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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE ANNEX TO  
HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Bahrain**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR). It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

| <i>Core universal human rights treaties<sup>2</sup></i>   | <i>Date of ratification, accession or succession</i> | <i>Declarations/ reservations</i>     | <i>Recognition of specific competences of treaty bodies</i>   |
|---|--|---------------------------------------|---|
| ICERD   | 27 Mar. 1990   | Art. 22                               | Individual complaints (art. 14): No   |
| ICESCR  | 27 Sept. 2007  | Art. 8(1) (d)                         | --  |
| ICCPR   | 20 Sept. 2006  | Arts. 3, 9 (5), 14 (7), 18 and 23     | Inter-State complaints (art. 41): No  |
| CEDAW   | 18 June 2002   | Arts. 2, 9 (2), 15 (4), 16 and 29 (1) | --  |
| CAT   | 6 Mar. 1998  | Art. 30 (1)                           | Inter-State complaints (art. 21): No<br>Individual complaints (art. 22): No<br>Inquiry procedure (art. 20): Yes |
| CRC   | 13 Feb. 1990   | None                                  | --  |
| CRC-OP-AC   | 21 Sept. 2004  | Art. 3 (2)                            | --  |
| CRC-OP-SC   | 21 Sept. 2004  | None                                  | --  |
| <i>Core treaties to which Bahrain is not a party: ICCPR-OP1, ICCPR-OP2, OP-CEDAW, OP-CAT, ICRMW, CPD (signature only 2007), OP-CPD and CED.</i> |  |                                       |   |

| <i>Other relevant main instruments<sup>3</sup></i>                                 | <i>Ratification, accession or succession</i> |
|--|--|
| Convention on the Prevention and Punishment of the Crime of Genocide               | Yes  |
| Rome Statute of the International Criminal Court                                   | No   |
| Palermo Protocol <sup>4</sup>  | Yes  |
| Refugees and stateless persons <sup>5</sup>  | No   |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup> | Yes, except Protocol III                     |
| ILO fundamental conventions <sup>7</sup>   | Yes, except Nos. 87, 98 and 100              |
| UNESCO Convention against Discrimination in Education                              | No   |

1. The Committee against Torture (CAT) welcomed Bahrain's accession to international human rights treaties, including the Convention against Torture, in 1998, as well as the withdrawal of its reservation to article 20 of the Convention in the same year.<sup>8</sup> Bahrain's accession to CEDAW in 2002 was also welcomed.<sup>9</sup>

2. The Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of the Child (CRC) and the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children recommended that Bahrain ratify ICRMW.<sup>10</sup> Further, CERD strongly recommended that the Kingdom ratify ICCPR and ICESCR,<sup>11</sup> which occurred in 2006 and 2007 respectively. Bahrain was urged to make the optional declaration under article 14 of ICERD, to make the declarations under articles 21 and 22 of CAT, as well as to ratify OP-CAT.<sup>12</sup>

### B. Constitutional and legislative framework

3. The promulgation in Bahrain of the amended Constitution and the creation of the Constitutional Court in 2002, as well as the establishment of a new bicameral parliament with an elected chamber of deputies were welcomed.<sup>13</sup>

4. In 2005, CAT noted (i) the establishment of the Higher Judicial Council, drawing a clear dividing line between the executive branch and the judiciary and thereby reinforcing a separation of powers stipulated in the Constitution; (ii) the abolition of the State Security Court; and (iii) the repeal of the State Security Law.<sup>14</sup>

5. CAT expressed concern at the lack of a comprehensive definition of torture in domestic law and recommended that Bahrain adopt a definition consistent with article 1 of the Convention.<sup>15</sup> Also of concern was the blanket amnesty extended to all alleged perpetrators of torture or other crimes by Decree No. 56 of 2002 and the lack of redress available to victims of torture. It was recommended that Bahrain amend the Decree to ensure that there is no impunity for officials who have perpetrated or acquiesced in torture or other cruel, inhuman or degrading treatment.<sup>16</sup>

6. It was recommended that Bahrain incorporate in its domestic law a definition of racial discrimination that includes the elements set forth in article 1 of ICERD.<sup>17</sup>

### **C. Institutional and human rights structure**

7. Both CAT and CERD called on Bahrain to consider the establishment of a national human rights institution, in accordance with the the Paris Principles.<sup>18</sup> With reference to the response of the Government of Bahrain to the concluding observations of CERD,<sup>19</sup> the Committee noted that a draft law establishing such an institution was under consideration and wished to receive additional information on progress, in particular on the extent to which the institution, if created, would comply with the Paris Principles.<sup>20</sup>

### **D. Policy measures**

8. The adoption of the National Action Charter in 2001 was welcomed.<sup>21</sup> The Charter outlines reforms aimed at enhancing non-discrimination, due process of law and the prohibition of torture and arbitrary arrest and states, inter alia, that any evidence obtained through torture is inadmissible.<sup>22</sup>

9. Information concerning the establishment in 2002 of an Inter-Ministerial Anti-Trafficking Task Force with a mandate, inter alia, to develop a national plan of action against trafficking in persons was received with interest by the Special Rapporteur on trafficking in persons, especially women and children.<sup>23</sup>

