

## 1. Introduction

- 1.1. This submission to Bahrain's Universal Periodic Review (UPR) is made by Americans for Democracy & Human Rights in Bahrain (ADHRB), the Bahrain Center for Human Rights (BCHR), FIDH and the Gulf Centre for Human Rights (GCHR). ADHRB and FIDH have ECOSOC status. (See Annex 1 for more info.)
- 1.2. In this submission, the authors examine the Government of the Kingdom of Bahrain's (Bahrain) compliance with its UPR recommendations and international human rights obligations. To this end, we assess Bahrain's implementation of recommendations received during the 3<sup>rd</sup> UPR cycle and provide a number of follow-up recommendations.
- Section 2 examines Freedom of Expression and Freedom of Association.
  - Section 3 examines Prisoners of Conscience
  - Section 4 examines Unfair Trials and Use of Torture
  - Section 5 examines Violations against Women Human Rights Defenders (WHRDs)
  - Section 6 examines Children in Detention.
  - Section 7 examines Religious Freedom
  - Section 8 examines Discrimination and Violence Against Women
  - Section 9 examines Effectiveness of National Human Rights Mechanisms
  - Section 10 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3<sup>rd</sup> UPR cycle.
  - Annex 1 describes the 4 CSOs making this submission.

## 2. Freedom of Expression and Freedom of Assembly

- 2.1. During Bahrain's 3<sup>rd</sup> UPR cycle, the government received 26 recommendations on the right to freedom of expression and freedom of assembly. Among other recommendations, the government committed to ensuring to "protect the rights to freedom of expression and assembly and ensure all abuses allegedly committed by police are transparently investigated" and "guarantee a safe and enabling environment for journalists and human rights defenders and ensure that all cases of attacks against them are investigated by independent and impartial bodies." Of the recommendations received, the government accepted 22 and noted 4. However, the government has failed to take adequate measures to realize all of these recommendations.
- 2.2. The Bahraini Constitution, in Article 23, guarantees freedom of expression on the condition that "the fundamental beliefs of the Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism are not aroused." However, Article 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain is a state party, guarantee freedom of expression and assembly. Despite these commitments, the government has issued a number of laws and decisions which restrict these freedoms.
- 2.3. Article 290 of the Bahraini Penal Code sets a punishment of imprisonment for a period not exceeding 6 months or a fine not exceeding 50 Bahraini Dinars for any person who causes inconvenience to others by misusing telecommunication appliances. The Press Law of 2002 and its amendments criminalize the publishing of

media which is considered “fake news” that undermines public security and criticism of the presidents or states with which Bahrain has diplomatic ties in addition to media which criticizes the King or calls for the overthrow of the government. While the 2021 amendment of the law prohibits the imprisonment of journalists for their work, they still may face fines for spreading content that insults the monarchy, undermines the state, or news that is deemed fake. Law 32 of 2006 requires organizers to seek out authorization from the Ministry of Interior for public demonstrations, thereby criminalizing demonstrations which do not receive approval.

**2.4.** Bahraini authorities have used the vague language found in these laws in order to target activists or regular social media users, in addition to banning the only independent newspaper in Bahrain, *AlWasat*, in 2017, for “sowing division”. On several occasions the Ministry of Interior has warned users against “misusing social media”; this could take the form of criticizing the normalization deal between Bahrain and the Israeli occupation<sup>1</sup> or engaging with the accounts of activists or political groups in exile<sup>2</sup>, which they consider to be stirring strife and threatening civil peace. Additionally, several individuals were summoned and forced to delete social media posts in order to be released.<sup>3</sup> Reprisals would also reach prisoners, where there were two cases in 2021 of prisoners being denied contact with their family after a family member had posted information from them on social media.

**2.5.** When it comes to assemblies, dozens of arrests are recorded annually around the anniversary of the pro-democracy demonstrations on 12 February. Additionally, individuals who participated in demonstrations condemning the normalization agreement between Bahrain and the Israeli occupation were summoned and arrested. In one instance, a Bahraini was arrested prior to the beginning of the scheduled demonstration and was told that the reason for their arrest was the intent to participate in the demonstration. Furthermore, in light of the outbreak of Covid-19 in Prison in March 2021, families of prisoners held demonstrations calling for the release of their family members considering the overcrowding and lack of proper medical care in prison. At least three individuals were arrested and fined 2,000 Bahraini Dinars (approx. \$5305 USD) as a result.

