

**Parallel Report of  
the National Institution for Human Rights  
in the Kingdom of Bahrain**

**Concerning**

**The Fourth National Report of the Kingdom of Bahrain on the Progress  
Made in Implementing the Provisions of the Convention against Torture  
and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**Submitted to:  
Committee against Torture (CAT)**

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## INTRODUCTION

1. The National Institution for Human Rights of the Kingdom of Bahrain (NIHR-BH)<sup>1</sup> submits its parallel report on the fourth national report of the Kingdom of Bahrain on progress made in implementing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention), which it acceded to by Decree-Law No. (4) of 1998, to the Committee against Torture (CAT) – (the Committee).
2. The NIHR-BH appreciates the efforts made by the Kingdom of Bahrain in submitting its national report under the simplified procedures; represented by responding to the list of issues issued by the Committee, as these responses are considered the fourth national report of the Kingdom, pursuant to Article (19) of the Convention; The NIHR-BH believes that the Kingdom's interaction with the Committee reflects its belief in the importance and effectiveness of this international mechanism in all that promotes and protects human rights at the national level, and in fulfillment of its international obligations arising from ratification and accession to international human rights instruments. However, it had hoped to involve or contribute to civil society institutions working in the field of human rights in preparing and drafting the national report submitted to the Committee, through broad national consultations.
3. The NIHR-BH prepared its parallel report, submitted to the Committee, taking into account a number of relevant criteria, most notably the following: the relevant international convention, the Optional Protocol to the International Convention (Optional Protocol); the list of issues referred prior to the submission of the fourth periodic report of the Kingdom of Bahrain, issued by the Committee (CAT/C/BHR/QPR/); the concluding observations on the second and third periodic reports of the Kingdom of Bahrain, issued by the Committee (CAT/C/BHR/CO/2-3); applicable national legislation and laws; and practical experience through complaints received by the Institution, requests for assistance submitted by it, or through its mandate to monitor human rights conditions and announced and unannounced field visits it conducts to any location suspected of human rights violations.
4. This report will focus on three main axes: the first addresses the legislative and legal framework for the right to physical and moral integrity; the second addresses the Institution's mandate and activities in promoting and protecting this right; and the third addresses specific issues related to this right. The death penalty, solitary confinement, and domestic violence are topics to which the Committee has given special attention in its list of issues.
5. The NIHR-BH hopes that this report and its recommendations will contribute to strengthening the human rights situation in the Kingdom, in line with its obligations arising from its accession to the Convention, and achieving best practices in the enjoyment of various fundamental rights and freedoms, with the goal of making human rights a way of life.

<sup>1</sup> The National Institution for Human Rights (NIHR) was established in the Kingdom of Bahrain pursuant to Law No. (26) of 2014, which entered into force after its publication in the Official Gazette in the supplement to Issue No. (3168) issued on August 7, 2014. It was amended by Decree-Law No. (20) of 2016, which entered into force after its publication in the Official Gazette Issue No. (3282) issued on October 13, 2016. For more information about the Institution, please visit the website:

• Arabic: <https://www.nihr.org.bh> • English: <https://www.nihr.org.bh/EN>

Based on the recommendation of the Subcommittee on Accreditation (SCA), and accredited by the Global Alliance of National Institutions for the Promotion and Protection of Human Rights (GANHRI), the Institution enjoys accreditation status (B). For more information, please visit the website: <https://ganhri.org/accreditation/sca-reports>

## 1. THE LEGISLATIVE AND LEGAL FRAMEWORK FOR COMBATING TORTURE

- The Kingdom of Bahrain acceded to the International Convention under Decree-Law No. (4) of 1998<sup>2</sup>, as amended by Decree-Law No. (34) of 1999<sup>3</sup>. This was followed by its accession to the International Covenant on Civil and Political Rights (ICCPR) under Law (56) of 2006<sup>4</sup>. According to Article (37) of the Constitution of the Kingdom of Bahrain<sup>5</sup>, once ratified, acceded to, or entered into force, international human rights agreements become an integral part of the national legislative system. This means that they are binding on all (individuals and authorities), and stakeholders may invoke them before national courts. They are also mandatory for application by courts and judicial bodies as mandatory legal rules.
- Although the International Convention entered into force within the national legislative system in 1998, the legal amendments required to harmonize national law with the Convention did not appear until 2012. The NIHR-BH highly appreciates the approach taken by Bahraini legislation in adopting the concept of torture contained in the International Convention in Articles (208) and (232) of the Penal Code<sup>6</sup>; however, the NIHR-BH hopes to expand on the matter of harmonization by explicitly stipulating the provisions related to forced return (extradition, expulsion, and return) in accordance with Article (3) of the Convention, while emphasizing that no exceptional circumstances whatsoever may be invoked as a justification for torture, in accordance with Paragraph (2) of Article (2) of the

<sup>2</sup> Pursuant to Decree-Law No. (4) of 1998 on accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on December 10, 1984, the Kingdom at that time made a reservation that it did not recognize the jurisdiction of the Committee stipulated in paragraphs (1-2-3-4-5) of Article (20) of this international convention, in addition to the fact that it did not consider itself bound by paragraph (1) of Article (30) of the same convention; For more information:

- Arabic: <https://www.legalaffairs.gov.bh/PDF/L0498.pdf>
- English: <https://www.legalaffairs.gov.bh/FullEn/L0498.docx>

<sup>3</sup> Pursuant to Decree-Law No. (34) of 1999 amending certain provisions of Decree-Law No. (4) of 1998 regarding accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on December 10, 1984, the Kingdom lifted its reservation regarding the Committee's jurisdiction stipulated in paragraphs (1-2-3-4-5) of Article (20) of this international convention, and maintained its reservation regarding Article (30) of the same convention; For more information:

- Arabic: <https://www.legalaffairs.gov.bh/PDF/L3499.pdf>
- English: <https://www.legalaffairs.gov.bh/FullEn/L3499.docx>

<sup>4</sup> Law No. (56) of 2006 approving the Kingdom of Bahrain's accession to the International Covenant on Civil and Political Rights; For more information, please visit the website : <https://www.legalaffairs.gov.bh/PDF/K5606.pdf>

<sup>5</sup> Article (37) of the amended Constitution of the Kingdom of Bahrain stipulates that "... A treaty shall have the force of law after its conclusion, ratification, and publication in the Official Gazette. However, treaties of peace and alliance, treaties related to the State's lands or natural resources, or to the rights of sovereignty or the public or private rights of citizens, treaties of trade, navigation, and residence, and treaties that impose on the State Treasury any expenditures not included in the budget or include an amendment to the laws of Bahrain, must be issued by law for their entry into force..." For more information:

- Arabic: <https://www.legalaffairs.gov.bh/FullAr/Constitution.docx>
- English: <https://www.legalaffairs.gov.bh/FullEn/Constitution.docx>

<sup>6</sup> Law No. (52) of 2012 amending some provisions of the Penal Code promulgated by Decree-Law (15) of 1976; For more information:

- Arabic: <https://www.legalaffairs.gov.bh/PDF/K5212.pdf>
- English: <https://www.legalaffairs.gov.bh/FullEn/K5212.docx>

same Convention, and explicitly recognizing that orders issued by higher-ranking officials or a public authority may not be invoked as a justification for committing torture<sup>7</sup>, in accordance with Paragraph (3) of Article (2) of the same Convention.