10. In response to a request by OHCHR on human rights obligations related to equitable access to safe drinking water and sanitation, Bahrain informed the Office of its National Plan of Action, development programmes, public policies or emergency responses on the issue.<sup>24</sup> The Kingdom has established, inter alia, comprehensive programmes/action plans for the integration of Bahrain's water resources management.<sup>25</sup>

11. A United Nations Development Programme (UNDP) report noted that Bahrain has issued a decree requiring that democracy and human rights be taught in the Kingdom's schools.<sup>26</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

#### **1. Cooperation with treaty bodies**

| <i>Treaty body<sup>27</sup></i> | <i>Latest report considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i>  |
|---------------------------------|---------------------------------|---------------------------------------|---------------------------|--|
| CERD                            | 2003                            | Mar. 2005                             | Oct. 2006                 | Eighth and ninth reports due in 2007   |
| CESCR                           | --                              | --                                    | --                        | Initial report due in 2009   |
| HR Committee                    | --                              | --                                    | --                        | Initial report due in 2007   |
| CEDAW                           | --                              | --                                    | --                        | Initial report overdue since 2003; initial and second combined report received in 2007 |
| CAT                             | 2004                            | May 2005                              | Nov. 2006                 | Second report due in 2007  |
| CRC                             | 2001                            | Jan. 2002                             | --                        | Second and third reports overdue since 2004  |
| CRC-OP-AC                       | --                              | --                                    | --                        | Initial report overdue since 2006  |
| CRC-OP-SC                       | --                              | --                                    | --                        | Initial report overdue since 2006  |

## 2. Cooperation with special procedures

|  |  |
|--|--|
| <i>Standing invitation issued</i>                                  | No   |
| <i>Latest visits or mission reports</i>                            | Special Rapporteur on trafficking in persons, especially women and children (29 October -1 November 2006); <sup>28</sup> Working Group on Arbitrary Detention (19-24 October 2001) <sup>29</sup>   |
| <i>Visits agreed upon in principle</i>                             | Special Rapporteur on the human rights of migrants.  |
| <i>Visits requested and not yet agreed upon</i>                    | None   |
| <i>Facilitation/cooperation during missions</i>                    | The Special Rapporteur on trafficking in persons, especially women and children thanked the Government for its cooperation, in particular for the openness with which the authorities discussed issues concerning trafficking in persons. She regretted that owing to the timing of the visit prior to the parliamentary elections in Bahrain, she was unable to meet with members of the Shura. <sup>30</sup> |
| <i>Responses to letters of allegation and urgent appeals</i>       | Between 1 January 2004 and 31 December 2007, 29 letters of allegation and urgent appeals were sent to Bahrain concerning 64 individuals, including nine women. Bahrain replied to 20 of the communications (69 per cent).  |
| <i>Follow-up to visits</i>   | None   |
| <i>Responses to questionnaires on thematic issues<sup>31</sup></i> | Bahrain responded to two of the 12 questionnaires sent by special procedures mandate holders <sup>32</sup> between 1 January 2004 and 31 December 2007, within the deadlines. <sup>33</sup>  |

12. Both CAT and CRC welcomed the visit to Bahrain in 2001 by the Working Group on Arbitrary Detention, which was granted unrestricted access to all prisons and police station holding cells and was able to speak freely and without witnesses to prisoners it selected at random.<sup>34</sup>

## 3. Cooperation with the Office of the High Commissioner for Human Rights

13. In 2002 the former High Commissioner visited Bahrain. In recent years, Bahrain has regularly provided financial contributions to OHCHR, as well as to the United Nations Voluntary Fund for Victims of Torture. In February 2004, Bahrain hosted a workshop organized by the Arab Institute for Human Rights and supported by OHCHR on the evaluation of training methods for vulnerable groups and popular education.<sup>35</sup>

### B. Implementation of international human rights obligations

#### 1. Equality and non-discrimination

14. In 2005, CERD requested Bahrain to take measures to give effect to the provisions of ICERD.<sup>36</sup> It regretted that no statistics were provided on relevant provisions of domestic legislation concerning racial discrimination having been applied. The Committee recommended that Bahrain consider whether the lack of formal complaints could be the result of the victims' lack of awareness of their rights, lack of confidence in the police and judicial authorities, or the authorities' lack of attention, sensitivity, or commitment to cases of racial discrimination.<sup>37</sup>

15. CERD called on Bahrain to ensure that everyone, without distinction as to race, colour, or national or ethnic origin, enjoys the rights to work and to health and social security, adequate housing and education in accordance with the Convention.<sup>38</sup> The Committee expressed concern at the reportedly disparate treatment of and opportunities afforded to, and discrimination faced by members of certain groups, in particular the Shia, with respect to economic, social and cultural rights.<sup>39</sup> CRC was concerned about the disparities in access to social services available in Shia communities in comparison to those in largely Sunni areas and about the enjoyment of rights by the *bidoon* and by non-national children, particularly children with disabilities. It was recommended that Bahrain (i) continue its efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination; and (ii) continue to prioritize and target resources and social services for children belonging to the most vulnerable groups.<sup>40</sup> CERD took note of the State's follow-up report setting out constitutional provisions which ensure that everyone, without distinction based on race, colour, descent, or national or ethnic origin, enjoys the right set out in article 5 of ICERD, and requested information on concrete steps taken to ensure the implementation of these provisions for all persons in Bahrain.<sup>41</sup> CERD welcomed the organization of training programmes for the judiciary and law enforcement officials on the promotion and protection of human rights in the field of racial discrimination.<sup>42</sup>