### **3. Prisoners of Conscience**

**3.1.** During Bahrain’s 3<sup>rd</sup> UPR cycle, the government received six recommendations on the release of individuals detained for peaceful political expression and assembly. Among other recommendations, the government committed to “immediately and unconditionally release all prisoners of conscience imprisoned only for exercising their right to freedom of expression, association and peaceful assembly.” Of the recommendations received, three were accepted and three noted. However, as evidenced below, the government has failed to implement any of these recommendations.

**3.2.** The Bahraini government has claimed there are no political prisoners in Bahrain, alleging that all those imprisoned have committed criminal or terrorist offenses. This disregards statements issued by international human rights organizations and the OHCHR regarding several Bahraini activists and opposition figures who have been detained for their non-violent activities, such as Abdulhadi Al-Khawaja, Dr. Abduljalil Al-Singace, Hasan Mushaima, and Naji Fateel.

**3.3.** In 2017, Bahrain adopted the alternative sentencing program which stemmed from joint cooperation between Bahrain and the United Kingdom. While the law had stipulated that a prisoner must have completed more than half their sentence to be released, a 2021 amendment allowed all prisoners to apply for alternative sentencing, so long as they have good standing and do not pose a risk to national security. Once again, such vague terminology can be used to keep political prisoners and prisoners of conscience from being released.

**3.4.** While a number of prisoners of conscience were indeed released under alternative sentencing, such as Nabeel Rajab and Kameel Juma Hasan, the son of activist Najah Yusuf, their release is conditional upon meeting certain obligations such as, prohibition from attending political, cultural, and religious assemblies, prohibition from speaking with the press, travel ban, electronic monitoring, attending a rehabilitation program, and completing community service work. Thus, their release was not unconditional. Moreover, the majority of those who benefited from the alternative sentencing law are prisoners who committed criminal offenses, while released prisoners of conscience are usually those who only have a couple of months left of their sentence. There also have been instances where prisoners were returned to their cells after completing exit procedures because a sentence they had not completed was identified, even though it was completely unknown to the prisoner and their family.

## **4. Unfair Trials and Use of Torture**

**4.1.** During Bahrain's 3<sup>rd</sup> UPR cycle, the government received 20 recommendations on the right to fair trial and the prohibition of torture. Among other recommendations, the government committed to "ensure accountability for perpetrators of torture and access by victims of torture to justice, redress and rehabilitation" and "focus on strengthening the legal framework, the institutions and the judiciary to guarantee an independent judicial system and the right to fair trial guaranteed by articles 9 and 14 of the International Covenant on Civil and Political Rights." Of the recommendations received, the government accepted 15 and noted five. However, as evidenced below, the government has failed to take adequate measures to realize many of these recommendations. The government has not implemented 18 of the recommendations.

**4.2.** Article 19 of the Bahraini Constitution prohibits the use of torture to extract confessions. Moreover, Articles 7, 9, and 14 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain is a state party, also prohibits the use of torture, arbitrary arrest, or other fair trial rights violations. However, despite these commitments, state authorities have continued to use torture in order to extract coerced confessions that are used in trials to convict those tortured. Individuals face warrantless arrests and are subjected to forced disappearances during interrogation, and detainees are prevented from meeting with their lawyers to prepare for trial.

**4.3.** Bahrain's Law No. 58 of 2006 with Respect to Protection of the Community against Terrorist Acts relies on an overly-expansive definition of terrorism which includes actions whose aim is "disrupting the public order," "threatening the Kingdom's safety and security," or "damaging national unity".<sup>4</sup> The terms "disrupt" and "threaten" exceed the required purpose as defined by the UN High Level Panel, which states that the intent must be to "intimidate" a population or "compel" a government or organization to do or abstain from doing any act.<sup>5</sup> There have been

no amendments made to this law to ensure that it is not abused to target activists, protesters, or members of the opposition. Furthermore, Bahrain has not ratified the Convention for the Protection of All Persons from Enforced Disappearance, nor the Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

