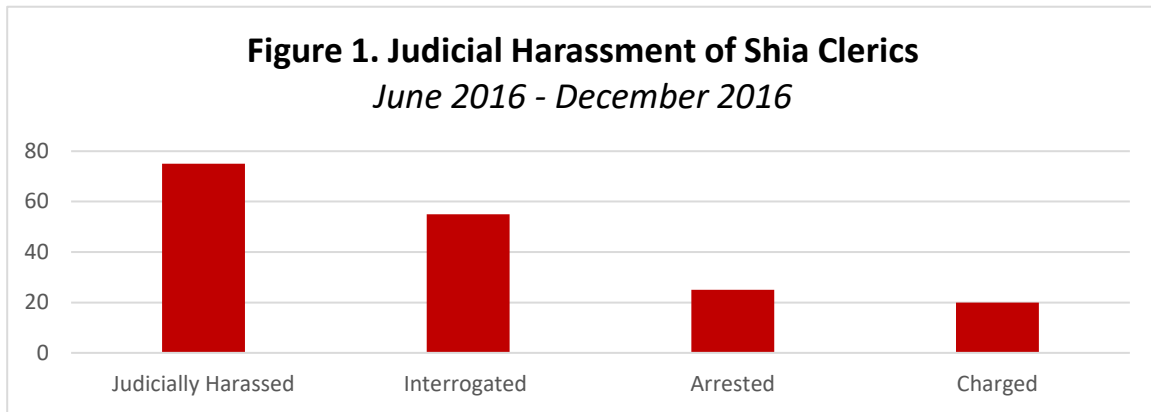
34. On 22 May 2016, just prior to the denaturalization of Sheikh Qassim, the government amended Article 5 of the Political Society Law to specifically prohibit religious figures, such as clerics and imams, from political participation.^{cxlviii} The amendment forbids religious figures from participating in political societies^{cxlix} and discussing politics during sermons, among other restrictions.^{cl} So far, the authorities have exclusively used the law to target Shia activists and the predominantly-Shia political societies.^{cli}
35. Four months before the law was amended, 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.”^{clii} In June 2016, a month after the amendment, the MOJ issued an emergency order to suspend Al-Wefaq and freeze its assets.^{cliii} Within hours, the courts confirmed the order.^{cliv} 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.”^{clv} 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.^{clvi} On 17 July 2016, the High Civil Court affirmed the order and formally dissolved Al-Wefaq in the absence of any defense counsel.^{clvii} On 22 September, an appeals court upheld the decision.^{clviii} 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.^{clix}
36. On 31 May 2017, the government also dissolved Wa’ad (also known as the National Democratic Action Society), Bahrain’s chief secular, leftist society and the largest opposition group after Al-Wefaq.^{clx} The Ministry of Justice and Islamic Affairs (MoJ) launched dissolution proceedings against Wa’ad on 6 March 2017, citing unsubstantiated allegations of “incitement of acts of terrorism and promoting violent and forceful overthrow of the political regime” after the society issued a statement describing Bahrain as experiencing a “constitutional political crisis.” The MoJ’s accusations also

reportedly concerned Wa'ad's description of the three individuals executed by the government in January 2017 – who were tortured into providing false confessions – as “martyrs.” The proceedings were postponed so that Wa'ad could provide additional documentation, particularly concerning the unconstitutionality of the Law on Political Societies, but today a court ruled to dissolve the organization and seize its assets. Wa'ad is reportedly set to appeal the decision. Notably, Wa'ad claims that its Central Committee contains an equal amount of Sunni and Shia leaders.^{clxi}

5. Judicial Harassment of Shia Religious and Opposition Figures

37. The Bahraini government has taken other direct measures to obstruct the political participation of Shia leaders. 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.^{clxii} 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.^{clxiii} 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.^{clxiv} 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;^{clxv} 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.”^{clxvi}
38. The government 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 series of additional hearings, Sheikh Ali Salman was again sentenced to the shorter four-year term in April 2017.^{clxvii} Earlier in May, another court sentenced prominent Shia cleric Sheikh Mohamed al-Mansi to one year in prison for delivering an “unauthorized sermon.”^{clxviii} 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.^{clxix} Over the next several days, the authorities repeatedly interrogated Sheikh al-Sanqoor in the absence of a lawyer, ultimately charging him with inciting hatred against the government and illegally leading a public service.^{clxx} 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.^{clxxi}
39. 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.^{clxxii} 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. 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.^{clxxiv} 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.^{clxxv}

40. On 31 July, the authorities announced^{clxxvi} that they had arrested another Shia cleric and the leader of the previously dissolved IUC, Sayed Majeed al-Misha'al,^{clxxvii} for allegedly encouraging others to “break the law and take part in an illegal gathering.”^{clxxviii} 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*.^{clxxix} 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.^{clxxx} 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 the government of targeting the “very existence, identity, beliefs, rituals and [religious] duties” of the country’s Shia community.^{clxxxi}