16. The UNDP report noted that Bahrain lacked a unified personal status code.<sup>43</sup> The Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on violence against women noted in a joint allegation letter sent in 2006 that Bahrain does not have a codified family law that stipulates clear and equitable norms on divorce or child custody.<sup>44</sup> CAT cited the broad discretionary powers of sharia courts in the application of personal status law and criminal law, and reported failures to take into account clear evidence of violence against women confirmed in medical certificates.<sup>45</sup> The Special Rapporteurs added that owing to the absence of a codified family law, judges can decide cases according to their personal interpretation of sharia, and that interpretation reportedly often favours men.<sup>46</sup> They were concerned that a considerable number of women in Bahrain could be trapped in violent relationships because they fear that they will have to renounce child custody rights or property rights in order to be granted a divorce.<sup>47</sup> CAT recommended that Bahrain consider adopting a Family Code, including measures to prevent and punish violence against women, especially domestic violence, including fair standards of proof.<sup>48</sup> The above-mentioned UNDP report noted that the King of Bahrain had formed a committee to prepare a family law bill and although the committee had completed its work, as of 2005, the bill had yet to be adopted into law.<sup>49</sup>

17. While CRC noted in 2002 the significant achievements in the status of women in Bahrain, it expressed concern about (a) discrimination against females and children born out of wedlock under existing personal status law (e.g. inheritance, custody and guardianship); and (b) certain vocational courses at the secondary level that are restricted to one sex. The Committee recommended that Bahrain (a) take effective measures to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life; (b) take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes, particularly within the family; and (c) train members of the

legal profession, especially the judiciary, to be gender sensitive. Religious leaders should be mobilized to support such efforts.<sup>50</sup>

18. The United Nations common country assessment (CCA) of 2002 indicated that women face strong employment discrimination in both the public and private sectors, in areas such as participation in the workforce, likelihood of promotion, competitiveness for senior positions, salary and job opportunities.<sup>51</sup> The UNDP report noted that the requirement for Bahraini women to secure their husbands' approval before obtaining a passport had been abolished and women were allowed to work as traffic police.<sup>52</sup> CCA added that one of the root causes hindering women's participation in decision-making processes is the general public's attitude towards female politicians and leaders.<sup>53</sup> In 2007, the proportion of seats held by women in the national parliament was 2.5 per cent.<sup>54</sup> Awareness and education campaigns aimed at dismantling gender stereotypes are called for. At the same time, CCA noted that Bahrain's achievement in the area of gender balance in education is remarkable.<sup>55</sup>

19. The situation of migrant workers was also of concern and CERD, as highlighted by the Office of the United Nations High Commissioner for Refugees (UNHCR),<sup>56</sup> urged Bahrain to take necessary measures to extend full protection from racial discrimination to migrant workers and remove obstacles that prevent the enjoyment of economic, social and cultural rights, notably in the areas of education, housing, employment and health. Bahrain was asked to provide information in its next periodic report on any bilateral agreements it has entered into with the countries of origin of migrant workers in its territory.<sup>57</sup> In its letter of March 2007, CERD commended the legislative provisions adopted to protect immigrant domestic workers and requested information on steps taken to effectively implement these provisions.<sup>58</sup> CAT noted the publication of the foreign workers' manual as a positive development.<sup>59</sup>

20. Allegations of substantial prejudice against women migrant domestic workers, especially as regards their working conditions, and their lack of protection under the Labour Code were also raised by CERD<sup>60</sup> and highlighted by UNHCR.<sup>61</sup> According to information received by the Special Rapporteur on the human rights of migrants<sup>62</sup> and three other mandate holders,<sup>63</sup> women migrant domestic workers are explicitly excluded from the labour laws for the private sector, many have to work 15 to 17 hours a day, seven days a week, and their employers often restrict their freedom of movement. Since their legal status in Bahrain depends on the continued visa sponsorship of their employers, those who attempt to escape from exploitative situations risk arrest, prolonged administrative detention and deportation. Furthermore, it was reported that public authorities often privilege employers in disputes involving migrant workers.<sup>64</sup> Bahrain was asked to take effective measures to prevent and redress the serious problems faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault.<sup>65</sup> Further, CERD requested information on specific measures and concrete steps taken to protect female migrant domestic workers, in particular in relation to those issues.<sup>66</sup>

21. Also of concern was the fact that a Bahraini woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Bahraini nationality in the same manner as a foreign woman. CERD requested Bahrain to consider modifying these provisions and stressed that States should ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization,<sup>67</sup> a matter also highlighted by UNHCR.<sup>68</sup>

22. The absence of a defined minimum age for marriage and inconsistencies in other areas of Bahraini law with respect to minimum ages were addressed by CRC. It recommended that Bahrain (i) review and amend its legislation so that the minimum-age requirements are gender

neutral, are explicit and are enforced by law; and, in particular, (ii) establish a gender-neutral minimum age for marriage.<sup>69</sup>

