

Universal Periodic Review (UPR) of Bahrain, 4th Cycle
Submission by the Office of the High Commissioner for Human Rights
Regional Office for the Middle East and North Africa

April 2022

I. Introduction

1. This submission was prepared in March 2022 by the Office of the High Commissioner for Human Rights (OHCHR) Regional office for the Middle East and North Africa.

II. Promotion and protection of human rights

A. Acceptance of international norms and engagement with international human rights mechanisms

2. At the 2017 UPR of Bahrain, the Government supported recommendation 114.27ⁱ to strengthen its cooperation with United Nations human rights mechanisms, in particular by accepting country visits of Special Procedures of the Human Rights Council.
3. No Special Procedure mandate holder was invited to visit during the reporting period.ⁱⁱ
4. During the period from the 2017 UPR review (1 May 2017) until end-February 2022, Bahrain received 29 communications (letters of allegation and urgent appeals) from Special Procedures mandates of the UN Human Rights Council and responded to 26 of them.
5. Since the 2017 UPR review, Bahrain was reviewed by four UN human rights Treaty bodies.ⁱⁱⁱ

Recommendations:

- a) **Strengthen cooperation with the Special Procedures by accepting visit requests and consider issuing a standing invitation for such visits.**
- b) **Ratify/accede to the core international human rights treaties that Bahrain is not yet a party to.^{iv}**

B. National human rights framework and mechanisms

6. At the 2017 UPR, Bahrain supported three recommendations to strengthen the independence of its National Human Rights Institution. The NHRI was accredited with B Status by the Global Alliance of National Human Rights Institutions (GANHRI) in 2016.^v Bahrain is to be commended for being the first country in the Gulf region to establish a National Human Rights Institution. However, 2017 UPR recommendations to strengthen its independence are yet to be implemented.
7. In mid-2020 Bahrain embarked on elaborating a National Human Rights Action Plan (NHRAP) through a series of consultation workshops. The United Nations in Bahrain provided technical advice to the Government of Bahrain for this process. Bahrain is the first country in the Gulf region to develop a NHRAP.
8. Bahrain accepted three recommendations calling on it to implement the recommendations of the Bahrain Independent Commission of Inquiry (BICI).^{vi}

Recommendations:

- a) **Take steps to strengthen the independence of its National Human Rights Institution to ensure its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and enable it to carry out its mandate fully, effectively and independently.**
- c) **Take steps to implement the recommendations/concluding observations made by the UN human rights mechanisms, including through the NHRAP, and follow up on the work of the BICI.**

C. Civil and Political Rights

Right to life, liberty and personal integrity

Death penalty

8. Bahrain supported recommendation 114.78 to restrict the use of the death penalty to crimes that meet the threshold of “most serious crimes” under international law. The Human Rights Committee noted that the death penalty in Bahrain is imposed for crimes other than the “most serious crimes” within the meaning of article 6 (2) of the International Covenant on Civil and Political Rights (ICCPR), which allows the death penalty only for intentional killing.^{vii}
9. Bahrain noted recommendations on adopting the Second Optional Protocol to the ICCPR and putting in place a moratorium on the death penalty.
10. It was reported to OHCHR that, as of April 2022, at least 12 individuals were on death row awaiting the King’s approval for execution.

Recommendations:

- a) **Reinstate the death penalty moratorium and commute the sentence of individuals on death row.**
- b) **Ratify the Second Optional Protocol to the ICCPR and consider abolishing the death penalty.**

Detention and ill-treatment

11. Bahrain supported five recommendations on torture, including recommendation 114.94 to ensure that all allegations of enforced disappearances, torture, or any other form of ill-treatment are independently, promptly, and thoroughly investigated, and perpetrators are brought to justice in accordance with international rule of law standards.
12. The Committee against Torture raised concerns regarding numerous and consistent allegations of torture and ill-treatment of persons deprived of their liberty in places of detention and elsewhere, particularly at the Criminal Investigations Directorate, at the moment of arrest, during pre-trial detention and in prisons, in order to extract confessions or as punishment.^{viii} The UN Working Group on Arbitrary Detention adopted eleven opinions on Bahrain during the reporting period concerning 58 individuals, with specific findings of arbitrary detention in every case.^{ix}