- The amendment issued regarding Article (81), the last paragraph of the Public Security Forces Law<sup>8</sup> is consistent with the human rights approach based on the impunity of anyone, by not considering crimes related to torture and other forms of ill-treatment or death associated with them as military crimes. This means that in cases where the perpetrator of the crime of torture is a member of the Public Security Forces, he will not be subject to the military criminal judiciary, but rather the jurisdiction to consider the criminal case will then extend to the ordinary criminal judiciary. However, the NIHR-BH hopes that the same text will include a provision stating that torture crimes are not subject to the provisions of amnesty or statute of limitations - with the NIHR's understanding that the Penal Code, as the organization of general rules, has explicitly stipulated that the statute of limitations does not apply to these crimes - as it deems it necessary to explicitly confirm in the special law (the Public Security Forces Law) that amnesty or statute of limitations are not permissible for these crimes in a decisive and explicit manner.<sup>9</sup>
- In the context of juvenile justice, the Restorative Justice for Children and Their Protection from Abuse Law<sup>10</sup> was issued. This law aims to achieve restorative justice for children, provide them with care, and protect them from abuse. The best interests of the child shall have priority in all rulings, decisions, and procedures related to them, regardless of the entity issuing or implementing them. For the purposes of this law, a "child" means any human being who has not yet reached the age of eighteen years at the time of committing a crime<sup>11</sup>. No child shall be held criminally liable if he or she has not yet reached the age of fifteen years at the time of committing a crime.<sup>12</sup>
- As stipulated by the law, a child who has not yet reached the age of fifteen years may not be placed in pretrial detention. The specialized child prosecution may detain the child in a social care institution for a period not exceeding one week, unless the Juvenile Restorative

<sup>7</sup> Resolution No. (14) of 2012 regarding the issuance of the Police Code of Conduct, paragraph (Second: Duties of Police Officers), Clause (1) states that "torture or other forms of ill-treatment are absolutely prohibited, and they may not invoke superior orders or exceptional circumstances such as a state of war or the existence of a threat to national public security to justify torture." For more information:

• Arabic: <https://www.legalaffairs.gov.bh/PDF/RINT1412.pdf>  
• English: <https://www.legalaffairs.gov.bh/FullEn/RINT1412.docx>

<sup>8</sup> Law No. (49) of 2012 amending Article (81) of the Public Security Forces Law issued by Decree-Law No. (3) of 1982; For more information:

• Arabic: <https://www.legalaffairs.gov.bh/PDF/K4912.pdf>  
• English: <https://www.legalaffairs.gov.bh/FullEn/K4912.docx>

<sup>9</sup> General Comment No. (20): Article (7) Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Session (24) (1992), issued by the Committee against Torture (CAT); Item (15): "The Committee has noted that some States have granted amnesties in relation to acts of torture. In general, amnesties are inconsistent with States' obligation to investigate such acts, to ensure that such acts do not occur within their jurisdiction, and to ensure that such acts do not occur in the future. States may not deprive individuals of access to an effective remedy, including compensation and the fullest possible rehabilitation." For more information (Arabic and English): [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FGE%2F6621&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FGE%2F6621&Lang=en)

<sup>10</sup> Law No. (4) of 2021 promulgating the Restorative Justice for Children and Their Protection from Ill-Treatment Law; For more information:

• Arabic: <https://www.legalaffairs.gov.bh/PDF/K0421.pdf>  
• English: <https://www.legalaffairs.gov.bh/FullEn/K0421.docx>

<sup>11</sup> Article (2) of the Restorative Justice for Children and Their Protection from Ill-Treatment Law.

<sup>12</sup> Article (3) of the Restorative Justice for Children and Their Protection from Ill-Treatment Law.

Justice Court orders an extension in accordance with the rules for pretrial detention stipulated in the Code of Criminal Procedure. Pretrial detention for a child over the age of fifteen may be replaced by one of the measures stipulated in the law.<sup>13</sup>

- The law stipulates the establishment of courts called "Child Restorative Justice Courts"<sup>14</sup>, which are competent to adjudicate criminal cases arising from crimes committed by children over fifteen years of age at the time of the crime. Punishments for this category shall be as follows<sup>15</sup>:
  - If the crime carries a death penalty, the penalty shall be reduced to temporary imprisonment or detention for a period of at least one year. If the penalty is life imprisonment or temporary imprisonment, the penalty shall be reduced to a misdemeanor.
  - If the crime constitutes a misdemeanor and the penalty has a specific minimum penalty, the judge shall not be bound by that minimum penalty in determining the penalty. If the penalty is both imprisonment and a fine, the judge shall impose only one of these two penalties. If the penalty is imprisonment without a specific minimum penalty, the judge may impose a fine instead.
  - If a mitigating circumstance exists in the misdemeanor, the provisions of the preceding paragraph shall apply. The court may, instead of imposing a custodial sentence or a fine, impose one of the measures stipulated by law.
- The execution of custodial sentences imposed on children over the age of fifteen shall be carried out in special reform and rehabilitation centers, regulated by a decision issued by the Minister of the Interior in agreement with the Minister responsible for social development affairs. If the child reaches the age of twenty-one during the execution of the sentence, the remaining period shall be served in one of the centers affiliated with the Reform and Rehabilitation Institution.<sup>16</sup>
- Regarding the Law on the Protection of Society from Terrorist Acts, the NIHR-BH hopes that its opinion will be taken into account regarding the Law on the Protection of Society from Terrorist Acts, Article (27) of which grants judicial police officers (police) the authority to arrest the accused for a period not exceeding (28) days<sup>17</sup>, a period the NIHR-BH believes conflicts with the obligation to present the detainee without delay before a judge or an employee legally authorized to exercise judicial functions.<sup>18</sup>

<sup>13</sup> Article (69) of the Restorative Justice for Children and Their Protection from Ill-Treatment Law.

<sup>14</sup> Article (4) of the Child Restorative Justice and Protection from Abuse Law.

<sup>15</sup> Article (30) of the Child Restorative Justice and Protection from Abuse Law.

<sup>16</sup> Article (83) of the Child Restorative Justice and Protection from Abuse Law.

<sup>17</sup> Article (27) of Law No. (58) of 2006 on the Protection of Society from Terrorist Acts, amended by Decree-Law No. (68) of 2014, stipulates that: "If there is sufficient evidence to accuse a person of committing one of the crimes stipulated in this law, the judicial police officer may arrest the accused for a period not exceeding twenty-eight days. The judicial police officer must hear the statements of the arrested accused and refer him to the Terrorist Crimes Prosecution after the expiry of the period referred to in the previous paragraph. This prosecution must interrogate him within three days of his presentation, and then order his pretrial detention or release." For more information:

• Arabic: <https://www.legalaffairs.gov.bh/FullAr/K5806.docx>

• English: <https://www.legalaffairs.gov.bh/FullEn/K5806.docx>

<sup>18</sup> Opinion of the National Institution for Human Rights regarding Decree-Law No. (68) of 2014 amending some provisions of Law No. (58) of 2006 regarding the protection of society from terrorist acts; For more information (Arabic): <https://www.nihr.org.bh/MediaHandler/GenericHandler/Consultative/2015/Nuwab/PDF/01.pdf>