**4.4.** Since Bahrain's 3rd Cycle UPR, there have been at least nine unfair mass trials where the number of defendants ranged from eight to 138. Victims convicted in these cases were arrested without a warrant by riot police, officers in civilian clothing, masked officers, general security forces, and others, after which they were usually forcibly disappeared for varying periods of time, their family receiving no official communication on their whereabouts and wellbeing despite frequent efforts to identify their location. Victims reported suffering from beatings, electric shocks, forced standing, deprivation of sleep, being placed in cold then hot rooms while naked, threats to their family, targeting of genitals, and insults, among other forms of physical and psychological torture. In the vast majority of the cases, victims ended up confessing to the terrorism-related charges against them in order to end the torture inflicted on them by investigating officers. These confessions were then used against them in trial. Judges have not acknowledged defendants' statements that they were tortured and coerced into confessing. The judges accepted these confessions as valid.

## **5. Violations against Women Human Rights Defenders (WHRDs)**

**5.1.** During Bahrain's 3<sup>rd</sup> UPR cycle, the state supported four recommendations to ensure protection of human rights defenders, one of which was to "adopt a law to protect human rights defenders that includes special protection for vulnerable groups of defenders, including women defenders and those who express themselves through the Internet and social media." Nevertheless, various reports confirmed<sup>6</sup> a systematic crackdown on WHRDs, who were arrested and detained for their own/or family members' activism,<sup>7</sup> including for practicing their rights to freedom of expression online. Many were arrested without warrants and were subjected to physical, psychological and sexual assaults during arrest, interrogation and detention.

**5.2.** In a 2021 report, GCHR documented<sup>8</sup> the ill-treatment that WHRDs had to endure in Bahraini prisons, including one WHRD who undertook a hunger strike to protest terrible conditions in Isa Town women's prison. In March 2019, six UN experts<sup>9</sup> expressed serious concern about the treatment of three WHRDs,<sup>10</sup> who remain under travel ban for their activism. WHRDs faced torture, which seems a "preferred reprisal mechanisms of the Bahraini authorities against human rights defenders and activists who appeal to international human rights mechanisms."<sup>11</sup> The treatment of WHRD Ebtisam Al-Saegh is one of the most harrowing examples of abuse. In 2017, Al-Saegh was subjected<sup>12</sup> to severe torture and interrogations in retaliation against her participation at the UN Human Rights Council in Geneva in March 2017. Women prisoners were verbally abused, physically beaten and sexually assaulted, and threatened with rape and death if they did not provide confessions to the charges against them or halt their human rights activism.<sup>13</sup>

**5.3.** WHRDs have been detained pending trial on terrorism-related offences for engaging with international mechanisms.<sup>14</sup> They have also faced unfair trials, and those who were sentenced to prison continue to be subjected to punitive

measures,<sup>15</sup> including lack of access to medical care, sexual harassment and continuous intimidation, as well as other forms of reprisals including revoking of nationality, travel ban or forced exile.

**5.4.** The Bahraini government is estimated to have a medium-sized cyber army<sup>16</sup> and an investment of at least \$32M USD in multiple contracts for social media manipulation including digital and online harassment against WHRDs, using spyware and tracking software. Ebtisam Al-Saegh's iPhone was hacked at least eight times in 2019 with NSO Group's Pegasus spyware, which affected her well-being and violated her right to privacy. Such attacks against WHRDs are serious given the sensitive nature of information that could be used against them; especially as the Bahraini government is infamous for its online defamation campaigns against WHRDs to curtail their activism and suppress their voices.

