



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues in relation to the initial report of Bahrain\*

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please clarify the status of the Covenant within the national legal order, in particular whether its provisions take precedence over national laws. Please provide examples of cases in which the Covenant has been invoked or applied by national courts and information on the measures taken to raise awareness of the Covenant among judges, prosecutors, lawyers and the public at large. Please provide information on whether the State party plans to withdraw its reservations to articles 3, 9 (5), 14 (7), 18 and 23 of the Covenant. Please explain the rationale behind these reservations and their practical impact on the enjoyment of the rights concerned. Please provide information on any plans to ratify the Optional Protocol to the Covenant.

2. Please report on the progress made in reforming the National Institution for Human Rights in accordance with the principles relating to the status of national institutions for the promotion and the protection of human rights (the Paris Principles), in particular the measures taken to implement the recommendations of the Global Alliance of National Human Rights Institutions in its accreditation report of May 2016. Please provide detailed information on the activities undertaken by the National Institution for Human Rights since its establishment in 2014, including the number of complaints received, investigations conducted, and prosecutions pursued and their results, including any reparations to victims. Please clarify the mandate of the High Coordinating Committee for Human Rights and how it differs from that of the National Institution for Human Rights.

3. Please indicate what measures have been taken to disseminate information on the Covenant, the initial report of the State party and its forthcoming examination by the Committee. Please provide detailed information on the involvement of representatives of civil society, non-governmental organizations and the National Institution for Human Rights in the preparation of the report. Please provide information on the mechanisms in place to disseminate and implement the Committee's recommendations.

##### State of emergency (art. 4)

4. Please provide information on the events in 2011 and the three-month state of emergency declared by the King, including information on the human rights violations alleged to have been committed and the extent to which the recommendations of the Bahrain Independent Commission of Inquiry have been fully implemented. Please elaborate on the provisions of the National Action Charter and the constitutional amendments that followed its adoption. Please provide further information on the status of the National Consensus Dialogue.

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\* Adopted by the Committee at its 121st session (16 October–10 November 2017).



**Non-discrimination, equality between men and women and the rights of minorities (arts. 2, 3, 18, 23, 26 and 27)**

5. Please indicate what steps have been taken to adopt comprehensive anti-discrimination legislation that outlaws discrimination on the grounds addressed by the Covenant, including race, colour, sex, language, religion, political or other opinion, national or social origin, property and birth or other status, as well as sexual orientation and gender identity, disability and age. Please provide information on the judicial and administrative remedies available in cases of discrimination. Please provide detailed information on the steps taken to ensure the rights of all persons with disabilities and the accomplishments of the national strategy on the rights of persons with disabilities (2012–2016), as well as on any successor strategy.

6. Please provide information on the personal status of women and indicate the measures taken to ensure equality between men and women, including, in particular: (a) eliminating harmful cultural and traditional practices, including polygamy and early marriage; (b) ensuring equality for women in matters relating to family relations and, in particular, regarding inheritance, marriage, divorce and child custody; and (c) ensuring that women enjoy equal property rights. Please provide information on whether the Personal Status Law applies to non-Muslim women.

7. Please provide information on the changes made as a result of the Unified Family Law, which was approved by the Shura Council on 19 July 2017, including: (a) whether the new law guarantees equality between men and women and ensures that women are released from the guardianship of their husband, father and/or male relative; (b) the extent to which the Law can be used to settle family matters for both Sunnis and Shias in a unified sharia court; and (c) whether the decision of a sharia court can be appealed.

8. Please provide disaggregated data on the participation and representation of women in the public and private sectors, particularly in decision-making positions, and information on the efforts to increase such participation, including efforts to combat stereotypes regarding the role of women in the family and society, and the adoption of temporary special measures. Please provide further details on article 31 of Law No. 36 of 2012 on private sector employment, including specific information on the kind of work women are prohibited from undertaking and the reasons for such prohibitions, and whether similar restrictions apply in the public sector. Please provide detailed information on the measures taken to implement the National Plan on the Advancement of Bahraini Women (2013–2022) and the results achieved.

