

Advance unedited versionDistr.: General
26 July 2018

Original: English

Human Rights Committee**Concluding observations on the initial report of Bahrain***

1. The Committee considered the initial periodic report of Bahrain (CCPR/C/BHR/1) at its 3492th and 3493th meetings (see CCPR/C/SR. 3492 and 3493), held on 3 and 4 July 2018. At its 3516th meeting, held on 19 July 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Bahrain, albeit 10 years late, and the information presented therein. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's high-level delegation on the measures taken by the State party since the entry into force of the Covenant to implement its provisions. The Committee is grateful to the State party for its written replies (CCPR/C/BHR/Q/1/Add.1) to the list of issues (CCPR/C/BHR/Q/1), which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption in July 2011 of the Royal Order No. 28 establishing the Bahrain Independent Commission of Inquiry, which was tasked with investigating and reporting on the events that took place in Bahrain in February and March 2011;

(b) The adoption on 26 November 2011 of the Royal Order No. 45 establishing the National Commission to give effect to recommendation No. 1715 of the Bahrain Independent Commission of Inquiry;

(c) The adoption in 2008 of the Act No. 1 establishing the National Committee to Combat Trafficking in Persons;

(d) The adoption of the Royal Order No. 46/2009, establishing the National Institution for Human Rights, and Royal Order No. 28/2012, amending certain related provisions; and

(e) The adoption of the National Plan for the Advancement of Bahraini Women (2013-2022) and its implementation strategy.

4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

* Adopted by the Committee at its 123rd session (2 – 27 July 2018).

- (a) The Convention on the Rights of Persons with Disabilities on 22 September 2011; and
- (b) The International Covenant on Economic, Social and Cultural Rights on 27 September 2007.

C. Principal matters of concern and recommendations

Domestic implementation of the Covenant

4. The Committee notes the information provided by the State party that the Covenant is an integral part of the domestic legal system as well as one case in which the Constitutional Court applied the provisions of the Covenant. Nevertheless, the Committee regrets the absence of specific information on how potential conflicts between domestic statutes and Covenant guarantees have been resolved; on means for individuals to raise the provisions of the Covenant before domestic courts and administrative proceedings; and on further examples for the application of the provisions of the Covenant by domestic courts (art. 2).

5. The State party should make efforts to raise awareness about the Covenant and its applicability in domestic law among judges, prosecutors and lawyers to ensure that its provisions are taken into account by the courts. The State party should give full effect to the Covenant in its domestic legal order and ensure that domestic laws are interpreted and applied in conformity with its obligations under the Covenant. It should also consider acceding to the First Optional Protocol to the Covenant, which establishes an individual complaint mechanism.

Reservations

6. The Committee regrets that the State party maintains its reservation to articles 3, 9(5), 14(7), 18 and 23 of the Covenant and has not provided information on its intention to withdraw them. In particular, it notes with concern the overbroad reservation to articles 3, 18 and 23, which limits the application of these articles only to the extent that they do not affect the prescription of the Islamic Shariah. The Committee is concerned that some of the reservations may be incompatible with the object and purpose of the Covenant (art. 2).

7. The State party should consider reformulating or withdrawing its reservations to articles 3, 9(5), 14(7), 18 and 23 with a view to ensuring the full and effective application of the Covenant.

National Human Rights Institution

8. The Committee notes the information provided by the State party and its efforts, including legislative measures, to strengthening the National Institution for Human Rights (NIHR) in Bahrain. However, it is concerned that the NIHR lacks sufficient independence to perform its functions and regrets the lack of information on complaints received and investigations carried out in response to these complaints (art. 2).

9. The State party should continue its efforts and adopt all legislative, policy and institutional measures necessary to ensure that the NIHR fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and is able to carry out its mandate fully, effectively and independently. The State party should also strengthen the power of the NIHR and ensure that it is able to investigate all allegations of violations of rights recognized in the Covenant committed by any official entity.