41. 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.^{clxxxii} 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.^{clxxxiii} 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. A day later, security forces also arrested the cleric Sheikh Imad al-Shoala,^{clxxxiv} 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.^{clxxxv}

42. 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, according to local activists. 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 on Arbitrary Detention, issued a joint statement expressing concern that “Shias are clearly being targeted on the basis of their religion [in Bahrain].”^{clxxxvi} 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.”^{clxxxvii} 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.^{clxxxviii}

6. Excessive Force, Arbitrary Detention, and Torture

43. Bahrain's Shia community disproportionately faces extrajudicial violence, including excessive force and torture. Security forces misuse crowd control equipment like birdshot and tear gas to target Shia protesters and even fire it into mosques at times of worship or funerals,^{clxxxix} and Shia individuals are commonly targeted for arbitrary imprisonment, during which they face severe abuse and ill treatment.
44. Bahraini authorities consistently employ tear gas inappropriately, causing deaths related to respiratory failure and blunt force trauma resulting from the direct impact of gas canisters. On 25 March 2011, Bahraini security forces fired tear gas into the home of the 71-year-old Shia male Isa Mohammed Ali Abdullah. Abdullah suffered from respiratory issues and, as a result of the Bahraini security forces firing tear gas into the enclosed space of his home, Abdullah's condition worsened and he died.^{cx} Similarly, in November 2011, Bahraini security forces blanketed the Shia village of Bilad al-Qadeem with tear gas, endangering the lives of any persons with compromised respiratory systems in the village, including children and the elderly. On the third day of the authorities' operation in Bilad al-Qadeem, a five-day-old infant named Sajida Faisal Jawal and her three-year-old sister Sarah Faisal Jawad inhaled large amounts of tear gas and could not breathe. After Sajida's skin turned blue her family took the children to the hospital, where they were both pronounced dead.^{cxci} BCHR estimates that the government's abuse of tear gas is responsible for nearly one third of all deaths since 2011.^{cxcii}
45. In addition to tear gas, security forces often employ ostensibly non-lethal shotguns loaded with birdshot during protests. These shotguns often cause permanent injury and, if misused, can be lethal. Bahraini security forces utilized shotguns to extrajudicially kill 14-year-old Shia male Sayed Mahmood Sayed Mohsen Sayed Ahmed, for example, by firing buckshot at his heart in point blank range. The pellets entered through his chest and perforated his heart, causing his death. Pictures of his body show a 6-inch spread of shotgun pellets around the area of his heart. BCHR estimates that, after tear gas related deaths, shotgun pellets are the second most common cause of death in Bahrain.^{cxci}
46. More recently, on 23 May 2017, Bahrain experienced its most violent day since before 2011 when security forces raided and dispersed a peaceful demonstration in Diraz. Since 20 June 2016, when the Bahraini government arbitrarily denaturalized the country's most prominent Shia cleric Ayatollah Isa Qassim, demonstrators have held a peaceful sit-in around his home in Diraz to protect him from deportation (see Section 3, above). In response, the authorities have blockaded Diraz and imposed internet blackouts, restricting freedom of movement and information. In May 2017, security forces violently dispersed the protesters, killing five demonstrators, injuring hundreds, and arresting at least 286. One of those killed was the older brother of another demonstrator shot dead in an earlier attack on Diraz in January (see below), and another was an environmental activist. Sheikh Isa Qassim remains under effective house arrest after being convicted on money laundering charges stemming from his administration of the traditional Shia religious donations known as *khums*.^{cxci}
47. In addition to facing police brutality in public spaces, Bahrain's Shia are also routinely subjected to systematic arbitrary detention and torture.^{cxci} The use of torture is very common in Bahrain and affects individuals regardless of ethnoreligious background, but the problem has become so widespread that many individuals appear to be targeted simply due to their faith. On 15 March 2011, for example, shortly after Bahrain's king declared a state of emergency, security forces effectively seized control of Salmaniya Medical Complex, the largest public healthcare facility in the country. During the early morning of 2 April, officers woke up four physicians sleeping in a break room at the hospital. After asking the names of each physician, they ordered one Sunni Muslim to leave the room while the remaining Shia doctors stayed behind. The officers then began interrogating the three physicians and eventually started beating them and calling them "traitor physicians." When the officers heard more physicians passing by in the hall, they brought them into the room and inquired about their religious

sect. For the next hour, the officers made Shia physicians stand next to one Sunni physician while the officers lectured them on why the Sunni was a more respectable medical worker. The officers threatened that if they even looked at the Sunni physician they would be killed, and that if they missed just one day of work, they and their families would be sent to prison and tortured.^{cxvii}

