



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I am writing pursuant to your Government's engagement during the third cycle of Bahrain's Universal Periodic Review (UPR). As the final outcome report on the review of Bahrain was recently adopted by the Human Rights Council at its 36th session, I take this opportunity to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 83 countries, Bahrain's presentation and responses, and the action taken by the Government to implement the 156 recommendations it accepted during the second cycle of the UPR. These areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight one area that was raised during the review of Bahrain: the pledge to consider amending the Bahraini Citizenship Act to grant citizenship to the children of Bahraini women married to non-Bahraini men. This is a particularly important reform to address the risk of children of Bahraini women married to non-Bahraini men becoming stateless. I urge Bahrain to expedite the adoption of the amendments to the Act to bring it into full compliance with the Convention on the Elimination of All Forms of Discrimination against Women and to enable Bahraini women to confer their nationality to their children without restriction.

I encourage Bahrain to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Bahrain's preparations for the fourth cycle of the UPR. Although one of the responsibilities of the High Coordinating Committee is the preparation of a national human rights action plan, no plan has thus far been developed. The development of the national human rights action plan by the High Coordinating Committee should include consultations with all stakeholders, in particular civil society organizations and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the UN Resident Coordinator.

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H E. Mr. Khalid bin Ahmed Al Khalifa
Minister for Foreign Affairs
Kingdom of Bahrain



I also encourage Bahrain to strengthen its national mechanism for comprehensive follow-up and reporting in relation to international and regional human rights mechanisms and treaty obligations. This mechanism should be consistent with the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report and congratulate Bahrain for submitting such a report in September 2014, during the second cycle. I encourage Bahrain to submit a mid-term report for the third cycle, by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Bahrain to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc.: H.E. Mr. Abdulla Bin Faisal Bin Jabur Al Doseri
Assistant Minister for Foreign Affairs
Kingdom of Bahrain



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Consider ratifying the Optional Protocol to the Convention against Torture (OPCAT), the Optional Protocol to CEDAW, the Domestic Workers Convention, 2011 (No.189), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention Relating to the Status of Refugees, the International Convention for the Protection of All Persons from Enforced Disappearances, the Convention Relating to the Status of Stateless Persons, the Rome Statute of the International Criminal Court.
- Remove all reservations to the Convention on the Elimination of All Forms of Discrimination against Women thus ensuring that CEDAW requirements are reflected in national laws and practices.
- Continue cooperation with the United Nations, in particular its human rights mechanisms, and ensure that all Bahrainis are able to cooperate with these mechanisms.
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National human rights framework

- Ensure the full implementation of all recommendations from the Bahrain Independent Commission of Inquiry.
- Ensure legislative reforms so that all Bahraini laws comply with international human rights norms. This process could be facilitated by the expertise of all relevant special procedures mandate holders (SPMH) as well as already issued concluding observations of various treaty bodies (TB).
- Extend an open invitation to SPMH to undertake missions to Bahrain, knowing the importance of their role in assisting Governments in advancing the promotion and protection of human rights.
- Work closely with relevant TB experts, especially with respect to ensuring a comprehensive anti-discrimination law that fully meets international human rights standards.
- Strengthen the independence and effectiveness of the National Human Rights Institution in accordance with Paris Principles. In this regard, capacity development programmes could be enhanced with the support of OHCHR, UNDP and Regional Coordinating bodies of National Human Rights Institutions (NHRIs), such as the Asia Pacific Forum (APF) of NHRIs.
- Continue efforts to establish a national mechanism for the prevention of torture, including through the speedy ratification of OP-CAT.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Human rights and counter-terrorism

- Repeal the amendment of laws that allow military courts to try civilians accused of terrorism.
- Review counter-terrorism laws and practices in order to ensure that they are in conformity with international human rights norms.



B. Civil and political rights

Right to life, liberty and security of person

- Take immediate action to commute all death sentences and establish an official moratorium on capital punishment.
- Ensure that all allegations of torture and other ill-treatment are independently, promptly and thoroughly investigated; ensure that individuals found responsible are prosecuted and sanctioned; and guarantee access by victims to justice, redress and rehabilitation.

Administration of justice, including impunity and the rule of law

- Continue training programmes for the judiciary and law enforcement officials on international human rights laws, in accordance with relevant United Nations human rights principles as well as Bahrain's human rights obligations; and ensure that this training is reflected in relevant laws, implementing regulations, standing orders and manuals to be used in professional schools.¹

Fundamental freedoms and the right to participate in public and political life

- Repealing legislation that criminalizes activities falling within the legitimate exercise of the freedoms of expression and association.
- Remove obstacles and restrictions to, and guarantee the exercise of the rights to freedoms of expression, association and peaceful assembly.
- Ensure the protection of NGOs, human rights defenders (HRDs), journalists and the political opposition members from any acts of aggression, harassment and intimidation.
- Abstain from taking restrictive measures or reprisals against HRDs. This should include strengthening the legislative framework to ensure their protection and that of civil society organizations at large; the release of all those detained for expressing their rights peacefully. Safeguard the independence and freedom of the media and the press, including the online publication of news media, introduce a freedom-of-information law in accordance with international standards, and decriminalize defamation.
- Consider establishing a protection mechanism for NGOs, HRDs and journalists established by law and with the support of OHCHR.²
- Consider concrete political reform that would create conditions that foster reconciliation and an inclusive political process based on respect of the legitimate rights and aspirations of all citizens. These reforms should be consistent with Bahrain's international human rights obligations, and fulfil the recommendations of Bahrain's Independent Commission of Inquiry.

Prohibition of all forms of slavery

- Continue national and regional efforts to combat trafficking in persons, especially women and children, including through the development and implementation of a national strategy to combat human trafficking.

C. Economic, Social and Cultural Rights

Right to health

¹ OHCHR has a number of training materials for judges, lawyers and prosecutors, as well as for law enforcement officials and prisons administrators, which could be used for trainings with these groups on applying human rights principles and norms in the exercise of their daily professional activities. The setting up or strengthening of internal accountability mechanisms would also contribute to positive developments in this area.

² This mechanism could benefit from the concrete experience available in a number of countries worldwide where OHCHR has set up an Office.



- Strengthen access to health services, in particular for foreign migrant workers and prisoners and detainees.

Right to education

- Implement programmes aimed at enhancing awareness about human rights at the national level, including through including human rights education in school curricula.
- Continue to bolster progress in the education of girls and women and to further diversify their educational and professional choices, including by ensuring that women are granted opportunities in the higher education system, for example scholarships and study placements.

D. Rights of specific persons or groups

Women

- Promote gender equality by taking more steps to promote the active participation of women in the political, economic and social spheres, and increasing their representation in leadership, public and decision-making positions.
- Eliminate discrimination and violence against women amending relevant laws, such as articles 334 and 353 of the Penal Code; criminalizing marital rape; and implementing the national plan for the advancement of Bahraini women 2013-2022.

Migrants, refugees, asylum seekers and internally displaced persons

- Ensure the safety, security and dignity of foreign migrant workers, so that they are protected through relevant ILO conventions and other international instruments.

Persons with disabilities

- Take measures to implement the Convention on the Rights of Person with Disabilities, including by supporting the integration of persons with disabilities in society and strengthening educational support and job training for persons with disabilities.

Stateless persons

- End the practice of arbitrarily revoking citizenship, especially where this renders individuals stateless and forces them into exile. Citizenship rights should be in line with international norms and standards.
- Amend the citizenship law to enable women to transfer nationality to their children without restriction and on an equal basis with men, including children of Bahraini women married to foreigners.