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### **NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15(A) OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Bahrain\***

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\* The present document was not edited before being sent to the United Nations translation services.

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## **1. Introduction**

The reform process initiated by His Majesty King Hamad Bin Isa Al Khalifa of Bahrain in 2001 supports positive political, economic, social and cultural developments that help to further human rights.

When Bahrain was elected to the Human Rights Council in May 2006, its commitment to the observance of human rights was reflected in the voluntary pledges that it made to the Council. Action has been taken in the Kingdom to ensure that these pledges are honoured. When it presents its candidature for election to the Council in 2008, Bahrain will make further pledges, affirming its continued commitment to the implementation of best practices to ensure the realization of human rights on the ground and also an approach which makes human rights a central component of all development policies and plans.

Bahrain welcomed its selection, by the drawing of lots, as the first State to undergo the universal periodic review before the Council. Bahrain regards the universal periodic review process as a major challenge and a tremendous opportunity for all to draw attention to the efforts that they are making to give effect to human rights.

Further to the above, Bahrain hereby submits its initial report, which reviews the positive developments that have taken place, examines possible shortcomings and deficiencies, and sets out a future plan of action to consolidate and build on the gains that have been achieved on the ground.

## **2. Methodology and process for preparing the report**

The thinking behind the methodology and process was that the universal periodic review is not a one-off event but rather a process comprising several activities and events that take place over the course of successive four-year periods.

### **(a) Methodology for preparing the report**

The methodology adopted by the Government involved a combination of the following actions:

- Gathering of information from government departments
- Interactive surveys with governmental and non-governmental organizations
- Consultation with, and involvement of, stakeholders
- Contributions to the review and feedback on the draft report
- Comments and input from national sources on the interactive dialogue between the delegation of Bahrain and the working group of the Human Rights Council tasked with examining the report
- Development of a plan of action to implement the outcome of the review

The above-mentioned methodology was used having due regard to the following values and principles: transparency; participation; responsiveness; accountability; non-discrimination; and inclusiveness.

**(b) Process for preparing the report**

At the outset, a detailed information note was drawn up to explain to the working group tasked with drafting the report for the Human Rights Council the requirements and nature of the report and the procedures to be followed in preparing it (Annex 1). The same note was distributed, in Arabic and English, to governmental and non-governmental organizations and the media in Bahrain. It was posted on the Internet and distributed in leaflet form.

The note contained, inter alia, the following details: basis of the review; principles and objectives; the review process and modalities; outcome of the review; adoption of the outcome; follow-up to the review.

The Ministry of Foreign Affairs then drew up a plan of action for Bahrain's universal periodic review report, identifying the different stages of preparation and opportunities for stakeholders to participate, provide input and take part in each of the following steps in the process:

- Collection of information for the State report (including the creation of a hotline)<sup>1</sup>
- Soliciting feedback on the State's draft report, which was published on a special website<sup>2</sup>
- National launch of the report, timed to coincide with its submission to the Human Rights Council
- Formulation of an action plan to implement the outcome of the universal periodic review
- Transmission, via the website of the Ministry of Foreign Affairs, of a webcast of the review of the report before the Human Rights Council, and installation of a live feedback and commentary service for use during the interactive dialogue
- Dissemination of the outcome of the review (in Arabic and English)
- Follow-up on implementation of the outcome of the review
- Submission of further periodic reports to the Human Rights Council on follow-up to, and implementation of, the outcome of the review

In addition to the foregoing, a consultation and communications plan was drawn up and disseminated (Annex 2) to all stakeholders involved in preparation of the report and follow-up on the outcome. The plan entails:

- A truly interactive dialogue not just between the Government of Bahrain and the Human Rights Council but also between the Government and civil society
- Wide-ranging national consultations with relevant stakeholders (Annex 3)

**(c) Time constraints**

The time frame for preparation of the report represented something of a constraint with regard, for example, to coordination with all the relevant parties.

### **3. Bahraini Constitution and policies, laws and institutions for the promotion and protection of human rights**

#### **(a) The reform process**

The protection and safeguarding of human rights in Bahrain are guaranteed within an institutional framework on the basis of the rule of law. The Kingdom of Bahrain acted promptly, in the context of national renewal in different spheres of national action, to adjust to the many new developments taking place at home and abroad. In order to strengthen national action, the National Action Charter was issued, defining the general framework for the future objectives of the State in different areas of national action and the role of State institutions and the constitutional powers. The Charter was adopted following a referendum held on 14 and 15 February 2001 in which 98.4 per cent of voters gave it their approval. The National Action Charter sets out the guiding principles of national action and the role of State institutions and the constitutional powers.

In keeping with the wishes of the people, who embraced the principles set out in the Charter, and with a view to creating a better future in which the nation and the citizen enjoy greater prosperity, progress, growth, stability and well-being, the Constitution of Bahrain of 6 December 1973 was amended in line with the Charter. The amended Constitution was promulgated on 14 February 2002. The amendments reflect the evolved state of thinking in Bahrain. Hence, the political system for which they provided was a constitutional monarchy based on the principle of *shura* (consultation) - the ideal model for government in Islam - and the principle of popular participation in the exercise of power - a concept that underpins modern political thought. The ruler skilfully chose experienced citizens to form a consultative council, while the people exercised their own free will in electing representatives to a chamber of deputies, the will of the people being embodied in the two chambers that together form the National Assembly. The Constitution states that:

- The system of government is based on separation of the legislative, executive and judicial powers, between which cooperation is effected in accordance with the Constitution.
- The King is the Head of State and its supreme representative. The King protects the legitimacy of government and the sovereignty of the Constitution and the law, and safeguards the rights and freedoms of persons and institutions.

The Constitution guarantees respect for human rights in accordance with the lofty values and great human principles embodied in the National Action Charter.<sup>3</sup>

The Constitution provides a solid basis for the protection of rights and freedoms. Article 31 states: "The public rights and freedoms provided for in this Constitution shall be regulated or restricted only by, or in accordance with, the law, and such regulation or restriction shall not detract from the essence of the right or freedom concerned."

The right to a judicial remedy is a public right which the Constitution guarantees to all. The law guarantees legal aid, as provided by a committee of lawyers, for persons who cannot afford a lawyer and in cases where the presence of a lawyer is a legal requirement (criminal and juvenile cases).

According to article 37 of the Constitution, international treaties have the force of law once they have been signed, ratified and published in the Official Gazette. In this way, they acquire the status of a domestic law. This illustrates what the status of international human rights treaties is in Bahraini domestic law.

**(b) State authorities and human rights**

*Legislative authority*

Legislative authority is vested in the King and in the National Assembly, consisting of the Consultative Council and the Chamber of Deputies.

