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## **Kingdom of Bahrain Universal Periodic Review**

In accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1

### **41st session**

The International Center for Supporting Rights and Freedoms (ICSRF) prepared this report on the extent to which the Kingdom of Bahrain applies the international standards of human rights in the framework of the Universal Periodic Review.

#### **ICSRF's profile:**

The International Center for supporting Rights and Freedoms (ICSRF) is an international organization, and includes a number of human rights defenders around the world.

The International Center for supporting Rights and Freedoms (ICSRF) is registered as A Swiss association based in Geneva established in 2016 ICSRF. worked from the beginning on the defense of human rights activists in the Arab region. The statements and campaigns of the ICSRF have broad influence in the response of governments, . For more information on the efforts of Center, please visit our website [www.icsrf-gcc.org](http://www.icsrf-gcc.org).

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### **UPR Report Summary / Stakeholders / Bahrain 2022**

The Bahraini Constitution provides that the Kingdom of Bahrain adopts a democratic system. It approves that the citizens enjoy many rights and freedoms. Bahrain acceded to six of the main seven United Nations conventions on human rights, namely: the "Convention on the Elimination of All Forms of Racial Discrimination" (1990), the "Convention on the Elimination of All Forms of Discrimination against Women" (2002), the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (1998), the "Convention on the Rights of the Child" (1992), the "International Covenant on Civil and Political Rights" (2006), and the "International Convention on Economic, Social and Cultural Rights" (2007). It also acceded to the "Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography (2004).

But the last few years, , were characterized by dramatic violations of the rights and freedoms of activists, opposition members and human rights defenders in the country. For example, violations of the right to life, the right to physical integrity, the right to liberty and personal security, the right to freedom of movement and choice of residence, the right to fair trial, and the right to freedom of opinion and expression and the inviolability of private life.

It is a real threat to human rights to detain children and prosecute them as adults, and monitor social networking sites and voice calls conducted over the internet in addition to the death penalty plus Reprisals against ICSRF for submission of the previous UPR report on Bahrain 2017 This is in contravention of the Universal Declaration of Human Rights .

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Bahrain did not implement the UPR recommendations, which were discussed in 2017 .114.33. 114.4 . 114.162, 114.19 , 114.27 , 114.22 , 114.26 , 114.31 , 114.20 , 114.35 , 114.105 , 114.42 , 114.82 , 114.62 , 114.106 , 114.107 , 114.102 , 114.108 , 114.113 , 114.110 , 114.98 , 114.116 , 114.127 , 114.172 ,114.151 , 114.152 , 114.149 , 114.133 , 114.137 , 114.134 , 114.153 ,114.161 , 114.154 , 114.126 , 114.51 , 114.64 , 114.66 , 114.169 , 114.39 , 114.139 , 114.157 , 114.140 , 114.45 , 114.46 , 114.47 , 114.49 , 114.32 , 114.54 , 114.53 , 114.55 , 114.37 , 114.58 , 114.59 , 114.80 , 114.87 , 114.130 , 114.70 , 114.96 , 114.78 , 114.17 , 114.81, 114.79, 114.83 , 114.94 , 114.112 , 114.100, 114.167 , 114.104 , 114.117 , 114.61 , 114.99 , 114.115 , 114.97 , 114.109 , 114.101 , 114.122 , 114.123 , Our report addresses specifically the rights and freedoms and in particular the public rights and freedoms according to the agreements ratified by the Government of the Kingdom of Bahrain.

## **First: Institutional Framework**

### **Background and Constitutional Framework**

1. The adopted Bahraini Constitution founds an independent Islamic Arab sovereign state and develops model rules in the field of public rights and duties that achieve social justice. The Constitution neither refers to the supremacy of international agreements over domestic laws nor gives them the legal value of the legislation.
2. Bahrain violated articles 6, 7, 9, 10, 12, 13, 14, 17, 18, 19, 21, 22 and 24 of the International Covenant on Civil and Political Rights (ICCPR).
3. Bahrain did not apply some constitutional articles; especially articles 17, 18, 19, 20, 23, 24, 25, 26, 27 and 28.

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4. There is no definition so far for “torture” and what acts constitute torture crimes.  
5. The Kingdom of Bahrain did not join the Rome Statute which established the International Criminal Court until now in spite of the recommendations made in this regard.

6. Bahrain is working against Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

**Recommendations:**

A. Issuance of a decree that provides the supremacy of international treaties and conventions over the national legislation.

B. Implementation of the provisions of international law and the Constitution within the national judiciary.

C. Urging the Bahraini government to work with the international community for the elevation of human rights situation.

D. Urging the Bahraini government to join the International Criminal Court.

E. Urging Bahrain not to use its membership in the NGO Committee to harm human rights defenders and human rights organizations and to retaliate against them by preventing them from obtaining consultative status .