Recommendations:

- a) **Step up efforts to prevent torture and ill-treatment, including by ratifying the Optional Protocol of the Convention against Torture, establishing a National Preventive Mechanism against torture, and ensuring that alleged cases of torture and ill-treatment are promptly, independently, and thoroughly investigated to bring perpetrators to justice and provide victims with remedy and reparation.**

Fundamental freedoms of opinion and expression, freedom of religion or belief, peaceful assembly, and association

14. Bahrain supported several recommendations to protect and ensure respect for freedom of expression, association and assembly.^x
15. Continued suppression of persons expressing criticism of Government policies in Bahrain through arbitrary arrest and detention, travel bans, harassment, threats, revocation of citizenship and other means has been reported.^{xi} There have been numerous reports of human rights defenders, political activists, journalists and opposition figures being targeted for the exercise of their rights to freedom of expression, peaceful assembly and association. On 22 June 2021, the UN Special Rapporteur on the situation of human rights defenders called on Bahrain to immediately release three human rights defenders in long-term detention, including solitary confinement, as a result of their legitimate promotion and protection of human rights in the country.^{xii} The Human Rights Committee expressed concerns that the Act on the Protection of Society from Acts of Terrorism (Act No. 58 of 2006) includes an overly broad definition of terrorism that provides too much room for interpretation and may result in violations of the right to freedom of expression, association and assembly.
16. Bahrain supported recommendations calling on it to strengthen freedom of the media and the rights of media workers and take steps to create a more enabling environment for international and national media.^{xiii} However, in June 2017, the newspaper Al-Wasat was suspended by the authorities, leading to its definitive closure.^{xiv}
17. Bahrain supported recommendations 114.105 and 114.106 calling on it to align the press law and penal code with the international human rights law, especially article 19 of the ICCPR, including removing criminal penalties for alleged libel and insult.^{xv} A draft press law has been discussed in Parliament which, if adopted, would remove the penalty of imprisonment from the law.
18. The right to freedom of assembly in Bahrain remains limited, with public gatherings and marches restricted by a 1973 decree on public gatherings and Decree No. 32/2006 rendering participation in public gatherings without government authorization a crime punishable by a fine and/or imprisonment.
19. Bahrain accepted four recommendations to facilitate the work of human rights defenders and to abstain from intimidation or reprisals, including recommendation 114.57 to take urgent steps to facilitate the work of civil society and human rights defenders, and guarantee the protection of all persons from intimidation or reprisals for seeking to cooperate with the United Nations. However, four reports of the UN Secretary-General on "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights", and one report of the UN Working Group on Arbitrary Detention cited reprisals including criminal and terrorist charges along with travel bans imposed against persons from Bahrain who had cooperated with the UN in the field of human rights.^{xvi}

20. Bahrain accepted two recommendations to adopt effective measures in law and practice to eradicate all forms of discrimination, in particular on the basis of religion or belief (114.62-63). The Human Rights Committee reported that members of the Shia community have been subjected to restrictions of their rights to worship and profess their religious beliefs.^{xvii}
21. Bahrain accepted recommendation 114.96 to take necessary measures to guarantee the enjoyment of all fundamental freedoms, including participation in political and public affairs by all. However, opposition parties Al-Wefaq and Wa'ad were dissolved and their leaders and members prosecuted. In 2018, Bahrain adopted Law 25 banning members of dissolved political societies from participating in parliamentary elections. This ban also included participation in municipal elections and elections of boards of civil society organizations (CSOs). In addition, candidates for the elections of the board of directors in CSOs were disqualified by the Ministry of Labour.