*The Consultative Council*

The Council consists of 40 members, appointed by royal order, and it draws on their experience in different walks of life in the Kingdom. The Consultative Council was established pursuant to Royal Decree No. 41 of 2002. The number of women members increased from 6 in 2002 to 10 in 2006. No law may be enacted before being approved by both the Consultative Council and the Chamber of Deputies. The Consultative Council does not have any of the oversight powers that the Chamber of Deputies enjoys, however.

*The Chamber of Deputies*

The Chamber consists of 40 members who are elected by direct, secret ballot for a four-year term. The Chamber has a lawmaking role and oversees the actions of the executive authority by various means, in particular through parliamentary questions and answers and the establishment of committees of inquiry.

*The executive authority*

Executive authority is vested in the King, the Prime Minister and government ministers. The executive is responsible for the formulation and implementation of the State's general policy, for overseeing the conduct of government and for protecting the interests of the State. The Constitution defines the tasks, functions and responsibilities of the King, the Prime Minister and government ministers. The executive ensures the enforcement and implementation of the law and safeguards the interests of the State.

*The judicial authority*

The judicial authority is one of the three powers of State. It is dealt with in articles 104 to 106 of the Bahraini Constitution, which state that the honour of the judiciary and the integrity and impartiality of judges constitute the basis of government and a guarantee of rights and freedoms. There can be no external influence over a judge in the taking of decisions, nor can there be any interference in the course of justice. The law guarantees the independence of the judiciary and provides safeguards for judges and their decisions.

The Bahraini legislature passed a separate law on the judiciary, stipulating the conditions of appointment and the responsibilities, powers and duties of judges. The Judicial Authority Act issued by Decree Law No. 42 of 2002 clearly reflects the concern of the legislature of the Kingdom of Bahrain to support the judiciary and enable it to play its role in the smooth delivery of justice for all citizens, both men and women alike. Under the Act, the areas of competence of the courts of Bahrain are distributed as follows:

### *The civil courts*

The civil courts have competence for all civil, criminal and commercial cases and matters of personal status of non-Muslims. Each judicial division has two levels of jurisdiction. The Court of Cassation is at the top of the judicial hierarchy and for parties at law serves as a supreme judicial body with competence for overseeing the proper and correct application of the law.

### *The sharia courts*

The sharia courts have competence for personal status matters of Muslims. They are divided into the Sunni courts and the Ja`fari courts. Personal status issues of non-Muslims are dealt with by the civil courts and are regulated by special laws.

### *The Constitutional Court*

The Supreme Constitutional Court verifies the constitutionality of laws and regulations. This court is an independent body.

## **(c) Domestic laws on the promotion and protection of human rights**

In addition to the constitutional and legislative texts which require respect for human rights, the executive recently approved a number of laws that have a direct bearing on different aspects of human rights. The laws in question are listed below.

- Decree Law No. 14 of 2002, concerning the exercise of political rights: this law allows citizens, both men and women, to exercise their political rights by expressing their views in every referendum held in the Kingdom in accordance with the Constitution and by standing for, and electing members of, the Chamber of Deputies in accordance with the relevant conditions.
- Decree Law No. 33 of 2002, concerning trade unions: this law was passed in conformity with the Bahraini Constitution, which grants workers the right to form trade unions. This is one of the first laws of its kind in the region. Trade union activists have now set up independent trade unions, which are brought together under the banner of the General Federation of Trade Unions of Bahrain.
- Decree Law No. 47 of 2002, concerning the regulation of the press, printing and publishing: this law attributes responsibility for disciplining journalists to the Press Association alone and relieves editors-in-chief from having to appear in court on a regular basis in response to summonses. It attributes personal liability to the writer, and makes the suspension of newspapers subject to the issuance of a court order. With regard to false reports, it shifts the burden of proof onto the party challenging the veracity of the report, and does not require journalists to prove that the story is true, as was the case in the past.
- Act No. 26 of 2005, concerning political associations: the Act recognizes the right to form and join political associations and regulates their activities. There are currently 18 such associations, 3 of them represented in the Chamber of Deputies.
- Act No. 18 of 2006, concerning social security: this Act guarantees Bahraini citizens, both individuals and families, their basic necessities in kind or in cash.



- Act No. 32 of 2006, amending Decree Law No. 18 of 1973, concerning public meetings, demonstrations and gatherings: this Act authorizes the holding of peaceful gatherings and demonstrations, subject to notification of the authorities by three of the organizers. The authorities provide the necessary protection for peaceful demonstrations and gatherings. The Act limits administrative authority to issue a decision banning such gatherings by imposing a number of rules, including that the decision is subject to judicial scrutiny.
- Act No. 74 of 2006, concerning the welfare, rehabilitation and employment of persons with disabilities: this Act requires ministries and other institutions to liaise with the Ministry of Social Development on the provision of regular, integrated and permanent services for persons with disabilities, particularly in the areas of health, social welfare, education, culture, sports, rehabilitation, employment, communications, housing, etc. The Act furthermore regulates the establishment of centres, welfare homes and workshops for persons with disabilities, as well as retirement pensions and leave for employees with disabilities.
- Decree Law No. 78 of 2006, concerning unemployment insurance: this law is the first of its kind in any State member of the Gulf Cooperation Council. With its enactment, a large number of unemployed persons have been saved from falling into indigence as a result of losing a job. The law will help to reduce the rate of unemployment, which is a growing social problem of considerable importance at the present time, and offers a decent living to the unemployed so that they can be reintegrated into the labour market. The law applies to both Bahrainis and non-Bahrainis.
- Act No. 1 of 2008, on combating trafficking in persons: this Act is evidence of the Kingdom's commitment to international treaties on human trafficking. The Kingdom of Bahrain is the second Gulf State to pass such a law. The Act states that, for the purposes of its application, trafficking in persons means the recruitment, transfer, transport, housing or receiving of a person for the purposes of exploiting that person by means of coercion, threats, deception, abuse of position or influence or misuse of power of any kind over the person or any other unlawful means, whether direct or indirect. The Act also states that, without prejudice to any higher penalty that may apply under the Criminal Code or any other law, a term of imprisonment and a fine of from 2,000 to 10,000 Bahraini dinars (BHD) shall be imposed on anyone who perpetrates the offence of human trafficking. One article of the Act states that a committee to be called the National Committee to Combat Trafficking in Persons shall be established, pursuant to a decision of the Minister for Foreign Affairs, and shall consist of representatives of the official bodies specified in the decision, subject to coordination with them. The committee will be tasked with designing programmes to prevent and combat trafficking in persons. Similarly, a committee will be established by a decision of the Minister for Social Development to assess the situation of foreign victims of human trafficking.

**(d) Official bodies and government institutions with competence for human rights**

Bahrain has created a number of government bodies and ministries with competence for human rights, together with institutions and committees tasked with the protection and promotion of human rights.