**Second: Strengthening the Protection of Human Rights in Practice**

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## **Civil and Political Rights**

Bahrain ratified the “International Covenant on Civil and Political Rights” (2006), the "Convention on the Elimination of All Forms of Racial Discrimination" (1990), the "Convention on the Elimination of All Forms of Discrimination against Women" (2002), the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (1998), the "Convention on the Rights of the Child" (1992), and the “International Convention on Economic, Social and Cultural Rights” (2007). It also acceded to the "Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography (2004).

### **The Right to Life and Combating the Death Penalty:**

6. The previous recommendations were not implemented in this regard and there are many criminalized punishable offenses with death penalty under the Bahraini Penal Code; Articles 112, 113, 114, 115, 116, 121, 122, 126, 142, 147, 152, 153, 175, 349 and 359. This violates Article 6 of the International Covenant on Civil and Political Rights.

### **Recommendations: duplicate recommendation**

Abolishing the death penalty utterly and replacing it with any other punishment.

### **Freedom of Opinion and Expression:**

7. Weakness of the legislation on the freedom of opinion and expression and non-application in this regard of previous recommendations and Article 19 of the International Covenant on Civil and Political Rights. Therefore, a large number of bloggers, activists, opposition members and human rights defenders experienced judicial and security prosecutions such as arrest on charges of humiliation and insult, dissemination of false news, revocation of nationality, and restriction of the right to freedom of movement. A lot of bloggers and activists were referred to trial and

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imprisonment for long periods.

**Recommendations: duplicate recommendation**

- A. Amend legislation in a way that provides freedom of opinion and expression..
- B. Implement Article 19 of the International Covenant on Civil and Political Rights.

**Rights of the Child**

8- The Kingdom of Bahrain did not implement the previous recommendations in this regard. In Bahrain, convicted children are being dealt with as adults though it ratified the Convention on the Rights of the Child (CRC) in 1992. Children may be sentenced to imprisonment for long terms . The CRC provides that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth". It also provides that "Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,"

**Recommendations: duplicate recommendation**

- A. Implementation of the CRC within the national judiciary.

**Human Rights Defenders:**

9. The Bahraini government did not implement the recommendations in this regard. Human rights defenders experience retaliation and intimidation because of their legitimate work in defense of human rights. In fact, there is no actual accusation for practicing a work related to human rights

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but the Bahraini authorities undermines such work in different ways Finally, in January 2019, Bahrain began to exploit its membership in the NGO Committee in retaliation against human rights organizations that submitted reports to the United Nations regarding Bahrain's continued violations of human rights.

### **Recommendations:**

A.implementation, within the national judiciary, of both the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights, and Fundamental Freedoms and the International Covenant on Civil and Political Rights.

### **The Right to Fair Trial:**

10. There are many restrictions in the trial systems which lead to human rights violations, including:

11. The Bahraini authorities approved Decree-Law No. 68 of 2014 amending some provisions of Law No. 58 of 2006 (the protection of society from terrorist acts Act) published in the Official Gazette No. 3186 on Thursday, December 4, 2014. According to this new amendment, for example, Article 27 states, **(if there is sufficient evidence available to accuse someone of committing one of the crimes stipulated in this law, the judicial officer can arrest them for a period of no more than twenty eight days.)**

12. There is no article on compensation of those who are wrongly sentenced and then the verdict is nullified due to a judicial error.

13. Expansive use of pre-trial detention.

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**Recommendations: duplicate recommendation**

- A. Setting a legal text that allows detainees and the accused, whose freedom was restricted for no legal reason, to claim compensation.
- B. Implementation of Article 14 of the International Covenant on Civil and Political Rights.
- C. Not to use pre-trial detention expansively.

**Combating Torture:**

- 14. Bahrain did not implement the previously issued recommendations in this regard. Though the Bahraini legislator incriminates the crime of torture, they did not provide a definition for the term or the acts that are considered acts of torture and cruel treatment as defined in the Convention against Torture
- 15. Weak application of the international minimum standards for prison administration.
- 16. There is no law that protects or solves the cases of forced disappearance.

**Recommendations: duplicate recommendation**

- A. Setting a definition for the crime of torture and the acts considered to be acts of torture.
- B. Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- C. Amelioration of the situation of prisons according to the universally applicable minimum standards.
- D. Issuance of a law that regulates NGOs' visits to detention centers.
- E. Implementation of article 7 of the International Covenant on Civil and Political Rights

**Revenge against human rights organizations for working with the United Nations**

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**17. The International Center for Supporting Rights and Freedoms submitted the UPR report on Bahrain in 2017.**

**18. In 2019, Bahrain became a member of the Non-Governmental Organizations Committee that reviews the file of the International Center for Supporting Rights and Freedoms to obtain consultative status.**

**19. The State of Bahrain retaliates against the International Center for Supporting Rights and Freedoms in every session and prevents it from obtaining consultative status by asking repeated and illegal questions.**

**Recommendations:**

Urging Bahrain not to use its membership in the NGO Committee to harm human rights defenders and human rights organizations and to retaliate against them by preventing them from obtaining consultative status

**International Center for Supporting Rights and Freedoms**