## 6. Children in Detention

- 6.1.** During Bahrain's 3<sup>rd</sup> cycle UPR, the government received three recommendations on the protection of children. It pledged to "unify the criminal age in the kingdom's legislation to uphold the best interest in the treatment of the child in a manner compatible with his age and dignity and to facilitate his rehabilitation and reintegration in society" and "continue to promote the rights of children." Bahrain accepted all the recommendations. However, the government did not take effective measures to fully implement these recommendations and has only partially implemented them.
- 6.2.** In 2021, Law No. (4) on Restorative Justice for Children and Protection from Maltreatment went into effect. The law stipulates that there is no criminal liability for a child who did not exceed 15 years of age, as well as recommending the establishment of a Restorative justice Court for the Child and a Judicial Committee for Childhood. The law further guarantees alternatives to pre-trial detention as well as the authorities' obligation to inform the child's guardian of every decision or action taken.
- 6.3.** In spite of this law, minors continue to face violations of their due process rights as well as mistreatment in prison. In November 2021, two minor prisoners of conscience reported being subjected to beatings in New Dry Dock Prison. In the same month, young convicts in Building 17, Wards 1 and 2 in New Dry Dock Prison, entered an open hunger strike to protest the restrictions imposed on them and the continued disregard for their suffering due to the spread of skin diseases and scabies. Instead of meeting their demands, authorities subjected them to psychological pressure, isolating the striking prisoners, conducting inspections, and confiscating the prisoners' personal items, clothing (for each prisoner, two items of clothing), books (Quran, prayer books, family photos), and denying them access to the canteen. They also threatened to shave the prisoners' hair as an act of humiliation.
- 6.4.** Furthermore, six children between 14 and 15 years old were arrested on 27 December 2021. Their parents and lawyers were not allowed to be present during their repeated interrogations regarding their participation in demonstrations. At the beginning of their detention, the children were placed in Dar AlKarama, a home for beggars and the homeless, and then they were placed in Batelco Home, an institution for orphans, children with unknown parentage, and children of broken families. While they were able to call their families once a week, visits were prohibited, and the families did not receive updates on their whereabouts or wellbeing. The children were only able to meet their parents a month and a half after their arrest, with their meetings being videotaped. In March 2022, the six children were sentenced to one year in detention.

## 7. Religious Freedom

- 7.1.** During Bahrain's 3<sup>rd</sup> cycle UPR, the government received two recommendations on the protection of the right to freedom of religion and belief. The government committed to "taking additional measures to combat intolerance, negative stereotyping and stigmatization, as well as discrimination, incitement to violence and violence against persons based on religion or belief, in line with Human Rights Council resolution 16/21" and "adopting effective measures in law and practice to eradicate all forms of discrimination, in particular on the basis of religion



or belief". Both recommendations were accepted. However, as examined in this section, the government has failed to operationalize these recommendations effectively, as discrimination and disproportionate targeting of Bahrain's Shia Muslim community has persisted, especially during commemorations and events specific to the sect.

- 7.2.** Article 18 of the ICCPR guarantees one's right to manifest their religion in public or private places. The Bahraini Constitution guarantees this right in Article 22. However, despite these protections, Shia Muslim worshippers have been summoned, arrested, and forced to sign pledges, even detained and sentenced for practicing their religious rituals. Since the outbreak of the Covid-19 pandemic, precautionary measures have been used disproportionately to target Shia Muslim worshippers during Muharram<sup>17</sup> and Ashura.<sup>18</sup>
- 7.3.** Law No. 18 of 1973 on public assemblies and its amendment Law No. 32 of 2006 criminalize unlicensed public meetings of more than five individuals. This law has been used to legally prosecute Shia Muslim worshippers who participate in public mourning processions during the month of Muharram. Worshippers may be arrested or summoned in order to sign pledges that they will not participate in such events in the future. Additionally, preachers who speak at such events have also been routinely arrested or targeted.
- 7.4.** Since the outbreak of Covid-19, Bahraini authorities had taken a number of measures to limit the spread of the virus, such as Ministerial Decision No. 53 of 2020 banning gathering in public places, which stipulates that violators face a penalty of up to three years in prison or/and fines of up to 5000 Bahraini Dinars (approx. \$13,300 USD). However, throughout the pandemic, while national media broadcast packed stadiums for football, basketball games or Formula 1 events, as well as the Crown Prince's participation in the annual Onam Festival in a packed venue without masks or social distancing, authorities targeted Shia Muslim worshippers for participating in public processions despite the fact that they followed all precautionary measures. Four individuals belonging to the same immediate family were arrested and detained on separate occasions during Muharram in 2020.
- 7.5.** Additionally, Articles 92/1, 2 and 309, and 310/2 of the Penal Code and Article 256 of the Code of Criminal Procedures, criminalize publicly insulting symbols and persons who are glorified by the followers of the Islamic faith. These articles have been used to prosecute Shia Muslim preachers who recite poems and prayers that are widely accepted in the Islamic community and even in Bahrain, such as Ziyarat Ashura.<sup>19</sup> Despite its acceptance, ADHRB documented, in 2020 alone, five individuals who were detained for reciting this prayer, with one individual being sentenced to a year in prison.
- 7.6.** Furthermore, Shia Muslims who put up black banners and flags on their homes to signify mourning during Muharram were forced to remove these banners, with some residents being summoned and forced to sign pledges to not put the banners back up. In other cases, security forces removed the banners off the private property themselves. There is no law prohibiting individuals from putting up such banners on their homes.

