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25 May 2011

Dear Ms. Muna Abbas Radhi,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to our exchange of letters concerning measures taken to follow up on several of the Concluding Observations adopted by the Committee following the examination of the periodic report of Bahrain (CAT/C/CR/34/BHR) in May 2005. The Committee requested further comments by Bahrain in relation to concerns listed in paragraphs 6(e), (m), and (o) of its Concluding Observations. Your Government responded both on 21 November 2006 (CAT/C/BHR/CO/1/Add.1) and again on 13 February 2009, in response to my letter of 17 November 2008 (http://www2.ohchr.org/english/bodies/cat/docs/Bahrain_Follow_up.pdf).

On behalf of the Committee, I am writing to follow up on your response of 13 February 2009 providing additional comments which have assisted the Committee in its ongoing analysis of the issues identified for follow-up. I would be grateful for clarification on the following matters, where sufficient information has not yet been provided to the Committee to allow it to complete an analysis of the progress regarding implementation of the items designated for follow-up.

Basic safeguards: Access to independent medical examination

The Committee thanks the Government of the Kingdom of Bahrain for the information provided regarding paragraph 6(e) of the Concluding Observations, on the access to legal counsel and family members. We note with concern, however, that there was no information provided on the rights of all detainees to an independent medical examination. Would you kindly provide the Committee with information on how the State party ensures the rights of detainees to undergo a medical examination by an independent doctor immediately following their detention or at their request? Is this right codified in Bahraini legislation? If so, what mechanisms are in place to ensure that this right is enjoyed by all detainees in practice—how are detainees made aware of their right to an independent medical examination, and what is the process by which they may demand such an examination? Please also include information on the number of doctors or medical personnel currently working in police stations and detention centres, including remand detention facilities.

Basic safeguards: Access to legal counsel and to notify family members

We are pleased to note that article 61 of the Criminal Procedure Code codifies in law that detainees have the right to fundamental safeguards against torture regarding legal counsel and notification of family members. However, the Committee remains concerned over persistent allegations presented to us that persons arrested under security charges are frequently denied their right to contact legal counsel and family members. We would be grateful for further detailed information clarifying at what stage of their detention detainees are afforded these rights in practice—are they entitled to contact family members and legal counsel immediately upon their arrest and detention? Please also provide information on the process by which all detainees can request to contact family members and legal counsel.

.../...

Ms. Muna Abbas Radhi
Deputy Permanent Representative of Bahrain
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The Committee welcomes the information that a new regulation mandated the establishment of an independent service in charge of detainees and arrested persons in all police departments. We would be grateful to receive further information on this body and its functioning. What is the full mandate of the independent service? Who makes up the staff of the independent service, and do these persons have access to all places of detention in the country without notice? The Committee also requests updated information as to measures that ensure that the independent service functions effectively and with the requisite independence.

Rights of foreign workers

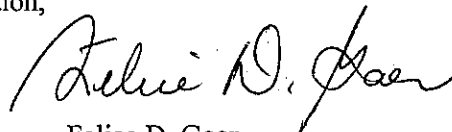
The Committee regrets that the Government of Bahrain did not provide information regarding its concern in paragraph 6(m) of the Concluding Observations regarding the rights of foreigners in Bahrain to enjoy all the rights of the Convention. The Committee reiterates its concern that some categories of individuals such as foreign workers and particularly female foreign workers do not enjoy the same rights as Bahraini nationals under the Convention, including in their right to make complaints, have them investigated, and to have access to adequate remedies. In this regard, the Committee would appreciate additional information on the legislation in place to protect all foreign workers in Bahrain, including domestic workers, as well as the system in place to receive and investigate complaints from foreigners who allege they have been subjected to torture or ill-treatment. The Committee would also be grateful to receive statistical information on the number of complaints of torture and ill-treatment that have been made by foreigners in the country, the number of such complaints that were investigated, how many led to prosecutions and with what outcomes for the alleged perpetrator and the victim.

Violence against women

While the Committee recognizes that Sharia court judges must observe certain rules and guarantees, it reiterates its concern that these judges enjoy broad discretionary powers in the application of family law, personal status law, and criminal law, and particularly their reported failures to take into account clear evidence of violence against women confirmed in medical certificates. In this regard, the Committee requests detailed and thorough information on the rules and guarantees that Sharia court judges must abide by in rendering their decisions, including whether they are binding on judges as legislation on evidence would be and whether they address how judges must consider evidence presented to them in the course of proceedings.

The Committee looks forward to pursuing the constructive dialogue it has started with Bahrain on the implementation of the Convention, and in this context, to receiving clarification to our follow-up questions.

Accept the assurances of my highest consideration,



Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
Committee against Torture