Bahrain Independent Commission of Inquiry

10. The Committee notes the information provided by the State party that it has fully implemented the recommendations of the Bahrain Independent Commission of Inquiry (BICI), which was mandated to investigate, report and make recommendations regarding the events that occurred in February and March 2011. However, it notes with concern that key reforms recommended have not been implemented (arts. 2, 6, 7 and 14).

11. **The State party should conduct a thorough review of the recommendations issued by the BICI with a view to fully implementing its recommendations. It should ensure that all human rights violations committed during the State of National Safety declared in 2011 are thoroughly, effectively, independently and impartially investigated, that perpetrators are prosecuted and sanctioned in a manner commensurate with the gravity of the crimes, and that victims or their families are provided with effective remedies, including equal and effective access to justice and reparations.**

Military Courts

12. The Committee notes with concern the amendment to the Constitution of April 2017, which grants military courts jurisdiction over civilians outside of a declared state of emergency (art. 14).

13. **The State party should review its amendment to the Constitution of April 2017 to ensure that Military courts are prevented from exercising jurisdiction over civilians.**

Non-discrimination framework

14. While noting that the National Action Charter proclaims the principle of equality, the Committee regrets the lack of comprehensive anti-discrimination legislation covering all the grounds prohibited under the Covenant. It is also concerned about the lack of information on effective remedies for victims of discrimination (arts. 2 and 26).

15. **The State party should take all the measures necessary to ensure that its legal framework: (a) provides full and effective protection against discrimination in all spheres, including the private sphere, and prohibits direct, indirect and multiple discrimination; (b) contains a comprehensive list of grounds for discrimination in line with the Covenant; and (c) provides for access to effective and appropriate remedies for victims of discrimination.**

Equality between men and women and practices that are harmful to women

16. The Committee regrets the persistence of polygamy in the State party, which is regulated by law in the Family Code of 2017. Despite the State party's assertion that early marriage is not a common practice and that the Family Code sets the minimum age for marriage at 16 years with certain exceptions, the Committee is concerned at reports that the practice of early marriage continues (arts. 2, 3, 23, 24 and 26).

17. **The State party should strengthen its efforts to prevent and eradicate harmful practices that discriminate against women and girls; in particular, the State party should: (a) take adequate measures to reduce the incidence of polygamy, with a view to bringing about its abolition; and (b) ensure that the minimum age for marriage is set at 18 years for both girls and boys and amend the legal provisions that allow for exceptions to the minimum age for marriage.**

Non-discrimination against women and nationality

18. The Committee is concerned that women do not enjoy equal rights with men in conferring nationality to their children as women require a royal decision to do so. In this regard, the Committee takes note of the State party's intention to amend the Nationality Law to confer the right of women to transmit nationality to their children, but is concerned about the slow adoption of these amendments. It notes the explanation provided by the delegation regarding the rules applicable to divorce, including the possibility to divorce by consensus or by court, but is concerned about the reported negative and unequal economic consequences of divorce on women, such as obligations to return dowry, pay compensation and accept limited alimony (arts. 2, 3 and 26).

19. **The State party should repeal all discriminatory provisions against women in its legislation. In particular, it should (a) expedite adoption of the amendments to the Nationality Law to ensure that women have equal rights with men in transmitting their**

nationality to their children; and (b) ensure that women are granted equal rights to divorce, including economic rights.

Gender equality

20. While welcoming the measures taken to promote gender equality, the Committee is concerned about the persistence of patriarchal stereotypes regarding the role of women and men in the family and in society. It is concerned that despite the information provided by the State party, women are underrepresented in political and public life, in particular in the decision-making positions. It is also concerned about Law No. 36/2012 governing labour in the private sector, which allows the Minister to define jobs in which women may not be employed and about the lack of clear information on the specific jobs prohibited to women and the criteria for determining those jobs (arts. 2, 3, 25 and 26).