## **8. Discrimination and Violence Against Women**

- 8.1.** During Bahrain's 3<sup>rd</sup> cycle UPR, the state received at least 18 recommendations calling on the state to eliminate/end all discrimination against women and support the advancement of women's participation on all levels. These recommendations were supported by the Bahraini government, yet it has not taken the appropriate measures to ensure their equal rights.
- 8.2.** The state received three recommendations to withdraw reservations on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and to also ratify the optional protocol of the same convention. Since ratification of the CEDAW in 2002, Bahrain kept its "reservations" about the articles<sup>20</sup> on the basis that they contradict Sharia law, which included the prohibition of discrimination within governmental policies. While CEDAW improved women's rights in the country, the blanket commitment to Sharia law continues to prevent Bahrain from truly accepting these social reforms. Women continue to be denied equal rights with regard to family relations despite the state's acceptance of a recommendation to "Continue the important process of reconciling the improvement of women's rights and duties within the provision of sharia law." From a human rights perspective, the unified Family Law remains discriminatory in terms of the legal and legislative rules that are applied to such matters such as marriage, divorce and child custody. In practice many judicial rulings have granted women less or even no rights in civil and family cases.
- 8.3.** In Bahrain's previous UPR cycle, the state received four recommendations to amend discriminatory laws against women, particularly relating to the Bahraini nationality act of 1963, however, laws remain discriminatory against women, such as the woman's right to pass citizenship to her husband and children,<sup>21</sup> freedom of movement regarding residency and equality in marriage and family life. Muslim women are prevented from marrying non-Muslims. The inheritance law, as in most Arab countries, is based on Islamic law which states that men inherit twice the share of women. Divorce and early marriage as well as guardianship and inheritance<sup>22</sup> under existing laws remain discriminatory despite equality principles in the Bahraini constitution. Moreover, the law lacks any text that restricts polygamy, or conditions such as the right of the wife to choose whether to end the marriage, after her husband marries another woman.
- 8.4.** The lack of a unified family code for all citizens (Sunni and Shia) allows for more discrimination against Bahraini women. A woman's testimony is worth half of a man's, except in civil court where testimonies are equal. There is also a law that establishes the concept of subordination and obedience of women to men and forces women to stay in the matrimonial home (bayt ta'aa). In contradicting her husband, she is prohibited from asking for alimony even if she is going to work against her husband's wishes. Often, this law is used to humiliate the wife, and most cases of disobedience in Sharia Courts are intended to harm the wife financially and morally, and reinforce a lower status for her that limits her participation in public life, as well as economic and political empowerment.
- 8.5.** Bahrain accepted one recommendation to eliminate violence against women, yet, sexual and domestic violence are perpetuated in law and practice, as spousal rape is not considered a crime. Spousal abuse has a low reporting rate, and only a minority of women cite abuse in divorce cases. In one reported case a woman's request for divorce on the grounds of abuse was rejected, although the judge did permit the woman to reside elsewhere for her own protection. Non-marital rape is a crime with



punishment of life in prison, but Article No.353 of the Penal Code exempts those who commit rape from punishment if they marry their victim. A rapist may escape his crime, since in most cases, women are forced by their family to marry their rapist in fear of “shame” or “dishonor” among social circles. Also, Bahrain’s penal code criminalizes adultery and sexual relations outside marriage, which disproportionately harms women.

**8.6.**Ten recommendations were made pertaining to the advancement of women’s rights, including to facilitate women’s participation in political life, decision-making and holding leadership positions, which were all supported by Bahrain. However, while Bahraini women have the right to vote and stand in local and national elections, some restrictions remain in place that make it cumbersome for women in opposition movements to run. As of February 2021, only 15% of seats in parliament were held by women. Women are appointed and not elected in the “Shura” council based on their connections and loyalty to the ruling family.