48. 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.^{cxviii} 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."^{cxviii} Inmates generally report that guards treat Shia detainees worse than their Sunni counterparts, and that all Shia religious texts are banned within prison.^{cxix} 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.
49. At the Isa Town Women's Prison, guards have punished women for celebrating religious occasions and have reportedly harassed and separated Sunni and Shia inmates that attempt to pray together.^{cc} 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."^{cci} 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."^{ccii}
50. The effects of excessive force and torture are aggravated by government policies that infringe on the Shia community's right to access healthcare. In Bahrain's constitution, access to public healthcare is a guaranteed right of all Bahraini citizens regardless of ethnicity or religious sect.^{cciii} Nevertheless, protesters in need of medical treatment have been denied care and even targeted for reprisal because of their injuries. After the government's initial attacks on the protest movement in 2011, the government erected dozens of roadblocks around majority Shia Baharna areas and security officers began questioning persons with Shia names, arresting anyone with signs of injury.^{cciv} Physicians for Human Rights recorded numerous testimonies from injured Bahrainis who either were tortured when they attempted to receive medical treatment, or who avoided treatment because they feared arrest.^{ccv} Since then, the government has effectively militarized the public healthcare system, transferring the administration of public hospitals from the Ministry of Health to the Bahrain Defense Force. Likewise, local activists and medical personnel report that ambulatory services are now run by the MOI, which oversees the police force, and that the authorities have instructed private hospitals not to admit individuals that appear to have been injured in protests until a security official is present. This framework has restricted the ability of protesters to access timely medical treatment and, in addition to the prevalence of politically motivated reprisals targeting doctors, has driven an overall deterioration in Bahrain's healthcare system. In an illustrative recent case, masked plainclothes officers shot 18-year-old Mustafa Hamdan in the back of the head with live ammunition during an early morning raid on the Duraz sit-in in January 2017. A nearby paramedic attempted to provide emergency care, but the wound was too severe. Hamdan was denied the immediate emergency medical care he needed to survive. A resident of Duraz rushed Hamdan to the Bahrain International Hospital, but the staff refused to admit him without a Ministry of Interior (MOI) official present. When the people with Hamdan requested an ambulance take him to the public Salmaniya Medical Complex, now run by the military, this too was refused. Hamdan's brother arrived and took him to Salmaniya, where 35 members of the security forces and Hamdan's mother were waiting for them. Hamdan's mother was reportedly intimidated by the security forces. When Hamdan was finally admitted, he suffered from a

skull fracture, concussion, and internal bleeding. He later died in March 2017, nearly two months after he was shot.^{ccvi} The paramedic that initially provided him with emergency care was detained by security forces.^{ccvii}

51. UN special procedures have confirmed these trends. The 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 least 38 deaths.”^{ccviii} 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.”^{ccix} Security forces have killed at least 18 Shia protestors with “non-lethal” shotgun ammunition alone.^{ccx} 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.

7. Discrimination in Welfare, Culture, and Employment

Welfare and Social Programs

52. Adding 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.”^{ccxi} 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, increasingly large portions of the community are ineligible for welfare programs.^{ccxii} Many Ajam are already stateless and excluded from this system. 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.^{ccxiii}
53. Shia communities continue to complain of inadequate housing, for example.^{ccxiv} Bahrain’s lower-income citizens – who are predominantly Shia^{ccxv} – rely on a state-subsidized housing system that is plagued by delayed project implementation and accusations of corruption.^{ccxvi} Citizens living in underprivileged areas often find themselves without houses, adequate sewage systems, and water supply.^{ccxvii} 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 2012, the Ministry of Housing acknowledged^{ccxviii} that it had received 18,045 housing requests from the Northern Governorate, which contains over 194,000 citizens,^{ccxix} and 3,779 from the Southern Governorate, contains over 32,900 citizens.^{ccxx} 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.^{ccxxi} 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-Wefaq and other opposition parties in parliamentary elections,^{ccxxii} while the Southern contains a Sunni majority and typically votes for government-backed candidates.^{ccxxiii} 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.^{ccxxiv} Conversely, on 8 August 2016, the Ministry announced a plan to construct another 3,000 housing units in the Southern Governorate.^{ccxxv}

54. 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.^{ccxxvi} President of BCHR Nabeel Rajab has noted that “most Shi’ites feel that their situation is caused by discrimination and because nationalised foreigners are taking up most of the housing projects.”^{ccxxvii} Some Shia citizens have reported waiting as long as 20 years to receive government housing.^{ccxxviii} Unemployed Shia sometimes have to wait ten or fifteen years longer than foreign-born Sunnis employed in the security services (see below).^{ccxxix} 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,^{ccxxx} a sentiment echoed by other observers like Dr. Salah al-Bandar.^{ccxxxi}

