

Bahrain 3rd UPR Cycle, Parallel Report by Coalition of Bahrain Transparency Society (BTS), And Bahrain Human Rights Society (BHRS).22Sept 2016

Assessment of Implementation of recommendations by Bahrain,

The Kingdom of Bahrain entered the second cycle of the Universal Periodic Review (UPR), on September 2012. It has fully or partially accepted 158 and refused 18 out of the 176 HRC-UPR recommendations.

The engagement of civil society, especially HROs, has been limited to meetings prior to the presentation of the mid-term report Sept 2014; and another prior to HRC 31 March 2016, and another time on June 2016, where it coincided with a number of Bahraini rights activists being barred of travel to attend HRC 32 in June 2016. Whilst HROs presented a written memorandum to the MOFA on UPR mid-term implementation, none was included in the government's report, contrary to allegations made by the undersecretary of MOFA before the HRC on September 2014 regarding cooperation with civil society organizations. It is worth mentioning that the current human rights situation is considerably worse than Sept 2012, when HRC-UPR adopted the 176 recommendations, evidenced by travel bans.

We hereby present the BTS & BHRS report; the adopted methodology is that of grouping and clustering similar recommendations together with an assessment where applicable.

1) Stressing UPR and BICI recommendations

Recommendations developed by Bahrain Independent Commission of Inquiry (BICI) and approved by the Kingdom of Bahrain form a cornerstone for addressing violations and wrongdoing made by the authorities during the events of February 2011. The recommendations, released November 2011, formed an integral part of subsequent Universal Periodic Review (UPR) recommendations (115.41.43,45,46,47,102,103.,104,105,106,107,108,124). However, the authorities have largely failed in implementing UPR and BICI recommendations, with some exceptions. Here are major observations and recommendations:

Observations

1.1) No adequate time frame and transparent follow-up mechanism was adopted for an accelerated implementation of BICI recommendations; membership of follow up committees was limited to governmental and pro-government committee headed by Officials.

1.2) No serious steps undertaken to implement BICI recommendations and foster a spirit of national unity and consensus conducive to the advancement of the reform process in line with the legitimate aspirations of the people; instead more steps were assumed designed to widen the rift in national unity through the rampant policy of discrimination and marginalization of Shia and opposition groups.

1.3) True, officials set up a fund for compensation of victims of the events of February and March 2011 but boycotted by most of the real victims for lack of trust and not being within the framework of justice for the victims and their families.

1.4) Not all employees and students dismissed following the events of February and March 2011 whose political activities were consistent with the right to freedom of peaceful assembly and of association have been reinstated to their original jobs; there is a need for amending Law 21/1989 and Law 32/2006 on public

gathering to bring their provisions into compliance with article 21 and 22 of ICCPR, in order to enable a proper and legal environment for the civil society to flourish and to make meaningful contributions to discussions.

1.5) Insufficient reform of the security forces to provide them with enhanced capacity and training on human rights. Use of force and gas remain common during protests calling for socio-political and socio-economic reforms. Exclusion of a large segment of Shia from employment at BDF and National Guards continues, and if anything, it has worsened since February 2011.

1.6) Absence of serious investigations into allegations of human rights violations during and after the February 2011 protests by the security forces were not carried out independently, promptly or thoroughly; merely several low-ranking policemen were brought to justice but without providing victims with due redress and rehabilitation. No officials with high ranks were held accountable to their actions, with regards to allegations of killings, torture and other methods of ill-treatment. Merely, a few low-ranking security personnel with hidden identity appeared before the judicial system on charges of mistreating inmates to receive light jail sentences.

1.7) No sincere implementation of the BICI recommendations covering a broad range of tasks, including ensuring of accountability, prevention of the recurrent human rights violations through law reform and training of law enforcement personnel, and respect of due process was undertaken.

1.8) A number of recommendations made by the BICI were not implemented including the investigation of documented human rights abuses during recent protests, with a view to ensuring full accountability, justice and reparations for the victims. The Government is responsible for these abuses and refuses full responsibility.

Calls for actions.

A) Implement recommendations of BICI report in such a way to foster a spirit of national unity and consensus conducive to the advancement of the reform process in line with aspirations of a large segment of the society.

B) Execute swiftly and resolutely all the recommendations made by the BICI, including the investigation of documented human rights abuses during the protests, with a view to ensuring full accountability, justice and reparations for the victims (as demanded by numerous countries during the UPR notably those from the EU).