## **2. Right to life, liberty and security of the person**

23. In 2005, CAT welcomed reports that systematic torture no longer takes place following reforms in 2001,<sup>70</sup> but noted with concern (a) the persistent gap between the legislative framework and its practical implementation with regard to Bahrain's obligations under the Convention; (b) the large number of allegations of torture and other ill-treatment of detainees committed prior to 2001; (c) the absence of data on complaints of torture and ill-treatment and the results of investigations or prosecutions related to the provisions of the Convention; and (d) reports of the beating and mistreatment of prisoners during three strikes in 2003 at Jaw Prison, followed by the establishment of an investigative commission whose findings have not been made public. Bahrain was called on to provide complete information about these events.<sup>71</sup>

24. CAT also expressed its concern at (a) reports of extended periods of incommunicado detention following ratification of the Convention and prior to 2001, particularly during pre-trial investigations; (b) inadequate safeguards available to detainees, including access to external legal advice while in police custody, to medical assistance and to family members; and (c) lack of access by independent monitors to all places of detention without prior notice, notwithstanding assurances by Bahrain that it will allow access to civil society organizations.<sup>72</sup>

25. The Committee recommended that Bahrain should respect the absolute nature of article 3 of the Convention in all circumstances and fully incorporate it into domestic law; that Bahrain establish an independent body mandated to visit and/or supervise places of detention without prior notice and allow impartial organizations and non-governmental organizations (NGOs) to visit prisons and places of detention, and that it ensure that all detained persons have immediate access to a doctor and a lawyer, as well as contact with their families, and that detainees held by the Criminal Investigation Department are given prompt access to a judge. Furthermore, CAT recommended that law enforcement, civil, military and medical personnel and public officials undergo training on issues related to torture.<sup>73</sup>

26. Three mandate holders in a joint allegation letter shared their concern with respect to the alleged disproportionate use of force by the Bahraini security forces when dispersing peaceful demonstrators. Many of the demonstrators were reportedly beaten and some required hospital treatment.<sup>74</sup> In its reply, the Government stated that if injuries were sustained, they occurred while the policemen were taking precautionary measures to protect themselves from a direct attack.<sup>75</sup>

27. Trafficking in persons is not presently a crime under Bahrain's Penal Code.<sup>76</sup> In its pledges and commitments in 2006, Bahrain indicated that a draft law on the issue of trafficking was being prepared<sup>77</sup> which, as the Special Rapporteur on trafficking in persons, especially women and children learned with interest, contains a definition of trafficking reflecting that contained in the Palermo Protocol.<sup>78</sup> On the issue of preventing forced marriage in the context of trafficking in persons, the Special Rapporteur recommended that Bahrain (among others) should amend its legislation so that victims of forced marriages are not dependent upon their spouses for their legal immigration status and that Governments should recognize forced marriage, especially in the context of trafficking in persons, as a condition giving rise to a claim of asylum based on gender-related violence and other forms of human rights violations, and ensure that the women and girls concerned are not deported.<sup>79</sup> This matter was also highlighted by UNHCR.<sup>80</sup>

28. The Special Rapporteur on trafficking in persons, especially women and children noted that Bahrain's Labour Code of 1976 contains various provisions protecting against abuse and exploitation of foreign workers, with the exclusion of domestic workers.<sup>81</sup> In extreme cases, the Special Rapporteur on the human rights of migrants noted that domestic migrant workers may also be subjected to physical or sexual abuse and face the possibility of rape and other forms of violence by their employers.<sup>82</sup>

29. In the area of child labour and abuse, the 2002 CCA indicated that the Ministry of Health had formed a committee that drew up a detailed timetable to deal with the problem starting in January 1999. The plan incorporates three main areas: remedial action, education, and law enforcement and justice. Despite significant constitutional reviews and adherence to conventions, there has been an increase in reported cases of child abuse and rape. CCA noted that there is a need for a behavioural and attitudinal change as well as for more effective enforcement of laws pertaining to child abuse. The child protection committee offers a good service to children who suffer from abuse, but it lacks the necessary abilities and authority to protect such children.<sup>83</sup>

### **3. Administration of justice and the rule of law**

30. CAT recommended that Bahrain fully ensure the independence of the judiciary and include female judicial officials in its judicial system.<sup>84</sup>

31. In 2005, CAT expressed concern at the apparent failure to investigate promptly, impartially and fully the numerous allegations of torture and ill-treatment and to prosecute alleged offenders, and in particular the pattern of impunity for torture and other ill-treatment committed by law enforcement personnel in the past.<sup>85</sup> Further, the inadequate availability in practice of civil compensation and rehabilitation for victims of torture prior to 2001 was of concern and the Committee recommended that Bahrain ensure that its legal system provides victims of past acts of torture with redress and an enforceable right to fair and adequate compensation.<sup>86</sup>

32. In 2002, CRC regretted that no information was provided in Bahrain's report concerning the serious allegations of torture and arbitrary arrest of persons under 18 referred to in other reports. It strongly recommended that Bahrain (a) investigate effectively all cases of torture and inhuman and degrading treatment or punishment by police officers or other Government officials and bring the perpetrators to justice; (b) pay full attention to the victims of these violations and provide them with adequate compensation, recovery and social reintegration; and (c) include in its subsequent reports information concerning the above recommendations.<sup>87</sup>