## **9. Effectiveness of National Human Rights Mechanisms**

**9.1.** During Bahrain’s 3<sup>rd</sup> cycle UPR, the government received 12 recommendations on the effectiveness and independence of institutions meant to investigate allegations of mistreatment and torture. The government committed to “strengthen the independence and effectiveness of the national human rights institution in accordance with the Paris Principles” and “promptly carry out an in-depth investigation into all allegations of torture and ill-treatment.” All these recommendations were supported; however, as evidenced below, the government has failed to operationalize many of these recommendations.

**9.2.** Although the establishment of the Special Investigation Unit (SIU), the Prisoners and Detainees Rights Commission (PDRC), the Office of the Ombudsman at the Ministry of the Interior (MOI Ombudsman), and the National Institution for Human Rights (NIHR) made notable progress in developing mechanisms to address human rights violations and impunity, the overall human rights situation has not improved, especially with regard to torture and ill-treatment in detention centers. Most importantly, the “culture of impunity” that these bodies were supposed to address is still pervasive.

**9.3.** While the NIHR and Ombudsman’s Office made commitments to cooperate with international organizations and the UN, this has not translated into improved efficiency or independence. In 2021, the NIHR reiterated official claims that there are no individuals in Bahrain detained over peaceful human rights activism. In fact, these bodies have usually adopted the same statements as Ministry of Interior sources when it comes to highly publicized events, such as the torture and forced disappearance of Sheikh Zuhair Ashoor and Ali Al-Wazeer, the outbreak of Covid-19 in Jau Prison, the attack on inmates conducting a sit-in on 17 April, or the mistreatment suffered by Dr. Abduljalil Al-Singace, prompting his lengthy hunger strike. In all these cases, these bodies issued statements claiming that no violations were committed by authorities and prisoners were receiving all their rights, despite clear indications otherwise.

**9.4.** The real problem is the independence of these bodies and their staff, including the lack of transparency in appointment mechanisms. None of them involve real participation by civil society or Parliament. These bodies are formed by the government and report to it, which renders their ability to challenge the government security apparatuses unlikely. Moreover, none of them adopted clear follow-up

procedures, whether for complaints or implementing their recommendations by concerned governmental bodies, negatively impacting their effectiveness.

- 9.5.** Furthermore, ADHRB consistently submits letters to the NIHR and Ombudsman, along with the families of prisoners, regarding instances of mistreatment or denial of medical care. In cases where these bodies respond, they either do not end up disclosing SIU investigation outcomes, indicate that no violations were found, or offer false promises regarding provision of medical treatment which are later disproved through family members. ADHRB has not received any indication that a perpetrator has been held accountable regarding the complaints it submitted.

## **10. Recommendations to the Government of Bahrain**

- 10.1.** ADHRB, BCHR, FIDH and GCHR call on the Government of Bahrain to create and maintain, in law and in practice, an enabling environment for human rights and human rights defenders. Specifically we offer recommendations on:
- 10.2.** Freedom of Expression and Assembly
- 10.2.1.** Immediately and unconditionally release all individuals imprisoned for peacefully practicing their right to freedom of expression, assembly, and association.
- 10.3.** Prisoners of Conscience
- 10.3.1.** Provide reparations to arbitrarily detained individuals for violations they suffered in detention.
- 10.3.2.** Remove conditions and restrictions placed on ex-prisoners of conscience who have been released under the alternative sentencing law.
- 10.3.3.** Allow international Special Procedures, independent NGOs and journalists free access to Bahrain to visit detained prisoners of conscience.
- 10.4.** Unfair Trials and Use of Torture
- 10.4.1.** Establish safeguards to ensure that rights of fair trial and due process are respected in the application of the Counter-Terrorism Law and that the law is not used to target human rights defenders, activists or members of the opposition.
- 10.4.2.** Ensure that courts acknowledge allegations of torture and mistreatment by defendants and disregard coerced confessions in trials.
- 10.4.3.** Ratify the Convention for the Protection of All Persons from Enforced Disappearance and Optional Protocol of the Convention against Torture.
- 10.4.4.** Respond to the reminders for country visits sent by the Working Group on Enforced and Involuntary Disappearance and the Special Rapporteur on Torture.
- 10.5.** Women Human Rights Defenders (WHRDs)
- 10.5.1.** Ensure Women Human Rights Defenders (WHRDs)' rights to freedom of expression and assembly; adopt laws and put in place mechanisms to ensure WHRDs protection and freedom from any form of reprisal for their or their family's human rights activism.
- 10.5.2.** Guarantee the end of impunity, including by dismissing and prosecuting all officials involved in torture, sexual assault, gender-based violence, intimidation and maltreatment of WHRDs during detention.
- 10.5.3.** Enhance women's equal participation on all levels, including in the social, economic, political and public sphere and ensure women-led organizations and NGOs are independent and permitted to work on enhancing women's rights and status in Bahrain.
- 10.5.4.** End the online and digital persecution and monitoring practices, trolling and defamation campaigns against Bahraini WHRDs inside and outside Bahrain.