Recommendations:

- a) **Guarantee the rights to freedom of expression, conscience, religion or belief enshrined in the ICCPR to all persons within its territory, and step up efforts to ensure that the Shia population is effectively protected from discrimination.**
- b) **Finalize and enact the new Media Law and ensure its compliance with international standards.**
- c) **Ensure protection against reprisals against persons who cooperate with the United Nations in the field of human rights.**
- d) **Bring legislation on peaceful assembly, including the Law on Public Gatherings (Law 18 of 1973) and its amendments, into conformity with the ICCPR.**
- e) **Guarantee all citizens the right to participation in public life.**

Revocation of citizenship & statelessness

22. Between 2012 and 2019, Bahrain reportedly revoked the nationality of 985 people and then reinstated the nationality of 551 people in 2020.^{xviii}
23. Bahrain noted recommendations from three countries including recommendation 114.176 calling on it to abolish the practice of revoking nationality as a punishment on any grounds.
24. In 2018, the Human Rights Committee in its concluding observations raised concerns that a number of persons have had their citizenship revoked, including pursuant to anti-terrorism laws, in some cases making them stateless and causing them to be deported or placed at imminent risk of deportation. The Committee noted with concern the number and breadth of the circumstances in which domestic legislation allows for revocation of citizenship, including for any individual who “aids or is involved in the services of a hostile state” or “causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it”.^{xix}
25. In 2019, Decree-Law 16 amended the Bahraini Nationality Law (1963).^{xx} A number of the country’s prominent Shi’a civic, religious and political leaders remain in prison, whilst others remain in exile after having their citizenship revoked. Despite the constitutional prohibition of discrimination on the basis of religious affiliation, the Committee on Economic, Social and Cultural Rights, on 4 March 2022, expressed

concerned that members of the Shia community and stateless persons, including stateless Bidoon and those who were deprived from their citizenship, face discrimination in education, employment and in the exercise of their cultural rights.^{xxi}

Recommendations:

- a) **Take steps to amend current legislation to ensure that citizenship is not revoked, except in accordance with the ICCPR and international standards, and under independent judicial review.**

Administration of justice, and the rule of law

26. Bahrain supported recommendation 114.128 calling it to focus on strengthening the legal framework, the institutions and the judiciary to guarantee an independent judicial system and the right to fair trial guaranteed by articles 9 and 14 of the ICCPR.
27. While Bahrain has continued to enhance its legal framework, according to the Human Rights Committee the judiciary is neither fully independent nor impartial, with the judiciary continuing to be appointed by royal order, with several having renewable employment contracts of one to three years in circumstance that jeopardizes the security of their tenure.^{xxii} Unfair trials continued to be reported.

Recommendations:

- a) **Take measures necessary to safeguard, in law and in practice, the full independence and impartiality of the judiciary, including by ensuring that the procedures for the selection and appointment of judges are based entirely on objective, transparent criteria for the assessment of candidates' merits in terms of their qualifications, competence and integrity, in compliance with the principles of independence and impartiality, as set out in the ICCPR.**
- b) **Guarantee that the judiciary can carry out its functions without any form of political interference.**

D. Women's rights and gender equality

Discrimination including personal status laws/nationality

28. Bahrain supported recommendation 114.133 calling on it to consider adopting a unified personal status law. Bahrain maintains its reservation to CEDAW article 2, and Bahrain's personal status laws relating to marriage, age of marriage, divorce, child custody, guardianship and inheritance remain insufficiently harmonized and discriminatory with regard to sex, nationality, religion and belief (arts. 2, 3 and 10).^{xxiii}
29. Bahrain supported five recommendations to amend its legislation to grant women married to foreigners the right to transmit their nationality to their children. However, these recommendation were not yet implemented. Bahrain retains its reservation to CEDAW article 9, paragraph 2. The Human Rights Committee recalled that women, who cannot confer their nationality on their children without a royal decision, do not enjoy equal rights with men in this regard. The Committee took note of the State party's intention to amend the Nationality Act but was concerned about the slow adoption of these amendments.^{xxiv}

Recommendations:

- a) **Withdraw reservations to CEDAW article 2 and article 9, paragraph 2, and expedite the legislative reform process of the Personal Status Law and Citizenship Act to ensure the equality of men and women, both in legislation and in practice, in**

matters of citizenship and personal status.

