



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

Second periodic reports of States parties due in 2007

Bahrain* ** ***

[Date received: 29 September 2015]

* The initial periodic report of Bahrain is contained in document CAT/C/47/Add.4; it was considered by the Committee at its 653rd and 656th meetings, held on 12 and 13 May 2005 (CAT/C/SR.653 and 656). For its consideration, see the Committee's conclusions and recommendations (CAT/C/CR/34/BHR).

** The present document is being issued without formal editing.

*** Annexes may be viewed in the files of the Secretariat.

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Contents

	<i>Page</i>
Introduction	5
Background information	5
I. Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations	7
Articles 1 and 4	7
Reply to paragraph 1 of the list of issues: Adoption of a definition of torture	7
Article 2.....	9
Reply to paragraph 2 of the list of issues: Access of detainees to a doctor and lawyer and contact with their family	9
Reply to paragraph 3: Ensuring that detainees held by the Criminal Investigation Department are promptly presented to a judge	13
Reply to paragraph 4: Recording of data on detainees	14
Reply to paragraph 5: The National Institution for Human Rights Act.....	14
Reply to paragraph 6: Habeas corpus.....	15
Reply to paragraph 7: Monitoring mechanisms in detention facilities	17
Reply to paragraph 8: Supervision of the State security forces.....	17
Reply to paragraph 9: Allegations concerning the Public Prosecution and the National Security Agency	24
Article 3.....	25
Reply to paragraph 10: Persons eligible for asylum under domestic law	25
Reply to paragraph 11: Information on persons returned or extradited and details about the basis on which they were sent back	25
Reply to paragraph 12: Post-return monitoring.....	26
Articles 5, 6 and 7	26
Reply to paragraph 13: Principle of universal jurisdiction.....	26
Article 10.....	26
Reply to paragraph 14: Prohibition of torture in Bahraini law	26
Reply to paragraph 15: Mandatory training programmes relating to the Convention	26
Article 11.....	30
Reply to paragraph 16: Recommendations contained in the report of the Working Group on Arbitrary Detention with regard to the treatment of juveniles	30
Reply to paragraph 17: Data on prisoners and detainees.....	30
Reply to paragraph 18: Number of female law enforcement personnel and female judicial officials.....	34
Reply to paragraph 19: Percentage of female migrants in prisons and detention centres	34
Articles 12 and 13	34

Reply to paragraph 20: Decree No. 56 of 2002 on the blanket amnesty	34
Reply to paragraph 21: Complaints concerning crimes of torture or acts amounting to cruel, inhuman or degrading treatment	36
Reply to paragraph 22: Information on those pardoned by the His Majesty the King and released in April 2009	36
Article 14.....	37
Reply to paragraph 23: Fair and adequate compensation for victims of torture.....	37
Article 15.....	39
Reply to paragraph 24: Steps to ensure that statements obtained under torture cannot be used as evidence in any proceedings	39
Article 16.....	40
Reply to paragraph 25: Guarantees available to abused women appearing before Sharia court judges	40
Reply to paragraph 26: The Family Code	41
Reply to paragraph 27: Prevention of violence against women, girls and female migrant workers, including trafficking in persons.....	42
Reply to paragraph 28: The death penalty.....	44
Reply to paragraph 29: Allegations that human rights defenders have been singled out as targets.....	45
Reply to paragraph 30: Frequency of inter-prison violence	45
Reply to paragraph 31: Position of the legislator on corporal punishment	46
Reply to paragraph 32:	46
II. Other matters.....	47
Reply to paragraph 33: Act on the Protection of Society from Terrorist Acts	47
Reply to paragraph 34: The Hujairah case	47
Reply to paragraph 35: The Non-Governmental Associations Act.....	48
Reply to paragraph 36: The Optional Protocol to the Convention	49
III. General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention.....	49
Reply to paragraph 37: Legal and institutional framework for the promotion and protection of human rights	49
Reply to paragraph 38: Policies for the promotion and protection of human rights.....	50
Reply to paragraph 39: Measures and developments undertaken to implement the Convention and the Committee's recommendations	50
Annexes	
A. Decree-Law No. 30 of 2011 establishing the National Fund for the Compensation of Victims and Decree-Law No. 13 of 2012 on the rules of procedure of the Fund	
B. Decree-Law No. 56 of 2002 and Decree-Law No. 10 of 2001 on the blanket amnesty for national security offences	