21. The State party should strengthen measures to ensure gender equality and should develop strategies to combat patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society at large. The State party should step up its efforts to achieve the equitable representation of women in the public and political spheres, particularly in decision-making positions, if necessary through appropriate temporary special measures, to give effect to the provisions of the Covenant. It should also ensure that women have equal access to employment opportunities and that the labour laws do not perpetuate stereotypes about women.

Discrimination on grounds of sexual orientation and gender identity

22. While noting information provided by the State party that no trials have been conducted on the basis of gender identity or homosexual behaviour, the Committee is concerned about the criminalization of such acts which are punishable when they take place in public spaces, according to articles 326, 346 and 350 of the Bahrain Penal Code (1956) (arts. 2, 17 and 26).

23. While acknowledging the diversity of morality and cultures internationally, the Committee recalls that State laws and practices must always be subject to the principles of universality of human rights and of non-discrimination and that a failure to comply with the obligations contained in the Covenant cannot be justified by reference to political, social, religious, cultural or economic considerations within the State. The State party should decriminalize sexual relations between consenting adults of the same sex. The State party should also prohibit and prevent all forms of discrimination against persons based on their sexual orientation or gender identity.

Violence against women

24. The Committee is concerned at reports that violence against women, including domestic violence, remains a serious problem in the State party. In this regard, it notes with concern the low number of prosecutions carried out and sentences handed down on cases of domestic violence between 2016 and 2018. The Committee is also concerned at provisions of the Penal Code exempting perpetrators from punishment. In particular, it regrets that article 353 of the Penal Code exempts perpetrators of rape from prosecution and punishment if they marry their victims and that article 334 of the Penal Code reduces the penalties for perpetrators of crimes committed in the name of so-called honour. The Committee notes that the State party is preparing a bill to repeal article 353 of the Penal Code but regrets the slow pace in approving such bill (arts. 3, 6 and 7).

25. The State party should strengthen its efforts to prevent and combat all forms of violence against women and, in particular, should:

(a) Facilitate the reporting of cases of violence against women and ensure that all such cases are promptly and thoroughly investigated, that perpetrators are brought to justice and that victims have access to full reparation and means of protection;

(b) **Swiftly amend the Penal Code by repealing articles 334 and 353 of the Penal Code and ensure that all forms of violence against women, such as domestic violence and rape, are criminalized with appropriate penalties in all its territory; and**

(c) **Increase its awareness-raising activities on the unacceptability and negative effects of violence against women and increase resources and protections available to victims, initiate programmes for perpetrators of domestic violence to change their violent behaviour, and reinforce its training activities for State officials so that they can respond effectively to all forms of violence against women.**

Voluntary termination of pregnancy and sexual and reproductive health

26. The Committee is concerned that articles 321-323 of the Penal Code criminalize abortion except in the event of grave danger to the life of the woman. While noting the State party's assertion that judges may authorize abortion, on a case-by-case basis, the Committee is concerned that women may resort to unsafe abortions, which put their lives and health at risk (arts. 3, 6, 7, 17 and 26).

27. **The State party should amend its legislation with a view to ensuring effective access to safe, legal abortion when the life or health of a pregnant woman or girl is at risk and when carrying a pregnancy to term would cause the woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or when it is not viable. It should also ensure that women and girls who have recourse to abortion and the doctors who attend to them are not subject to criminal penalties, since such measures compel women and girls to resort to unsafe abortion. The State party should, furthermore, implement educational policies to raise awareness about sexual and reproductive health among women, men and adolescents and ensure access to appropriate and affordable contraception and reproductive health services.**

Counter-terrorism measures

28. The Committee acknowledges the State party's need to adopt measures to combat acts of terrorism. However, it is concerned that the Act on the Protection of Society from Acts of Terrorism (Act No. 58 of 2006) provides for an overbroad definition of terrorism that is susceptible to wide interpretation and which may result in violations on the right to freedom of expression, association and assembly. The Committee is also concerned at reports of the extensive use of the Act outside the scope of terrorism, including against human rights defenders and political activists. The Committee also notes with concern reports of violations of article 14 of the Covenant in the context of trials based on the Act. In this respect, the Committee notes with concern the case of "February 14th Coalition" in which 50 individuals were tried under the Act, including human rights defenders and political activists, and the case of the "Bahrain Thirteen", in which thirteen Bahrain opposition leaders were tried and convicted under the Act (arts. 9, 14, 17, 19, 21, 22).