9. Please provide information on the legal and practical measures taken to combat discrimination on the basis of sexual orientation and gender identity, including any awareness-raising campaigns to promote sensitivity and tolerance among law enforcement officers, prosecutors, courts and the general public. Please respond to reports that persons have been prosecuted for same-sex conduct under provisions of the Penal Code regarding, inter alia, “debauchery” and “obscenity”.

**Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)**

10. Please provide information on the content of Law No. 17 of 2015 on protection against domestic violence and on the accomplishments of the national strategy for the protection of women from domestic violence. Please also provide information on other measures taken to combat violence against women, including domestic violence, for example: (a) the number of safe shelters and hotlines available for victims; (b) efforts to collect comprehensive data on cases of gender-based and domestic violence, including the number of complaints received, the investigations and prosecutions pursued and convictions secured, the sanctions imposed, and any reparation to victims; (c) efforts to raise awareness and encourage the reporting of cases of violence against women, including domestic violence; and (d) training of law enforcement personnel, prosecutors and judges to ensure effective legal protection. Please provide information on any legislative measures to criminalize marital rape and to repeal articles 334 and 353 of the Penal Code.

**Voluntary termination of pregnancy and maternal health (arts. 3, 6, 7, 17 and 26)**

11. Please clarify the circumstances in which voluntary termination of pregnancy is legally available, including information on any procedural requirements. Please indicate the measures taken to ensure that women and girls have safe, effective access to legal abortion, and do not resort to unsafe abortion or travel overseas to access abortion services.

**Counter-terrorism and the right to privacy (arts. 9, 14 and 17)**

12. Please explain the interpretation of the broad definition of acts of terrorism in articles 1 and 6 of Law No. 58 of 2006 on protection of the community against terrorist acts and the steps taken to ensure that these provisions are applied in a manner consistent with the Covenant, including the rights to freedom of expression, association and assembly. Please provide specific information on the number of persons detained and prosecuted under the Law since 2011, and the sentences imposed. Please clarify how the procedures under the Law, including article 26, comply with articles 9 and 14 of the Covenant, as well as recent counter-terrorism amendments, including: (a) authorizing a judicial officer to order the arrest and detention of certain terrorist suspects for up to 28 days for questioning; (b) allowing courts to extend pretrial detention periods from 15 to 60 days on the basis of secret evidence; (c) authorizing military trials for civilians; and (d) reinstating the National Security Agency's powers to arrest and interrogate in cases linked to terrorist crimes. Please provide information on the number of persons who have been subject to these powers.

**Right to life (arts. 6 and 14)**

13. Please indicate any plans to establish a moratorium on the death penalty with a view to abolishing it, and to ratify the Second Optional Protocol to the Covenant. Please explain how the crimes punishable by the death penalty are compatible with the limitation of such a penalty to the most serious crimes, involving intentional killings, under article 6 (2) of the Covenant. Please comment on the allegations that capital trials have not been conducted in accordance with international standards for a fair trial, and explain the measures taken to ensure that procedural safeguards are fully respected and that application of the death penalty is consistent with the Covenant. Please provide information on: (a) the number of death sentences issued and executions carried out in the past five years; and (b) the number of cases in which an appeal for pardon or a commuted sentence has been sought before the Court of Cassation and the number of such appeals granted, as well as any amnesties granted in death penalty cases under articles 89 or 90 of the Penal Code. Please also provide information on the measures taken to ensure, in law and in practice, that participation in military operations abroad is consistent with article 6 of the Covenant on the right to life.

14. Please indicate the national legal standards on the appropriate uses of force and firearms by law enforcement and security forces, and the source of those standards in law, and provide information on the measures taken to ensure that these standards are respected in practice. Please address allegations of excessive use of force by law enforcement and security forces, including against peaceful demonstrators and in predominately Shia communities, and describe the measures taken to investigate, prosecute and punish those responsible and to provide reparation to victims.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7 and 9)**

15. Please respond to reports of allegations of torture and ill-treatment of prisoners in police custody and detention centres, as well as allegations regarding the use of solitary confinement and the use, in court, of confessions obtained under torture. Please provide information regarding the number of reports of torture and detainee abuse received in the past five years, the number of investigations, prosecutions and convictions in such cases, the sanctions imposed and the reparations granted to victims. Please provide information on independent monitoring of prison conditions and the mandate and role of (a) the Prisoners and Detainees Rights Commission; (b) the Internal Investigation Directorate of the Ministry of the Interior; and (c) the Office of the Ombudsman and the Special Investigations Unit in the Office of the Attorney General. Please provide information on the measures taken

to address reports of torture of inmates at Jaw prison in 2015 and, generally, implement the recommendations of the Committee against Torture (CAT/C/BHR/CO/2-3).

**Liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)**

16. Please respond to reports of warrantless and arbitrary arrests and detentions, including secret detentions, and describe the measures taken to ensure that procedural safeguards are fully respected when persons are taken into custody, including promptly informing detained individuals of the charges against them and providing access to legal counsel, families and courts. Please provide information on the number of complaints of unlawful arrest or arbitrary detention received annually and how they have been addressed. Please provide information on the contents of, and the implementation of the procedures contained in, the police manual on the procedures for arrest and pretrial detention published by the Ministry of the Interior, as well as on the Code of Conduct for Police Officers and plans to establish an independent mechanism to investigate allegations of police misconduct.

17. Please provide up-to-date data, disaggregated by facility, regarding the official and actual capacities of places of detention and specify what measures have been taken to address overcrowding and improve prison conditions, including addressing reports of, inter alia, inadequate health care, lack of access to water and sanitation, and violence against detainees. Please indicate the efforts made to develop alternatives to detention, including the scope and implementation of relevant provisions of Law No. 18 of 2017 on penalties and alternatives measures.

**Refugees and asylum seekers (arts. 6, 7 and 13)**

18. Please provide information on any plans to establish a national legal framework for the identification and protection of refugees and asylum seekers, and any plans to ratify the Convention relating to the Status of Refugees and the Protocol thereto. Please provide information on access to medical treatment for refugees, asylum seekers and stateless persons living with HIV/AIDS, and the measures taken to ensure compliance with the principle of non-refoulement.

**Access to justice and independence of the judiciary (arts. 2 and 14)**

19. In the light of the fact that judges, who have renewable employment contracts of between one and three years, are appointed by the King and approved by the Government, please elaborate on the steps taken to ensure judicial impartiality and independence. Please respond to reports of individuals being denied the procedural safeguards of a fair trial contrary to article 14 of the Covenant, including inadequate access to counsel, evidence and witnesses, and the use of trials in absentia. Please comment on the extension of the prison sentence of Sheikh Ali Salam from four to nine years.

**Elimination of slavery and servitude (art. 8)**

20. Please provide information on the implementation of Law No. 1 of 2008 on trafficking in persons. Please elaborate on the role and mandate of the Committee for the Assessment of the Status of Foreigners Who Are Victims of Trafficking in Persons, which was established by article 7 of the Law, and provide data on the number of victims it has assisted. Please also provide concrete information regarding the impact of the activities of the National Committee to Combat Trafficking in Persons and the centre for sheltering victims of human trafficking, including efforts to ensure that victims of trafficking have access to justice and protection, and provide disaggregated data on the number of complaints, investigations, prosecutions, convictions and the reparations and assistance afforded to victims by these institutions. Please respond to allegations of complicity or the direct involvement of public officials in the trafficking of persons and forced labour, and provide information on any investigations and enforcement actions carried out in response to such allegations, and the penalties imposed.

21. Please provide information on the measures taken to ensure that the rights of foreign workers are fully protected, in law and in practice, including those performing domestic service. Please indicate whether protection under Law No. 36 of 2012 on private sector employment applies to all foreign workers, what measures have been taken to ensure these workers are aware of their rights and have access to effective complaint mechanisms, victim protection and legal assistance when they seek to enforce those rights, and the measures taken to combat child labour. Please provide information on the steps taken to end the practice of “free visas” and abolish the sponsorship system, and on the number of investigations into allegations of exploitation and abuse of foreign workers and their outcomes.

**Freedom of movement (art. 12)**

22. Please provide information on the number of travel bans imposed and the legal grounds for such bans during the past five years, and how these bans comply with article 12 of the Covenant. Please respond, in particular, to reports that travel bans have been used to prevent travel by human rights activists, opposition figures and journalists, including preventing human rights activists from attending sessions of the Human Rights Council, and advise on the measures in place to prevent, investigate and remedy any such abuse.