- C. The National Institution for Human Rights Act No. 26 of 2014
- D. Act No. 52 of 2012 amending provisions of the Criminal Code promulgated by Decree-Law 15 of 1976

List of tables

- 1. International training by position of the recipients
- 2. Convicted prisoners by nationality
- 3. Pretrial detainees by nationality
- 4. Individual complaints of alleged domestic abuse

List of diagrams

- 1. Convicted prisoners by gender
- 2. Convicted prisoners by age group
- 3. Pretrial detainees by gender
- 4. Pretrial detainees by age group

Introduction

1. This is the second periodic report to be submitted by the Kingdom of Bahrain to the Committee against Torture on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. The initial report (CAT/C/47/Add.4) was submitted to the Committee in October 2004 and covered the years from 1998 to 2004. The Committee considered the report on 12 and 13 May 2005 (CAT/C/SR.653 and 656) and adopted its conclusions and recommendations (CAT/C/CR/34/BHR) at its 663rd meeting (CAT/C/SR.633). On 13 February 2009, Bahrain submitted its follow-up report to the Committee.
3. In accordance with the new reporting guidelines, the Committee, at its forty-third session held during the period 2-20 November 2009, adopted a list of issues (CAT/C/BHR/Q/2) prior to the submission of the second periodic report of Bahrain, pursuant to the new optional procedure established at its thirty-eighth session (HRI/GEN/2/Rev.6). The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.
4. This report sets out all of the 39 issues raised, providing a reply below each, and follows the same three-part structure as the list of issues. It was prepared in cooperation with government bodies and stakeholders and was additionally reviewed by the National Institution for Human Rights.

Background information

5. During the past few years, Bahrain has addressed the events that took place in February and March 2011, which tragically resulted in 35 fatalities, including 5 members of the police force, causing later repercussions and giving rise to challenges relating to the promotion and protection of human rights. Bahrain resolutely set about overcoming those challenges and is proud of the marked progress achieved. It is furthermore committed to pursuing the reforms required to guarantee human rights and protect fundamental freedoms.
6. In 2011, Bahrain became the first country in the Arab region (and elsewhere) to establish an independent commission of inquiry composed of international experts, with which it fully cooperated. The Commission was afforded unimpeded access to individuals, places and information and was empowered to investigate the events that had taken place in Bahrain and report on them in accordance with international law standards. This initiative was welcomed by members of the Bahraini opposition, as well as by non-governmental organizations (NGOs), and was commended internationally. The United Kingdom Foreign and Commonwealth Office, for example, stated on the second anniversary of the publication of the Commission's report that: "Establishing the Bahrain Independent Commission of Inquiry was an unprecedented and internationally welcomed response to the unrest in Bahrain in the spring of 2011".¹
7. In its final report, the Bahrain Independent Commission of Inquiry praised the Government for its cooperation with the Commission and for the reforms it had undertaken before the report was completed.² For its part, the Government accepted and undertook to implement the Committee's recommendations. On receiving the report on 23 November 2011, His Majesty King Hamad bin Isa Al Khalifa of Bahrain declared that: "We are

¹ See <https://www.gov.uk/government/news/second-anniversary-of-bahraini-independent-commission-of-inquiry-report.ar>.

² See, for example, the final report of the Commission, paragraph 26 and chapter XI.

determined, God willing, to ensure that the painful events our beloved nation has just experienced are not repeated. Rather, we shall learn from them and use our new insights as a catalyst for positive change.”