29. **The State party should bring its counter-terrorism and counter-extremism legislation and practices into full compliance with its obligations under the Covenant, inter alia, by revising the Act on the Protection of Society from Acts of Terrorism (Act No. 58 of 2006), with a view to clarifying and narrowing the broad concepts referred to above to ensure that they comply with the principles of legal certainty and predictability and that the application of such legislation does not suppress protected conduct and speech. It should also ensure that the rights to a fair trial and access to justice are respected in all criminal proceedings for terrorism.**

Death penalty

30. The Committee notes with concern that the State party lifted its moratorium on the death penalty in January 2017 and that, since then, the number of death sentences are reported to have increased. It is particularly concerned that the death penalty is imposed for crimes other than the "most serious crimes" within the meaning of article 6 (2) of the Covenant, which allows the death penalty only for intentional killing. Instead domestic law provides for the imposition of the death penalty for crimes such as drug trafficking, deliberately obstructing funerals or memorial services, certain crimes against property under aggravating

circumstances and any offence punishable by life imprisonment under common law if that offence is perpetrated for the purposes of terrorism. The Committee is further concerned about allegations that death sentences have been imposed on the basis of confessions obtained under duress or torture, or otherwise in the context of trials that did not meet the standards of article 14 of the Covenant. The Committee regrets that the State party has not provided information on the current number of inmates on death row. The Committee also notes that the Constitution of Bahrain, while many rights are recognised, does not explicitly recognise the right to life (arts. 2, 6, 7, 9 and 14).

31. The State party should reinstate the moratorium and consider abolishing the death penalty and acceding to the Second Optional Protocol to the Covenant. If the death penalty is maintained, the State party should, as a matter of priority, take all measures necessary to ensure that the death penalty is provided only for the most serious crimes, involving intentional killing; that it is never mandatory; that pardon or commutation of the sentence is available in all cases, regardless of the crime committed; and that it is never imposed in violation of the Covenant, including in the absence of fair trial procedures, and is not imposed by military courts, in particular against civilians.

Extraterritorial military operations

32. The Committee regrets the lack of information on measures taken to protect the right to life on extraterritorial military operations conducted by the State party, particularly in Yemen, and information on the mechanisms in place to ensure accountability for the loss of life resulting from such operations (arts. 2, 6 and 14).

33. The State party should ensure that extraterritorial military operations fully comply with its obligations under article 6 of the Covenant, including, in particular, with respect to the principles of precaution, distinction and proportionality in the context of an armed conflict. The State party should also conduct independent, impartial, prompt and effective investigations of potential violations of the right to life and bring to justice those responsible.

Reports of excessive use of force

34. The Committee is concerned at reports of excessive and disproportionate use of lethal force and at reports of enforced disappearances, torture, arbitrary detention and threats against civilians involved in peaceful demonstrations for political and democratic change in 2011. The Committee notes with concern reports indicating an increase in the use of violence by law enforcement officials during peaceful demonstrations during recent years, including reports indicating six fatal incidents during demonstrations and ten other extrajudicial killings in 2017. The Committee also notes with concern reports indicating that demonstrators injured during demonstrations were questioned in medical facilities about their participation in demonstrations and deprived of medical assistance (arts. 2, 6, 7, 9, 10, 16, 19 and 21).

