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Report of the Working Group on the Universal Periodic Review*

Bahrain

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. The Kingdom of Bahrain (Bahrain) has carefully reviewed the 176 recommendations made during the second Universal Periodic Review in May 2012. This response reflects Bahrain's policy to fully cooperate with the Human Rights Council.
2. Our support of a given recommendation means that it has either been implemented or is in the process of being implemented. Certain recommendations require action by the legislature, a process which the executive may encourage but not control.
3. Partial support of a given recommendation means that we support a part and note the other part, which may conflict with the application of Shari'a' law, require amendment to the Constitution and national legislation, or require further examination.
4. Bahrain supports 145 recommendations fully and 13 partially. 18 recommendations, pertaining to the abolition of the death penalty, do not enjoy our support. Such abolition is inconsistent with Bahrain's constitution and not required by international law.

Criminal justice issues

5. The following recommendations enjoy our support:

- (a) 115.22, 115.42, 115.84, 115.85, 115.86, 115.87, 115.92, 115.106, 115.108, 115.111, 115.112, 115.113 and 115.121.

The Special Investigation Unit (SIU) was established by Attorney General's Resolution No. 8/2012. This unit investigates incidents of death, torture, inhuman or degrading treatment cases in accordance with the Istanbul Protocol. SIU is independent and publishes monthly work reports.

- (b) 115.98, 115.114, 115.116, 115.117, 115.118 and 115.125.

Freedom of speech and expression are guaranteed by Bahrain's Constitution, national laws and international covenants ratified by Bahrain. Additionally, all charges related to freedom of expression have been dropped. All cases are being reviewed in civilian courts. Furthermore, legislative amendments concerning free expression are being reviewed.

- (c) 115.31.

The King of Bahrain's call to establish the Arab Court of Human Rights demonstrates the Kingdom's commitment to human rights. The Arab League favours Bahrain's proposal and a work conference will be held in 2012.

- (d) 115.91, 115.100, 115.101, 115.122, 115.126 and 115.159.

No court sentence for the events of February and March 2011 concerned individuals' exercise of their free expression. Individuals still serving prison terms were convicted of criminal offences. Pending appeals may reduce these sentences.

Compensation for victims

6. The following recommendation enjoys our support:

115.56.

Legislative Decree No. 30/2011 created the National Compensation Fund for Victims, which will compensate victims of the events of February and March 2011, or of subsequent violence. The Civil Settlements Office, Ministry of Justice was also created to compensate victims expeditiously in a streamlined process. To date, US\$

2.6 million have been allotted to relatives of 17 mortal victims. The process continues.

Nationality

7. The following recommendations enjoy our support:

115.68, 115.75, 115.95, 115.96, 115.140, 115.141, 115.142 and 115.143.

Citizenship was conferred on 335 children of Bahraini women married to non-Bahrainis by Royal Order issued in December 2011. Law No. 35/2009 gave children of Bahraini women married to non-Bahrainis exemption from public, health and education services, and permanent residency fees. A draft law is in the process of being enacted to amend the Bahraini Nationality Law.

National legislations on education and disabilities

8. The following recommendations enjoy our support:

115.38, 115.46, 115.52, 115.166, 115.167, 115.168, 115.169, 115.170, 115.171 and 115.172.

Following ratification of the UN Convention on the Rights of Persons with Disabilities in 2011, the Action Plan of the National Strategy for Persons with Disability was put into effect. A Children's Act has been enacted in compliance with the UN Convention on the Rights of the Child. Educational curricula have been developed in collaboration with international experts/organizations (UNESCO) to disseminate human rights and citizenship values.

Family law

9. The following recommendations enjoy our support and will be applied in accordance with the provisions of the Constitution, and national laws:

115.49, 115.138 and 115.139.

The legislature ratified the first part of the comprehensive Family Law in 2009 pertaining to the Sunni Sect, but did not ratify the second part of the Law related to the Jaafari Sect. The Government and the Supreme Council for Women continue to promote awareness of the importance of this Law and the objective of protecting Bahraini women.

Police training in respecting human rights

10. The following recommendations enjoy our support:

115.89, 115.102, 115.104, 115.105, 115.109 and 115.130.

The Ministry of Interior has made serious, sustained efforts to ensure its personnel respect human rights, notably in collaboration with the ICRC and relevant international organizations.

Implement all recommendations of BICI

11. The following recommendations enjoy our support:

115.28, 115.43, 115.45, 115.99, 115.107, 115.124, 115.127, 115.128, 115.132, 115.133, 115.134, 115.135, 115.136, 115.137 and 115.162.

The Government has set up a specialized unit headed by the Minister of Justice to follow up the implementation of the BICI recommendations. The detailed enumeration of concrete steps would require a far lengthier document.

National institution of human rights

12. The following recommendations enjoy our support:

115.34, 115.35 and 115.36.

His Majesty King Hamad Bin Isa Al Khalifa issued Royal Order 28/2012, amending provisions of Royal Decree 46/2009 on the establishment of the National Human Rights Institution (NHRI), as an independent entity compliant with the Paris Principles.