8. Bahrain had already made great advances before the events of 2011 in the field of human rights, which included consideration of the recommendations of the Committee against Torture (the Committee) and significant progress towards their implementation. This determination to protect and promote human rights was supported by the findings of the Bahrain Independent Commission of Inquiry.³

9. The process of long-term institutional change was therefore commenced in the wake of those recommendations,⁴ which are designed to address and remedy human rights violations through accountability and compensation mechanisms, as well as prevent the possibility of subsequent violations and further strengthen public confidence. Reforms recently introduced consist in important institutional developments based on international best practices, including the establishment of a dedicated fund for the reparation of victims of human rights violations, legislative reforms initiated by the Government with respect to torture, and sustainable national capacity-building with a view to the independent and impartial investigation and prosecution of cases involving torture and ill-treatment. At the forefront of those developments was Attorney General Decision No. 8 of 2012 concerning the establishment of an independently functioning special investigation unit tasked with investigating and addressing allegations of torture and cruel or degrading treatment in accordance with international standards, inter alia the Istanbul Protocol relating to the investigation of torture, in order to establish criminal liability against government officials charged with the commission of such acts, including those in leadership positions, in the light of the principle of leadership responsibility and the determination of disciplinary liability. Bahrain is engaged in ongoing efforts to reform and rebuild its institutions while at the same time taking unprecedented steps to ensure that judges and law enforcement officials undergo training by international experts, which will further foster the spirit of professionalism in judicial and law enforcement agencies in the long term, yielding positive outcomes in the administration of justice during the months and years to come.

10. Through the official spokesperson of the Foreign and Commonwealth Office, the United Kingdom welcomed the steps taken to implement the report of the Bahrain Independent Commission of Inquiry, stating that: “The United Kingdom welcomes steps taken to implement the Bahrain Independent Commission of Inquiry report, urges full implementation and offers continued support.... We acknowledge that sustained,

³ Report of the Bahrain Independent Commission of Inquiry (November 2011), available at <http://www.bici.org.bh/BICReportEN.pdf>.

⁴ For details of the reforms, see: http://biciactions.bh/wps/portal/BICI!/ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gLAxNHQ093A3eLMEcjA88AU3djyxBjAwMDc6B8JK8ewBY3tDT0MXC0NjAzJAY3f6OHp7u7iDd5paWQHXC1fnIFNjAxNjArqDU_P0w0Euxu8CkDw-O0DyBjiAo4G-n0d-bqp-QW5oRIVnlgkAlsfnEQ!!/dl3/d3/L0IHSkovd0RNQUPrQ; the follow-up report on the implementation of the Commission’s recommendations (March 2012), available at: http://www.biciactions.bh/wps/portal/BICI!/ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os3h_Rw9Pd3d3A3d_F0tLA8-AAGN3F28TI4NQU_2CbEdFAD3sWDc!/?WCM_GLOBAL_CONTEXT=/wps/wcm/connect/EGOV+English+Library/BICI/Actions+Taken/; the follow-up report on the implementation of the Commission’s recommendations (June 2012), available at: http://www.iaa.bh/downloads/bici_followup_report_en.pdf; the follow-up report on the implementation of the Commission’s recommendations (November 2012), available at: http://iaa.bh/downloads/bici_nov2012_en.pdf; the report submitted by Bahrain to the Working Group on the Universal Periodic Review (March 2012), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/125/34/PDF/G1212534.pdf?OpenElement>; and the report of the Ministry of the Interior on giving effect to the Commission’s report (December 2012), available at: http://www.policemc.gov.bh/en/pdf/bici/bici_2012_english.pdf.

comprehensive reform will take time.”⁵ Several other governments around the world expressed their support for the approach adopted by Bahrain.

11. Bahrain is committed to the process of reform through timely and constructive efforts aimed at preserving a tolerant and all-inclusive Bahraini society. It looks forward to further positive reforms for enhancing the promotion of human rights in the Kingdom.

I. Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee’s previous recommendations

Articles 1 and 4

Reply to paragraph 1 of the list of issues (CAT/C/BHR/Q/2)

12. This recommendation relates to the definition of torture in domestic law and has been implemented in full.

13. The use of torture and degrading or inhuman treatment was already comprehensively and strictly prohibited and criminalized under the Constitution and laws of the Kingdom of Bahrain⁶ before the Committee made its recommendations.

14. The Bahraini Constitution prohibits the subjection of any person to “physical or mental torture, inducement or undignified treatment” and provides that “any statement or confession established to have been made as a result of torture, inducement or such treatment, or the threat thereof, shall be null and void.”⁷ The Bahrain National Action Charter similarly provides that: “Under no circumstances may any person be subjected to any form of physical or mental torture or to any inhuman, degrading or undignified treatment. Any confession or statement made under torture, threat or inducement shall be deemed null and void. In particular, it is prohibited to subject an accused person to physical or mental harm. The law guarantees punishment of anyone who commits the offence of torture or of causing physical or mental harm.”⁸ As exemplified in article 253 of the Code of Criminal Procedure, the law also discounts any statement established to have been made under coercion or threat and does not rely on such statements in making judgement.