## **10.6. Children in Detention.**

**10.6.1.** Ensure the provision of qualified, free and independent legal aid to children in conflict with the law from the beginning of the investigation and throughout the legal proceedings, and grant access to a lawyer and to family immediately after arrest.

**10.6.2.** Apply, where appropriate, alternatives to deprivation of liberty, in order to meet the best interests of the child and in compliance with the Convention on the Rights of the Child.

**10.6.3.** Effectively and independently investigate allegations of torture and mistreatment made by minor detainees and prisoners, in order to hold perpetrators accountable.

## **10.7. Religious Freedom**

**10.7.1.** End the disproportionate summoning and arrest of Shia worshippers and religious figures for practicing their right to freely manifest their religion or recite prayers.

## **10.8. Discrimination and Violence Against Women**

**10.8.1.** Withdraw the reservation on CEDAW, especially Paragraph 2 of Article 9, and ratify its optional protocol.

**10.8.2.** Reform and unify the citizenship and family law to ensure equality and eliminate any form of discrimination against women in law and practice (for Sunni and Shia communities).

**10.8.3.** Reform penal code articles 334 and 353 to end violence and discrimination against women.

## **10.9. Effectiveness of National Human Rights Mechanisms**

**10.9.1.** Achieve the independence of the National Institution for Human Rights and Office of the Ombudsman at the Ministry of the Interior (MOI Ombudsman) to guarantee compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

**10.9.2.** Ensure that the NIHR and Ombudsman effectively investigate allegations of mistreatment or violations committed in prisons and detention centers, in order to hold perpetrators accountable, by obliging relevant authorities to provide all available and relevant evidence and guaranteeing that victims can speak freely and without fear of reprisal.

**10.9.3.** Ensure the complete independence of the Special Investigation Unit (SIU) from the Public Prosecution Office by amending its statutory status and adopting a transparent mechanism for appointing impartial staff.

**10.9.4.** Ensure the independence and effectiveness of the Prisoners and Detainees Rights Commission by modifying it into a National Preventive Mechanism within the meaning of the OPCAT and which functions under the Subcommittee on Prevention of Torture (SPT) oversight.

**10.9.5.** Ensure the independence of the MOI Ombudsman by ending the Ministry of Interior's oversight of its work and the appointment and dismissal of its employees.

**10.9.6.** Establish a clear mechanism for the screening, selection, and appointment process of the National Institution for Human Rights (NIHR) Council of Commissioners.

**10.9.**

## ENDNOTES

<sup>1</sup> “Bahrain to take 'legal steps' against critics of deal with Israel,” Middle East Monitor, October 14, 2020, <https://www.middleeastmonitor.com/20201014-bahrain-to-take-legal-steps-against-critics-of-deal-with-israel/>

<sup>2</sup> Tweet by activist Adel Marzooq (@adelmarzooq), 31 May 2019, <https://twitter.com/adelmarzooq/status/1134255453880410113?s=20&t=RWYCX6w343-OYxfn5iFlkQ>

<sup>3</sup> Tweet by the Bahraini Ministry of Interior account (@moi\_bahrain), 3 January 2020, [https://twitter.com/moi\\_bahrain/status/1213142731414851585?s=20&t=21512iCODVaT1mjPjWAA4A](https://twitter.com/moi_bahrain/status/1213142731414851585?s=20&t=21512iCODVaT1mjPjWAA4A)