C) Set up a fund for the compensation of all victims of the events on February 2011 onwards in accordance with relevant best practice.

D) Take immediate action to restore peace and respect for human rights and fundamental freedoms.

E) Establish an adequate time frame and a transparent follow-up mechanism for an accelerated implementation of the BICI recommendations.

F) Make sustained efforts in economic and social development welfare, by improving health and educational systems, and ensuring equal human rights.

G) Reinstate all employees and students dismissed following the events of February 2011 whose political activities were consistent with the right to freedom of peaceful assembly and association, and amend Law 21/1989 and Law 32/2006 on public gathering to bring their provisions into compliance with article 21 and 22 of ICCPR.

H) Continue the process of reform of the security forces to provide them with better capacity and training on human rights and moderate use of force.

I) Ensure that all allegations of human rights violations during and after the February 2011 protests by the security forces and independently are promptly and thoroughly investigated, bringing perpetrators to justice and providing victims with due redress and rehabilitation.

J) Fully implement BICI recommendations that cover a broad range of tasks, including accountability, prevention of the recurrence of human rights violations through law reform and training of law enforcement personnel, and respect of due process; hold officials of all ranks accountable for their actions, especially regarding allegations of killings, torture and other ill-treatment; Implement the commitment to rebuilding the Shia places of worship deliberately destroyed by the state.

Recommendation: The establishment of genuine, independent and competent national commission to ensure the implementation of BICI recommendations in their entirety, composed of experienced, credible and competent personalities, with real authority to implement its decisions.

2) Setting a timeline for implementing BICI recommendations

2.1) There is need for establishing proper timelines for the implementation of the recommendations by the Bahrain Independent Commission of Inquiry (as stressed by Norway).

2.2) The Government of Bahrain has not established proper timelines for the implementation of BICI recommendations. The government claims that it has fully implemented BICI recommendations whilst committing abuses stipulated at BICI report to be addressed. Both BICI President Cherif Bassiouni and member Sir. Nigel Rodley have publically raised doubts about implementations of BICI recommendations.

Recommendation: Granting OHCHR the right to monitor implementation of BICI recommendations, and to report back to HRC in every session.

3) Reconciling national legislations contravening international HR obligations

Align the national legislation on freedom of expression, association and assembly with country's international HR obligations (Recommendation 115.24 as demanded by Slovakia).

3.1) Bahrain has not aligned the national legislation on freedom of expression, association and assembly with the country's international HR obligations. The government abuses the existing Law on Assembly & Demonstrations by refusing to observe notification for assembly and demonstration, practically banning peaceful demonstrations.

3.2) The draft laws on Publication & Printing, Electronic Publication and Civil society Organizations are short of international HR obligations.

Recommendations: 1) Amend the laws with OHCHR consultancy, in order to be compatible with relevant international legislations so as to ensure freedom of expression and assembly on principle of permissibility and notification. 2) Release all journalists, bloggers and media practitioners, and to terminate government interference in media, internet providers, and journalists and media associations.

4) Ratifying International Conventions & Optional Protocols

Bahrain needs to 1) ratify OP 1 & 2 of ICCPR and ICPPED 2) release all detainees who have participated in peaceful protests lacking credible criminal charges as well as all convicted for merely exercising their fundamental rights to freedom of expression and assembly, especially during democracy protests that began on February 2011 (UPR recommendations 115.1,2,3,4,5,6,11,91,98,101,102 as demanded by Estonia, Uruguay, Argentina, Brazil, Spain, Estonia, Uruguay, Argentina, France, Slovakia, USA, Czech Republic, and Germany).

As of date: 4.1) Bahrain has not ratified the first and second Optional Protocols to the International Covenant on Civil and Political Rights; the International Convention for the Protection of all Persons against Enforced Disappearance, and does not adhere to the ICCPR and ICPPED. 4.2) Bahrain has not immediately and unconditionally released all persons convicted for merely exercising their fundamental rights to freedom of expression and assembly.

Recommendations: a) The Government of Bahrain ratify Ops 1 & 2 of ICCPR, and bring national legislations to comply with these articles, and fully implement them; b) The Government endorse ICPPED, and bring national legislations to comply with it, and implement it.