- The Royal Court: the Royal Court created an Ombudsman's office to examine any complaints submitted by citizens and foreign residents and find appropriate solutions for them. It also established the Royal Charity Organization for the welfare of orphans and widows.
- The Supreme Council for Women: the Supreme Council for Women was established pursuant to Amiral Decree No. 44 of 2001. The Council plays a key role in recommending general policy on the promotion of women's issues in the constitutional and civil society institutions. It seeks to empower women so that they can play their role in public life, and to include their endeavours in general development programmes and prevent discrimination against women.
- The Bahraini Institute for Political Development: the Institute was established pursuant to Decree No. 39 of 2005. It holds seminars and runs workshops on the importance of political participation, and raises awareness of political and legal rights among different sections of society.
- The Ministry of the Interior: a human rights committee chaired by the Undersecretary for Internal Affairs was set up. The committee liaises with non-governmental organizations such as the Bahraini Society for Human Rights. A complaints and human rights department was set up at the Ministry to improve the Ministry's overall performance on human rights.
- The Ministry of Foreign Affairs: the Ministry chairs the National Committee to Combat Trafficking in Persons, whose members include representatives of all relevant State ministries. In addition, the Ministry has its own human rights section.
- The Ministry of Justice: the Ministry of Justice has an institute of judicial and legal studies responsible for the preparation and training of all judges, members of the Public Prosecution Service and of the Department of Legal Affairs, and legal advisers employed by State institutions. It improves their professional skills and develops their knowledge.
- The Ministry of Social Development: the National Centre for the Promotion of Civic Organizations was established on 10 October 2006 to strengthen and develop the capacities of civic associations in Bahrain in managing their structures and development projects.
- The Ministry of Labour: the Ministry of Labour has established a special department to deal with labour grievances. The Ministry has set up a hotline to respond to enquiries from employers and workers on labour law.

In addition to the above, we should like to mention the following:

- The National Committee for Older Persons: established by Decree No. 1 of 1984, the National Committee for Older Persons includes representatives of relevant governmental and non-governmental organizations and is tasked with formulating general policy on programmes and projects for older persons.
- The National Committee on Childhood: the National Committee on Childhood was restructured pursuant to Decree No. 46 of 2007, which defines the functions and duties of the Committee in regard to children, namely: to pursue all kinds of activities and issues that have a bearing on the educational, social, cultural and psychological development of

children of all ages and to devise a national strategy for children to help organizations with competence for children's issues to develop and enhance their projects and programmes which serve and protect children's rights.

- The High Committee for Persons with Disabilities: established pursuant to Decree No. 62 of 2007, the High Committee for Persons with Disabilities includes members representing relevant governmental and non-governmental organizations, and seeks to provide for the welfare of persons with disabilities.

#### *Voluntary pledges*

- Bahrain is committed to establishing a national human rights institution at the earliest opportunity, bearing in mind the relevant United Nations resolutions and, in particular, the Paris Principles. In fact, in November 2007, the Cabinet issued a decision on the establishment of a national human rights institution. Once the institution has been established, it is expected to design a national action plan for the promotion and protection of human rights in the Kingdom.
- Bahrain is currently examining the need for comprehensive national action plan on human rights.
- Bahrain is currently examining the idea of creating an inter-ministerial human rights mechanism to guarantee the implementation of the recommendations made by the international treaty bodies to which Bahrain reports.
- Bahrain is currently examining the idea of drafting a national action plan on human rights education as soon as possible, in conjunction with relevant entities and organizations in Bahrain, and with expert input from the Office of the United Nations High Commissioner for Human Rights.

#### **(e) Non-governmental organizations**

Non-governmental organizations and associations are regulated by Decree Law No. 21 of 1989. In its initial report submitted to the Committee on the Elimination of Racial Discrimination in 1999, Bahrain stated that the number of registered associations at the time stood at 189. In 2008, the total number of registered associations and organizations operating in different spheres was 455, including: 20 women's associations; 74 social associations; 15 charitable associations; 10 private charitable associations; 25 Islamic associations; 60 professional associations; 11 Gulf associations; 13 youth organizations; 20 associations and centres for persons with disabilities and older persons; 20 cooperative societies; 36 expatriate clubs; 49 expatriate associations; 81 charitable funds; and others. The Kingdom hosts many different faith communities and ethnic groups which are able to practise their rituals freely. There are 19 licensed churches for Bahrainis and foreign residents who are Christians, and there are also places of worship for members of other minorities, such as Jews, Hindus and Buddhists.

Human rights associations include:

- The Bahraini Society for Human Rights
- The Bahraini Society for Public Freedoms and the Promotion of Democracy

- The Bahrain Human Rights Watch Society
- The Bahrain Transparency Association
- The Migrant Workers' Protection Society

These societies monitor human rights and raise awareness of Bahrain's obligations in this domain. The Ministry of Social Development, in coordination with non-governmental organizations, is currently reviewing a new draft law on the regulation of non-governmental organizations.

#### *Voluntary pledges*

Bahrain is fully committed to supporting non-governmental organizations through legal and other instruments so as to develop a constructive dialogue with these organizations and other stakeholders.

### **4. Commitments and pledges of Bahrain in regard to human rights**

#### **(a) International human rights treaties**

Bahrain abides by the Charter of the United Nations, Article 1 of which stipulates that the purposes of the United Nations are to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction. Bahrain has acceded to the main United Nations human rights treaties and to numerous International Labour Organization (ILO) conventions (see list in Annex 4).

#### *Voluntary pledges*

- Bahrain studies and reviews the international human rights treaties to which it has yet to accede in order to assess the feasibility of acceding to them. It will seek international assistance and cooperation in order to strengthen individual and institutional capacities in this connection.
- Bahrain will explore the possibility of reviewing some of its existing reservations to the treaties to which it is a party. By way of example, Bahrain has already withdrawn its reservation to article 20 of the Convention against Torture.
- Bahrain is committed to contributing to the current process of human rights standard-setting at the United Nations and to participating in United Nations human rights forums where human rights standards are discussed (for example, the Forum on Minority Issues, which is due to meet in Geneva in September 2008).

#### *Reports of the Kingdom of Bahrain submitted under human rights treaties*

Annex 5 contains a list of the reports which Bahrain has submitted under the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. All the treaty bodies have considered Bahrain's reports, except for the Committee on the Elimination of All

Forms of Discrimination against Women, which has yet to set a date for consideration of Bahrain's report. The treaty bodies have praised Bahrain for the reforms under way since 2001 and for the size, skills and expertise of the delegations that it has sent to attend the sessions at which the reports have been considered. They have also praised Bahrain for good practice followed in writing the reports and for complying with the reporting guidelines.

As is the case in many States, there is considerable scope for improvement with regard to the timeliness of reporting and the provision of information requested by the treaty bodies. Bahrain is conscious of the limited number of human resources on which it can draw at the present time for the preparation and regular submission of reports to help these bodies to carry out their work.

The Kingdom of Bahrain will take steps to include in its reports additional information about the concrete measures taken to apply and implement relevant policies and laws, including the use of existing complaints procedures and "hotlines" and the availability of judicial remedies under the current laws.