E. Rights of the child

30. Bahrain supported recommendation 114.161 to unify the criminal age in the kingdom's legislation to uphold the best interest of the child and the treatment of children in a manner compatible with their age and dignity and to facilitate their rehabilitation and reintegration in society, which has been partially implemented.
31. Bahrain adopted the Restorative Justice Law (2021), which sets the criminal age of responsibility at 15. It has also facilitated rehabilitation and reintegration through the possibility of enrolling the child in rehabilitation or national education programs by court decision. Article 86 of the law affords the child the right to pursue his/her education during the period of sentence. The law does not exclude juveniles from being tried before a military court nor from being interrogated before the Terrorism Public Prosecution.

Recommendations:

- a) **Continue efforts to bring legislation on juvenile justice in line with international human rights standards, ensuring that the best interest of the child is the primary consideration and that the child's human rights and legal safeguards are respected and protected in line with the CRC.**

F. Migrants' rights

32. Bahrain accepted eight recommendations pertaining to the rights of migrants, including to implement a national strategy to combat trafficking in women and girls, ensure the effective protection of all workers, including migrant workers, against discrimination, and to ratify the 2014 protocol to the Forced Labour Convention, 1930. These recommendations have been partially implemented. Bahrain noted recommendations from four states to ratify the Domestic Workers Convention, 2011 (No. 189).
33. Bahrain introduced a number of measures in recent years to protect migrant workers' rights, including relaxing some aspects of the Kafala sponsorship system by introducing the "Flexi Permit",^{xxv} which allows migrant workers to live freely in Bahrain and work in any non-specialized occupation without a sponsor for a renewable period of one or two years. The government also introduced a health tax paid by all employers of migrant workers as well as a wage protection system.^{xxvi}

Recommendations:

- a) **Take legislative measures to ensure that workers in all sectors of the economy, including domestic workers and workers in the informal economy, are protected by labour laws and regulations with a view to ensuring their right to just and favourable conditions of work, including with regard to remuneration, rest and leisure, limitation of working hours and protection against unfair dismissal.^{xxvii}**

ⁱ A/HRC/36/3 and A/HRC/36/3/Add.1

ⁱⁱ Since the 2017 UPR review, visit requests were set by the Working Group on Enforced or Involuntary Disappearances (Jan 2022, Jan 2019, Jan 2018), Special Rapporteur on extrajudicial, summary or arbitrary executions (Nov 2021), Independent Expert on the promotion of a democratic and equitable international order (Oct 2021), Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Jan 2021, July 2017), Special Rapporteur on the rights to freedom of peaceful assembly and of association (Mar 2020, Sep 2017). See Special Procedures country visits: [Bahrain](#)

ⁱⁱⁱ Committee against Torture (CAT), the Human Rights Committee, the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Rights of the Child (CRC) The committees requested follow-up information on some of the issued concluding observations, which Bahrain provided.

^{iv} Bahrain is a State party to seven of the nine core human rights treaties, and has yet to become a party to the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and seven Optional Protocols. Moreover, Bahrain is yet to become a party to the optional protocols to the ICCPR, ICESCR, CEDAW, CAT, and ICRPD. Bahrain is a party to two of the three optional protocols to the CRC, and has yet to become a party to the CRC optional protocol on a communications procedure.

^v GANHRI recommended a clear, transparent and participatory selection and appointment process, without political representatives on the NHRI, calling for it to interpret its human rights mandate in a broad and purposive manner and for its reports on the monitoring of detention facilities to be made public. See Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 9-13 May 2016, pp. 8-11

^{vi} The BICI was established on 29 June 2011, pursuant to Royal Decree No. 28, to investigate and report on the events that took place in the Kingdom of Bahrain since February 2011 and their consequences. It was mandated by the King to assess whether the period of unrest involved violations of international human rights law and norms, and to make the appropriate recommendations. The 500-page report is divided into twelve chapters with each chapter dealing with specific categories of events and/or human rights violation. The BICI formulated recommendations and observations to each of these categories