5) Ending a culture of torture and other forms of ill-treatment

The Government of Bahrain is required to explicitly criminalize torture and other types of cruel and inhumane treatment by ratifying OP-CAT and bringing detention places to CAT standards. The authorities must prohibit torture and other forms of ill-treatment in national legislations in line with obligations under CAT, ensuring that all allegations of torture and ill-treatment are addressed independently; other requirements call for bringing perpetrators to justice in line with international standards including creating a standing independent body to carry out investigations of all allegations of torture and ill-treatment, deaths in custody and unlawful killings

(demands urged by Italy, Austria, Czech Republic, Germany, Slovakia, Spain, Brazil, Estonia, Uruguay, UK, and Finland through recommendations 115.4,14,22,23,85,86,87,90,91,92,121.123).

Some observations:

5.1) The prohibition of torture and ill-treatment is in the national legislation but not practiced in line with the obligations under CAT; yet, there is no guarantee that all allegations of torture or other ill-treatment are independently, promptly and thoroughly investigated, and very few perpetrators were brought to justice in accordance with international fair trial and in comparison to the vast number of violations, clearly revealing a policy of tolerance towards torture and ill-treatment.

5.2) Torture is practiced in custody during interrogation, detention, or imprisonment. Amongst the most recent victims of torture, Mr. Hassan Al Haiki was tortured since his arrest on the 12th of July 2016 with allegations related to “Al Ekr bomb”, a vague incident; he passed away at Salmaniya Hospital on the 30th of July 2016, whilst still in custody.

5.3) In addition to individual torture, there has been repeated collective punishment against the detainees as reported in Jaw Prison on March 2015, a matter mentioned in an HCHR statement before the HRC on March 2016. Other acts include: denial of proper medication, restriction on phone calls, verbal abuses of sectarian and vile nature, restriction on visitation and scrutiny during the visit (ie. amidst presence of police, glass bars separate the detainees from their visitors.) In one case, Ms Rayhana Al Mosawi testified on her trial of being stripped completely during her interrogations in the CID of MOI; she again reiterated that after her release openly, prior to filing a complaint to the NIHR and the Ombudsman Office.

5.4) Impunity for law enforcers and Public Prosecutors is dominant while the Special Unit at the Public Prosecution mandated to investigate and prosecute abusers is complacent or at least lacks credibility; with the exception of two year sentences to two low ranking policemen (involved in the torture to death - whilst in custody - of Mr Ali Isa Ebrahim Saqr on 8th April 2011,) none of the offenders were prosecuted, sentenced and made accountable to their abuses. Since the 14 Feb 2011 uprising, there have been around 160 casualties between adults, children and infants, varying between death under torture, bullets, canister gas bombs and being run over by police; certainly a high toll for a peaceful movement and a small country.

5.5) Existing laws criminalize torture in the Penal Code, but definition of torture falls short of international norms and practices.

5.6) The Government of Bahrain has refused visits by the Special Rapporteur on Torture Dr. Juan Mendez despite his repeated requests, and the frequent calls by members of HRC for visits of special rapporteurs with different mandates.

5.7) At the time of preparing this report there was an absence of a standing independent body capable to carry out investigations of all allegations of torture and other ill-treatment, deaths in custody and unlawful killings; yet, the appointment of Major-General Ibrahim AlGhaith as Ministry of Interior Inspector-General and Nawaf AlMoawda as Secretary General of the Ombudsman to investigate police abuses proved disappointing given their long-standing connections to MOI.

Recommendations:

1) The Government of Bahrain ratify OP of CAT, and bring its legislations to cope with CAT and OP, including clear criminalization of torture whilst bringing abusers of all ranks to justice. Put an end to the culture of torture in custody and bring to justice the accused law enforcers; acquit all those prosecuted base on confessions extracted under torture and duress and adhere to CAT.

2) The Penal Code (law) and the Law on Penal Procedures should be amended, such that the definition of torture is compatible with CAT; and to be enforced seriously on all ranks of law enforcers without exception. To establish real independent commission on prisons, with the membership of credible genuine HROs and experts, and to allow visits of national, international observers and UN envoys to prisons and detention.

3) Accede and implement CAT, and invite the Sp. Rapt. On Torture to visit Bahrain.

6) Ratifying the Rome Statute of the ICC

6.1) Ratify the Rome Statute of the ICC and fully align legislations with all obligations under the Rome Statute, including incorporating the Statute's definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court (as demanded by Slovakia, Latvia, Costa Rica, France, Switzerland, Finland, and Hungary through recommendations 115.11,12,13,14,15,16,17).