#### *Voluntary pledges*

Bahrain is determined to strengthen its capacities in order to ensure:

- Effective implementation of its obligations under the international human rights treaties which it has ratified and signed.
- Timely submission of reports under these treaties.
- Follow-up to the concluding observations of the human rights treaty bodies.

In order to strengthen implementation of its obligations under human rights treaties, Bahrain will explore the possibility of creating a working group made up of government ministries with competence for human rights to carry out coordination and follow-up activities. The Government will furthermore support and strengthen national capacities in implementing its human rights obligations, including those of the police, law enforcement personnel, prison and security officers, the media, non-governmental organizations and development actors.

#### **(b) Regional human rights treaties**

Bahrain was among the first States to ratify the Arab Charter on Human Rights, which was adopted by the League of Arab States in 2001. It also supported the Cairo Declaration on Human Rights in Islam adopted by the Organization of the Islamic Conference in 1990.

#### **(c) Bahrain and the special procedures of the Human Rights Council**

- The United Nations Working Group on Arbitrary Detention paid an official visit to Bahrain in 2001. (Details are provided in part 6 of this report).
- The Special Rapporteur on trafficking in persons, especially in women and children, visited Bahrain in 2007. (Details are provided in part 6 of this report).
- Bahrain received Ms. Mary Robinson, the former United Nations High Commissioner for Human Rights.

- Bahrain has duly responded to the letters received from United Nations special procedures and mechanisms.
- The Special Representative of the Secretary-General on the situation of human rights defenders sent a questionnaire asking Bahrain to provide some information for the report that he was preparing on States. Bahrain supplied the Special Representative with the information at its disposal.
- Bahrain replied in under two weeks to a letter sent by the Special Representative on the situation of human rights defenders in February 2007 concerning complaints from individuals.
- Requests for clarification from the special procedures on matters such as arbitrary detention, torture, human rights defenders and freedom of expression tend to be about demonstrations organized usually by unregistered non-governmental organizations. Sometimes, the demonstrations pass off peacefully and sometimes the law gets broken and violence is used. The competent authorities reply to these requests for clarification by providing details about the events that occurred, the legal proceedings under way and detainees who have been released.
- Requests for clarification concerning violence against women and the independence of judges and lawyers tend to focus on individual marital disputes pending before the courts. The competent authorities respond by submitting a report on the current status of the cases.
- Requests for clarification concerning migrant workers, children and violence against women tend to focus on complaints of ill-treatment filed by foreign female domestic workers against private employers. The response of the competent authorities is to submit a report on the current status of the cases in question.
- Requests for clarification concerning children, torture, arbitrary detention and freedom of expression tend to focus on the detention of demonstrators under the age of 18. The response of the competent authorities is to submit a report on the current status of the cases in question.
- Requests for clarification concerning human rights defenders have been about individual complaints about non-registration of non-governmental organizations and action taken against the leaders of these organizations when they protest about not being granted registration. The response of the competent authorities has been to clarify the legal procedures that apply in such cases.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression requested clarifications regarding action taken against journalists accused of defamation and the blocking of websites. With regard to the former, the law on journalists is being revised, as explained below. With regard to the latter, the practice of blocking websites is on the wane and is currently being revisited with a view to its complete elimination.

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provided comments on Bahrain's draft law on this subject. The response of the competent authorities was to ensure that the law does not infringe international human rights standards. Bahrain is proud of the cooperation that it enjoys with the special procedures and works steadily to enhance this cooperation.

*Voluntary pledges*

In recognition of the importance of the special procedures and the mechanisms of the Human Rights Council, Bahrain pledges to:

- Respond in a timely manner to requests for official visits from special rapporteurs, special representatives, independent experts and working groups. It will develop effective policies and mechanisms to respond to these requests.
- Conduct a study on the feasibility of inviting officials of the special procedures system for consultations and discussions.
- Follow up on recommendations that the special procedures make about Bahrain.

*Voluntary pledges with regard to the United Nations human rights mechanisms*

Conscious of the fact that human rights subjects and issues are examined and considered by different United Nations organs, Bahrain pledges to:

- Continue to participate actively in meetings of the Economic and Social Council and its various commissions and in the General Assembly and Security Council.
- Continue to participate actively in follow-up to the proceedings of relevant conferences, including the forthcoming review of the Durban Declaration and Programme of Action of the World Conference to Combat Racism and Racial Discrimination.

**(d) Bahrain and the Human Rights Council**

- Bahrain accords the utmost importance to the work of the Human Rights Council. For that reason, it endeavoured, with success, to secure election to the Human Rights Council in 2006 when the Council first came into existence. After its one-year mandate, accorded by the drawing of lots, came to an end, it did not seek re-election, leaving the way open rather for the State of Qatar. Bahrain has, however, announced its intention of presenting its candidature for a three-year term in the forthcoming Council elections to be held in May 2008.
- Bahrain recognizes the importance of the universal periodic review mechanism. As the first State to undergo the review, Bahrain has taken care to ensure that the preparation of its report and follow-up to the review will make a positive contribution to the realization of the purposes and objectives of the review process.

*Voluntary pledges*

- Submission of a report, during the next review, on the fulfilment of existing voluntary pledges.
- In the pledges that it will make to the Human Rights Council during the 2008 elections, Bahrain will confirm its adoption of “good practices”.

- Awareness-raising and support for the full participation of civil society, beginning with follow-up to the consideration of Bahrain's report in April 2008.
- The application of best practices in all areas of the universal periodic review process, beginning with the preparation of the report in consultation with the relevant stakeholders, in order to guarantee the implementation of the outcome of the review and follow-up on the progress made by Bahrain in implementing the outcome.
- Examination of the idea of creating a national action plan to implement the outcome of the universal periodic review.

#### **5. Report on the voluntary pledges made by Bahrain in 2006 when it was elected to the Human Rights Council**

When Bahrain presented its candidature during the very first Human Rights Council elections in 2006, it submitted a document containing 19 voluntary pledges of various kinds. Now, two years later, it is possible to assess the progress made in fulfilling the pledges, which can be grouped as follows:

##### **(a) Pledges to improve the human rights situation on the ground in Bahrain**

- Ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights has been completed.
- A campaign has been conducted on combating trafficking in persons. A draft law has been adopted, and the Special Rapporteur on trafficking in persons, especially in women and children, was received on a visit to Bahrain.
- The two International Covenants are being implemented at the national level, taking account of all the recommendations contained in the report of the Special Rapporteur on trafficking in persons.
- Pledges to implement human rights treaties have been made in the reports that Bahrain has submitted to the relevant treaty bodies. Bahrain continues to cooperate with those bodies.
- Training courses are being run for law enforcement officials, and Bahrain continues to support and develop these courses.
- Strategies on the political, economic and social advancement and empowerment of women have been put in place.
- Consultations are under way between the competent government institutions and civil society on a new draft law regulating the work of non-governmental organizations.
- In keeping with its pledge to make respect for human rights a central component of its development policies and programmes, Bahrain fulfils its commitment to make respect for human rights the guiding principle of development plans.