Media and press

13. The following recommendations enjoy our support:

115.25, 115.30, 115.148, 115.149, 115.152 and 115.155.

The Government has reviewed the draft media law which is in its final stages of debate. This law is designed to ensure freedom of expression and reduce restrictions on the media, including websites, as well as the proper treatment of journalists and publishers, in compliance with international obligations.

Child rights

14. The following recommendation enjoys our support:

115.29.

In May, Parliament enacted the Children's Act, in compliance with the UN Convention on Rights of the Child. One chapter is dedicated to providing protection against all forms of abuse. The Act also provides for the establishment of the Child Protection Center to promote a child-friendly environment, as well as the launch of a Child Helpline.

Combating human trafficking and labor law

15. The following recommendations enjoy our support:

(a) 115.94 and 115.97.

Bahrain has created both a national committee to combat human trafficking and a further committee to follow up on foreign victims. Since 2007, a shelter for victims has been operational.

(b) 115.76, 115.164, 115.165, 115.173, 115.174, 115.175 and 115.176.

Bahraini law does not distinguish between citizens and residents in the labor market. They enjoy equal opportunities to defend their rights in courts, free of cost. Ministry

of Labor inspectors tour facilities and labor housing provided by employers to their employees, to ascertain employer compliance with the Labor Law and applicable regulations.

Treaties and international human rights mechanisms

16. The following recommendations enjoy our support:

(a) 115.6 and 115.14.

(b) 115.54, 115.57, 115.58, 115.66 and 115,67.

Bahrain has an active role in the UN organizations, and supports the UN Charter as a fundamental element of its foreign policy.

(c) 115.59.

The Rapporteur is unsure that the visit can take place within the time frame specified in the recommendation, but the Government will be pleased to ensure proper coordination.

(d) 115.163.

Freedom of speech, expression and peaceful assembly are guaranteed by the Constitution, laws and national legislation, as well as international covenants ratified by Bahrain.

(e) 115.157.

Under the existing Media Law, companies may establish and publish newspapers, irrespective of political affiliation. Moreover, all Bahraini newspapers are independent and owned by private joint stock companies, ensuring all political and social groups which represent Bahraini access to the local media.

(f) 115.2.

Bahrain will consider ratifying the Optional Protocol to the Convention against Torture¹

17. The following recommendations enjoy our support, in part:

(a) 115.5.

Bahrain accepts Part 1 of the Recommendation, and is currently working on completing the process of acceding to the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED). Part 2 conflicts with the Constitution and Penal Code providing for the death penalty with adequate safeguards to ensure its just application of this penalty for serious crimes.

(b) 115.3.

Bahrain has acceded to the UN Convention Against Torture, and is completing the process of acceding to the ICCPED. There are domestic guarantees in the independent judicial system of Bahrain that makes it possible for any individuals to bring grievances to the Public Prosecution (Special Investigations Unit). Meanwhile, improving existing institutions is a continuing internal process in the Kingdom.

¹ Accordingly, 11.11 of the Kingdom's original written communication stands modified.

- (c) 115.7, 115.8, 115.9 and 115.10.

Relevant government departments are reviewing the possibility of withdrawing certain reservations on, or the amendment of certain provisions of, the Convention, without prejudice to the Constitution. The reservation on Article 2 is currently under reconsideration as it relates in its narrow interpretation to the woman's position in the family. On the reservation on Article 9, Paragraph 2 of the Convention pertaining to nationality, a proposed amendment of the Nationality Act is currently under discussion with departments concerned to allowing the children of Bahraini women married to non-Bahraini men to receive Bahraini nationality. Concerned departments are working in collaboration with the legislature to accelerate consideration of the Nationality Act Draft Amendment. As to Article 15, Paragraph 4 of the Convention, it is noted that the Constitution gives the women equal rights of freedom of movement without restriction. A husband may not withhold the travel documents of the wife to prevent her free movement and travel. Therefore, the Kingdom's reservation is practically limited to the marital abode, which satisfies all the conditions required by Law and Shari'a to ensure the freedom, dignity and independence of women.

18. The following recommendations enjoy our support in part:

115.60, 115.61, 115.62, 115.63, 115.64, and 115.65.

Bahrain currently considers and deals with each visit in coordination with the departments concerned. Visits are considered the most important acts of Special Rapporteurs to shed light on special allegations of human rights abuses. The visit of a Rapporteur to any country gives that Rapporteur the opportunity to get acquainted with all aspects of such alleged abuses, and results in a number of outcomes, such as allowing the Rapporteur to interact with persons representing government and non-governmental organizations, including rights societies, as well as victims of human rights abuses.

19. The following recommendations do not enjoy our support:

- (a) 115.20.

Coordination among GCC member states on the accession matter entails building capacity and amending national legislations.

- (b) 115.1., 115.4, 115.11, 115.12, 115.13, 115.15 and 115.17.

Bahrain has acceded to the UN Convention Against Torture, which is what is considered essential and important. There are domestic guarantees in the independent judicial system of Bahrain that makes it possible for any individuals to bring grievances to the public prosecution (Special Investigations Unit). Meanwhile, improving existing institutions is an internal continuing process in the Kingdom. As for the Rome Statute, Bahrain is signatory country to ICC. However, coordination at GCC level on the accession matter entails building capacity and amending national legislations.