15. Articles 208 and 232 of the Bahrain Criminal Code of 1976 provide for elements of the offence of torture, its criminalization and penalties to be applied if committed by a public official. Article 208 accordingly stipulates that: “Any public official or person entrusted with a public service who intentionally inflicts severe pain or suffering, whether physical or ... shall be liable to imprisonment”, while article 232 provides that: “Any person who threatens another person in his custody or under his control with any of the acts set forth in paragraph 1 of this article or who instigates, consents or acquiesces to the commission of such acts by a third party shall be liable to imprisonment.” The Kingdom of Bahrain has thus given effect to article 4 of the Convention against Torture, which provides: “Each State Party shall ensure that all acts of torture are offences under its criminal law.

⁵ <https://www.gov.uk/government/news/second-anniversary-of-bahraini-independent-commission-of-inquiry-report.ar>.

⁶ Article 19, paragraph (d), of the Constitution; section 1, paragraph 3, of the National Action Charter of 2001; and articles 208 and 232 of the Criminal Code, as well as articles 43 to 48 thereof relating to criminal complicity.

⁷ Article 19, paragraph (d), of the Constitution of the Kingdom of Bahrain, promulgated on 14 February 2002.

⁸ Section 1, paragraph 3, of the Bahrain National Action Charter (2001).

The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.”⁹ It further provides that: “Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.”¹⁰

16. In certain aspects, the protection provided under Bahraini law for victims of torture was therefore already broader than required by international instruments even before the King’s reform project was introduced. Hence, while the Convention against Torture restricts the definition of torture to “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity....”, the Bahraini legislator extended the definition to include acts committed by persons who are not public officials.¹¹

17. Bahrain nonetheless took the view that the definition of torture under articles 208 and 232 of the Criminal Code, before they were amended pursuant to Act No. 52 of 2012, was not in some respects as comprehensive as that set out in article 1 of the Convention.¹² As originally formulated, articles 208 and 232 defined a victim as “an accused person, witness or expert” and provided that the purpose of torture must be “to induce (such person) to confess to an offence or to proffer statements or information relating thereto.”

18. In order to ensure full implementation of the Committee’s recommendations, Act No. 52 of 9 October 2012 (set out in annex D) amended the definition of torture in articles 208 and 232 of the Criminal Code in the following manner:

(a) Extension of the definition of the offence on the basis of the purpose of the act: The amendments broadened the definition of torture so that “coercion to confess” came to be but one of the prohibited purposes giving rise to a charge of torture. The amendments also extended the definition further to include acts carried out for the purpose of “punishing [a person] for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind,” which is a provision derived from article 1 of the Convention against Torture;

(b) Extension of the definition of the offence on the basis of the definition of the victim: The victim category was widened beyond the previous parameter, which had been restricted to “an accused person, witness or expert”;

(c) Non-application of the statute of limitations to legal proceedings: Before the amendments were made, Bahraini law provided that legal proceedings in respect of any criminal offence must be brought within a maximum of 10 years. As to articles 208 and 232, they provide, in accordance with international best practices (even though not a requirement under the Convention against Torture), that there is no statute of limitations for the offence of torture;

(d) Increase of penalties: The amendments guarantee that appropriate penalties are imposed on those who commit acts of torture, in accordance with article 4, paragraph 2, of the Convention. In cases where torture is committed by a public official, by a person

⁹ Articles 36 to 48 of the Criminal Code.

¹⁰ Articles 357 of the Criminal Code. See also articles 75 and 348 thereof.

¹¹ Article 232 of the Criminal Code.

¹² Paragraphs 6 (b) and 7 (a), CAT/C/CR/34/BHR.

entrusted with a public service or by any other person, the most recent amendments provide that: "... The penalty shall be life imprisonment where the use of torture occasions the victim's death."