- In furtherance of its pledge to increase public awareness of human rights issues, Bahrain continues to hold workshops and seminars on human rights. It will also hold a workshop to review the outcome of the review of its initial report before the Human Rights Council. Other topics being considered for workshops and seminars are:
  - Ensuring respect for human rights in development plans
  - Assessing progress in the realization of economic, social and cultural rights

**(b) Pledges regarding regional cooperation on human rights**

In furtherance of its pledge to treat human rights equally and fairly in order to guarantee national and international harmony between different historical backgrounds, civilizations, religions and cultures and to continue to promote respect, tolerance and solidarity, Bahrain continues to participate actively in the Dialogue among Civilizations and the Alliance of Civilizations, and is committed to supporting the work of the recently appointed High Representative of the Secretary-General for the Alliance of Civilizations. Bahrain is also committed to promoting the Forum for the Future and its fund.

**(c) Pledges regarding cooperation with the United Nations human rights system in general and the Human Rights Council in particular**

Several of the voluntary pledges mentioned in this universal periodic review report build on earlier pledges that Bahrain made to support the United Nations human rights machinery. This confirms its commitment to the principles of transparent and open consultation, dialogue and cooperation with all members of the Human Rights Council.

**6. The human rights situation on the ground**

**(a) Children**

When the Committee on the Rights of the Child considered Bahrain's initial report under the Convention on the Rights of the Child, it raised several issues and made recommendations as to how they might be addressed. These included:

- The need for a comprehensive review of Bahrain's domestic laws and administrative regulations in order to ensure that they are consistent with the Convention on the Rights of the Child.
- Clarification of the duties and responsibilities of the National Committee on Childhood with regard to cooperation with ministries and receiving and dealing with complaints.
- Collection and classification of data on the most vulnerable groups of children, including non-nationals, children with disabilities, children of economically disadvantaged households, etc.
- Identification of the amount and the proportion of the State budget spent on children in the public and private sectors.
- Printing and distribution of the Convention on the Rights of the Child.

- Establishment of a minimum age for marriage for males and females; elimination of discrepancies in the minimum age requirements under different laws; and ensuring that these laws are gender neutral. The minimum age for criminal responsibility must be clarified, including in respect of repeat offences such as begging and immoral conduct.
- Elimination of the practice whereby vocational courses at the secondary level are confined to one sex.

Based on the observations of the Committee on the Rights of the Child, the Kingdom of Bahrain adopted the following measures:

- With regard to the establishment of a marrying age for girls, since Bahrain has no law on a minimum marrying age, the Kingdom makes tireless efforts, through an audiovisual and print media policy, to draw attention to the dangers of early marriage for girls and its adverse impact on children's health. This is in addition to the efforts made by civil society organizations in this regard. In that connection, a ministerial decree was issued by the Minister of Justice and Islamic Affairs on 23 September 2007 regulating the procedures for contracting marriages of girls under 15 years of age. The decree states: "A marriage may not be contracted and shall not be recognized where the bride is under 15 or the groom is under 18 when the contract is concluded, unless there is a compelling need which justifies marriage of persons below these ages, in which case a permit must be obtained from the competent court." As for criminal responsibility, article 32 of the Criminal Code of 2002 stipulates that "No one under the age of 15 years at the time of the commission of an act which constitutes an offence shall bear criminal responsibility. The matter will be dealt with pursuant to the Juvenile Act."
- With regard to the denial of vocational education to girls, there is no discrimination between girls and boys with regard to participation in vocational education at the secondary school level. Bahrain encourages both sexes to pursue all kinds of vocational education.
- The Ministry of Social Development allocated approximately BHD 1.5 million out of its 2007/2008 annual budget for development programmes geared towards children.
- With regard to a comprehensive review to ensure consistency between domestic laws, administrative regulations and the Convention on the Rights of the Child, Bahrain, through the legislature, has reviewed this legislation to bring it into line with the Convention. Hence, the period of entitlement to breastfeeding breaks of two hours a day was extended from six months to two years, and the period of maternity leave was increased from 45 to 60 days. A standing committee on women and children was established within the Consultative Council, and the legislature is currently discussing proposed laws on children's education, the enactment of a children's law, children's rights and two draft laws submitted by the Government on the protection of children and amendments to the Juveniles Act.
- As for the mandate of the National Committee on Childhood with regard to coordination between competent governmental bodies, guaranteeing the implementation of the Convention on the Rights of the Child, and receiving complaints and grievances about children's issues and finding appropriate solutions for them, the Committee was restructured pursuant to Decision No. 46 of 2007, which defines the Committee's duties and responsibilities in regard to children. These duties include: pursuing all kinds of

activities and matters relating to childhood; taking action to facilitate the education, social, cultural and psychological development of children of all ages; establishing a national strategy on childhood to help the relevant bodies develop and improve their projects and programmes which serve and promote children's rights; providing legal protection for children in different areas; liaising between different governmental bodies and civil institutions in order to achieve synergies and avoid overlap of mandates; and making efforts to strengthen ties and relations with all civil organizations involved in dealing with children's issues in the Kingdom of Bahrain.

- With regard to the collection and analysis of data on children, particularly the neediest children, including non-Bahrainis and children with special needs, Bahrain has just established a centre specializing in the protection of children, which is overseen by the Ministry of Social Development. Plans are under way to open up similar centres throughout Bahrain. Seven centres with responsibility for children's culture and awareness-raising have been set up in five governorates, and the Ministry of Social Development conducts regular visits on a continuous basis to villages and inhabited areas that are far away from towns, in order to monitor the situation of children on the ground in general and of the most vulnerable groups and Bahraini and non-Bahraini children with special needs in particular.
- The report that the Kingdom of Bahrain will submit to the Committee on the Rights of the Child will contain additional information on this subject, outlining the measures which Bahrain has taken to provide economic, social and housing services in all parts of Bahrain without distinction.

**(b) Women**

The Supreme Council for Women, established in 2001, plays a key role in recommending general policy on the development and advancement of women's issues in constitutional and civil society institutions, and it seeks to empower women so that they can play their role in public life and to integrate their efforts into comprehensive development programmes, having due regard to the principle of non-discrimination. The most significant achievements of the Council in this regard include:

- Cooperation with the United Nations Development Programme (UNDP) on the design and implementation of a gender-balanced political empowerment programme; technical and material support was provided to all women candidates who stood in the parliamentary and municipal elections held in 2006.
- The Council, in cooperation with UNDP, implements a programme on economic empowerment of Bahraini women and the eradication of women's poverty, holding a number of workshops and courses for women.
- The Council launched a series of important programmes for Bahraini women, such as the maintenance fund for divorced women.
- Maintenance benefits are now being paid to eligible women. A total of 20 housing units have been assigned to divorced women who are nursing mothers, and legal aid is dispensed to women in need by the Council's Women's Complaints Centre. This is in addition to other projects.