6.2) The Government of Bahrain is yet to ratify and fully align its national legislation with all obligations under the Rome Statute of International Criminal Court, including incorporating the Statute definition of crimes and general principles, and adopting provisions enabling cooperation with the Court, plus acceding to the Agreement on Privileges and Immunities of the Court.

Recommendations: Urging the government of Bahrain to ratify the Rome Statute, amend national legislations accordingly, and cooperate with ICC.

7) Embracing Paris Principles

The authorities should facilitate the work and function of the National Human Rights Institution in accordance with the Paris Principles (a matter stressed by Indonesia, Maldives, Finland, and Singapore via recommendations 115.34, 35.36, and 37).

The National Institution for Human Rights (NIHR), set up by the government, falls short of meeting Paris Principles. Its application for full membership at UN-Association of NHROs was not accepted during June 2016. This followed a scrutiny of UN experts on NIHR, which reflects its role as a cosmetic and pro-government institution. Sadly, NIHR has a track record of embracing the official line, siding against the victims of human rights abuses such that of Jaw Prison protests and stripping a number of nationals of their citizenship.

Recommendations: Dissolution of the current NIHR for reasons of not being independent and objective.

8) Stressing national dialogue

The need for calling opposition parliamentary groups and civil society organizations to engage in a National Consensus Dialogue (urged for by Mexico).

8.1) No opposition parliamentary groups exist after the resignation of the AlWefaq opposition block in March 2011 whilst independent CSOs are excluded from dialogue. It turned out that the National Consensus Dialogue (NCD) was essentially a public relation event, effectively terminated since 2014.

8.2) Wrongly, grave developments took place since 14 February 2011 peaceful uprising, with authorities systemically targeting opposition groups and CSOs. Currently a number of opposition leaders and prominent CSOs figures, along with thousands of activists are serving imprisonment sentences up to life sentence; imprisoned figures include AlWefaq Sec. Gen Sh. Ali Salman and globally-recognized human rights campaigner Nabeel Rajab. Also, major opposition organizations such as AlWefaq and Islamic Action along with notable CSOs such as Teachers Society, Nursing Soc, AlTaweia Society. and AlResala Society have been dissolved.

Recommendation: The Government of Bahrain repeal all measures against the political opposition and civil society, to pacify the crises and to engage in genuine dialogue with the opposition.

9) Removing restrictions on CSOs

9.1) Officials should reconsider the restrictions imposed by the Ministry of Labor & Social Development and take appropriate measures to ensure that civil society organizations (CSOs) can take an active part in public debate on human rights through dialogue and cooperation. (demanded by Sweden and Latvia, recommendations 115.44,55).

9.2) On the contrary, more restrictions were imposed by the Ministry of Social Development on the activities of CSOs curtailing civil society organizations role to take an active part in the public debate on human rights,

where independent CSOs received warnings and were excluded from UPR Steering Committee. Currently there is no real dialogue and cooperation between governmental and independent non-governmental institutions.

Recommendation: The government should adopt a new law on CSOs in compliance with ICCPR, to repeal all restrictive measures against CSOs including HROs, to engage in constructive dialogue with CSOs and to establish partnership with CSOs.

10) Releasing all political prisoners

Numerous countries have stressed the need for Bahrain to release all political prisoners and bring the national legislation in compliance with article 19 of the International Covenant on Civil and Political Rights. The prisoners including human rights defenders, widely regarded as prisoners of conscience, contravene with its obligations to ICCPR, especially article 19.

Recommendation: The government repeals all sentences against prisoners of conscience, to release them immediately, to compensate them for the incurred damage, and re-incorporate them in public life.

11) Enhancing legislative framework

Adopt at the earliest opportunity a legislative framework on freedom of expression, including access to internet, and amend current Law on Journalism No. 32/2006 by bringing it to full compliance with Bahrain's obligations under ICCPR. Amend any article of Penal Code that can be used to prosecute individuals for exercises of the rights to freedom of expression, peaceful assembly or association, and thus bringing laws into line with international standards established by the International Covenant for Civil and Political Rights. Also, take actions to provide accountability for human rights violations (Ireland, Mexico, Hungary, and Slovenia, recommendations 115.25.26, 30, and 42).