- (c) 115.79.

See under Recommendation 5.

National dialogue

20. The following recommendations enjoy our support:

115.40, 115.55, 115.129 and 115.131.

The National Consensus Dialogue was launched last year. All segments of Bahraini society were invited to participate. The dialogue produced many findings, a significant proportion of which have been implemented, with the remainder in process of being implemented. Moreover, Bahrain relies on dialogue to address all issues in the best interest of the national community.

Social services

21. The following recommendation enjoys our support:

115.44.

Law No. 21/1989 concerns the activities of non-governmental organisations and it applied uniformly. A draft law for non-governmental organizational has been passed by the government to Parliament. The law was drafted taking into consideration all contemporary trends of applicable international laws in this field.

22. The following recommendations enjoy our support:

115.47 and 115.144.

The Ministry of Social Development is currently working on the implementation of a full and comprehensive program aimed at directing support to eligible low income families. This is based on the findings of a study conducted by the Ministry in collaboration with the World Bank. There are also many laws to guarantee protection, and Bahrain has enacted a wide range of social protection net including the Children's Act, the Senior Citizens Act, and the Rehabilitation and Employment of the Disabled Act.

Constitution and national legislation

23. The following recommendations enjoy our support:

- (a) 115.53.

Constitutional amendments were ratified in May 2012. They were part of the outcome of the National Consensus Dialogue.

- (b) 115.21, 115.23, 115.24, 115.26, 115.27, 115.32, 115.33, 115.88, 115.90, 115.146, 115.151, 115.153, 115.154 and 115.160.

The Government is currently reconciling national laws against international covenants ratified by Bahrain. They will be referred to the legislature for approval.

24. The following recommendations enjoy our support in part:

115.18.

The Kingdom accepts Part 1 as the crime of torture is punishable under Articles 208 and 232 of the Bahraini penal code. A draft law amending the two aforementioned articles has been passed, so as to include in the penal code a definition of the crime of torture, in accordance with the provisions of Article 1 of the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified in 1998. The Kingdom does not accept Part 2 for reasons given under 5.

25. The following recommendations do not enjoy our support:

(a) 115.16.

Bahrain is signatory country to ICC. However, coordination at GCC level on the accession matter entails building capacity and amending national legislations.

(b) 115.19, 115.78, 115.80, 115.81, 115.82 and 115.83.

See under Recommendation 5. Bahrain complies with the International Covenant on Civil and Political Rights.

Rebuild religious sites

26. The following recommendation enjoys our support:

115.145.

The government announced that 12 mosques would be rebuilt. Construction work had already begun on 5 which have received both a Royal Decree and a building consent. Construction on the remaining 7 will begin very shortly. The status of remaining sites is under review.

Respecting human rights

27. The following recommendations enjoy our support:

115.37, 115.41, 115.93, 115.103, 115.115, 115.119, 115.123 and 115.161.

The Bahrain Constitution guarantees the human rights and basic freedoms of all citizens. Executive and legislative measures have been taken to prevent incitement to sectarianism, violence, and national, religious or racial hatred in the media. National safety cases which were being considered in courts were referred to civilian courts, and a special committee was formed to review sentences which were not appealed before the civilian courts. Employment is also allowed for all citizens without discrimination in all government departments, not just in the Ministry of Interior.

Women and gender equality

28. The following recommendations enjoy our support:

115.39, 115.48, 115.50, 115.51, 115.68, 115.69, 115.70, 115.71, 115.72, 115.73, 115.74 and 115.77.

The Kingdom follows up these recommendations with interest as they form the essence of the national plan for mainstreaming Bahraini woman, an ongoing program aimed at the implementation of the “National Model for Integrating Women’s Needs in Development”. The Government’s program for legislative term 2010-2014 expressly includes for the first time initiatives aimed at continuing the efforts of empowering women economically, politically and socially through a number of mechanisms and processes, including the adoption of equal opportunity administrative units at ministries and government departments.

Abandon any restriction on human rights defenders

29. The following recommendations enjoy our support:

115.147, 115.150, 115.156 and 115.158.

Bahrain is adhering to the declaration on human rights defenders adopted by the UN General Assembly resolution 53/144. At present, there are no controls to restrict the activities of non-governmental organizations as stipulated in Law No. 21 of 1989, except in matters which conflict with the State's laws and regulations, as is applicable in all similar international legislation. They are allowed freedom of movement without restriction except as necessary to ensure their security and safety. The Kingdom always welcomes constructive cooperation with international organizations, and does not prohibit their entry into Bahrain. To expedite decisions on applications submitted by international organizations, a committee was formed to review those applications, as stipulated in Cabinet Resolution No. 19 of 2012.

Other recommendations

30. 115.110 and 115.120.

Certain recommendations which cannot be clearly classified under categories. Others demand that The Bahraini Government extradition of certain accused individuals. Such cases often feature specific issues that fall to be resolved individually and simply do not lend themselves to generalization.

31. Finally, Bahrain regrets that some recommendations (fortunately very few) are politically motivated.