The Women's Union, a Bahraini non-governmental organization, considers that:

- It is of vital importance to promote women's rights, to clarify the rights and duties of the sexes, to regulate family relationships and to act swiftly to eliminate the obstacles to the enactment of a personal status law.
- Notwithstanding the amendments to the Housing Act which partially benefit women, the fact is that, although a marriage certificate must be provided in support of a husband's application for housing, the home will only be registered in the man's name and, in the event of divorce, the women and her children will not be able to use the home.
- Another issue of concern is the lack of a women's quota with regard to seats in elected assemblies as a measure of affirmative action to facilitate women's participation in these bodies.
- In this regard, Ministerial Decree No. 12, concerning the rights of Bahraini women to housing, regulates the rights of women heads of household, allowing them to apply for housing. The Decree also regulates, for the first time, the right of divorced women to register their share in a home if they can provide evidence that they have paid in to the monthly instalments on the home. The Supreme Council for Women, through a joint committee with the Ministry of Housing, endeavours to implement Decree No. 12 and to resolve the problems that women face in this domain.
- The Supreme Council for Women is opposed to the idea of a parliamentary quota, as it is not in keeping with the Constitution of Bahrain. However, it supports any measures to promote women's advancement in politics, the media and finance by strengthening women's capacities and political skills and giving them certain privileges and opportunities to increase their ability to compete and to overcome obstacles and challenges.
- The Supreme Council for Women confirms that there are 10 women in the Consultative Council, a ratio of 25 per cent. This is a real achievement for women. The appointment of women ministers attests to the fact that the Bahraini leadership is convinced of the importance of women's participation at all levels.

**(c) Foreign workers**

The Kingdom issued a decision on the rectification of the situation of workers with an irregular status, granting any foreign worker who had breached the terms of a residence permit the opportunity to declare his or her irregular status and rectify it without incurring any penalties. A period of six months was given for this purpose, beginning on the date when the decree was issued - i.e. from 1 August 2007 to 31 January 2008. Moreover, the sponsorship system was abolished.

*Voluntary pledges*

- Intensification of inspections of workers' housing and of checks on its suitability in terms of security, health, habitability and compliance with the applicable laws and decrees.
- Creation of an effective mechanism to deal with cases of neglect by private sector institutions of workers' housing.

**(d) Foreign female workers**

The Ministry of Labour has taken various steps to guarantee the rights of workers, including foreign female workers, such as raising workers' awareness of the legal protection and remedies available to them in the event of any difficulties or problems. This responds to the recommendations made by the Committee on the Elimination of Racial Discrimination and other United Nations bodies.

**(e) Trade unions**

- The status of trade unions is regulated by Decree Law No. 33 of 2002. The Decree Law was recently amended to allow more than one union to represent each trade and profession.
- Some stakeholders have commented on trade unionism in Bahrain, mentioning:
  - The importance of the prompt signing and ratification of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and of revising and amending the labour laws to bring them into line with international standards.
  - In this connection, it is worth noting that trade union pluralism can weaken and split the trade union movement. For that reason, all States tend to place restrictions on pluralism and to limit the number of trade unions and federations, placing them under the umbrella of a single entity so that they can address economic challenges.
- Consider the possibility of amending article 10 of the Trade Unions Act to grant government workers the right to form trade unions in line with international standards.

*Voluntary pledges*

- Bahrain affirms that it will include information in its future reports on the outcome of the universal periodic review and its impact on the human rights situation on the ground.
- It has asked the Human Rights Council for technical assistance to help it run human rights training courses and workshops for law enforcement personnel and members of the Prosecution Service and the judiciary.
- It will liaise with the President of the Human Rights Council and the Office of the High Commissioner for Human Rights on the possible organization of visits that might prove useful for the purposes of discussions and consultations.
- Bahrain will examine the possibility of issuing an annual or a periodic national report on the human rights situation on the ground.

**7. Challenges, constraints and responses to the human rights situation on the ground**

**(a) The Committee on the Elimination of Racial Discrimination**

Following the consideration of the Kingdom's sixth and seventh periodic reports (CERD/C/BHR/CO/7 of 14 April 2005), Bahrain commented on the Committee's recommendations

concerning the establishment of a national human rights institution, dialogue with civil society organizations, measures to protect the rights of women domestic workers and guarantees of the right to work, health, social security, housing and education (CERD/C/BHR/CO/7/Add.1 of 2 April 2007). Bahrain is committed to the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and to cooperating with the treaty body.

*Voluntary pledges*

- The Committee on the Elimination of All Forms of Racial Discrimination pointed out that Bahraini law provides no definition of racial discrimination that includes the criteria set out in article 1 of the Convention. The Committee also asked for additional information on housing. The Kingdom of Bahrain will duly include in its next report to the Committee additional information on the follow-up to the Committee's concluding observations and recommendations. It will also explore the possibility of obtaining appropriate technical assistance to strengthen national implementation of the Convention.
- Bahrain will consider seriously the possibility of enacting a law on combating racial discrimination.

**(b) The Committee against Torture**

Bahrain commented on the recommendations of the Committee against Torture as contained in paragraph 7 (e), (m) and (o) of the Committee's concluding observations, which were issued following the consideration of Bahrain's initial and supplementary reports (CAT/C/CR/34/BHR of 21 June 2005). The recommendations concerned the legal system, redress, the enforceable right to fair and adequate compensation in respect of past acts of torture, the removal of inappropriate restrictions on the work of non-governmental organizations, especially those dealing with issues related to the Convention against Torture, and the provision of information about a proposed committee for the prevention of vice and promotion of virtue (CAT/C/BHR/CO/1/Add.1 of 8 February 2007).

The Committee against Torture, after considering the two above-mentioned reports in October 2004, praised Bahrain for the measures that it had taken, such as repealing the State Security Act and abolishing the State security courts. It further praised Bahrain for withdrawing its reservation to article 20 of the Convention and for receiving a visit by the Working Group on Arbitrary Detention in 2001. The Committee pointed out that the allegations of torture referred to the period prior to the reform process which began in 2001.

*Voluntary pledges*

- Although there are no cases of torture in the Kingdom, Bahrain's steadfast desire to enhance the professionalism of law enforcement personnel has prompted it to ask the Office of the United Nations High Commissioner for Human Rights for assistance in developing and improving human rights curricula and training courses.
- Bahrain welcomes a visit by the High Commissioner for Human Rights.
- Bahrain affirms its willingness to cooperate with the Committee against Torture on the implementation of article 20 of the Convention.