Article 2

Reply to paragraph 2 of the list of issues

19. The right of detainees to access a doctor, a lawyer and members of their family is effectively applied under Bahraini law. Since the report of the Bahrain Independent Commission of Inquiry was adopted, numerous steps have been taken to ensure that such rights are adequately protected in practice. In the wake of the events of 2011, the Attorney General responded on numerous occasions to the urgent need for various prisoners to receive medical examinations and treatment from international non-Bahraini doctors, as in the example of two individuals detained in connection with a case of conspiracy to overthrow the regime (case No. 191 of 2011). The practice now in place, moreover, is that once the competent officials decide to detain a suspect, the detaining authority is unable to complete the procedures for his detention unless provided with a medical certificate issued by a qualified doctor, which must be attached to the detainee's file. If it is decided to release the suspect, he is again examined by a qualified doctor. Some judicial and executive authorities are also empowered to visit correctional facilities, rehabilitation centres and places of detention in order to check up on the situation of inmates and detainees and the services provided to them. These authorities include the President of the Supreme Court of Appeal, the President of the High Criminal Court, the sentencing judge, the President of the Juvenile Court, the Public Prosecution, the Prisoners' and Detainees' Rights Commission, and the Office of the Ombudsman. Visits are additionally conducted by the Special Investigation Unit in connection with investigations it undertakes in accordance with its mandate, as well as by civil society organizations, including the Red Cross, authorized by the State to visit correctional facilities, rehabilitation centres and places of detention in order to inspect conditions.

20. Article 20 of the Constitution guarantees to every person "...a legal trial at which he is assured of the requisite guarantees for the exercise of his right of defence at all stages of the investigation and prosecution, in accordance with the law..."¹³ "Every person accused of a serious offence shall have a lawyer to defend him, with his consent."¹⁴ Article 61 of the Criminal Code of Procedure also provides: "... he shall have the right to contact any of his relatives to inform them of what has happened and to seek the assistance of a lawyer."¹⁵ Article 146 of the Code additionally provides that: "The Public Prosecution shall be empowered to order that a detained suspect must have no contact with other detainees or receive any visitors, without prejudice to his right always to consult privately with the person defending him."¹⁶

21. The Ministry of the Interior furthermore issued a police code of conduct laying down principles for those working in law enforcement with the aim of promoting a human rights culture, as well as a handbook on arrest and pretrial detention procedures. The Correctional and Rehabilitation Facility Act No. 18 of 2014 was also enacted.

22. Bahrain accepted the recommendations of the Bahrain Independent Commission of Inquiry, which concluded that in specific cases detainees had been unlawfully denied the

¹³ Article 12, paragraph (c), of the Constitution.

¹⁴ Article 120, paragraph (e), of the Constitution.

¹⁵ Article 20, paragraph (c), of the Constitution.

¹⁶ Article 146 of Decree-Law No. 46 of 2002 promulgating the Code of Criminal Procedure.

right to communicate with their relatives and to seek the assistance of a lawyer.¹⁷ Most of the violations apparently occurred during the stage of arrest and transfer to detention. Substantial efforts have been made since 2011 to address shortcomings and to put in place policies and procedures beyond those recommended by the Bahrain Independent Commission of Inquiry.

23. The first major aspect of the reform consists in guaranteeing that the rights of suspects are respected not only in theory but also in practice from the time of their arrest until the time when they are placed in police custody.

24. High-quality audiovisual equipment is now available to ensure that all interrogations of suspects and detainees are recorded. On 5 January 2011, the Ministry of the Interior approved detailed plans for the installation of audiovisual equipment supplied by a global company. Hooraa police station was the first to be provided with this equipment, which is effectively operating in the interrogation rooms and temporary detention suites in all of the country's 22 police stations, as well as in the General Department of Criminal Investigations. Every police station in Bahrain also has unmonitored rooms where suspects are able to have private conversations with their lawyers. At the Royal Academy of Police, interrogation rooms have been replicated for use in the practical training exercises included as part of the new police training curriculum.

25. The Office of the Attorney General has confirmed that, with the assistance of an experienced global company, audiovisual equipment is being installed in phases in a number of the interrogation rooms used by prosecutors and that 18 such rooms will soon be fully ready.