35. The State party should fully investigate, in accordance with international standards, into all allegations of involvement of members of its law enforcement and security forces in the killings of civilians, excessive use of force, arbitrary detention, enforced disappearance, torture and ill-treatment, from 2011 onwards in the State party. Furthermore, the State party should initiate criminal proceedings against the alleged perpetrators of such acts, sentence convicted perpetrators and afford victims integral reparation, including adequate compensation and, in case of enforced disappearances, establishment of the truth about the fate or the whereabouts of victims. The State party should also ensure that all demonstrators injured during demonstrations have access to medical assistance. It should also take measures to effectively prevent and eradicate all forms of excessive use of force by law-enforcement and security officials, including by guaranteeing their systematic training on the use of force, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Prohibition of torture and ill-treatment

36. The Committee is concerned at allegations that torture and ill-treatment are often practised by law enforcement officials including as a means to elicit confessions and that, despite the prohibition in domestic law, confessions obtained under duress have been used as evidence in court and allegations made by defendants in this respect have not been adequately investigated. The Committee is also concerned about reports of torture in prisons, particularly in the Jau prison. It notes with concern the lack of information on investigations carried out and convictions handed down vis-à-vis the number of complaints of torture and ill-treatment registered (arts. 2, 6, 7 and 14).

37. The State party should:

(a) **Take vigorous steps to prevent torture and ill-treatment and to ensure that all such cases are promptly, independently and thoroughly investigated, that perpetrators are brought to justice and that victims receive full reparation;**

(b) **Implement an accessible independent and effective complaint mechanism against torture;**

(c) **Collect accurate data on cases of torture and ill-treatment, and the prosecutions, convictions secured and sentences imposed, and make such information public;**

(d) **Ensure that confessions obtained in violation of article 7 of the Covenant are not accepted by courts under any circumstances, that allegations made by defendants that a statement was made under torture or ill-treatment are promptly and adequately investigated, and that the burden of proving that confessions were made voluntarily falls on the State authorities ; and**

(e) **Provide security forces and other law enforcement personnel with effective training on torture prevention and humane treatment.**

Liberty and security of persons

38. The Committee notes the information provided by the State party, but remains concerned about reports of arbitrary and extrajudicial arrest and detention by security forces, including incommunicado detention, with no access to a lawyer and contact to the family as well as the reported failure of authorities to inform all persons deprived of their liberty about their rights upon arrest and detention. In this regard, the Committee notes with concern the cases; among others, of Khalil al-Marzooq, former member of the Parliament for the prominent opposition group al-Wefaq; and Maryan al-Khawaja, prominent human rights defenders, who were allegedly arbitrarily arrested and had no access to a lawyer during their detention (arts 9 and 14).

39. The State party should bring its legislation and practices into compliance with article 9 of the Covenant, taking into account the Committee's general comment No. 35 (2014) on liberty and security of person. It should, inter alia, ensure that, in practice, all persons deprived of their liberty are informed promptly of their rights and are guaranteed all fundamental legal safeguards from the very outset of detention, including prompt access to counsel of their own choosing and confidential meetings with counsel. It should also ensure that failure to do so constitutes a violation of procedural rights entailing appropriate sanctions and remedies.

Treatment of prisoners

40. While noting the efforts made by the State party to build new prison facilities and the information provided that the Office of the Commissioner for the Rights of Prisoners and Detainees undertake unannounced visits to detention facilities, the Committee is concerned about reports of inhuman prison conditions, including serious overcrowding, unsanitary conditions, inadequate access to drinking water and unhygienic toilet facilities, particularly in the Jau prison (arts. 2, 6, 7 and 10).

41. The State party should take effective measures to eliminate overcrowding in places of detention, including by resorting to non-custodial alternative measures to

detention. It should also ensure that persons deprived of liberty are treated with humanity and respect for the inherent dignity of the human person and, to this end, improve conditions of detention in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The State party should also take immediate steps to review its current system entitled to monitor places of detention with a view to establish a system of regular and genuinely independent monitoring of places of detention, and ensure that conditions of detention conform to articles 7 and 10 of the Covenant, and to the United Nations Standard Minimum Rules for Treatment of Prisoners.