### **4. Freedom of expression, association and peaceful assembly**

33. In 2005, CAT expressed concern regarding limits on human rights NGOs working within the country and abroad<sup>88</sup> and recommended that Bahrain remove inappropriate restrictions on the work of NGOs.<sup>89</sup> Bahrain provided examples of activities conducted by NGOs and noted that individuals had to apply for permission to establish an association.<sup>90</sup> In its pledges to the Human Rights Council, Bahrain committed to continue to work to promote its NGOs, especially those dealing with human rights.<sup>91</sup>

34. CERD expressed concern over the banning of the Bahrain Centre for Human Rights (BCHR). The Committee requested that Bahrain permit integrationist multiracial organizations and movements and create an enabling environment for them, and encouraged it to maintain a

dialogue with all civil society organizations, including those critical of its policies.<sup>92</sup> The Special Representative of the Secretary General on the situation of human rights defenders expressed concern that the decision to dissolve BCHR was an attempt by the authorities to silence the organization and other human rights defenders in the country and to prevent them from carrying out their legitimate activities in defence of human rights.<sup>93</sup> The Government responded that the Ministerial Order to close BCHR was made after the group repeatedly and clearly demonstrated that it was more interested in political campaigning than in human rights issues.<sup>94</sup> Within the framework of the follow-up procedure, CERD took note of the information concerning the laws and policies set up to encourage the activities of civil society organizations and requested additional information on the Political Associations Act (2005). It also requested information on certain named human rights activists and on any charges brought against them.<sup>95</sup> The Special Representative of the Secretary-General invited Bahrain to review the Law on Societies and other relevant regulations to ensure that Bahrain's legislation adequately protects the right of persons to freely organize to defend human rights.<sup>96</sup>

35. The Special Representative noted that the use of criminal charges such as “encouraging hatred of the State” and “distributing falsehoods and rumors” frequently implies the risk of suppressing legitimate free speech, and is particularly worrying when such charges are raised against a person for having denounced alleged human rights violations.<sup>97</sup> Further, she remained concerned about the heaviness of the alleged sentences for defamation, which is still a criminal offence in the country.<sup>98</sup>

36. Three mandate holders<sup>99</sup> raised in an urgent appeal the case of a leading human rights defender who appeared in court on charges of insulting the judiciary, defamation and slander of a family court judge and slander of the husband of a victim of domestic violence. The charges arose from petitions and articles issued by a women rights organization of which the human rights defender was the director. In this role, the defendant reportedly organized protests, vigils and a hunger strike in an effort to draw attention to how the existing family court system discriminates against women. Concern was expressed that the charges brought against the defendant were a direct attempt at silencing her work in defending women's human rights.<sup>100</sup> In its detailed reply the Government stated, *inter alia*, that the criminal case brought against the plaintiff had nothing to do with her work as a human rights activist.<sup>101</sup>

37. In an urgent appeal sent in 2004 the Special Representative of the Secretary-General expressed concern that the arrest and detention of two human rights defenders might have been an attempt to prevent their further activities.<sup>102</sup> While welcoming their subsequent release, she remained concerned at what appears to be a pattern of arrests of such persons.<sup>103</sup>

## **5. Right to an adequate standard of living**

38. A 2007 report of the World Health Organization (WHO) noted that comprehensive health services are provided to citizens of Bahrain free of charge through the primary health care system. Accessibility and coverage are almost 100 per cent. The expenditure on health, however, is relatively low compared with other countries with similar income levels. The performance of the health care system has been impressive, with very low infant and maternal mortality rates. Obesity is an emerging problem and communicable diseases are largely under control. Available data indicate a low prevalence of HIV, but accurate data were not available.<sup>104</sup>

## **6. Human rights and counter-terrorism**

39. In April 2005, over 30 political and civic organizations signed a statement rejecting the draft law on counter-terrorism, describing it as a major setback for public and personal freedoms and a threat to the gains in freedom of expression, opinion and social and political action achieved by the Bahraini people over the previous four years.<sup>105</sup> In 2005, CAT expressed its concern at certain provisions of the bill which would reduce safeguards against torture and could re-establish conditions that characterized past abuses under the State Security Law. These provisions include, inter alia, the broad and vague definition of terrorism and terrorist organizations, as well as the transfer from the judiciary to the public prosecutor of authority to arrest and detain, in particular, to extend pre-trial detention.<sup>106</sup> The Committee recommended that Bahrain ensure that any measure taken to combat terrorism, including the draft law, complies with international human rights law, including the Convention.<sup>107</sup>

40. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism also shared his concerns with Bahrain regarding some aspects of the draft law on counter-terrorism, inter alia, the broad definition of terrorism contained therein and the restrictions brought to freedom of association and assembly.<sup>108</sup> Further, the Special Rapporteur noted that the offence of incitement to terrorism fails to establish a clear and foreseeable threshold for criminalization, and he was concerned at the possibility, under the draft law, for an individual to be detained for up to 90 days without the involvement of any member of the judiciary.<sup>109</sup> In its response the Government informed the Special Rapporteur that the definition in the draft law does not go beyond the scope of the definition found in the regional conventions to which Bahrain is a party, including the Arab Convention for the Suppression of Terrorism. It maintained that the definition of terrorism in the law was not broad and was consistent with the relevant international conventions.<sup>110</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