<sup>4</sup> Bahrain’s Law with Respect to Protection of the Community against Terrorist Acts, No. 58 of 2006. Art. 1. Available at: [http://www.vertic.org/media/National%20Legislation/Bahrain/BH\\_Law\\_No\\_58\\_Protection\\_Community\\_against\\_Terrorist\\_Acts.pdf](http://www.vertic.org/media/National%20Legislation/Bahrain/BH_Law_No_58_Protection_Community_against_Terrorist_Acts.pdf)

<sup>5</sup> See UN High Level Panel on Threats, Challenges and Change. A More Secure World: Our Shared Responsibility (2 December 2004). UN Doc. A/59/565. Para. 164(d). Available at: [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/59/565](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/59/565)

<sup>6</sup> Breaking the Silence: Bahraini Women Political Prisoners Expose Systemic Abuses 2019 <https://www.adhrb.org/2019/09/breaking-the-silence-bahraini-women-political-prisoners-expose-systemic-abuses/>

<sup>7</sup> “Woman Jailed in ‘Reprisal’ For Son-in-Law’s Activism Freed in Bahrain”, Bahrain Institute for Rights and Democracy, 05 March 2020, <http://birdbh.org/2020/03/breaking-woman-jailed-in-reprisal-for-son-in-laws-activism-freed-in-bahrain/>

<sup>8</sup> Patterns of Torture in Bahrain: Perpetrators must Face Justice <https://www.gc4hr.org/report/view/142>

<sup>9</sup> “6 UN Experts Call For Investigation Into Abuse of Three Bahraini Female Rights Defenders”, Bahrain Institute for Rights and Democracy, 19 March 2019, <http://birdbh.org/2019/03/6-un-experts-call-for-investigation-into-abuse-of-three-bahraini-female-rights-defenders/>.

<sup>10</sup> Ibid “Hajer Mansoor and two other women human rights defenders, Ebtisam Al-Saegh and Zainab” Al-Khamis

<sup>11</sup> Ibid

<sup>12</sup> Front Line Defenders 2017, <https://www.frontlinedefenders.org/en/case/ebtisam-al-saegh-arrested-abused-prison>

<sup>13</sup> Unsafe anywhere: women human rights defenders speak out about Pegasus attacks 2022 [https://www.frontlinedefenders.org/sites/default/files/unsafe-anywhere-women-human-rights-defenders-speak-out-about-pegasus-attacks\\_en.pdf](https://www.frontlinedefenders.org/sites/default/files/unsafe-anywhere-women-human-rights-defenders-speak-out-about-pegasus-attacks_en.pdf)

<sup>14</sup> Ibid

<sup>15</sup> Patterns of Torture in Bahrain: Perpetrators must Face Justice <https://www.gc4hr.org/report/view/142>

<sup>16</sup> The Global Disinformation Order 2019 Global Inventory of Organised Social Media Manipulation, 2019 <https://demtech.oii.ox.ac.uk/wp-content/uploads/sites/93/2019/09/CyberTroop-Report19.pdf>

<sup>17</sup> The first month of the Islamic calendar. Shia Muslims perform mourning rituals throughout the first ten days to mark the death of the grandson of Prophet Mohamed, Imam Husain.

<sup>18</sup> The tenth day of Muharram, which is the anniversary of the death of Imam Husain. Rituals and commemoration ceremonies are usually heightened on this day.

<sup>19</sup> A prayer recited during Muharram whose circulation has been approved inside the Kingdom of Bahrain under Law No. 47/2004.

<sup>20</sup> Article 3, paragraph two, Article 9 paragraph two, Article 15, paragraph four, Article 16, and Article 29, paragraph one.

<sup>21</sup> Unlike Bahraini men, when a Bahraini woman marries a non-citizen, her children (even those who are born in Bahrain) are not entitled to Bahraini citizenship; as a result, they must live in the country as dependents for the first 18 years of their lives, after which they must obtain a residency permit or face deportation.

<sup>22</sup> Bahraini inheritance law gives preference to sons, with shares going to sons that are two times greater than shares received by daughters, as per Sharia law.