Asylum seekers and refugees

42. The Committee notes with concern the State party's assertion that there are no refugees in Bahrain and the lack of a national legal framework for the identification and protection of refugees and asylum seekers. In this regard, the Committee is informed about the existence of asylum seekers and refugees in the State party and is concerned that the lack of adequate protection has led to instances of refoulement (arts. 2, 6, 7, 13 and 14).

43. **The State party should take urgent measures to adopt a comprehensive legal framework on asylum- and refugee-related matters that complies with the Covenant. It should also ensure that the prohibition against refoulement is strictly respected in all circumstances. In addition, the State party should strengthen its efforts to ensure the effective protection of asylum seekers and refugees.**

Independence of the judiciary and the right to a fair trial

44. The Committee is concerned about reports indicating that, in practice, the judiciary is neither fully independent nor impartial. In particular, the Committee is concerned about the fact that judges are appointed by a Royal Order and several of them have renewable employment contracts of one to three years, which jeopardize the security of tenure (arts. 14 and 25).

45. **The State party should take all measures necessary to safeguard, in law and in practice, the full independence and impartiality of the judiciary, including by ensuring that the procedures for the selection and appointment of judges are based entirely on the use of objective, transparent criteria for the assessment of candidates' merits in terms of their qualifications, competence and integrity, in compliance with the principles of independence and impartiality, as set out in the Covenant. The State party should guarantee that the judiciary can carry out its functions without any form of political interference.**

Trafficking in human beings and forced labour

46. The Committee welcomes the information provided by the State party on the work of the Committee for the Assessment of the Status of Foreigners Who are Victims of Trafficking in Persons, but is concerned about information that trafficking in persons and forced labour are significant problems in the State party. The Committee is also concerned at reports of migrant domestic workers being subjected to abuse and exploitation, including excessive work-hours and delayed payment or even non-payment. In this regard, the Committee is also concerned about the lack of effective remedies against such abuses (arts. 2, 7, 8 and 26).

47. **The State party should further strengthen its efforts to combat, prevent, eradicate and punish trafficking in persons and forced labour. In particular, it should ensure that all cases of human trafficking and forced labour are thoroughly investigated, that perpetrators are brought to justice, and that victims receive full reparation and means of protection. In addition, the State party should expand labour law protection to domestic workers; ensure respect for the rights of domestic workers and protection against exploitation and abuse; and provide access to effective legal remedies for protection of domestic migrant workers' rights.**

Freedom of movement

48. The Committee notes the explanation provided by the State party on the domestic law applicable to travel bans, but it is concerned about the high number of reports indicating that journalists, opposition politicians, human rights defenders and lawyers are subjected to travel bans in retaliation for engaging in their professional activities. In particular, the Committee notes with concern allegations that travel ban has been used to prevent human rights activists from attending the session of the UN Human Rights Council (arts. 12, 14, 19, 22 and 25).

49. **The State Party should ensure that any restrictions on travel is justified under article 12 (3) of the Covenant and lift restrictions not in compliance with that article, refrain from imposing travel bans arbitrarily against journalists, opposition politicians, human rights defenders and lawyers and guarantee full respect for their freedom to leave the country.**

Freedom of religion

50. The Committee notes the information provided by the State party that according to article 22 of the Constitution “freedom of conscience is absolute”, but is concerned about the existence of practices that adversely affect the exercise of the right to freedom of religion or belief enshrined in article 18 of the Covenant. In particular, the Committee is concerned at reports that Shia population have been subject to restrictions of their rights to worship and practice their religious belief and that liberty of conscience is not effectively guaranteed (art. 18).