41. CERD appreciated the establishment in 2002 for the first time of trade unions as well as of cultural associations of foreigners.<sup>111</sup> Bahrain's efforts towards greater openness and accountability with respect to human rights and the decision to transfer the public prosecution office from the Ministry of the Interior to the Ministry of Justice were welcomed by CRC.<sup>112</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

#### **A. Pledges by the State**

42. Bahrain pledged to continue to host seminars and workshops on human rights in order to increase public awareness of specific human rights issues. It will work with other actors within the international community to develop and strengthen human rights, through the implementation of human rights principles and standards enshrined in regional and international agreements.<sup>113</sup>

#### **B. Specific recommendations for follow-up**

43. In 2005, CERD requested Bahrain to provide information within one year on the way it has followed up on its recommendations related to the establishment of a national human rights institution; integrationist multiracial organizations and movements; female migrant domestic workers; and discrimination faced by some groups, in particular the Shia.<sup>114</sup> On 19 October 2006, the Government provided a lengthy response to all the issues (CERD/C/BHR/CO/7/Add.1). In its reply to Bahrain's follow-up report, CERD welcomed the cooperation and the constructive dialogue with Bahrain and asked for additional information from the Government to be submitted in a combined eighth and ninth periodic report.<sup>115</sup>

44. In 2005, CAT requested Bahrain to provide information within one year on its response to the Committee's recommendations related to inadequate access to external legal advice while in police custody, to medical assistance and to family members; the different regimes applicable, in law and in practice, to nationals and foreigners in relation to their legal rights; and the overbroad discretionary powers of the sharia court judges in the application of personal status law and criminal law and, in particular, reported failures to take into account clear evidence of violence confirmed in medical certificates following violence against women.<sup>116</sup> On 21 November 2006, the Government of Bahrain provided follow-up comments (CAT/C/BHR/CO/1/Add.1).

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

45. In 2002 CRC recommended that Bahrain seek technical assistance from, among others, OHCHR and UNICEF on monitoring structures<sup>117</sup> and from UNICEF on data collection;<sup>118</sup> from, among others, OHCHR and UNICEF on the administration of juvenile justice<sup>119</sup> and training/dissemination of the Convention;<sup>120</sup> from, among others, UNICEF on respect for the views of the child;<sup>121</sup> from UNICEF and WHO in the areas of adolescent health<sup>122</sup> and violence/abuse/neglect/maltreatment;<sup>123</sup> and from ILO on economic exploitation.<sup>124</sup>

### Notes

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<sup>1</sup> Unless indicated otherwise, the status of ratifications of the instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat (<http://untreaty.un.org>).

<sup>2</sup> The following abbreviations have been used for this document:

|           |   |
|-----------|---|
| ICERD     | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR    | International Covenant on Economic, Social and Cultural Rights  |
| ICCPR     | International Covenant on Civil and Political Rights  |
| ICCPR-OP1 | Optional Protocol to ICCPR  |
| ICCPR-OP2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty                               |
| CEDAW     | Convention on the Elimination of All Forms of Discrimination against Women                                    |
| OP-CEDAW  | Optional Protocol to CEDAW  |
| CAT       | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT    | Optional Protocol to CAT  |
| CRC       | Convention on the Rights of the Child   |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict                                     |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography                    |
| ICRMW     | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CPD       | Convention on the Rights of Persons with Disabilities   |
| OP-CPD    | Optional Protocol to Convention on the Rights of Persons with Disabilities                                    |
| CED       | International Convention on the Protection of All Persons from Enforced Disappearance                         |

<sup>3</sup> Information relating to other international instruments, including regional instruments, may be found in the pledges and commitments undertaken by Bahrain before the Human Rights Council, as contained in the letter and attached aide-memoire dated 25 April 2006 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the General Assembly (hereafter "aide-memoire"), available at <http://ww2.ohchr.org/english/bodies/hrcouncil/elections.htm>.

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<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol; 1954 Convention relating to the Status of Stateless Persons; 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> Conclusions and recommendations of the Committee against Torture (CAT/C/CR/34/BHR), paras. 5 (b) and (c).

<sup>9</sup> *Ibid.*, para. 5 (b); CERD/C/BHR/CO/7, para. 7.

<sup>10</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/BHR/CO/7), para. 19. See also concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.175), para. 29 (c) and A/HRC/4/23/Add.2, para. 12.

<sup>11</sup> CERD/C/BHR/CO/7, para. 19.

<sup>12</sup> *Ibid.*, para. 20; CAT/C/CR/34/BHR, para. 9.

<sup>13</sup> CERD/C/BHR/CO/7, para. 4. See also CAT/C/CR/34/BHR, para. 5 (a).

<sup>14</sup> CAT/C/CR/34/BHR, para. 5 (a).

<sup>15</sup> *Ibid.*, paras. 6 (b) and 7 (a).

<sup>16</sup> *Ibid.*, paras. 6 (g) and 7 (d).

<sup>17</sup> CERD/C/BHR/CO/7, para. 11.

<sup>18</sup> Principles relating to the status of national institutions for the promotion and protection of human rights, General Assembly resolution 48/134, annex; CAT/C/CR/34/BHR, para. 7 (1); CERD/C/BHR/CO/7, para. 12;

<sup>19</sup> CERD/C/BHR/CO/7/Add.1.