b. Culture

55. The authorities have also worked to systematically exclude Shia culture from the country’s official history, media, and educational curricula.^{ccxxxii} 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.^{ccxxxiii} Many government officials and supporters have publicly referred to Shia Bahrainis as “Safavid loyalists of Iran,”^{ccxxxiv} “Zoroastrians,”^{ccxxxv} or other derogatory terms that frame the community as intrinsically foreign to official Bahraini nationality and religion.^{ccxxxvi}
56. This terminology became particularly common in state-sponsored and pro-government media during the 2011 unrest,^{ccxxxvii} and much of it has persisted in spite of the government’s broad censorship powers and strict anti-incitement legislation.^{ccxxxviii} The pro-government newspaper *al-Watan* has run a recurring column dedicated to cataloging the supposed terroristic and subversive activities of Bahrain’ 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”^{ccxxxix} as well as the country’s only independent newspaper *al-Wasat* as a personified gun killing Bahrain.^{ccxl} 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.”^{ccxli} These accounts commonly used derogatory terms for Shia such as “maju’si, rawa’fid, safawi, and walad al-mut’a.”^{ccxlii} 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.”^{ccxliii} Though Twitter acknowledged the investigation and blocked approximately 1,800 automated accounts, sectarian “bots” remained responsible for more than half the tweets posted under the ‘Bahrain’ hashtag in June 2016.^{ccxliv}
57. 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.”^{ccxlv} 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”^{ccxlv} – recently expounded on the government’s position in a US media outlet, *Real Clear Politics*.^{ccxlvii} In the article, Alfadhel describes Al-Wefaq as “a proxy for Iran...[that] supported the Iranian-backed sectarian uprising in Bahrain in 2011.”^{ccxlviii} 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.”^{ccxlix} 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.”^{ccl} ‘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.^{ccli}

58. 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.”^{cclii} 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,”^{ccliii} as well as the logo of the state-run television channel.^{ccliv} Similarly, official tourism materials produced by the Bahrain Authority for Culture & Antiquities fail to list any mosques or pilgrimage sites directly relevant to the Shia community.^{cclv}

c. Education and Employment

59. 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.^{cclvi} 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.^{cclvii} 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.
60. 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.^{cclviii} Much like its recruitment policies for the security forces and the judiciary (see below), 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.^{cclix} 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.^{cclx}
61. 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.^{cclxi} 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.^{cclxii} 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.^{cclxiii}

62. Following the 2011 unrest, the government dismissed thousands of university employees and other Bahrainis from their jobs for suspected support of the protest movement.^{cclxiv} 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.^{cclxv} 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.^{cclxvi} Moreover, many of the rehired individuals claim that they received lower-level, lower-paid positions.^{cclxvii} 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.^{cclxviii}
63. 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.^{cclxix} 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.”^{cclxx}

8. Sectarian Exclusion and Extremism in the Security Forces

64. Bahrain’s security apparatus exhibits the most extreme discriminatory hiring practices in the public sector. The various security services, which are some of the largest employers in Bahrain,^{cclxxi} largely refuse to hire Shia as a matter of informal policy.^{cclxxii} According to a leaked diplomatic cable from 2006, the king explained the country’s military recruitment procedures 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.”^{cclxxiii} In addition to sectarian prejudice, these practices reflect the historical origins of the country’s modern armed forces under British colonial authority, at which time they were staffed primarily with Sunni South Asian recruits and overseen by British officers.^{cclxxiv} The reliance on foreign manpower persisted through independence in 1971, with the emerging Bahrain Defense Force (BDF) officer corps largely staffed by Jordanians and the police force supervised by British expatriates, such as Ian Henderson.^{cclxxv}
65. While the BDF does not produce official employment figures, the BICI estimated that the BDF employed around 12,000 people in 2011, including a substantial number of foreign personnel. 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.^{cclxxvi} Similarly, a 2009 leak from the National Security Agency (NSA), Bahrain’s primary intelligence agency which was implicated in torture and extrajudicial killing 2011,^{cclxxvii} 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.^{cclxxviii} Justin Gengler’s national survey found that “not a single Shi’i [sic] of those randomly sampled for interview reported working for the police or armed services” compared to 17 percent of working Sunni male respondents.^{cclxxix} 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.^{cclxxx} As in the NSA specifically, and the public sector 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.^{cclxxxi} Ebrahim Sharif, the Sunni leader of the secular Wa’ad political society, testified that there was not a single Shia ranked higher than a brigadier in the Ministry of Defense in

2011,^{cclxxxii} and there are no Shia members of the Supreme Defense Council, the country's highest security body.