- The NIHR-BH has monitored the issuance of Law No. (39) of 2014 amending certain provisions of the Criminal Procedure Code<sup>19</sup>, which includes reducing the duration of pretrial detention and granting the accused the right to appeal the decision issued against him, as this procedure directly affects the right to freedom. On this occasion, the NIHR-BH expressed its views on this matter, emphasizing the importance of reducing the duration of pretrial detention and granting the accused the right to an effective appeal, which must be in the form of a hierarchical appeal, to ensure the consequences of not monopolizing the decision and the possibility of its arbitrariness.<sup>20</sup>
- The NIHR-BH has monitored the issuance of Law No. (18) of 2017 regarding alternative penalties and measures and its amendment<sup>21</sup>, which includes alternative penalties and measures in criminal matters, defining these penalties and measures, the conditions for their application, and the competent authorities. This law represents a qualitative shift in criminal policy towards deterring offenders, integrating them as good individuals in society, and rehabilitating them psychologically, morally, and socially. Accordingly, the NIHR-BH calls for expanding the application of alternative measures—similar to the expansion of alternative penalties—as procedural alternatives to pretrial detention for the accused. This is particularly true in cases where there is no fear of escape and the individual has a place of residence in the Kingdom of Bahrain. This requires greater awareness-raising and capacity-building among members of the judiciary to promote a culture of restorative justice and procedural alternatives in the management of criminal cases.
- The "Prisoners and Detainees Rights Commission"<sup>22</sup> was established and tasked with monitoring prisons, detention centers, juvenile and detainee care centers, and other places where individuals may be detained, such as hospitals and psychiatric hospitals. The Commission aims to verify the conditions of detention of inmates and the treatment they receive, to ensure they are not subjected to torture or other forms of ill-treatment. This Commission has begun its work based on the Optional Protocol to the International Convention. Since its establishment, it has issued (9) published reports on its visits<sup>23</sup>. Therefore, the Commission can be described as a national preventive mechanism (NPM) for the prevention of torture, a key requirement for states following their accession to the Optional Protocol to the International Convention.
- The NIHR-BH reiterates its emphasis, previously made clear in its annual and parallel reports and statements, on the utmost importance of holding national consultations with all stakeholders to examine the importance of the Kingdom completing its human rights

<sup>19</sup> Criminal Procedure Code issued by Decree-Law No. (46) of 2002 and its amendments; For more information:

• Arabic: <https://www.legalaffairs.gov.bh/FullAr/L4602.docx>  
• English: <https://www.legalaffairs.gov.bh/FullEn/K3914.docx>

<sup>20</sup> The opinion of the National Institution for Human Rights regarding the draft law amending some provisions of the Criminal Procedure Code issued by Decree-Law No. (46) of 2002, accompanying Decree-Law No. (124) of 2011; for more information (Arabic): <https://www.nihr.org.bh/MediaHandler/GenericHandler/Consultative/Shura/2013%20Shura03.pdf>

<sup>21</sup> Law No. (18) of 2017 regarding alternative penalties and measures; for more information:

• Arabic: <https://www.legalaffairs.gov.bh/FullAr/K1817.docx>  
• English: <https://www.legalaffairs.gov.bh/FullEn/K1817.docx>

<sup>22</sup> Decree No. (61) of 2013 establishing and defining the competencies of the Prisoners and Detainees Rights Commission; For more information:

• Arabic: <https://www.legalaffairs.gov.bh/PDF/D6113.pdf>  
• English: <https://www.legalaffairs.gov.bh/FullEn/D6113.docx>

<sup>23</sup> Official website of the Prisoners and Detainees Rights Commission; for more information: <https://www.pdrc.bh/>

legislative system by acceding to the Optional Protocol to the International Convention, with a timetable for achieving these goals<sup>24</sup>.

- Perhaps what motivates the NIHR-BH to move forward and view positively the importance of acceding to the Optional Protocol to the International Convention is that the legislative structure, executive practices, and even judicial applications on the ground are consistent with the main provisions of the Optional Protocol. This undoubtedly enhances the Kingdom's standing internationally and has positive implications for the advancement of human rights at the national level. Furthermore, it is fully consistent with the objectives set forth in the National Human Rights Plan for the years 2022-2026, on the one hand, and the Kingdom's full compliance with its international obligations and voluntary pledges regarding the observations and recommendations issued by United Nations human rights resolutions, on the other.

## 2. THE NATIONAL INSTITUTION FOR HUMAN RIGHTS' MANDATE IN THE FIELD OF COMBATING TORTURE

### A. TRAINING, EDUCATION, AND AWARENESS-RAISING <sup>25</sup>

- a. The Institution has played an active role in raising awareness among various groups on issues related to combating torture, particularly among those involved in law enforcement. Over the course of (5) years (2018, 2019, 2022, 2023, 2024), the Institution organized an advanced training program targeting members of the National Intelligence Service (NIS), in cooperation with the Office of the Inspector General of the NIS. A total of (277) participants from the NIS participated in the program: (157) male and (120) female. Each program included a comprehensive and in-depth introduction to: the International Convention, its Optional Protocol, legislative guarantees for the right to physical and moral integrity, United Nations rules on the rights of persons deprived of their liberty, the guarantees stipulated for persons deprived of their liberty in the Correctional and Rehabilitation Institution Law and its implementing regulations, and national mechanisms concerned with the promotion and protection of human rights, particularly those related to combating torture.
- b. The institution, in cooperation with the Royal Police Academy, has contributed effectively to building capacity in law enforcement, the rule of law, and restorative justice for Ministry of Interior personnel, both civilian and military, as well as for academy students involved in law enforcement, or organizers of diploma or master's programs offered by the academy. It also provided training programs within the framework of the National Human Rights Plan in the Kingdom of Bahrain for the years (2022-2026), covering: national legislation and international instruments related to combating torture and other forms of ill-treatment; the

<sup>24</sup> On February 12, 2024, the National Institution for Human Rights (NIHR) forwarded a letter to His Excellency the Minister of Foreign Affairs (Chairman of the National Human Rights Committee) calling for the importance of completing the international human rights system by acceding to the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>25</sup> Since 2013 until 2023, the National Institution for Human Rights has devoted a special chapter in its annual reports to explaining the institution's efforts and activities in the field of promoting human rights. For more information: <https://www.nihr.org.bh/eLibrary/?category=72>



rights of persons whose liberty is restricted and who are held in detention centers and pre-trial detention centers in light of international human rights standards and national legislation; and the institution's mandate to promote and protect the right to personal security and safety (the approach between human rights in the context of counterterrorism).

- c. The institution, in cooperation with the Supreme Judicial Council, participated in a training program (the Future Judges Program) targeting a group of candidates for future judicial positions. The program lasted for a full year, through the implementation of (11) training activities, including one related to combating torture. • Within the framework of cooperation with the Bahrain Bar Association, the NIHR-BH held an advanced training event for a group of the association's members. The event addressed the role of lawyers in preserving the rights of persons whose freedom is restricted, in light of international human rights standards and national legislation. The event highlighted the role of lawyers in combating torture and other forms of ill-treatment against persons whose freedom is restricted.
- d. Since 2013, the NIHR-BH has continued its participation in the "Human Rights Legal Clinic at the University of Bahrain" program, a practical training program for law students at the University of Bahrain to acquire skills in the field of human rights. The program provides training on the international human rights system and the NIHR-BH's mandate to promote and protect human rights. The program extends over fifteen weeks (two sessions per year). One of its topics addresses the mechanism for harmonizing national legislation with international human rights standards, and the topic of combating torture is one of its supporting practical applications.