11.1) The enforced laws and draft relevant laws are restricting freedom of expression. Defamation and slandering Muslim Shia (compromising more than half of Bahrainis) and opposition is not penalized in practice. On the contrary, there is an official tolerance for the defamation of Shia in pro-government media sources and some Friday sermons. At times, Shias are labelled as renegades (Rafdah), agents of Iran, and non loyal to their homeland and the state.

11.2) Bahrain has not amended for the purpose of stiffening any article of its Penal Code that can be used to prosecute individuals for the exercise of the rights to freedom of expression, peaceful assembly or association, and bring laws into line with international standards established by the International Covenant for Civil and Political Rights. If any, imprisonment sentences have only been increased on practices ensured in ICCPR.

11.3) During the last 4 Years, the political, civil, social and economic rights have been eroded. A sizable number of people including leaders of political societies, women and minors are imprisoned. It is suggested that Bahrain has one of the highest worldwide ratio of prisoners to population. In fact, opposition organizations are severely restricted, where the leading AIWefaq was dissolved and its Sec. Gen. Sh. Ali Salman sentenced to 9 years imprisonment through summary trial. The opposition political societies are denied the right of having their own journals, holding assembly outside premise or administer their affairs independently on the back of scrutiny by the Ministry of Justice. Waad was recently barred of holding a seminar within its premise.

11.4) Prominent HR activists, journalists and religious preachers are imprisoned, deported or barred of practicing their profession and rights. Recently, around 20 HRDs were banned of travel by The Public Prosecutor order in June and September 2016, thereby barring them from attending HRC 32 and HRC 33.

11.5) Freedom of assembly has been banned since October 2014 prior to parliamentary elections. Even solidarity assembly around the house of the most senior Muslim Shia cleric, Sh. Isa Qasim, in protest of his denaturalization and prosecution is considered illegal assembly with participants risking being prosecuted.

11.6) Freedom of expression through all means, such as preaching, lecturing, debating, journalism and electronic media is severely restricted and penalized according to Penal Code, entailing imprisonment up to 5 years for tweeting or re-tweeting. Several journalists, clerics, press photographers, bloggers and twitter users are serving imprisonment. Any statement deemed a defamation of the state or slanderous of state agency is penalized for 3

years imprisonment; statements considered to be advocating change of the regime by illegal means is punishable by 10 years imprisonment; again, numerous people are serving jail terms on such subjectively-defined charges.

11.7) Barring thousands of websites especially those of unfavorable media and human rights organization is the norm where credible reports by international HROs such as Reporters without Frontiers and Freedom House characterized Bahrain as the "enemy of internet". A net sweeper firm from Canada was contracted by TRA to provide filtering technology to block access to undesirable websites while a British company was contracted to hack accounts of opposition politicians, HRDs and defense lawyers.

11.8) Many villages, which witnessed protests have been besieged by barbed wires, fences and concrete blocks guarded by police, and even fragmented by blocks at its internal roads. Duraz with some 20 thousands residents, where Sh. Isa Qasim resides, serves as an example of strangling siege since protest assembly began on 18 June, where out of 18 entries to the village only two are unblocked yet heavily guarded by police deciding entry to the village.

Recommendation: Repeal all articles in the Penal Law undermining the practices of free expression, free association, faith, and advocacy provided that the principle of non-violence is maintained.

12) Rescinding death sentences

Bahrain is called upon to reduce all death sentences to prison terms and ratify the 2nd OP; several countries including France, Austria, Spain, and Italy have called on Bahrain authorities to abolish the death sentence (UPR recommendations 115.19.78, 80, 81, 83, and 84).

Death sentence has become common in suspected cases of police murders; eight Shia sentenced to death without satisfactory due judicial process, awaiting execution.

Recommendation: Repealing death sentence of the Penal Code, replacing it with imprisonment and commuting death sentences to prison terms.

13) Penalizing defamation

Adopt as soon as possible a legislative framework on freedom of expression, including access to internet, to decriminalize defamation and slander as crimes (Mexico);

Defamation of the Shia community's beliefs, rituals, ideology and history, as well as opposition political organizations, independent HROs, CSOs have become routine practices. Lawyer Fatma AlHawaj filed a case against Tariq AlAmer, on ridiculing Shia and their essential beliefs, but was acquitted by court.

Recommendation: Enacting a legislation that prohibits, criminalizes and penalizes any defamation of religious, sectarian, racial or ethnic nature, considering them as acts of hatred and discrimination. In addition to judiciary, a national, independent and credible commission should be established and entitled to receive, investigate such cases and to present cases before the judiciary.