66. In addition to military and intelligence units, the government has also specifically failed to integrate Shia into the MOI police forces. Of the approximately 20,000-30,000 people currently estimated to be employed by the MOI, only 2,000-3,000 are Shia and most work in administrative roles. In 2011, the MOI pledged to create thousands of new jobs in the Coast Guard, Traffic Directorate, and Civil Defense, among other security agencies.^{cclxxxiii} 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 requires job candidates to produce documents that provide proof of sect, and that it additionally requires Shia candidates to produce “a certificate of good behavior.”^{cclxxxiv} Recent job advertisements for the MOI request that applicants 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.^{cclxxxv} Further, as noted by the NGO Bahrain Watch, even if Shia were successfully integrated into these divisions of the MOI, this would not achieve the ultimate goal of preventing sectarian violence as the Coast Guard and Traffic directorates play little substantive role in the policing of Shia communities.^{cclxxxvi}
67. To this end, in 2012, the government announced plans to form a new community policing program comprised of 500 recruits “from all communities.”^{cclxxxvii} According to the Bahraini government, a total of 1,500 community police had graduated from the Royal Police Academy by 2015.^{cclxxxviii} 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 found that this integration has not occurred “in significant numbers.”^{cclxxxix} Moreover, the Project on Middle East Democracy (POMED) determined that these new units play only a “marginal” policing role,^{ccxc} thereby succumbing to the same problems as the ostensive integration programs for the Coast Guard, Traffic Directorate, and Civil Defense. Activists in Bahrain additionally report that community police personnel are unarmed and typically operate under the strict supervision of standard security forces; community police are known to man checkpoints while armed MOI officers observe from nearby vehicles, for example.^{ccxci}
68. Aside from the limited number of Shia community police, there is no evidence to suggest that the government has taken further steps toward incorporating Shia into the security forces. This is especially true of the BDF and the NSA.^{ccxcii} Rather, the government has purposefully exacerbated this disparity by hiring large numbers of foreign-born Sunni personnel.^{ccxciii} Over the past two decades – as hundreds of Shia have been arbitrarily denaturalized^{ccxciv} – Bahraini authorities have granted citizenship to tens of thousands of foreign Sunnis from countries like Syria, Jordan, Yemen, and Pakistan.^{ccxcv} 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 a former adviser to the Cabinet Affairs Ministry, Dr. Salah al-Bandar, in 2006,^{ccxcvi} 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.^{ccxcvii} The path to expedited political naturalization for security officers – often earned through demonstrated loyalty to the monarchy – remains a key hiring incentive that “is virtually impossible for other migrants in the country.”^{ccxcviii}
69. Just before the uprising in 2011, the pro-government media outlet Gulf Digital News noted that approximately 40 percent of MOI employees were foreign nationals.^{ccxcix} 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 and the National Guard,^{ccc} a paramilitary force estimated to be several battalions in size.^{ccci} According to Al-

Jazeera, this move represented a 50 percent increase in the strength of these two units.^{cccii} None of the new recruits were Shia.^{ccciii} Advertisements for positions in Bahrain's security forces were seen in Pakistan in 2014, and a Pakistani newspaper reported that over 10,000 Pakistani nationals were serving in them that same year.^{ccciv} Pakistanis make up at least 18 percent of the Royal Bahraini Air Force and a third of the police force.^{cccv} 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.^{cccvi}

70. Moreover, the government typically provides naturalized Sunni security personnel with social services that it has increasingly deprived of local Shia communities.^{cccvii} Gengler notes that "new foreign recruits for the army and security services, namely Sunnis from Pakistan, Yemen, Syria, Jordan, and elsewhere" receive priority selection for government benefits such as housing.^{cccviii} The government has created free self-contained housing projects for the majority of foreign security personnel complete with their own "consumer outlets"^{cccix} that include shops and restaurants run predominantly by other expatriates.^{cccix} Meanwhile, as of 2016, there were more than 50,000 people on the waitlist for public housing and a backlog of applications that is estimated to take at least 15 years to process.^{cccxi} Academic K.T. Abdulhameed also finds that the designated compounds for security personnel also segregate "them to a large extent from the indigenous Bahraini population living in towns and villages where the security forces are often stationed for duty," fostering sectarian and racial tensions.^{cccxi} This divide is further exacerbated by the fact that a large proportion of South Asian security personnel speak only elementary Arabic.
71. Notably, although expatriate security personnel generally receive preferential treatment over the country's marginalized Shia communities, South Asian recruits do face some discrimination within the armed services. Just after independence, it was commonplace in Arab Gulf militaries that South Asian "migrants filled the bottom ranks of the armed forces, officers recruited from other areas of the Arab world served above them, and British (and American advisors) held the top positions."^{cccxiii} A comparable hierarchy largely remains in place in Bahrain with an additional emphasis placed on citizenship status. Abdulhameed's interviews with several Pakistani members of Bahrain's security services in 2012 affirmed that "officer ranks are held by indigenous Bahrainis, while the positions below are held by naturalised Bahrainis, and the bottom ranks by foreign recruits [sic]."^{cccxiv} Much of the officer corps is made up of members of the royal family, especially at the highest ranks – the ministers of defense and interior are both Al Khalifas and the commander of the Royal Guard is Sheikh Nasser bin Hamad Al Khalifa, the king's son. According to the personnel interviewed by Abdulhameed, naturalization effectively functions as a prerequisite for career advancement. At the same time, non-naturalized members of the lower ranks are at risk of immediate deportation if they disobey orders or are accused of any infraction: in 2013, the government deported at least 180 Pakistani soldiers for allegedly "violating the disciplinary norms."^{cccxv} A Pakistani officer stressed that the decision "was not a political matter but was rather an administrative matter."^{cccxvi}
72. 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 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.^{cccxvii} 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.^{cccxviii}
73. 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.^{cccxxix} 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.^{cccxxx} 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.”^{cccxxxi} A number of Shia religious practices are specifically labelled “forms of heresy,” including the Prayer of Raghieb, fasting on Mid-Sha’aban, and celebrating the birth of the Prophet Mohammed.^{cccxxxii} 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.”^{cccxxxiii} 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.^{cccxxxiv}