## B. INTERACTION WITH THE INTERNATIONAL HUMAN RIGHTS SYSTEM

- a. The NIHR-BH participated in the meetings of the (27) session of the Working Group on the Universal Periodic Review and submitted its parallel report to the periodic review mechanism during the third cycle in 2017. In its report, it outlined its observations and recommendations related to criminal justice, including the fight against torture.<sup>26</sup>
- b. The NIHR-BH submitted its parallel report to the Committee on the Elimination of All Forms of Discrimination against Women (CAT) on progress made in implementing the International Convention during the (60) session of the Committee in 2017, following the Kingdom's submission of its second (2015) and third (2016) national reports. The NIHR-BH's parallel report included five main axes, which collectively addressed legislative, administrative, and judicial measures regarding the Kingdom's implementation of the provisions of the International Convention.<sup>27</sup>
- c. The Institution submitted its parallel report to the Human Rights Committee (CCPR) during its (123) session in 2018 regarding the Kingdom of Bahrain's initial report on progress made in implementing the provisions of the International Covenant on Civil and Political Rights (ICCPR). In this report, the Institution outlined its observations and recommendations related to combating torture, under Articles (7) and (9) of the Covenant.<sup>28</sup>

<sup>26</sup> Report submitted by the National Institution for Human Rights to the third round of the (27) session of the Universal Periodic Review (UPR) before the Human Rights Council (2017); for more information (Arabic): <https://www.nihr.org.bh/About/Reports/R2>

<sup>27</sup> Parallel report submitted by the National Institution for Human Rights to the Committee against Torture (CAT) (2017); for more information (Arabic): <https://www.nihr.org.bh/About/Reports/R1>

<sup>28</sup> Parallel report submitted by the National Institution for Human Rights to the Committee on Human Rights (CPRC) (2018); For more information:

- d. The Institution interacted with the meetings of the (41) session of the Working Group on the Universal Periodic Review (UPR) and submitted its parallel report to the periodic review mechanism during the fourth cycle in 2022. In this report, the Institution outlined its observations and recommendations related to criminal justice, including combating torture.<sup>29</sup>
- e. The Institution calls on the relevant authorities to consider setting a date for a visit by the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Human Rights Council, given the existence of best practices implemented by the Kingdom at the legislative, executive, and institutional levels that the UN Special Rapporteur could adopt. He also offers recommendations that serve as a roadmap towards greater efforts in combating torture.<sup>30</sup>

## C. ANNUAL AND SPECIAL REPORTS

- a. The NIHR-BH issued a fact-finding report on allegations that several convicts in the case known as (1/Terrorism/2017) were subjected to the crimes of "torture" and "enforced disappearance." This report is based on the broad mandate granted to the NIHR-BH in its founding law, and the constructive cooperation of the military judiciary in providing the NIHR-BH with copies of relevant minutes, records, and reports. At the end of its report, the NIHR-BH concluded that the convicts in the case were not subjected to torture or enforced disappearance, as stipulated by relevant international instruments.<sup>31</sup>
- b. The NIHR-BH issued its first annual report for 2013, which included a special section addressing the right to life and the right to physical and moral integrity (anti-torture). It outlined the importance of these two rights, the position of national legislation and international human rights law on them, relevant practices, and the relevant institutional framework. The report concluded with recommendations that the NIHR-BH believed would advance the fight against torture. These recommendations totaled (13) recommendations<sup>32</sup>.
- c. The NIHR-BH issued its ninth annual report for 2021, in which it devoted a special section to the most influential human rights issues during the report's timeframe, including the right to physical and moral integrity (anti-torture). This section addressed in detail the NIHR-BH's mandate in this regard, through its competence to receive complaints, provide legal

• Arabic: <https://www.nihr.org.bh/About/Reports/R1>  
• English: <https://www.nihr.org.bh/EN/About/Reports/R1>

<sup>29</sup> Report submitted by the National Institution for Human Rights to the fourth round of the (41) session of the Universal Periodic Review (UPR) process before the Human Rights Council (2022); For more information:

• Arabic: <https://www.nihr.org.bh/About/Reports/R2>  
• English: <https://www.nihr.org.bh/EN/About/Reports/R2>

<sup>30</sup> Report prepared by the National Institution for Human Rights on the upcoming visit of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Kingdom of Bahrain (2013); For more information (Arabic): <https://www.nihr.org.bh/MediaHandler/GenericHandler/documents/download/UN%20visit.pdf>

<sup>31</sup> Fact-finding report of the National Institution for Human Rights on allegations that a number of convicts in the case known as (1/Terrorism/2017) were subjected to the crimes of "torture" and "enforced disappearance"; for more information:

• Arabic: [http://www.nihr.org.bh/MediaHandler/GenericHandler/documents/download/nihrt1r\\_ar.pdf](http://www.nihr.org.bh/MediaHandler/GenericHandler/documents/download/nihrt1r_ar.pdf)  
• English: [http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/nihrt1r\\_en.pdf](http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/nihrt1r_en.pdf)

<sup>32</sup> First Annual Report of the National Institution for Human Rights for the year (2013); For more information:

• Arabic: <https://www.nihr.org.bh/eLibrary/AnnualReports/arep1%20issue.aspx>  
• English: <https://www.nihr.org.bh/EN/eLibrary/AnnualReports/Annual%20Report%202013%20issue.aspx>

assistance, and monitor cases, leading to the presentation of recommendations that the NIHR-BH believed would advance the fight against torture.<sup>33</sup>

- d. In view of the above in its entirety, the NIHR-BH, through its recommendations resulting from its annual or special reports, addresses the relevant authorities to implement those recommendations, or monitors the extent of progress made in implementing them through its daily and continuous follow-ups. As a result, the NIHR-BH, in the following year or the year after at most, devotes a portion of its annual report to showing the extent of the interaction of the relevant authorities in implementing the recommendations on the ground. In addition, there are recommendations that cannot be implemented immediately due to the legal procedures they require, or specific procedures, or a specific pattern or practical change, which the NIHR-BH understands, but it is keen on any occasion to remind the relevant authorities of the importance of pushing towards the rapid implementation of those recommendations.<sup>34</sup>

#### D. COMPLAINTS RECEIVED, LEGAL AID PROVIDED, AND MONITORING CASES

- a. During the years (2019-2024)<sup>35</sup>, the Institution dealt with (110) cases of inmates and detainees in detention centers (correctional institutions, detention centers, and pretrial detention centers) being subjected to ill-treatment or inhumane treatment. These cases were documented in the Institution's electronic system as follows:

Cases of Ill-Treatment - National Institution for Human Rights (2019-2024)							
Type of Case / Year	total	2024	2023	2022	2021	2020	2019
Complaints Received	81	9	17	6	19	21	9
Legal assistance Provided	13	5	2	3	3		
Monitoring Cases	16	6	2	1	7		
<b>Total</b>	<b>110</b>	<b>20</b>	<b>21</b>	<b>10</b>	<b>29</b>	<b>21</b>	<b>9</b>

<sup>33</sup> The Ninth Annual Report of the National Institution for Human Rights for the year (2021); For more information:

- Arabic: <https://www.nihr.org.bh/eLibrary/AnnualReports/9.aspx>
- English: <https://www.nihr.org.bh/EN/eLibrary/AnnualReports/9.aspx>

<sup>34</sup> Annual reports of the National Institution for Human Rights from 2013 to 2023; for more information:

- Arabic: <https://www.nihr.org.bh/eLibrary/?category=72>
- English: <https://www.nihr.org.bh/EN/eLibrary/?category=65>

<sup>35</sup> For more information on complaints received, legal assistance provided, and monitoring cases related to human rights in general and the fight against torture, the National Institution for Human Rights has devoted a special chapter in its annual reports since 2013 to 2023, which is devoted to explaining the institution's efforts and activities in the field of protecting human rights: <https://www.nihr.org.bh/eLibrary/?category=72>

- b. Of the total number of previous cases, (99) cases were from the male category, and (11) cases were from the female category, where the number of (76) cases was from convicted persons, and (16) cases were from imprisoned persons, while the number of (18) cases was from ordinary persons.

