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**Human Rights Committee****List of issues in relation to the initial report of Bahrain\*****Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please clarify the status of the Covenant within the domestic legal order, in particular whether the provisions of the Covenant have precedence over domestic laws. Please provide examples of cases where the Covenant has been invoked or applied by national courts and information on the measures taken to raise awareness of the Covenant among judges, prosecutors, lawyers and the public at large. Please provide information regarding whether the State party plans to withdraw its interpretative declarations and reservations to articles 3, 18 and 23, and articles 9(5) and 14(7) of the Covenant. Please also explain the rationales behind these reservations and declarations and their practical impact on the enjoyment of the rights concerned. Please provide information on any plans to ratify the Optional Protocol to the Covenant.
2. Please report on the progress made in reforming the National Institution for Human Rights in accordance with the Paris Principles, in particular on the measures taken to implement the recommendations of the Global Alliance of National Human Rights Institutions in its Accreditation Report of May 2016. Please provide detailed information on the activities undertaken by the National Institution for Human Rights since its establishment in 2014, including the number of complaints received, investigations conducted, prosecutions pursued and their results, including any reparations to victims. Please clarify the mandate of the High Coordinating Committee for Human Rights and how it differs from the National Human Rights Commission.
3. Please indicate what measures have been taken to disseminate information on the initial report of the State party and its forthcoming examination by the Committee, and provide detailed information on the involvement of civil society representatives, non-governmental organizations and the National Institution for Human Rights in preparation of the report. Please provide information on the mechanisms in place to disseminate and implement the Committee's recommendations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Please provide information on implementation of the Trafficking in Persons Act (No. 1 of 2008). Please elaborate on the role and mandate of the Committee for the Assessment of the Status of Foreign Victims of Trafficking in Persons established by article 7 of the Act, and provide data on the number of victims they have assisted. Please also provide concrete information regarding the impact of activities of the National Committee to Combat Trafficking in Persons and the Centre for Sheltering Victims of Human Trafficking, including efforts to ensure that victims of trafficking have access to justice and protection, and provide disaggregated information on the number of complaints, investigations, prosecutions, convictions and the reparations and assistance afforded to victims pursuant to these institutions. Please also respond to allegations of complicity or the direct involvement of public officials in the trafficking of persons and forced labour, and provide information on any investigations and enforcement actions to respond to such allegations and the penalties imposed.

21. Please provide information on measures to ensure that the rights of foreign workers are fully protected, in law and in practice, including those performing domestic service. Please address whether the protections under the Private Sector Employment Act (No. 36 of 2012) apply to all foreign workers, and the measures taken to ensure these workers are

aware of their rights and have access to effective complaint mechanisms, victim protection, and legal assistance when they assert them and on measures to combat child labor. Please provide information on the steps taken to end the “free visa” practice and towards abolishing the sponsorship system, and on the number of investigations into allegations of exploitation and abuse of foreign workers and their outcomes.

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

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

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

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

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

24. Please comment on allegations that the State party has heightened restrictions on civil society, especially since 2016, including the political opposition, human rights activists, journalists, and members of Shi’a communities. Please respond to reports that authorities have applied, inter alia, the Political Societies Law (No. 26 of 2005), the Public Gathering Law of 1973, the Penal Code of 1976 and the Press Law of 2002, to restrict the ability of political opponents, human rights defenders and social activists to exercise their rights to freedom of expression peaceful assembly and association. Please provide current information regarding any prosecutions and convictions under these laws and the status of such legal proceedings, including, inter alia, information on persons criminally charged following the Duraz protests; Nabeel Rajab, Ghada Jamsheer and the ‘Bahrain 13.’

25. Please address the status of independent media in the country, and respond to reports of restrictions on websites of opposition groups and on journalists’ use of social media and the internet. Please provide information on the content and status of the draft new Press Law.

26. Please provide information on the application of laws governing political and non-governmental associations, including the Political Associations Act (No. 13 of 2016) and the Associations and Non-governmental Organizations Act (No. 21 of 1989). Please address the interpretation of the prohibition on “engaging in politics”, and respond to reports that the above laws are used to repress work by political associations and NGOs. Please provide information on any enforcement actions taken under these laws, including the dissolution by the authorities of the main political opposition group, Al-Wefaq, and whether steps are being taken for this group to be reinstated.

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

27. Please explain the laws allowing for deprivation of citizenship and how they are applied in practice to ensure compliance with the Covenant, including protections against statelessness. Please include information on the number of persons who have had their citizenship revoked, including pursuant to the Anti-Terrorism Laws, and address allegations of arbitrary deprivations of Bahraini citizenship, especially for persons critical of the government. Please provide information on the Citizenship Act, in particular the steps that have been taken to allow Bahraini women to transfer citizenship to their children when the

father is not a Bahraini citizen. Please also provide information on the protection and the rights given to children with non-Bahraini fathers.

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

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

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

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

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