74. 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”^{cccxxxv} 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.^{cccxxxvi} 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;^{cccxxxvii} he is currently detained on charges related to these comments and other social media posts.^{cccxxxviii} Rajab’s tweets followed the emergence of a YouTube clip posted by a former police lieutenant urging Bahraini security personnel to fight with ISIS.^{cccxxxix} The MOI later stated that the official was fired for “failure to appear at work.”^{cccxxx} 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.^{cccxxxi} Turki al-Binali, a prominent ISIS cleric from a “wealthy and important Sunni family with close ties to the Al Khalifa rulers,”^{cccxxxii} reportedly traveled and preached freely in Bahrain until 2013.^{cccxxxiii} Until al-Binali’s death in 2017, some analysts expected him to succeed the extremist group’s current leader, Abu Bakr al-Baghdadi.^{cccxxxiv}

9. Violations of the Convention on the Elimination of All Forms of Discrimination

75. The Bahraini government’s treatment of the country’s Shia community, and particularly the Baharna and Ajam ethnoreligious groups, contravenes several core provisions of the Convention on the Elimination of All Forms of Discrimination:

Article 1: Definition of Discrimination

76. The norm of “non-discrimination, together with equality before the law and equal protection of the law without any discrimination,” constitutes a basic principle in the protection of human rights.^{cccxxxv} Non-discrimination is a foundational principle of international human rights law and, in addition to the Convention on the Elimination of All Forms of Racial Discrimination, is entrenched in numerous international instruments, including the United Nations Charter,^{cccxxxvi} the International Covenant on Civil and Political Rights,^{cccxxxvii} and the International Covenant on Economic, Social and Cultural Rights.^{cccxxxviii} In particular, Article 2(2) of the Convention on the Elimination of All Forms of Racial Discrimination states that State Parties shall take measures to ensure the adequate protection and development of racial groups for the purpose of guaranteeing them full and equal enjoyment of human rights and fundamental freedoms. Article 5(d)(vii) qualifies this to include the “right to freedom of thought, conscience and religion.” The Bahraini government denies the Shia community equality before the law and in many cases actively discriminates against it and the Baharna and Ajam sub-groups through targeted extrajudicial violence; political disenfranchisement; interference in religious

practices and free belief; judicial harassment; biased hiring practices; and citizenship revocation, among other abuses.

Article 5(d): The Right to Freedom of Religion

77. As noted, while the CERD has held that religion itself is not a prohibited ground for discrimination in the Convention, it has also found that when religion and ethnicity coincide, this may constitute grounds for a violation.^{cccxxxix} In this case, the Baharna and Ajam ethnoreligious groups face broad forms of discrimination by virtue of belonging to the greater Shia majority community in Bahrain, as well as by virtue of their specific indigenous and ethnic heritage. The government undermines their historic and cultural ties to the country and the region, and effectively denies individuals certain rights because they practice the Shia faith and/or they belong to an ethnoreligious group traditionally associated with Shia Islam.
78. The language in Human Rights Committee General Comment No. 22 indicates that discrimination against certain religious groups may constitute a violation Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination. According to General Comment No. 22, “the concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as the building of places of worship the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.”^{cccxi} By disrupting Shia funeral processions, using force against peaceful worshippers in their mosques, judicially harassing religious figures over sermons and religious practices, and arbitrarily restricting practices like *khums*, the Bahraini government is violating the Shia communities’ rights to freely give direct expression to their belief. The government also violates this article when it alters and destroys sites that are of religious and cultural significance to the Baharna, Ajam, or broader Shia community, at times replacing them with Sunni influences.
79. General Comment No. 22 additionally states that freedom of religion includes “the liberty of parents or legal guardians to ensure that their children receive a religious and moral education in conformity with their own convictions.”^{cccxli} By restricting the Shia education and only establishing one Shia school in Bahrain, the government has effectively barred the Shia, and thereby the Baharna and Ajam communities, from accessing this right.
80. In connection with violating the Shia community’s right to freely practice their religion, the Bahraini government also fails to ensure their right to nationality,^{cccxlii} the right to freedom of opinion and expression,^{cccxliii} and the right to peaceful assembly and association.^{cccxliv} When the government denaturalizes Baharna or Ajam citizens for exercising their right to peaceful assembly and freedom of opinion and expression, many of these individuals are left stateless. This violates international legal standards and is discriminatory in nature because the government disproportionately targets Shia, and by extension the Baharna and Ajam community. Citizenship revocation also has broader deleterious effects on these groups’ access to social services, including public housing, healthcare, and education.