^{vii} [CCPR/C/BHR/CO/1](#), para 31. Currently, Bahrain's domestic law provides for the imposition of the death penalty for crimes such as drug trafficking, deliberately obstructing funerals or memorial services, certain crimes against property under aggravating circumstances and any offence punishable by life imprisonment under common law if that offence is perpetrated for the purposes of terrorism. The Government lifted its moratorium on the death penalty in 2017, when it executed three men. In July 2019, three other individuals were executed. Prior to their execution, on [21 May 2019](#), UN Special Procedures mandates (Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the Independence of Judges and Lawyers; and the Working Group on Arbitrary Detention) appealed to Bahrain to halt the executions of two men amid concerns that they were coerced into making confessions through torture and did not receive a fair trial; an appeal repeated on [26 July 2019](#) by UN Special Rapporteur on summary executions to halt the imminent execution of the two men. On [30 July 2019](#), the Spokesperson for the UN High Commissioner for Human Rights condemned the executions which had gone ahead despite concerns expressed by the High Commissioner and Special Procedures mandates. The Spokesperson noted that a third man, a migrant worker, was also executed after being convicted of murder. In another case, on [12 February 2020](#), UN Special Procedures mandates (Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment) called on Bahrain to prevent the execution of two men who were allegedly subjected to torture. On [14 July 2020](#), the Spokesperson for the UN High Commissioner expressed concern that that Bahrain's highest court, the Court of Cassation, had upheld the death penalty against the two Bahraini men whose confessions were allegedly extracted under torture. The executions had not yet been carried out as of end March 2022. In its report to the Committee against Torture of 21 March 2022 ([CAT/C/BHR/4](#)), Bahrain states that the death sentences were upheld as the claims of torture were found to be groundless.

^{viii} [CAT/C/BHR/CO/2-3](#) (May 2017), para 8. The Committee against Torture expressed concern that those bodies created to receive complaints of cases torture are not independent and had little or no effect (para. 28)

^{ix} See [Opinions adopted at the 81st session](#), [Opinions adopted at the 82nd session](#), [Opinions adopted at the 83rd session](#), [Opinions adopted at the 84th session](#), [Opinions adopted at the 86th session](#), [Opinions adopted at the 87th session](#), [Opinions adopted at the 88th session](#), [Opinions adopted at the 89th session](#), [Opinions adopted at the 90th session](#)

^x 114.97, 114-99-102, 114.108, 114.112-116.

^{xi} OHCHR [press briefing 4 January 2019](#).

^{xii} [Bahrain: UN expert alarmed by prolonged detention of human rights defenders](#), 22 June 2022.

^{xiii} Recommendations 114.114 and 114.117.

^{xiv} [CCPR/C/BHR/CO/1](#), para. 53.

^{xv} Recommendations 114.105 and 114.106.

^{xvi} A/HRC/39/41, section B, para 29, 30; A/HRC/42/30, para 38; A/HRC/45/36, Section B, Para 45; A/HRC/48/28, Annex 2, Para 5 and A/HRC/45/16.

^{xvii} [CCPR/C/BHR/CO/1](#), para. 51.

^{xviii} Nationalities of 635 persons revoked between 2017 and 2019. Today, 434 persons remain without nationality.

^{xix} [CCPR/C/BHR/CO/1](#), para. 61.

^{xx} The decree-law stated that the citizenship can be revoked if the accused was found guilty of any of the crimes stipulated in articles 5, 9, 12, and 17 of Law 58/2006 on Protecting the Society from Terrorist Acts.

^{xxi} [E/C.12/BHR/CO/1](#), para.14.

^{xxii} [CCPR/C/BHR/CO/1](#), para. 45.

^{xxiii} [E/C.12/BHR/CO/1](#), para. 30.

^{xxiv} [CCPR/C/BHR/CO/1](#), para. 19. Pending the amendment of the nationality law, the Government reported in its [UPR mid-term report](#) that a committee, composed of representatives from the Royal Court, the Ministry of the Interior and the Supreme Council for Women, studied citizenship applications and that the Bahraini nationality was granted to approximately 4000 sons and daughters over the past ten years.

^{xxv} <https://lmra.bh/portal/en/page/show/325>

^{xxvi} <https://lmra.bh/portal/en/page/show/342>

^{xxvii} [E/C.12/BHR/CO/1](#), para. 23 (a).