**(c) The United Nations Working Group on Arbitrary Detention**

In the light of the problems that had arisen in the past, the visit by the United Nations Working Group on Arbitrary Detention in 2001 was a landmark for Bahrain. The Working Group praised Bahrain for releasing all the detainees whose complaints had been submitted to it. Many non-governmental organizations working on human rights have confirmed, in a number of their reports, that there have been no cases of arbitrary detention in Bahrain since 2001. The Working Group on Arbitrary Detention made several recommendations, which have been answered to varying degrees. For example:

- Take steps and measures to help detainees who cannot afford legal assistance.
- The legislature is considering a draft law on raising the age of majority to 18 years. The Cabinet issued a decision on 4 December 2005 transferring responsibility for the Juveniles Centre from the Ministry of the Interior to the Ministry of Social Development.

*Voluntary pledges*

Law enforcement agencies will increase the number of training courses and workshops that they run on the protection and promotion of human rights.

**(d) Combating trafficking in persons**

Bahrain, through the National Committee to Combat Trafficking in Persons, has always taken a proactive approach to the problem of human trafficking, even before it hosted a visit by the United Nations Special Rapporteur on trafficking in persons. The Special Rapporteur praised the Kingdom for the good practices that it follows. The Special Rapporteur noted that, in 2004, foreign migrant workers accounted for 38 per cent of the workforce of the Kingdom. Sometimes, these workers are trafficked in or through Bahrain itself for the purposes of forced labour and sexual exploitation.

The Special Rapporteur drew attention to the following:

- The sponsorship system, which makes migrant workers dependent on the sponsor, increases their vulnerability and the chances of their being trafficked.
- The exclusion of foreign workers from Bahrain's labour laws, which deprives them of protection and places them in a situation where their working conditions are a private matter regulated by agreement between them and the employer.
- A number of recommendations on preventing and combating trafficking, stronger protection for persons who have been trafficked and punishment of traffickers.

In this regard, although a legal framework exists that provides protection for every worker, constant endeavours are made to strengthen that framework. Act No. 1 of 2008, concerning combating trafficking in persons (see part 3 of the present report), has been promulgated. The implementation of applicable laws is monitored. Steps are taken to ensure that court judgements are enforced. Awareness of the dimensions of the problem of human trafficking is raised in society, particularly among employers. Cooperation mechanisms between sending, receiving and transit States are being strengthened in order to protect the human rights of persons who are trafficked.

In the context of Bahrain's efforts to combat human trafficking, the Minister for Internal Affairs decided to set up a section to deal specifically with human trafficking and, in 2006, the Ministry of Social Development opened up a shelter for Bahraini and non-Bahraini women and children who are victims of mental, psychological and social violence. In addition, the National Committee to Combat Trafficking in Persons produced a leaflet in several languages explaining the rights of workers, all the procedures relating to those rights and the hotline for reporting or seeking advice on any problem that they may face during their time in Bahrain. The leaflet is handed out to workers as soon as they arrive in Bahrain.

#### *Voluntary pledges*

Bahrain undertakes to begin implementing the articles and provisions of the Act on trafficking in persons.

#### **(e) Growing realization of economic, social and cultural rights**

Human resources development is a cornerstone of Bahrain's reform process, since the human person is the central subject and should be the main beneficiary of development. The attention paid to social, health, educational and labour services is manifested in the following ways:

- In regard to health, UNDP ranked Bahrain thirty-seventh among the most advanced States in the world as regards economic and social development. The United Nations agency, in its report, took account of standards of education and health care. The health indicators for 2006 show how the health situation has evolved. The health service coverage rate is 100 per cent across the country and the State provides health care free of charge.
- In regard to education, a new report by the United Nations Educational, Social and Cultural Organization (UNESCO), indicates that Bahrain has the highest proportion in the Arab region of primary school students who enrol in secondary education. According to the report, 98 per cent of primary school students in Bahrain enrol in secondary education. The Kingdom provides free basic and secondary education to nationals and foreigners. The Government furthermore integrates students with special needs into government schools. A civics curriculum, including fundamental human rights principles and standards, is taught at all stages of basic education and detailed study of the subject of human rights is carried out at the law faculty of the University of Bahrain.
- In the field of employment Bahrain continues its efforts to organize employment and training programmes through cooperation between the Ministry of Labour, ILO and UNDP, in order to provide human resources with the skills needed to obtain suitable employment and in order to implement a labour market reform project in addition to the training and employment project of His Majesty the King which was announced in July 2005. The rate of unemployment has fallen from 16 to 3.7 per cent since the project was launched.

Notwithstanding these achievements, Bahraini society still faces a number of challenges, including the following:

#### *The problem of unemployment*

The problem of unemployment is a relatively recent social problem in Bahrain. It did not exist in the past because there was plenty of work to absorb the workforce. With population growth and



the increase in the number of educated persons, the problem came to the fore and a suitable solution had to be found. The number of unemployed persons, according to estimates from the Ministry of Labour, stood at 7,810 in December 2007. The competent authorities took several steps to address this problem.

- Acting on instructions from His Majesty the King, the Cabinet approved an allocation of BHD 15 million for the employment, retraining and training of unemployed Bahraini university graduates. It further decided to employ 500 of them in the government sector and government-owned enterprises.
- The National Employment Project achieved its goal of reducing the number of unemployed persons by two thirds. Over 15,000 Bahrainis benefited from the project, which came to an end on 30 June 2007.
- Following completion of the National Employment Project, the unemployed will be covered by the Unemployment Insurance Act, which provides for the payment of monthly unemployment benefits linked to measure to find jobs for the recipients.
- A scheme to create 30,000 jobs, pursuant to a new industrial strategy, will be implemented by 2015. Its objective is to boost export industries in the subsectors of spare parts for cars, computers, electronics and means of transport. The State and the private sector expect this strategy to yield results through key reforms of the economy, education for competition, know-how, and regulation of the labour market pursuant to Act No. 19 of 2006, and practices that boost the labour fund.

#### *The high cost of living*

The members of the Chamber of Deputies and Consultative Council have raised this issue and discussed how to deal with rising prices. During many field visits, the consultation and communications team involved in the drafting of Bahrain's report was able to learn of the demands of Bahraini society regarding living standards. A number of associations asked for an effective national plan to be put in place to improve living standards and raise the minimum wage to keep pace with the rising cost of living. They also called for resolutions to the housing problem, which is a real concern for most sectors of the population. In this connection, the Government allocated BHD 40 million for low-income families to help them deal with the surge in prices which is affecting the whole world. The Government doubled financial subsidies provided to families in need, in the amount of BHD 13,400,000. It is also in the process of creating a family bank with a budget of BHD 5 million to help needy families and low-income families to become productive families.

- Annex 6 contains a summary of the information provided by government authorities and national institutions on economic, social and cultural achievements that have been scored and progress made in the areas of law enforcement and security.

#### *Voluntary pledges*

Bahrain will continue its efforts to achieve comprehensive development, with the emphasis on the centrality of human rights in development and the importance of supporting a culture of human rights by all available means, including through education, the media, etc.