<sup>20</sup> See the letter dated 9 March 2007 from the Chairperson of CERD addressed to the Permanent Representative of Bahrain to the United Nations Office at Geneva (hereafter "CERD letter"), available at [http://www.ohchr.org/english/bodies/cerd/docs/70\\_Letter\\_Bahrain.pdf](http://www.ohchr.org/english/bodies/cerd/docs/70_Letter_Bahrain.pdf), in relation to para. 12 of the concluding observations of the Committee.

<sup>21</sup> CERD/C/BHR/CO/7, para. 4. See also CAT/C/CR/34/BHR, para. 5 (a).

<sup>22</sup> CAT/C/CR/34/BHR, para. 5 (a).

<sup>23</sup> A/HRC/4/23/Add.2, para. 19.

<sup>24</sup> Letter dated 24 April 2007 from the Permanent Mission of Bahrain to the United Nations Office at Geneva addressed to OHCHR.

<sup>25</sup> *Ibid.*

<sup>26</sup> UNDP, *Arab Human Development Report 2005: Towards the Rise of Women in the Arab World*, New York, 2006, p. 5.

<sup>27</sup> The following abbreviations have been used in this document:

|              |   |
|--------------|---|
| CERD         | Committee on the Elimination of Racial Discrimination;        |
| CESCR        | Committee on Economic, Social and Cultural Rights;            |
| HR Committee | Human Rights Committee;                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women; |
| CAT          | Committee against Torture,                                    |
| CRC          | Committee on the Rights of the Child.                         |

<sup>28</sup> See A/HRC/4/23/Add.2.

<sup>29</sup> See E/CN.4/2002/77/Add.2.

<sup>30</sup> A/HRC/4/23/Add.2, para.2.

<sup>31</sup> The questionnaires included in this section are those which have been reflected in an official report of a special procedures mandate holder.

<sup>32</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006;

(iii) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>33</sup> The questionnaire on the implementation of the Declaration on Human Rights Defenders (see E/CN.4/2006/95/Add.5) and the questionnaire on human rights policies and management practices (see A/HRC/4/35/Add.3).

<sup>34</sup> CAT/C/CR/34/BHR, para. 5 (d); CRC/C/15/Add.175, para. 3 (d).

<sup>35</sup> OHCHR, *Annual Report 2004*, p. 164.

<sup>36</sup> CERD/C/BHR/CO/7, para. 9. CERD reiterated its recommendation that population data, disaggregated by race, descent, ethnicity, language and religion, as well as the socioeconomic status of each group, should be provided by Bahrain in its next periodic report (which was due in April 2007). *Ibid.*, para. 10.

<sup>37</sup> *Ibid.*, para. 18.

- <sup>38</sup> Ibid., para. 16
- <sup>39</sup> Ibid.
- <sup>40</sup> CRC/C/15/Add.175, paras. 28-29.
- <sup>41</sup> CERD letter, op. cit.
- <sup>42</sup> CERD/C/BHR/CO/7, para. 6.
- <sup>43</sup> UNDP, op. cit., p. 19.
- <sup>44</sup> See A/HRC/4/25/Add., para. 43 and A/HRC/4/34/Add.1, para. 62.
- <sup>45</sup> CAT/C/CR/34/BHR, para. 6 (o).
- <sup>46</sup> See A/HRC/4/25/Add.1, para. 43 and A/HRC/4/34/Add.1, para. 62.
- <sup>47</sup> Ibid.
- <sup>48</sup> CAT/C/CR/34/BHR, para. 7 (i).
- <sup>49</sup> UNDP, op. cit., p. 190.
- <sup>50</sup> CRC/C/15/Add.175, para. 27.
- <sup>51</sup> Kingdom of Bahrain: United Nations Common Country Assessment (CCA) Manama, 2002, p. 20, available at [www.undg.org/archive\\_docs/6203-Bahrain\\_CCA.pdf](http://www.undg.org/archive_docs/6203-Bahrain_CCA.pdf).
- <sup>52</sup> UNDP, op. cit., p. 51.
- <sup>53</sup> CCA Bahrain, op. cit., p. 19.
- <sup>54</sup> Source: <http://mdgs.un.org/unsd/mdg>, Millennium Development Goals Indicators: the official United Nations site for the MDG indicators (accessed on 24 January 2008).
- <sup>55</sup> CCA Bahrain, op. cit., p. 20.
- <sup>56</sup> See UNHCR submission to UPR on Bahrain, citing CERD/C/BHR/CO/7, para. 14. Full text available at [ohchr.org/EN/HRBodies/UPR/PAGES/BHSession1.aspx](http://ohchr.org/EN/HRBodies/UPR/PAGES/BHSession1.aspx) (hereafter “UNHCR submission”).
- <sup>57</sup> CERD/C/BHR/CO/7., para. 14.
- <sup>58</sup> CERD letter, op. cit.
- <sup>59</sup> CAT/C/CR/35/BHR, para. 5 (e).
- <sup>60</sup> CERD/C/BHR/CO/7, para. 15.
- <sup>61</sup> UNHCR submission, op. cit., citing *ibid.*, paras. 15 and 19.
- <sup>62</sup> See E/CN.4/2006/73/Add.1.
- <sup>63</sup> The Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62/Add.1, para. 8); the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2006/61/Add.1, para. 12); and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67/Add.1, para. 8).
- <sup>64</sup> E/CN.4/2006/73/Add.1, para. 2.
- <sup>65</sup> CERD/C/BHR/CO/7, para. 15.
- <sup>66</sup> CERD letter, op. cit.
- <sup>67</sup> CERD/C/BHR/CO/7, para. 17.
- <sup>68</sup> UNHCR submission, op. cit., citing *ibid.*
- <sup>69</sup> CRC/C/15/Add.175, paras. 20 and 21.
- <sup>70</sup> CAT/C/CR/34/BHR, para. 5 (f).
- <sup>71</sup> *Ibid.*, para. 6 (a), (c), (k) and (p).
- <sup>72</sup> *Ibid.*, para. 6 (d), (e) and (j).
- <sup>73</sup> *Ibid.*, para. 7 (c), (g), (j) and (n).