26. These actions are supported by other practical safeguards. The following measures are thus applied in the event of detention:

(a) When a person is arrested, he is promptly informed of the charges against him. If the arrest has been ordered by the Public Prosecution or a court on account of an earlier offence, the suspect must be shown the arrest warrant and must also be told for how long he is to be detained. If a suspect is arrested in the act of committing an offence or close to the scene of the offence, there will be no arrest warrant to show, but he is informed of the charges against him;

(b) The supervising officer examines the suspect to determine whether he is injured or has a particular health condition, such as sickle cell anaemia, and sends him for a medical examination, where necessary. The new detention procedure followed by the Ministry of the Interior includes looking for any physical symptoms, examining any marks and testing the suspect's vital signs. The suspect's health status and physical condition are furthermore taken into consideration while he is in detention;

(c) The place and time of the initial encounter and arrest are electronically monitored and recorded by at least three sources: first, an electronic vehicle monitoring system identifies and displays the position of the police vehicle; second, the police officer's encrypted portable radio identifies his position at all times (in the event that he is away from the vehicle); and third, the police officer's wireless report of the date and place of arrest is electronically recorded;

¹⁷ Following visits to the Dry Dock Detention Centre on 21 July and 9 August 2011, it transpired that 6 of the 178 detainees did not wish to have legal representation. Ninety-eight detainees were represented by lawyers in court and 72 stated that they had lawyers but were unable to meet with them during trial. See also the report of the Bahrain Independent Commission of Inquiry, 1 December 2011, paragraphs 1251 and 1722 (d).

- (d) The suspect is then taken to the police station designated for the specific purpose of receiving and processing detainees;
- (e) When the suspect enters the police station, the concerned police lieutenant electronically records the time of his arrival and immediately examines him to see whether he has any visible injuries or is suffering any pain. The electronic inmate monitoring system records the times and movements throughout the process and when the detainee appears in court;
- (f) The suspect is informed of his rights, including the right to communicate with a lawyer and his relatives outside the place of detention (and, in the event that the suspect does not understand Arabic or English, a suitable interpreter is called to the police station);
- (g) In the case of foreign suspects, their respective embassies are contacted;
- (h) The suspect is fully searched and any items of evidence are recorded separately from his personal effects. Property is recorded in two ways: it is filmed by video as it is being removed from the suspect and it is then displayed before the camera. Still photographs are also taken. The property is placed in a tightly closed and sealed bag and deposited, in the presence of a suspect, in a specially designated safe;
- (i) Pictures and fingerprints of the suspect are taken;
- (j) Duplicate records of the processing of suspects are kept. Before initial questioning, a handwritten form stating that the detainee has been informed of his rights is completed. Also noted are the date and time when the detainee contacted his lawyer (and his embassy, if he is a foreigner), together with the details of any illness or medical complaint that he might have. The information on the form is then added to the electronic database, as required pursuant to the Ministerial Decision of 22 December 2011. No detainee's file may be uploaded to the database unless all of the questions in the processing list have been addressed;
- (k) The suspect is asked to read and sign the form to acknowledge that he has received the necessary treatment and understood his rights. The form is then placed in the suspect's file after it has been checked and signed;
- (l) Wall posters, notices and booklets explaining the rights and duties of suspects and accused persons, in both Arabic and English, are placed inside and outside the cells in all prisons and detention centres;
- (m) All interviews and interrogations must be conducted in a specially designated room fitted with audiovisual recording equipment. Interviews may be monitored by the highest supervisory authorities, such as the head of public security, who has 24-hour daily access from his office. The closed-circuit television transmission equipment at police headquarters records the times and date of all interviews and interrogations and is safe from tampering;
- (n) The suspect is taken as soon as possible, and within 48 hours, to the health clinic at the Ministry of the Interior for examination by the medical team. The medical certificate, including photographs of any visible injury or signs of bruising, is placed in the suspect's file;
- (o) A warning system is automatically triggered in the event that a suspect is still in the police station when the 48 hours expires;
- (p) Once the 48-hour period has expired, detainees awaiting questioning or trial are held at a main detention centre run by the Department of Correction and Rehabilitation. The electronic inmate monitoring system identifies the guards on shift at all times and their

locations and relays all such information to a dedicated database at the Ministry of the Interior;

(q) In some cases, electronic records created as a result of contacts between the police and the public, such as when a person reports a matter at a police station, are kept. Video recordings made during large public events, such as football matches, and at temporary police checkpoints are also kept.