51. **The State party should decriminalize blasphemy and guarantee that all people within its territory can fully enjoy their right to freedom of conscience, religion or belief enshrined in article 18 of the Covenant. In particular, it should eliminate discriminatory practices that violate the right to freedom of religion or belief, including by raising its efforts to achieve a balanced representation of Shia population in the public and political spheres. The State party should take immediate steps to ensure that Shia population is effectively protected against discrimination in every field.**

Freedom of expression

52. The Committee is concerned about the serious restrictions imposed on the freedom of expression and the high number of arrest and prosecutions of individuals criticizing State authorities or political figures, including through social media. In this regard, the Committee notes with concern the cases of, among others, M. Nabeel Rajab, Mme Zainab Al-Khawaja, Ghada Jamsheer, M. Qasim Zainal Deen, M. Ahmed al-Fardan and M. Faisal Hayyt. The Committee is also concerned about reports that the State party has targeted the Al-Wasat newspaper, which was said to be the country’s only semi-independent newspaper, including by suspending its print and online publication, leading to its definite closure in 2017. The Committee is also concerned about:

(a) Broad provisions in the Penal Code providing for criminalization of certain acts which can be punished with imprisonment, such as criticism of public officials, insulting the king, publishing and disseminating rumours and false news, publication of untrue reports and others;

(b) Broad and vague provisions contained in the 2002 Press and Publication Law which allow journalists and activists to be prosecuted with sentences of up to five years in prison;

(c) The requirement under article 88 of the 2002 Press and Publication Law that journalists are required to obtain and annually renew a license from the Information Affairs Authority to work with foreign media outlets; and

(d) Important restrictions imposed on digital rights, including the power to filter websites that criticize the royal family or the government or that publish material that can be judged as “encroaching on religions and jeopardize public peace” (arts. 2, 14, 18 and 19).

53. **The State party should protect freedom of expression, in accordance with article 19 of the Covenant, in particular:**

- (a) **Decriminalize blasphemy, insult and criticism of public officials;**
- (b) **Consider decriminalizing defamation and, in any case, apply criminal law only in the most serious cases, bearing in mind, as stated by the Committee in its General Comment No. 34 (2011) on the freedoms of opinion and expression, that imprisonment is never an appropriate penalty for defamation;**
- (c) **Release immediately and unconditionally anyone held solely for the peaceful exercise of their rights, including human rights defenders, activists, lawyers and trade unionists;**
- (d) **Review and amend the provisions of the Bahrain Penal Code, the 2002 Press and Publication Law and regulations on digital rights, in line with article 19 of the Covenant and the General Comment No. 34 (2011) on the freedoms of opinion and expression; and**
- (e) **Effectively protect journalists, activists and human rights defenders against attacks or intimidation, ensure that all human rights violations perpetrated against them are thoroughly investigated and that those responsible are brought to justice.**

Freedom of assembly

54. The Committee is concerned that the right to freedom of assembly is severely limited, and notes that the holding of public gatherings and marches are severely restricted by the Public Gathering Laws of 1973 and Law 32/2006. In this regard, the Committee notes with concern that participating in public gatherings without government authorization is a crime and subjected to fine and/or imprisonment. The Committee is also concerned about reports that the State party regularly use the “illegal assembly” offense as grounds to violently disperse protests and arrest activists, human rights defenders and members of the opposition (arts. 19 and 21).

55. The State party should ensure that the right to freedom of assembly is guaranteed to all individuals without discrimination. The State party should also ensure the prompt, effective and impartial investigation of threats, harassment, and assault on members of these groups, and, when appropriate, prosecute the perpetrators of such acts.

Freedom of association

56. The Committee is concerned at reports that authorities have constricted and, in some cases, dissolved human rights organizations and opposition groups. The Committee notes with concern the use of restrictive legislation, including the Law of Associations and Law of Political Societies, the Penal Code and the Act on the Protection of Society from Acts of Terrorism to restrict the registration of non-governmental organisations and their activities. In this regard, the Committee notes with concern the order by the Ministry of Labour and Social Development to close the Bahrain Centre for Human Rights in 2014. The Committee is also concerned about the prohibition of civil society organisation to engage in any activity interpreted to be political (arts. 2, 19 and 22).