**(f) Review of laws and amendments to some laws and draft laws**

**The Political Associations Act**

One political association provided its comments on the Political Associations Act No. 26 of 2005, mentioning, for example, that the Act tightens up financial scrutiny of such associations and the conditions under which they may be dissolved or may cease their activities.

In this regard, the Act considers the assets of associations to be like public assets for the purposes of the application of the Criminal Code. It also provides that no association may be dissolved unless in accordance with its own statutes or by order of the high Civil Court.

**The Act on the protection of society from terrorist acts**

The Government, in keeping with its international commitments on countering terrorism and its determination to protect society, submitted a bill to the Consultative Council and the Chamber of Deputies on the protection of society from terrorism acts. Some national and international civil organizations criticized the bill for containing certain provisions that left the way open for infringements of human rights, and they asked for it to be revised. The Consultative Council and the Chamber of Deputies discussed the bill, introduced a number of amendments and approved it in July 2006, in conformity with international human rights standards.

**The Public Meetings, Demonstrations and Gatherings Act**

- Voices were raised in opposition to the draft law amending Act No. 18 of 1973, concerning public meetings and demonstrations, which the Government had submitted to the legislature. The Consultative Council and the Chamber of Deputies approved the draft law after making a number of amendments consistent with international human rights standards.
- In 2005, a total of 206 unauthorized demonstrations and gatherings took place. Of the 222 such events held in 2006, the Ministry of the Interior was given prior notice in 100 cases and no notice was given for the remaining 122. In 2007, a total of 324 demonstrations and gatherings were held, for 104 of which prior notice was given while no notice was given for the remaining 220. It is worth noting that the majority of these unauthorized events were not stopped.
- There were disturbances during unauthorized gatherings and demonstrations held on 17 December 2007. Some civil organizations and members of the Chamber of Deputies reported that the police had used undue force to deal with the events, and some claimed that persons who were arrested were subjected to torture. The Minister for Internal Affairs explained the situation before the Chamber of Deputies on 15 January 2008. Replying to a question from a member of the Chamber about human rights safeguards, he confirmed that the laws and regulations had not been broken by the police. The Minister's replies were completely transparent and honest and all the facts were placed before the Chamber. The Minister for Internal Affairs stated that the general line taken by the Ministry of the Interior was one that was based on respect for human rights. Ministry officials also confirmed that the police had not used undue force against individuals participating in the disturbances and that the persons under arrest had been referred to a legal doctor who had certified that they had not been tortured and that their treatment had been consistent with the law.

The examples mentioned above clearly illustrate the importance of dialogue and transparency and the need to avoid politicization. The important thing is always to tackle problems, whatever they may be, and to suggest appropriate solutions that are agreeable to all parties so as to serve the best interests of the nation and the citizen and to allow Bahrain to continue, safely and securely, to work towards the achievement of its development goals on the basis of respect for human rights.

#### *Voluntary pledges*

The Ministry of the Interior consistently states that it has no objection to peaceful demonstrations provided that they are conducted lawfully and participants do not engage in criminal acts of rioting.

#### **The Associations and Non-governmental Organizations Act**

Act No. 21 of 1989 offers wide scope for the establishment and freedom of action of associations and organizations. In order to boost the work of these associations, the Ministry of Social Development is in the process of preparing a new draft law on the regulation of their activities. The draft has been presented to civil society organizations at three workshops. A questionnaire was used to get feedback on the draft, and it was posted on the Ministry's website. National dialogues were held to discuss the views of civil society organizations.

#### **(g) Freedom of opinion and expression**

- During field visits carried out by the above-mentioned working group, the journalists and civil society associations expressed many different opinions on the new draft press law tabled by some members of the Consultative Council. Some individuals, particularly media professionals, thought that the draft law should be adopted without delay. The proposed law abolishes the penalty of imprisonment for journalists and replaces it with a fine. Others felt strongly that the Press Act of 2002 was a good law but needed some amendments and that the penalty of imprisonment should be retained as a safeguard against offences against human dignity.
- The Secretary-General of the Reporters Without Borders organization, during his visit to the Kingdom in February 2008, spoke in positive terms about the freedom and openness of the press that he saw in Bahrain. He said that freedom of opinion and expression based on the rule of law was the bedrock of Bahrain's democratic experiment.

#### **(h) Effective means of redress**

Bahrain's legal system offers judicial, administrative and other means of redress, and the right to file a civil suit in order to claim damages. Nevertheless, more awareness of the existence of these forms of redress and how to use them is needed.

#### *Voluntary pledges*

In keeping with domestic law and Bahrain's pledges under the international human rights treaties, the periodic review will be used as a further opportunity to promote the use of existing means of redress and explore any concrete measures that may be helpful in this regard.

## 8. Concluding observations

- The Government of the Kingdom of Bahrain considers this initial report to be the beginning of a plan of action, in cooperation with the Human Rights Council, to develop the human rights activities that it has already begun, building on the positive, avoiding the negative and moving forward towards new horizons in regard to respect for human rights.
- The report demonstrates that the political will is there and accords the necessary importance to human rights issues, as reflected in concrete programmes and policies. The Government is willing to consider all proposals that could help to improve human welfare in the Kingdom of Bahrain, and it is keen to take advantage of the consideration of its initial report before the Human Rights Council in order to develop the best possible human rights practices and to strengthen national capacities in this regard.
- The Government of the Kingdom looks forwards to cooperating with all the partners involved at home and abroad in order to achieve, in full transparency and openness, the desired outcomes and to serve the highest human interest, in conformity with the law.

### *Notes*

<sup>1</sup> Telephone No. +973172255666.

<sup>2</sup> [www.mofa.gov.bh/upr.htm](http://www.mofa.gov.bh/upr.htm)-[www.mofa.gov.bh/mofa/en/upr.htm](http://www.mofa.gov.bh/mofa/en/upr.htm).

<sup>3</sup> The Constitution ensures respect for public rights and obligations that guarantee the nation prosperity, progress, stability and well-being. Article 4 of the Constitution states: “Government shall be based on justice, and cooperation and mutual respect shall constitute firm links between citizens. Liberty, equality, security, trust, education, social solidarity and equal opportunities for all citizens shall form the pillars of society and shall be guaranteed by the State.”

Chapters II and III of the Constitution refer to the fundamental components of society and to public rights and duties, including personal liberty (art. 19); freedom of conscience, the inviolability of worship and freedom to perform religious observances (art. 22); freedom of opinion (art. 23); freedom of the press (art. 24); respect for the family and for women’s rights (art. 5); and the right to health care (art. 8). The Bahraini Constitution enunciates the principles of equality and equality of opportunity (art. 18), in particular the principle that citizens are equal before the law with regard to public rights and duties. The Constitution states: “All persons shall be equal in human dignity, and all citizens are equal before the law in regard to their public rights and obligations. There shall be no discrimination between them on grounds of sex, origin, language, religion or belief.”

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