14) Ending sectarian discrimination

The government should abolish all forms of discrimination and to abide by the ICAAFD, including sectarian discrimination against Shia majority and to pursue a policy of inclusion for all national components, as stipulated in BICI recommendations via national dialogues (recommendations 115.40,43, 45, as demanded by Mexico and Sweden).

14.1) Discrimination against Muslim Shia amounts to sectarian cleansing. Though constituting majority of the local population and qualified as others, they are largely excluded in the military, security, intelligence, foreign affairs and vital sectors of the state. Certainly, some Shia are employed in security agencies but as exceptions. Still, they are discriminated against for scholarships entitlement. Governmental restrictions on the employment of Shia in the civil sector, including education, medical services, and oil industry to name a few, causes widespread unemployment; expatriates from different countries are recruited to fill in jobs (ie. aviation) only to deny Shia the right of work in demanding jobs.

14.2) The state is pursuing a strategy to change the demographic of the population to disfavour Muslim Shia through mass naturalization of Sunni expatriates, mostly from Pakistan, Syrian desert residents and Yemen, as well as Jordan who are incorporated in public sectors like security and military; they are offered public housing and other privileges at the expense of indigenous population Sunnis and Shia alike. Also, Shia are sanctioned to buy property or reside in some parts of the country notably parts of Riffa, one of the largest and favorable districts.

14.3) The electoral law on Practicing Political Rights 2002 has drawn electoral district in disfavour of majority Shia; in practice, Shia won 18 parliamentary seats out of 40 during relatively fair elections of 2006 and 2010 but more than 60 per cent of popular vote. Yet, gerrymandering of electoral districts made Shia MPs a minority.

14.4) Even in the appointed AlShura Chamber where the rule could partially remedy the situation, Shia Muslim are a minority; the same holds true for the Council of Minister and most other senior state positions.

14.5) The state has been implementing a policy of subjection towards Shia religious establishment, evidenced by the persecution of Shia clerics and interference in Shia religious affairs. During 2016 alone, the government has dissolved Al Tawea (awakening) Islamic Society, the primary source of Shia religious teachings, Al Resala (message) Islamic Society, and some religious Shia schools (Hawza). It has arrested, prosecuted, imprisoned tens of Muslim Shia clerics and denaturalized more than 150 Shia including religious clerics, including Sh. Isa Qasim, the highest ranking Muslim Shia cleric; others were deported, including the high ranking cleric Sh. Husain Nejati to Lebanon.

Recently, state interference has become only more coercive, with some clerics of Friday mass prayers banned from delivering sermons such as in Duraz with others prosecuted for contents of sermons. The MOI has imposed license on collecting the annual donation on property (AlKoms) observed by Muslim Shia, which is handed to trustworthy clerics, who in turn distribute it to the needy. It has actually confiscated allocated sums at banks, including \$10 million at Al Salam bank. Currently several clerics are being prosecuted for non-licensed Koms handling, including Sh. Isa Qasim. Some clerics had their passports confiscated and banned of travel without judicial order, notably Sh. Maythem Al Salman, serving as envoy by the UN General Secretary on Rabat Declaration.

14.6) In the official relevant text books especially those of religious and historical nature, there is no mentioning of Shia Muslims, their history and their contribution to their country and nation.

14.7) The policy of marginalization, exclusion and discrimination and segregation is enforced by the state on the private sector, as reflected in the leadership of Bahrain Chambers of Commerce & Industry (BCCI), and the boards of mixed sector companies.

Recommendations:

1) The Government of Bahrain should abrogate such policy decrees, and its acts such that to release all prisoners of conscience, nullify denaturalised and re-instate the victims, and allow deported to come back home with freedom of travel; it should re-open Shia institutions such as Al Tawea (Awakening) , Al Risala (Message) and Al Hawzat (religious schools); and it should allow Muslim Shia to practice their beliefs freely, including the Friday mass prayer, and Al Koms handling. The government should lift the ban on licensing Muslim Shia religious schools and to end ban on travel of targeted Shia. We recommend also legislation that categorically prohibit and penalize discrimination in all forms and ensure equal chances for candidates to all non political jobs in the public and private sector, and to all citizens regardless of their religion, sect, sex or race, where criteria should be qualification and competence in a transparent way, where such jobs and competing for them should be publicly announced. There should be a transparent mechanism to address abuses by an independent commission of competent and credible personalities, and there should be similar commission on free access to information, along with the commitments of The Kingdom of Bahrain to UNCAC.