57. The State party should revise relevant laws, regulations and practices with a view to bringing them into full compliance with the provisions of articles 19 and 22 of the Covenant. In particular, it should refrain from dissolving human rights organisations and opposition groups for having legitimately exercised their rights and take all measures to re-establish such organizations. It should simplify registration rules and revise the grounds for denying the registration or permanently closing NGOs. The State party should also amend its law to allow civil society organisations to engage in political activities.

Reprisals

58. The Committee notes with concern a high number of reports of reprisals against human rights defenders and journalists because of their work, particularly when such individuals collaborate with UN treaty bodies and the UN Human Rights Council. Despite

the information provided by the State party's delegation, the Committee received a number of allegations of cases of reprisals against journalists and human rights defenders, including continuing reports of imposition of travel bans, harassments or intimidation, death threats, violence, arrests and arbitrary detentions, which appears to have escalated in the last years. The Committee notes with concern the cases of, among others, Mr. Yusuf al-Hoori, Mr. Alwadaei and Ms. Ebtisam Al-Saegh, who were alleged victims of reprisals. The Committee draws particular attention to General Assembly resolution 68/268, of 9 April 2014, in which the Assembly "strongly condemns all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies, and urges States to take all appropriate action to prevent and eliminate such human rights violations" (para. 8) (arts. 2, 6, 7, 19, 21 and 22).

59. The State party should, as a matter of urgency, take all necessary steps to ensure that it does not exert any undue influence over human rights defenders and that they are free to work without fear of reprisals or unjustified restrictions on their activities. The State party should ensure that everyone have unhindered access to and to communicate with the treaty bodies and their members for the effective implementation of the treaty body mandates, in accordance with the 2015 San Jose Guidelines against Intimidation or Reprisals. The State party should also thoroughly, effectively, independently and impartially investigate all cases of violence committed against journalists and human rights defenders and that perpetrators are prosecuted and sanctioned and that victims or their families are provided with effective remedies.

Nationality

60. The Committee is concerned about a number of persons who had their citizenship revoked, including pursuant to the Anti-Terrorism Laws, for some rendering them stateless and being deported to other countries or at imminent risk of deportation. The Committee notes with great concern the number and broad circumstances in which domestic legislation allows for revocation of citizenship, including for any individual who "aids or is involved in the services of a hostile state" or "causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it" (arts. 2, 14, 16, 24, 25 and 26).

61. The State party should, as a matter of urgency, take specific steps to amend its current legislation to ensure that citizenship is not revoked, except in accordance with the Covenant and international standards and under independent judicial review. It should also adopt all necessary legal and practical measures to prevent and reduce cases of statelessness, including by considering accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Right to take part in the conduct of public affairs

62. The Committee is concerned at reports that Shia population is underrepresented in political and public life, including in the National Assembly. It is also concerned that opposition parties Al-Wefaq and Wa'ad have recently been dissolved, and that their leaders and members have been prosecuted. The Committee is also concerned about allegations of gerrymandering and voter's fraud during elections. Despite the existence of the National Audit Office, in charge of investigating cases of public corruption, the Committee regrets that high-ranking officials suspected of corruption are rarely punished (arts. 2, 25 and 26).

63. The State party should guarantee equal enjoyment of the rights of all citizens to ensure effective participation in public life, under article 25 of the Covenant. It should review decisions to dissolve opposition parties and ensure that political parties and their members are allowed to participate in political life, in line with article 25 of the Covenant. The State party should step up its efforts to combat corruption, particularly among government figures.

D. Dissemination and follow-up

64. The State party should widely disseminate the Covenant, its first periodic report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.

65. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2020, information on the implementation of the recommendations made by the Committee in paragraphs 13 (military tribunals), 53 (freedom of expression) and 31 (death penalty) above.

66. The Committee requests the State party to submit its next periodic report by 27 July 2022 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, the Committee invites the State party to agree, by 27 July 2019, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its report. The State party's replies to that list of issues will constitute the next periodic report to be submitted under article 40 of the Covenant.