**Freedom of conscience and religious belief (arts. 2, 18 and 26)**

23. Please report on the measures taken to ensure that the right to freedom of conscience and religious belief is fully respected, in law and in practice, on a non-discriminatory basis, including with respect to Shia Muslims. Please clarify what steps have been taken to review, amend or rescind existing laws, regulations, customs and practices to prevent discrimination on the grounds of religion, including with respect to Shia Muslims, and to allow construction and access to their places of worship. Please provide information on the possibility of converting from one religion to another and on the legal consequences of blasphemy and apostasy, and any enforcement actions taken in this regard.

**Freedom of opinion and expression, peaceful assembly and freedom of association (arts. 19, 21, 22, 25 and 26)**

24. Please comment on the allegations that the State party has increased restrictions on civil society, especially since 2016, including on members of the political opposition, human rights activists, journalists and members of the Shia communities. Please respond to reports that the authorities of the State party have applied, inter alia, Law No. 26 of 2005 on political societies, the Law of 1973 on public gatherings, the Penal Code of 1976 and the Law of 2002 on the press to restrict the ability of political opponents, human rights defenders and social activists to exercise their rights to freedom of expression, peaceful assembly and association. Please provide up-to-date information regarding any prosecutions and convictions under these laws and the status of such legal proceedings, including information on persons charged with criminal behaviour following the Duraz protests, Nabeel Rajab, Ghada Jamsheer and the “Bahrain 13”.

25. Please provide information on the status of independent media in the country and respond to reports of restrictions on the websites of opposition groups and on journalists’ use of social media and the Internet. Please provide information on the content and status of the draft new press law.

26. Please provide information on the application of laws governing political and non-governmental associations, including Law No. 13 of 2016 amending some provisions of Law No. 26 of 2005 on political societies, and Law No. 21 of 1989 on associations and non-governmental organizations. Please comment on the interpretation of the prohibition on “engaging in politics”, and respond to reports that the above-mentioned laws are used to repress work by political associations and non-governmental organizations. Please provide information on any enforcement of those laws, including the dissolution by the authorities of the main political opposition group, Al-Wefaq, and whether steps are being taken for this group to be reinstated.

**Right to nationality (arts. 3, 16, 23, 24 and 26)**

27. Please explain the laws that allow for deprivation of citizenship and how they are applied in practice to ensure compliance with the Covenant, including protection against statelessness. Please include information on the number of persons who have had their citizenship revoked, including pursuant to the anti-terrorism laws, and address the allegations of arbitrary deprivation of Bahraini citizenship, especially for persons critical of the Government. Please provide information on the Citizenship Act, in particular the steps that have been taken to allow Bahraini women to transfer citizenship to their children when the father is not a Bahraini citizen. Please also provide information on the protection and the rights given to children with non-Bahraini fathers.

**Rights of the child (arts. 7, 8, 9, 14 and 24)**

28. Please comment on allegations concerning the arrest of 720 children between February 2011 and the end of 2014, following the ban on public demonstrations in Manama. Please provide information on the minimum age of criminal responsibility in the State party; data disaggregated by sex and age on the number of persons under 18 years of age who are currently being held in pretrial detention; and information on the reports that juveniles have been detained with adult detainees. Please provide information on the measures to prohibit corporal punishment of children as a method of discipline in all settings, including in the home, schools, penal institutions and the alternative childcare system.

**Right to participate in public life (arts. 25 and 26)**

29. Please provide information on how the right of citizens to take part in the conduct of public affairs, directly or through representatives, is respected in law and practice. Please provide information on how often elections are held and for what offices, and on the safeguards in place to ensure that Shia Muslims are represented in public life on a non-discriminatory basis, including in the National Assembly. Please comment on the allegations that electoral districts have been circumscribed in a manner that prevents the opposition from securing a majority in the parliament, and that religious clerics are banned from participating in politics. Please elaborate on the King's powers to appoint and dismiss members of the Consultative Council and how this practice complies with article 25 of the Covenant. Please also provide information on the activities of the National Audit Office in investigating cases of public corruption, and any ensuing prosecutions and their results.

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