By Gender	Male (Men)	99
	Female (Women)	11
<b>Total</b>		<b>110 Cases</b>

  

By Legal Status	Convicted Persons	76
	Detained Persons	16
	Normal Persons	18
<b>Total</b>		<b>110 Cases</b>

- c. In implementation of the institution's quasi-judicial powers, the institution dealt with all (110) of the aforementioned cases through what can be summarized as follows:
- Contacting the Special Investigation Unit (Public Prosecution)<sup>36</sup> to inquire about the action taken regarding the case, as the unit is the judicial body responsible for investigating and prosecuting cases of torture and other forms of ill-treatment. The unit's response is either that there was no crime, that the accused was referred to the competent court, or that the institution is still awaiting a response.
  - Direct communication with the detention center (correctional institutions, detention centers, and pretrial detention centers). Through this, the institution obtains the entity's response as quickly as possible and clarifies the procedures undertaken and their validity.
  - Contacting the Ombudsman Office<sup>37</sup> to inquire about the action taken regarding the case, as the body responsible for receiving complaints filed against any member of the Ministry of Interior, whether military or civilian, in the event that one of them commits a criminal act during, on the occasion of, or as a result of exercising his duties. Which in turn refers them to the military courts or the Special Investigation Unit, or files them for lack of a violated right.
  - Addressing the Office of the Inspector General of the National Intelligence Service<sup>38</sup>, as the body responsible for receiving complaints related to the mistreatment of individuals by members of the service, and conducting investigations related to these complaints, whenever these violations were committed during, as a result of, or during the performance of their duties, or when the service played a role in them.
  - Conducting field visits (announced or unannounced)<sup>39</sup> to verify the validity of the allegation of mistreatment or inhumane treatment, preparing a detailed report on the matter, and referring it to the competent authorities in the Ministry of Interior.

<sup>36</sup> For more information about the Special Investigation Unit of the Public Prosecution: <https://siu.gov.bh/ar>

<sup>37</sup> For more information about the Ombudsman: <https://www.ombudsman.bh>

<sup>38</sup> For more information about the Office of the Inspector General of the National Intelligence Service: <https://www.ombudsman.nia.bh>

<sup>39</sup> Paragraph (z) of Article (12) of Law No. (26) of 2014 establishing the National Institution for Human Rights, amended by Decree-Law No. (20) of 2016, stipulates that the Institution may: "conduct announced and unannounced field visits to monitor the human rights situation in correctional institutions, detention centers,

- Informing the concerned parties of the necessary procedures<sup>40</sup>, which include appointing a lawyer to collect relevant documents related to the allegation, or filing a complaint with the General Secretariat for Grievances or the Office of the Inspector General of the National Intelligence Service, as appropriate.
- d. The NIHR-BH followed up on the annual and periodic reports<sup>41</sup> issued by the Special Investigation Unit during the years (2021-2024), as the number of complaints received by the unit amounted to (67), (61), (45), (39) respectively; which in total revolved around allegations of torture, ill-treatment and the use of excessive force. The cases referred to the criminal courts in 2021 amounted to (3) cases that included (7) accused, while the number of cases referred in 2022 amounted to (3) cases that included (6) accused, and during the years (2023-2024) two cases were referred to the criminal courts for two accused in each of the two years equally.

<b>Torture and Ill-Treatment Cases - Special Investigations Unit (Public Prosecution) (2021-2024)</b>				
<b>Year</b>	<b>Number of Complaints</b>	<b>Number of Cases Referred to Criminal Courts</b>	<b>Number of Defendants Referred to Criminal Courts</b>	<b>Number of Rulings Issued by Criminal Courts</b>
2021	67	3	7	2
2022	61	3	6	2
2023	45	2	2	4
2024	39	2	2	2
<b>Total</b>	<b>212</b>	<b>10 Cases</b>	<b>17 Defendants</b>	<b>10 Rulings</b>

- e. During the years (2019-2024), the NIHR-BH conducted (10) field visits to the Correctional and Rehabilitation Center in the Jaw area regarding the exposure of a number of inmates to ill-treatment and inhumane treatment, and they were documented in the NIHR-BH's electronic system. One visit was conducted in 2021, and (4) visits to the same center in 2022, while the number of visits in 2023 amounted to (3) visits, and two visits in 2024.

labor camps, health and educational facilities, or any other public place suspected of being a site of human rights violations.”

<sup>40</sup> Paragraph (w) of Article (12) of Law No. (26) of 2014 establishing the National Institution for Human Rights, amended by Decree-Law No. (20) of 2016, stipulates that the Institution shall: “receive complaints related to human rights, study and research them, and refer any complaints the Institution deems necessary to refer to the competent authorities, with effective follow-up, or inform the concerned parties of the necessary procedures to be followed and assist them in taking them, or assist in settling them with the relevant authorities.”

<sup>41</sup> For more information on the annual and periodic reports issued on the work and activities of the Special Investigation Unit of the Public Prosecution: <https://siu.gov.bh/ar>.



- f. The Institution's field visits regarding the ill-treatment and inhumane treatment of a number of inmates are conducted in conjunction with its monitoring of such cases or the receipt of complaints, whether through the direct presence of inmates' families or information from governmental or non-governmental organizations (outside the Kingdom of Bahrain). The Institution interacts with the information received from these organizations, and subsequently conducted (6) field visits to verify the validity of the complaints received. One of these visits included a request from the United Nations Special Rapporteur on the situation of human rights defenders in 2024.
- g. In all previous visits, the Institution addressed the relevant authorities (the Ministry of Interior, the Special Investigation Unit, government hospitals) - as appropriate - and submitted recommendations that it deemed would advance the fight against torture and other forms of ill-treatment. The Institution subsequently publishes a summary of the reports of the visits conducted in its annual reports.<sup>42</sup> The same report also includes the responses of the relevant authorities regarding the recommendations addressed.<sup>43</sup>

### 3. SPECIAL ISSUES

#### A. DEATH PENALTY

- a. Bahraini legislation permits the application of the death penalty in the Penal Code promulgated by Decree-Law No. (15) of 1976<sup>44</sup> and Law No. (58) of 2006 regarding the Protection of Society from Terrorist Acts<sup>45</sup>. Both laws specifically and exclusively stipulate certain serious crimes that are classified as felonies.
- b. Based on the provisions of Decree-Law No. (46) of 2002 promulgating the Code of Criminal Procedure<sup>46</sup> and Decree-Law No. (8) of 1989 promulgating the Court of Cassation Law<sup>47</sup>, it is noted that Bahraini legislation encompasses the death penalty with a set of legal restrictions (guarantees), which can be summarized as follows:
  - The court may not issue a death sentence except by unanimous vote of its members, and it must state in the ruling that it was issued unanimously.