2) The Government of Bahrain ought to discard the strategy of discrimination, marginalization, exclusion and persecution of Muslim Shia and any form of religious, ethnic, political or gender discrimination. It should remedy the grave situation by ending immediately such legislations, policies and practices. It should implement relevant BICI and UPR recommendations. It should release all prisoners of conscience, repeal all unjust penalty sentences of death, imprisonment, denaturalization and banishment. It should engage into serious dialogue with the opposition to be concluded in reasonable time, with international observation and bounding commitments.

15) Strengthening welfare of migrant workers

Bahrain should consider joining other states in ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Convention 189 on Decent Work for Domestic Workers, as it progressively marches towards institutionalizing protective mechanisms for migrant workers. It should take necessary measures to address issues relating to foreign workers, such as their travel bans and sometimes loss of rights to residence and work while being investigated for financial irregularity, so that the principles of natural justice are adhered to scrupulously (demands made by the Philippines, India through UPR recommendations 115.20.76). Suffice to say that expatriates comprise the majority of work force and of the late a simple majority of the population.

15.1) Wrongly, the Government of Bahrain does not recognize the migrant status but expatriate nature of workers with important significance.

15.2) Bahrain has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Convention 189 on Decent Work for Domestic Workers, as it progressively marches towards institutionalizing protective mechanisms for migrant workers.

15.3) No real measures were taken to address issues relating to foreign workers, including loss of rights to residence and work while being investigated for financial irregularity, in order to ensure adherence to principles of natural justice.

15.4) Bahrain's record concerning migrant workers, especially unskilled and domestic workers, mostly women, is very not promising, with trafficking in humans, where Bahrain is ranked at C level by the US Department of State. Cases of suicide, homicide due to unsafe housing, skipped due pay, inhumane working conditions, holding workers documents of which passport, rape, sexual assaults and forced prostitution are common.

15.5) On 11 Jan 2013, a fire engulfed a property housing Asian expatriate workers, causing the death of 13 persons. Also, there are occasional deaths resulting from unsafe working conditions especially in construction.

Notably, hundreds of expatriates demonstrated for 2 days on July 2016 in front of MOL, in protest of unpaid wages for more than three months.

15.6) Bondage labor is rampant, where expatriate worker is bound by the guarantee (Kafel). According to Labor Market Regulatory Authority (LMRA) there are thousands of Free Visa workers that are without specific jobs. There is even unemployment among expatriates, in turn required to pay huge sums at home to secure the visa and to pay monthly sum to the guarantor (Kafeel), regardless of being able to earn or not. Many are unable to pay due sums and unable to transfer to their families, with grave consequences. Nevertheless, Bahrain stands by regional standards for allowing workers to change the guarantor (Kafeel)

The standing National Committee against Human Trafficking (NCAHT), headed by MOFA and membership of relevant ministries such as MOI & MOJ, and selected HROs, has not developed a reputation for developing and implementing recommendations to the benefit of the expatriate community.

15.7) The government has established shelter for male- migrant workers in jeopardy, whilst the telecom firm BATELCO sponsors female shelter; still, some embassies such as Philippines run their own shelters and Expatriate Workers Society provides shelter for abused females, but this accommodates only a margin of the abused; Yet, there is a need for a preventive strategy to minimize the helpless migrant workers, males and females.

Also, there is a need for incorporating into national law Bahrain's obligations under ICCPR, CAT and ICRC.

15.8) The domestic law, in particular the Penal Code and Code of Criminal Procedure must reflect Bahrain's obligations under international human rights laws and conventions (stressed for by Belgium, Austria, UK via recommendations 115.21.23, 79).

15.9) The Kingdom of Bahrain hasn't reflected in domestic law in particular the Penal Code and Code of Criminal Procedure the essential obligations under international human rights laws and conventions.

Recommendations:

A) Ratify ICMWF and implement it;

- B) Ensure representation of trade unions, expatriate workers organizations and HROs within NCAHT.
- C) Bring national legislation in compliance with international conventions on human rights and to include international conventions as part of national legislations.
- D) Revamp all legislations related to administration of justice in order to be compatible to obligations under international human rights laws and conventions.