Article 5(e): Economic, Social and Cultural Rights

81. Article 5(e) provides for the right to work, the right to public health and medical care, and the right to education and training. These rights are also enshrined in the International Covenant on Economic, Social and Cultural Rights, to which Bahrain is also a party.^{cccxlv}
82. In the case of Iran’s Baha’I religious group, the CERD found that requiring students to disclose their faith when registering with a university is in violation of the convention.^{cccxlv} The situation in Bahrain is analogous. Scholarships to Shia students are often denied. Shia can be required to disclose their faith on employment applications, particularly in the security sector. And, as noted above, citizenship revocation – which disproportionately targets the Shia community – renders some Shia

individuals stateless and undermines their access to key social services like healthcare and education, as well as their ability to work. In its conclusions regarding healthcare measures in the United States, the CERD has made clear that a right-to-health framework goes beyond both medical and ethical quality of care issues to focus on state accountability.^{cccxlvi} This approach towards discriminatory disparities in treatment emphasizes government accountability for perpetrating or failing to redress discrimination. Yet, in addition to the negative effects of citizenship revocation on the Shia community's access to healthcare, the Bahraini government also disproportionately targets traditionally Shia villages, like Diraz, for restrictions on free movement and information, like checkpoints and internet blackouts. These measures infringe on the inhabitants' ability to move freely and therefore to access healthcare, particularly in the aftermath of government raids or the use of excessive force to disperse protests. Moreover, as the government has shifted the administration of the public healthcare to the military and security services – entities that discriminate against the Shia majority community – protestors, average residents of Shia villages, and even medical personnel have faced discrimination and/or judicial harassment by engaging the system, as illustrated by the case of Mustafa Hamdan.

Article 5(c)(iii): The Right to Nationality

83. The Convention on Racial Discrimination seeks to ensure the right to nationality for citizens of state parties to the convention.^{cccxlviii} With regards to non-citizens, the Committee has specified what the right to nationality entails: state parties must “recognize that deprivation of citizenship on the basis of race, color, descent or national or ethnic origin is a breach of States Parties’ obligations to ensure non-discriminatory enjoyment of the right to nationality.”^{cccclix} Since the Committee’s work has, at times, been expanded to religious communities, this provision should logically extend to the Baharna and Ajam, who face arbitrary denaturalization based on their ethnoreligious characteristics.^{ccccl}
84. By stripping Baharna and Ajam Bahrainis of their citizenship and engaging in broader demographic engineering policies, the Government is violating its obligation to ensure a non-discriminatory enjoyment of the right to nationality. The MOI’s authority to issue unappealable denaturalization orders also raise severe due process concerns in this context. Moreover, thousands of Ajam are estimated to be stateless, separate from the denaturalization campaign. The inability of Baharna and Ajam citizens to seek appropriate judicial remedies for discrimination raises concerns under Articles 5(a) and 6 of the Convention.^{ccccli}

Article 5(a): Right to Equal Treatment before Tribunals and Article 6: Right to a Remedy

85. Article 5(a) ensures that all cultural and racial groups enjoy the right to “equal treatment before the tribunals and all other organs administering justice.”^{cccclii} This fundamental principle of international law continues to apply even after someone has been stripped of citizenship. Thus, General Recommendation 30 provides that states must “ensure that non-citizens detained or arrested in the fight against terrorism are properly protected by domestic law that complies with international human rights, refugee and humanitarian law.”^{ccccliii} States must also ensure that “claims of racial discrimination brought by non-citizens are investigated thoroughly and that claims made against officials, notably those concerning discriminatory or racist behavior are subject to independent and effective scrutiny.”^{ccccliv} Article 6 of the Convention also provides that “States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms (...).”
86. Bahrain’s judicial system is complicit in discrimination faced by the Shia community and the Baharna and Ajam subgroups. Judges have stripped a larger number of Baharna and Ajam of their nationality than any other religious or cultural groups. They also fail to address Baharna and Ajam allegations of

religious discrimination and maltreatment in detention. In many cases, the courts have facilitated the judicial harassment of Shia religious and political figures, such as Sheikh Isa Qassim and Shiekh Ali Salman, on charges that stem entirely from the exercise of the rights to free belief and expression. The courts have similarly perpetuated the broader problems of mass incarceration and torture, which disproportionately impact the Shia community, while declining to hold accountable officials who perpetrate human rights violations.