<sup>42</sup> For more information on field visits (announced and unannounced) related to human rights in general and the fight against torture, the National Institution for Human Rights (NIHR) has, since 2013 and until 2023, devoted a special chapter in its annual reports to highlighting the institution's efforts and activities in the field of human rights protection: <https://www.nihr.org.bh/eLibrary/?category=72>

<sup>43</sup> Since 2021, the NIHR has devoted a special chapter in its annual reports to following up on its recommendations arising from various training events and activities, as well as recommendations arising from its field visits, including responses from relevant authorities. For more information: <https://www.nihr.org.bh/eLibrary/?category=72>

<sup>44</sup> The Penal Code promulgated by Decree-Law No. (15) of 1976; for more information (Arabic): <https://www.legalaffairs.gov.bh/FullAr/L1576.docx>

<sup>45</sup> Law No. (58) of 2006 regarding the Protection of Society from Terrorist Acts; for more information:

- Arabic: <https://www.legalaffairs.gov.bh/FullAr/K5806.docx>
- English: <https://www.legalaffairs.gov.bh/FullEn/K5806.docx>

<sup>46</sup> Decree-Law No. (46) of 2002 issuing the Criminal Procedure Code; For more information:

- Arabic: <https://www.legalaffairs.gov.bh/FullAr/L4602.docx>
- English: <https://www.legalaffairs.gov.bh/FullEn/L4602.docx>

<sup>47</sup> Decree-Law No. (8) of 1989 issuing the Court of Cassation Law; For more information:

- Arabic: <https://www.legalaffairs.gov.bh/FullAr/L0889.docx>
- English: <https://www.legalaffairs.gov.bh/FullEn/L0889.docx>





- The execution of a death sentence must be final, meaning that all appeals before courts of all levels have been exhausted, and all such courts must unanimously approve the death penalty in all their rulings.
  - Death sentences are subject to appeal by force of law before the Court of Cassation.
  - The case papers must be submitted immediately to the King through the Minister of Justice, and the death sentence may only be executed with the King's approval.
  - The death penalty may be executed inside the prison or in any other concealed location upon a written request from the Public Prosecutor to the prison director.
  - The death penalty must be executed in the presence of the execution judge, a member of the Public Prosecution, the prison warden, the prison doctor or any other doctor designated by the Public Prosecution, and the prison preacher.
  - The operative part of the death sentence and the charge for which the sentence was imposed must be read. If the convict wishes to make a statement, the execution judge must prepare a report.
  - The execution of the death penalty on a pregnant woman is suspended until three months after giving birth.
  - If the convicted person's religion requires a confession or other religious obligation before death, the necessary facilities must be made to enable a member of the clergy to meet with him, unless this is impossible.
  - Every person sentenced to death shall be shot dead.
  - The body of the person sentenced to death shall be buried at the state's expense unless relatives request this. The burial shall be without ceremony.
- c. In stating its observations on the recommendations of the Universal Periodic Review before the Human Rights Council to adopt a moratorium on the implementation of the death penalty or to abolish it completely, the Kingdom of Bahrain considered these recommendations to be "recommendations that have been taken into account"<sup>48</sup>, justifying this by saying that "...the death penalty is carried out on a very limited basis for extremely serious crimes, after passing through all stages of litigation and in accordance with the guarantees set forth by law..."<sup>49</sup>.
- d. During the years (2022-2024)<sup>50</sup>, the Institution dealt with (14) cases concerning the status of those sentenced to death; In all of these cases, the NIHR-BH contacted the Ministry of Interior and government hospitals as the relevant authorities. These cases were mostly related to ill-treatment, healthcare, or solitary confinement, and were documented in the NIHR-BH's electronic system as follows:

<sup>48</sup> The Kingdom of Bahrain considered that "the recommendations it took note of require further study and research, noting that a number of them could have been partially accepted if their content did not conflict with national legislation, the provisions of Islamic Sharia, or interfere with the sovereignty of the State," paragraph (5) of the responses submitted by the Kingdom of Bahrain to the report of the Working Group on the Universal Periodic Review, document No. (A/HRC/52/4/Add.1), dated February 16, 2023; For more information: <https://docs.un.org/ar/A/HRC/52/4/Add.1>

<sup>49</sup> Paragraph (57) of the responses submitted by the Kingdom of Bahrain to the report of the Working Group on the Universal Periodic Review, document No. (A/HRC/52/4/Add.1), dated February 16, 2023; For more information: <https://docs.un.org/ar/A/HRC/52/4/Add.1>

<sup>50</sup> For more information regarding complaints received, legal assistance provided, and monitoring cases related to human rights in general, the National Institution for Human Rights has devoted a special chapter in its annual reports from 2013 to 2023 to detailing the institution's efforts and activities in the field of human rights protection: <https://www.nihr.org.bh/eLibrary/?category=72>

<b>Death Penalty Cases - National Institution for Human Rights (2022-2024)</b>			
Monitored Cases	Legal Assistance Provided	Complaints Received	Total
8	3	3	<b>14 cases</b>

- e. During the years (2022-2024), the Institution conducted (3) field visits to the building for persons sentenced to death at the Correctional and Rehabilitation Center in the Jau area, with one visit in 2022 and two visits in 2024. In all of these visits, the Institution met with (7) inmates sentenced to death. The reasons for the visits were either spontaneously initiated by the Institution to review their conditions, or due to complaints received from their families or from non-governmental organizations outside the Kingdom of Bahrain. Most of these visits focused on their requests for ill-treatment or solitary confinement, as well as consideration of their living conditions (sports activities and yard times), healthcare, and a request for pardon.
- f. On the first visit (27 October 2022), the Institution met with one person sentenced to death. On the second visit (3 November 2024), the Institution met with (4) persons sentenced to the same penalty. On the third visit (26 December 2024), the Institution met with (2) convicts. During all of these visits, the NIHR-BH submitted detailed reports to the Ministry of Interior, including its relevant observations and recommendations, in official letters dated 22 November 2022, 12 January 2025, and 31 December 2025, respectively<sup>51</sup>.
- g. The NIHR-BH believes that it fully complies with international human rights standards and resolutions that guarantee the human right to life, and that no one may be arbitrarily deprived of this right. It also calls for a complete moratorium on the implementation of death sentences and for further efforts to accede to the Optional Protocol to the International Covenant on Civil and Political Rights, calling for the abolition of the death penalty, with a view to amending relevant national legislation.
- h. The NIHR-BH renews its call to the government to periodically and continuously support the United Nations resolutions on the issue of a temporary prohibition of the use of the death penalty (moratorium), to be among the countries supporting the optional moratorium on the implementation of the death penalty in preparation for its abolition, and confirms that it always attends and monitors trial sessions to ensure the availability of fair trial guarantees, taking into account what is included in the relevant international standards and decisions, NIHR-BH will work alongside the legislative authority to ensure that the necessary amendments are made to the national legislation, in accordance with the relevant international decisions<sup>52</sup>.
- i. The NIHR-BH calls for the importance of amending the text of Article (334) of the Criminal Procedure Code<sup>53</sup> - as an urgent step before the complete abolition of the death penalty,

<sup>51</sup> The National Institution for Human Rights affirmed its clear position calling for the abolition of the death penalty in the report submitted to the fourth round of the (41) session of the Universal Periodic Review (UPR) process before the Human Rights Council (2022); For more information:

- Arabic: <https://www.nihr.org.bh/About/Reports/R2>
- English: <https://www.nihr.org.bh/EN/About/Reports/R2>

<sup>52</sup> Article (334) of Decree-Law No. (46) of 2002 promulgating the Code of Criminal Procedure stipulates that: "The execution of the death penalty on a pregnant woman shall be suspended until three months after giving birth." For more information:

- Arabic: <https://www.legalaffairs.gov.bh/FullAr/L4602.docx>
- English: <https://www.legalaffairs.gov.bh/FullEn/L4602.docx>

<sup>53</sup> The National Institution for Human Rights has been publishing the progress of field visits it conducts to any place suspected of being a site of human rights violations as part of its efforts and activities in the field of human rights protection. It also follows up on the responses of the competent authorities and their interaction

to stop the implementation of the death penalty on a pregnant woman until two years after giving birth, taking into account the best interests of the child.