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<sup>74</sup> The Special Representative of the Secretary General on the situation of human rights defenders, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture. See E/CN.4/2006/95/Add.1, para. 24; see also E/CN.4/2006/55/Add.1, para. 37 and E/CN.4/2006/6/Add.1, para. 7.

<sup>75</sup> E/CN.4/2006/95/Add.1, para. 28; see also E/CN.4/2006/55/Add.1, para. 38 and E/CN.4/2006/6/Add.1, para. 7.

<sup>76</sup> A/HRC/4/23/Add. 2, para. 23.

<sup>77</sup> See aide-memoire, op. cit.

<sup>78</sup> A/HRC/4/23/Add.2, para. 23.

<sup>79</sup> A/HRC/4/23, para. 63.

<sup>80</sup> UNHCR submission, op. cit., citing *ibid.*

<sup>81</sup> A/HRC/4/23/Add.2., para. 14 ff.

<sup>82</sup> Report of the Special Rapporteur on the human rights of migrants (E/CN.4/2006/73/Add. 1), para. 3.

<sup>83</sup> CCA Bahrain, p. 17.

<sup>84</sup> CAT/C/CR/34/BHR, para. 7 (h).

<sup>85</sup> *Ibid.*, para. 6 (f).

<sup>86</sup> *Ibid.*, paras. 6 (h) and 7 (e).

<sup>87</sup> CRC/C/15/Add.175, paras. 35 and 36.

<sup>88</sup> CAT/C/CR/34/BHR, para. 6 (l).

<sup>89</sup> *Ibid.*, para. 7 (m).

<sup>90</sup> See CAT/C/BHR/CO/1/Add.1.

<sup>91</sup> See aide-mémoire, op. cit.

<sup>92</sup> CERD/C/BH/CO/7, para. 13.

<sup>93</sup> A/HRC/4/37/Add.1, para. 35.

<sup>94</sup> A/HRC/4/37/Add.1, para. 38.

<sup>95</sup> See CERD letter, op. cit.

<sup>96</sup> E/CN.4/2005/101/Add.1, para. 49.

<sup>97</sup> *Ibid.*, para. 48.

<sup>98</sup> E/CN.4/2006/95/Add.1, para. 29.

<sup>99</sup> The Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

<sup>100</sup> E/CN.4/2006/95/Add.1, para. 25.

<sup>101</sup> *Ibid.*, para. 27. See also E/CN.4/2006/61/Add.1, paras. 10 and 11 and E/CN.4/2006/55/Add.1, paras. 35 and 36.

<sup>102</sup> E/CN.4/2005/101/Add.1, para. 41.

<sup>103</sup> *Ibid.*, para. 48.

<sup>104</sup> WHO, Country Cooperation Strategy, Geneva, 2007, p. 1, available at [http://www.who.int/countryfocus/cooperation\\_strategy/ccsbrief\\_bhr\\_en.pdf](http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_bhr_en.pdf) (accessed on 13 February 2008).

<sup>105</sup> UNDP. op. cit., p. 30.

<sup>106</sup> CAT/C/CR/34/BHR, para. 6 (i).

<sup>107</sup> *Ibid.*, para.7 (f).

<sup>108</sup> A/HRC/4/26/Add.1, para. 15.

<sup>109</sup> *Ibid.*, paras. 14, 15 and 17.

<sup>110</sup> Ibid, para. 16.

<sup>111</sup> CERD/C/BHR/CO/7, para. 5.

<sup>112</sup> CRC/C/15/Add.174, para. 35.

<sup>113</sup> See Aide-memoire, op. cit.

<sup>114</sup> CERD/C/BHR/CO/7, para. 24.

<sup>115</sup> See CERD letter.

<sup>116</sup> CAT/C/CR/34/BHR, para. 11.

<sup>117</sup> CRC/C/15/Add.175, para. 10 (c).

<sup>118</sup> Ibid., para. 12 (b).

<sup>119</sup> Ibid., para. 48 (h).

<sup>120</sup> Ibid., para. 19 (d).

<sup>121</sup> Ibid., para. 34 (c).

<sup>122</sup> Ibid., para. 40 (c).

<sup>123</sup> Ibid., para. 38 (h).

<sup>124</sup> Ibid., para. 46 (c).

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