87. Thus, Bahrain's Shia community neither have access to equal treatment before tribunals, nor do they enjoy impartial administration of justice. The administration of justice also remains discriminatory after the denaturalization process, which contravenes the spirit of the Convention regarding non-citizens.^{ccclv} When discriminatory maltreatment in prisons or criminal investigations are brought to the attention of judges and prosecutors, they often ignore these allegations or threaten further reprisals. Thus, many Shia are denied access to adequate remedies for their discrimination, as mandated by Article 6 of the Convention.

Article 5(c): Political Rights

88. Article 5(c) of the Convention on the Elimination of Racial Discrimination provides for basic political rights for all groups. It highlights “in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.”^{ccclvi}
89. Despite the fact that the Shia community – and particularly the Baharna community – constitutes the majority of the Bahraini population, the government effectively excludes Baharna and Shia communities from the political sphere. Though technically a constitutional monarchy, Bahrain's government vests the king with wide authority, and the parliament, of which only half is elected, is largely constrained. Members of the Sunni royal family hold all key positions. Furthermore, while Bahrain's limited participatory political institutions are deeply flawed, the government has additionally worked to undermine the Shia community's ability to vote and organize. In addition to imposing severe restrictions on free expression, assembly, and association generally, the authorities have specifically dissolved Shia political groups; targeted Shia political leaders for judicial harassment and reprisal; gerrymandered districts to distort the representation of predominantly Shia areas; and arbitrarily denaturalizing Shia citizens, making them ineligible to vote or stand for election. Even former members of parliament that are Shia have been regularly targeted for arbitrary detention, torture, and other abuses.

ⁱ CERD/C/IRL/CO/2 Concluding observations on Ireland, OHCHR, April 14, 2005, at para. 18.

ⁱⁱ CERD/C/BHR/CO/7 Concluding observations of the Committee on the Elimination of Racial Discrimination, OHCHR, 14 April 2005, para. 16.

ⁱⁱⁱ 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)

^{iv} “UN rights experts urge Bahrain to end the persecution of Shias,” OHCHR, 16 April 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20375>

^v Ibid.

^{vi} Among others, see James Belgrave, *Welcome to Bahrain*, Augustan Press, London, 1953, eighth edition, 1973, 16.

^{vii} Juan Cole, *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.

^{viii} Some sources place the date of the invasion in 1782. See Geneive Abdo, *The New Sectarianism: The Arab Uprisings and the Rebirth of Shi'a-Sunni Divide*, Oxford University Press: 2017, 117-118.

^{ix} Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, 38-39.

^x Ibid.

^{xi} Ibid.

^{xii} Ibid.

^{xiii} Geneive 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, April 2013, accessed August 13, 2015, <http://www.brookings.edu/~media/research/files/papers/2013/04/sunni%20shia%20abdo/sunni%20shia%20abdo>; 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/>

^{xiv} Religion Freedom Report, Bahrain, Accessed January 5, 2016. <http://religion-freedom-report.org.uk/wp-content/uploads/country-reports/bahrain.pdf>

^{xv} Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, 38-39.

^{xvi} Geneive Abdo, *The New Sectarianism: The Arab Uprisings and the Rebirth of Shi’a-Sunni Divide*, Oxford University Press: 2017, 117-118.; Shirin Sadeghi, “The Fabrication of Bahrain’s Shiite-Sunni Divide,” Huffington Post, http://www.huffingtonpost.com/shirin-sadeghi/the-fabrication-of-bahrain_b_836627.html

^{xvii} Justin Gengler, *Group Conflict and Political Mobilization in Bahrain and the Arab Gulf: Rethinking the Rentier State*, Indiana University Press: 2015, print.

^{xviii} 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/S0163-786X2016000039011>

^{xix} 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)

^{xx} *2015 Annual Report: Bahrain*, US Commission on International Religious Freedom (USCIRF), 2015, <http://www.uscifr.gov/sites/default/files/Bahrain%202015.pdf>; and *2016 Annual Report: Bahrain*, US Commission on International Religious Freedom (USCIRF), 2016, http://www.uscifr.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&dclid=252919EXECUTIVE#wrapper>

^{xxi} *Freedom in World 2016: Bahrain*, Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/bahrain>

^{xxii} Ibid.

^{xxiii} Reza Aslan, “Bahrain’s Fake Sectarian War.” Foreign Affairs, 30 June 2013, <https://www.foreignaffairs.com/articles/bahrain/2013-06-30/bahrains-fake-sectarian-war>

^{xxiv} “Updates: Bahrain: Authorities Promoting Sectarian Tensions by Targeting Shia Muslims During Ashoura,” BCHR, 15 November 2013, <http://www.bahrainrights.org/en/node/6565>

^{xxv} “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>.

^{xxvi} James Belgrave, *Welcome to Bahrain*, Augustan Press, London, 1953, eight edition, 1973, 16.

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