## B. SOLITARY CONFINEMENT

- a. Article (56) of the Correctional and Rehabilitation Institution Law specifies the disciplinary penalties imposed on inmates<sup>54</sup>. These penalties are limited to only (12) disciplinary penalties, including the penalty of "solitary confinement for a period not exceeding seven days"<sup>55</sup>. Article (55) of the same law requires that this penalty be imposed by a disciplinary committee established by a decision of the Minister of Interior, headed by the head of the center and including the officer responsible for inmates and a legal member<sup>56</sup>. In all cases, "an inmate or person in pretrial detention may not be punished for an act not stipulated in the executive regulations".<sup>57</sup>
- b. Article (64) of the Executive Regulations<sup>58</sup> of the Reform and Rehabilitation Institution Law has exclusively identified the violations that require the imposition of a disciplinary penalty on the inmate or pretrial detainee, amounting to (18) violations, and in all cases "no disciplinary penalty may be imposed on the inmate or pretrial detainee except after a written investigation has been conducted with him by the Legal Affairs Officer at the center and he has been confronted with the charge attributed to him and enabled to present his defense. After the investigation is completed, the Legal Affairs Officer shall prepare a report on the matter... and the report shall be submitted to the Disciplinary Committee to take whatever action it deems appropriate."<sup>59</sup>

with these recommendations by allocating a special section in its annual reports published on its website. For more information:

- Arabic: <https://www.nihr.org.bh/eLibrary/?category=72>
- English: <https://www.nihr.org.bh/EN/eLibrary/?category=65>

<sup>54</sup> Law No. (18) of 2014 issuing the Reform and Rehabilitation Institution Law; for more information:

- Arabic: <https://legalaffairs.gov.bh/FullAr/K1814.docx>
- English: <https://legalaffairs.gov.bh/FullEn/K1814.docx>

<sup>55</sup> Paragraph (12) of Article (56) of Law No. (18) of 2014 issuing the Reform and Rehabilitation Institution Law; For more information:

- Arabic: <https://legalaffairs.gov.bh/FullAr/K1814.docx>
- English: <https://legalaffairs.gov.bh/FullEn/K1814.docx>

<sup>56</sup> Article (55) of Law No. (18) of 2014 promulgating the Correctional and Rehabilitation Institution Law stipulates that "a disciplinary committee shall be established in each center by a decision of the Minister, headed by the head of the center and including the officer responsible for the inmates and a legal member. The executive regulations shall specify the committee's work procedures." For more information:

- Arabic: <https://legalaffairs.gov.bh/FullAr/K1814.docx>
- English: <https://legalaffairs.gov.bh/FullEn/K1814.docx>

<sup>57</sup> Article (52) of Law No. (18) of 2014 promulgating the Correctional and Rehabilitation Institution Law stipulates that "the center's administration must achieve discipline and a sense of responsibility. The executive regulations shall specify the types of violations for which disciplinary penalties are prescribed and their degree of seriousness, provided that the penalty is appropriate to the health conditions of the inmate and the person in pretrial detention. It is not permissible to punish the inmate or person in pretrial detention for an act not stipulated in the executive regulations." For more information:

- Arabic: <https://legalaffairs.gov.bh/FullAr/K1814.docx>
- English: <https://legalaffairs.gov.bh/FullEn/K1814.docx>

<sup>58</sup> Resolution No. (131) of 2015 regarding the Executive Regulations of the Reform and Rehabilitation Institution Law issued by Law No. (18) of 2014; For more information:

- Arabic: <https://legalaffairs.gov.bh/FullAr/RINT13115.docx>
- English: <https://legalaffairs.gov.bh/FullEn/RINT13115.docx>

<sup>59</sup> Article (66) of the Executive Regulations of the Reform and Rehabilitation Institution Law; For more information:

- c. During the years (2019-2024)<sup>60</sup>, the Institution dealt with (44) cases regarding the presence of some inmates in solitary confinement. These cases were documented in the Institution's electronic system as follows:

Solitary Confinement Cases - National Institution for Human Rights (2019-2024)		
Monitoring Cases	Legal Assistance Provided	Complaints Received
18	13	13
Total: 44 Cases		

- d. In all of these cases, the Institution either contacted the Ministry of Interior, the General Secretariat for Grievances, or communicated directly with the administration of the Reform and Rehabilitation Center. All institutional entities responded to the previous cases, and in most cases, it was found that the solitary confinement procedure was carried out in accordance with the law. In one case, the General Secretariat for Grievances referred the matter to the Special Investigation Unit of the Public Prosecution due to suspicion of a punishable crime.
- e. Given the extreme sensitivity of solitary confinement and its direct impact on the likelihood of inmates being subjected to torture or ill-treatment, the NIHR-BH recommends that the Correctional and Rehabilitation Institution Law and its implementing regulations address this disciplinary sanction from two main aspects. First, the law should explicitly specify the disciplinary violation(s) for which the competent authority may impose the sanction of solitary confinement, rather than leaving the matter as such. Second, the law or regulations should explicitly specify that the sanction of solitary confinement may not be applied more than twice per year, and that there should be a period of no less than three months between the first and second sanction.
- f. The NIHR-BH believes it is necessary to explicitly stipulate in the law and regulations that solitary confinement may only be used in the narrowest possible limits and as a last resort, in a manner that achieves proportionality and appropriateness between this sanction and the violation, if proven. It should also recognize that the application of this sanction should not affect the inmate's other rights, such as receiving medical treatment, engaging in sports activities (Yard time), or contact with the outside world.

• Arabic: <https://legalaffairs.gov.bh/FullAr/RINT13115.docx>  
• English: <https://legalaffairs.gov.bh/FullEn/RINT13115.docx>

<sup>60</sup> For more information on complaints received, legal assistance provided, and monitoring cases related to human rights in general, the National Institution for Human Rights has, since 2013 until 2023, devoted a special chapter in its annual reports to explaining the institution's efforts and activities in the field of protecting human rights: <https://www.nihr.org.bh/eLibrary/?category=72>

## C. DOMESTIC VIOLENCE

- a. During the legislative discussion of Law No. (17) of 2015 regarding protection from domestic violence, the NIHR-BH emphasized that the issue of "violence" is not limited to its traditional forms, such as physical, psychological, and sexual abuse. Rather, even depriving a family member—especially a woman—or preventing one of them from obtaining their financial rights, such as depriving a woman of the alimony granted to her by law, is a prominent form of abuse directed at her. This necessitates including "economic violence" as a potential form of violence. The current law even considers economic abuse to be "any act that leads to the victim being deprived of their right or freedom to dispose of their property, to their detriment".<sup>61</sup>
- b. The NIHR-BH<sup>62</sup> supported the discussions that preceded the issuance of Law No. (7) of 2023 repealing Article (353) of the Penal Code issued by Decree-Law No. (15) of 1976<sup>63</sup>, concluding that, in line with the rules of justice and the objectives of punishment in achieving general and specific deterrence, as well as international and regional resolutions, the NIHR-BH believes it is important to consider rape a crime that must be punished, and that the perpetrator be punished so that he does not escape punishment, as it is considered a crime of assault on honor, in addition to being a criminal behavior that constitutes an assault on public freedom and the immunity of the human body, and is likely to harm the physical, psychological, or mental health of the victim.
- c. According to official statistics, the total number of domestic violence reports decreased from (3017) reports in 2022 to (2807) reports in 2023, a decrease of (7%); The number of protection orders issued in domestic violence cases by the Public Prosecution Office increased from (7) orders in 2020 to (8) orders in 2023, with a total of (18) protection orders during the years (2020-2023).<sup>64</sup>
- d. The NIHR-BH received (17) cases related to domestic violence during the years (2019-2024). Of the total cases handled by the NIHR-BH during the (COVID-19) pandemic between (2020-2021), (9) were documented in the NIHR-BH's electronic system as follows:

Domestic Violence Cases - The National Institution for Human Rights (2019-2024)		
Total	Monitoring Cases	Legal Assistance Provided
17 Cases	2	15

<sup>61</sup> Law No. (17) of 2015 on Protection from Domestic Violence; For more information:

- Arabic: <https://www.legalaffairs.gov.bh/Legislation/HTM/K1715>
- English: <https://www.legalaffairs.gov.bh/FullEn/K1715.docx>

<sup>62</sup> Opinion of the National Institution for Human Rights regarding the draft law to repeal Article (353) of the Penal Code issued by Decree-Law No. (15) of 1976; For more information (Arabic): <https://www.nihr.org.bh/MediaHandler/GenericHandler/Consultative/2020/Nuwab/PDF/08.pdf>

<sup>63</sup> Penal Code issued by Decree-Law No. (15) of 1976 and its amendments; For more information:

- Arabic: <https://www.legalaffairs.gov.bh/FullAr/L1576.docx>
- English: <https://www.legalaffairs.gov.bh/FullEn/K0723.docx>

<sup>64</sup> For more information about (Women: Women's Safety and Protection), published on the official page of the National Portal of the Kingdom of Bahrain: <https://bahrain.bh/wps/portal/ar/BNP/HereInBahrain/Women>



Domestic Violence Cases - The National Institution for Human Rights (2020-2021) (COVID-19) Pandemic		
Total	Monitoring Cases	Legal Assistance Provided
9 Cases	2	7

- e. Of the total (17) cases, (9) involved females, (8) involved children under the age of eighteen<sup>65</sup>, and the NIHR-BH did not record any cases of violence against males.
- f. In all of the above, legal aid recipients were directed to resort to Sharia courts, the relevant authorities represented by the Public Prosecution and the police station, the Women's Support Center affiliated with the Supreme Council for Women, and the Family Reconciliation Unit affiliated with the Ministry of Justice, Islamic Affairs and Endowments. The importance of appointing a lawyer was emphasized in a number of other cases.
- g. It is worth noting that the NIHRBH does not have jurisdiction over matters pending before the courts, disputes between individuals, or rulings issued by the judicial authority. Legal aid is provided by providing insight and guidance to those providing it to follow up with the relevant authorities according to established procedures, and informing the NIHR-BH of what is being done. Some cases are also referred to the relevant authorities for assistance.<sup>66</sup>
- h. The NIHR-BH estimates that the percentage of domestic violence cases against Bahraini women has decreased according to official figures and statistics<sup>67</sup>, but it believes that, given the nature of the act of violence, it is often surrounded by a lack of disclosure by the victim, under the umbrella of preserving the family entity and preventing its disintegration and other societal justifications or those stemming from incorrect customs and traditions. The NIHR-BH expresses its concern about what it observes in the media and social media regarding the increase in cases of violence during the past years.

<sup>65</sup> The National Institution for Human Rights (NIHR) established the position of Child Rights Commissioner in June 2023 as part of its work structure. The Commissioner derives her role and the tasks assigned to her in the field of promoting and protecting children's rights from the same competencies assigned to the NIHR and stipulated in its establishment law. Therefore, she has a general mandate to represent the views of children and youth, advocate for issues related to children's rights, study national legislation and verify its compatibility with relevant international conventions, follow up on issues facing children, work to protect and promote their best interests, monitor new policies and legislation and their impact on their rights, conduct research and studies related to the rights, views, and best interests of children, and have the authority to receive complaints received from them, resolve them, and provide the necessary support and assistance when needed. She also works to strengthen close cooperation between the Child Rights Commissioner and Government Agencies, CSI's, and relevant regional and international NGOs. In February 2025, the Strategy and Action Plan of the Commissioner for Children's Rights (2024-2025) was launched. For more information: <https://www.nihr.org.bh/CRC>

<sup>66</sup> Guide to receiving complaints and providing legal assistance, issued pursuant to Board of Commissioners Resolution No. (41) of 2018; for more information (English): <https://www.nihr.org.bh/EN/MediaHandler/GenericHandler/documents/PDF/NIHRComplaint%20ProceduresManualEN.pdf>

<sup>67</sup> For more information on the rates of domestic violence against Bahraini women: The fourth periodic report of the Kingdom of Bahrain under Article (18) of the Convention on the Elimination of All Forms of Discrimination against Women, Document No. (CEDAW/C/BHR/4), Paragraph No. (99): <https://undocs.org/ar/CEDAW/C/BHR/4>



## FINAL RECOMMENDATIONS

### 1. LEGISLATIVE AND LEGAL SYSTEM:

- (1) Including in the Penal Code provisions relating to forced return (extradition, expulsion and return), while emphasizing that no exceptional circumstances whatsoever may be invoked as a justification for torture, and explicitly recognizing that orders issued by higher-ranking officials or a public authority may also not be invoked as a justification for committing torture, in a manner consistent with relevant international standards.
- (2) Include in the Public Security Forces Law a provision stating that torture crimes are not subject to amnesty or statute of limitations, in a manner consistent with relevant UN resolutions.
- (3) Amend Article (27) of the Law on the Protection of Society from Terrorist Acts, which grants judicial police officers (police) the authority to arrest the accused for a period not exceeding (28) days. This period clearly conflicts with the obligation to present the detainee without delay before a judge or an official legally authorized to exercise judicial functions, which, according to international human rights law, should not exceed (48) hours, even in exceptional circumstances.
- (4) Amending Article (334) of the Criminal Procedure Code—as an urgent step before the complete abolition of the death penalty—to suspend the execution of the death penalty on pregnant women until two years after giving birth, taking into account the best interests of the child.
- (5) Amending the Correctional and Rehabilitation Institution Law and its implementing regulations regarding the provisions regulating solitary confinement by explicitly stating the following:
  - Solitary confinement may only be used in the strictest possible circumstances and as a last resort; and such application shall not affect the inmate's other rights.
  - Specifying the disciplinary violation(s) for which the competent authority may impose the penalty of solitary confinement exclusively.
  - Solitary confinement may not be applied more than twice per year, with a period of no less than three months between each application.

### 2. TRAINING, EDUCATION, AND AWARENESS-RAISING:

- (6) Calling for expanding the application of alternative measures stipulated in the Penal Code and alternative measures as procedural alternatives to the pretrial detention of the accused, especially in cases where there is no fear of his/her escape and he/she has a known and fixed place of residence in the Kingdom of Bahrain.
- (7) Giving greater attention and building the capacity of members of the judiciary to promote a culture of restorative justice and procedural and punitive alternatives in criminal proceedings.
- (8) Exerting greater efforts to raise the awareness of all members of public and private educational institutions at all levels regarding issues of violence against women and girls, the mechanism for dealing with this crime when it occurs, and the guarantees stipulated

by law to protect victims. Furthermore, training young people in skills to enhance dialogue, relieve tension, and control anger.

### **3. Interaction with international mechanisms and cooperation WITH non-governmental ORGANIZATIONS AND HUMAN RIGHTS DEFENDERS:**

- (9) Conduct broad national consultations with all stakeholders to examine the importance of the Kingdom of Bahrain completing its human rights legislative system by acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the Optional Protocol to the International Covenant on Civil and Political Rights, and establish a timetable for achieving these goals.
- (10) Involve national human rights mechanisms and contribute to their participation, along with civil society Institutions working in the field of human rights, in preparing and drafting national reports submitted to the Committee against Torture (CAT).
- (11) Call for a complete moratorium on the implementation of death sentences and regular and continuous support for United Nations resolutions on the moratorium on the death penalty.
- (12) Call for consideration of scheduling a visit by the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Human Rights Council.

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