27. In parallel with the actions taken by the Government to guarantee that the rights of suspects in detention are protected in practice, Bahrain has introduced wide-ranging reforms to ensure that independent bodies are able to inspect places of custody and detention without prior notice.

(a) The judiciary: Detention centres are now under the permanent and effective supervision of the courts and the Attorney General, with Bahraini law providing for the right of judges and members of the Office of the Attorney General to visit and inspect prisons and detention centres, as well as supervise the enforcement of sentences, examine documentation, talk to detainees and prisoners during such visits, and receive and investigate complaints. Complaints received about ill-treatment or torture are examined by the Special Investigation Unit. The judicial police attached to the unit initiate the necessary inquiries and the unit's investigators look into the complaint;

(b) The International Committee of the Red Cross (ICRC): On 8 December 2011, the Minister of the Interior and ICRC signed a memorandum of understanding allowing ICRC to access and inspect prisons and detention centres. ICRC conducts visits to all prisons and detention centres in Bahrain and provides advice or assistance in accordance with its mandate;

(c) The Ombudsman: The post of Ombudsman was created following consultations requested by the Bahraini authorities with eminent experts in international law. The Office of the Ombudsman includes a department tasked with conducting monitoring visits of two kinds to correctional centres (prisons), pretrial detention facilities and detention centres, specifically: pre-announced visits made with prior warning and unannounced visits made without prior warning. The first such visit was made to Jaw Prison between 3 and 5 September 2013, following which a report on conditions at the prison was issued in Arabic and English. The report also set out the recommendations of the Office of the Ombudsman, which the Ministry of the Interior has begun to implement;

(d) The Prisoners' and Detainees' Rights Commission: Bahrain established the Prisoners' and Detainees' Rights Commission, composed of 12 members in addition to its President the Ombudsman, pursuant to Royal Decree No. 61 of 2 September 2013. The Commission was formed and its members designated by Royal Order No. 13 of 17 February 2014. It is competent to monitor prisons, detention centres, juvenile and custodial care facilities and other places where persons may be held, such as hospitals and mental health clinics, in order to check the conditions of detention and the behaviour towards inmates to ensure that none of them is being subjected to torture or inhuman or degrading treatment. The Commission performs its functions freely, impartially, transparently and independently and, in constituting the Commission, care was taken to ensure that all perspectives and approaches were represented, including through the country's civil society organizations. This move was welcomed by such international bodies as the Association for the Prevention of Torture¹⁸ and by the Government of the United Kingdom, which commented that the Prisoners' and Detainees' Rights Commission comprises many

¹⁸ See http://www.apt.ch/content/files_res/bahrain-rights-commission-apt-statement-sept-2013.pdf.

elements of a national preventive mechanism established by State parties to the Optional Protocol to the Convention against Torture;¹⁹

(e) The National Institution for Human Rights: As will be explained in detail (in the reply to paragraph 5 of the list of issues), the legislator endeavoured to ensure that the recently reconstituted National Institution for Human Rights was in keeping with the Paris Principles. Article 5 of the new National Institution for Human Rights Act clearly specifies that the Institution is to “conduct on-site visits in accordance with the applicable rules, in order to monitor the human rights situation in correctional institutions and places of custody, at workers’ gatherings, in health and educational facilities, and in any other public place where human rights violations are suspected.” On 17 August 2013, it visited the Dry Dock Detention Centre, where it investigated the human rights situation;²⁰

(f) NGOs: In several cases, Bahrain has allowed NGOs to access prisons and places of custody and has also on various occasions permitted them to have private meetings with detainees and inmates. NGOs such as Human Rights Watch and Amnesty International, among others, visited Bahrain during 2013 and 2014, for example, after seeking permission to do so from the competent authorities;

(g) Cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR): An OHCHR delegation on mission to Bahrain in December 2012 and February 2014 conducted on-site visits to prisons and places of custody. The delegation was granted full and well-protected access to these sites;

(h) Possible ratification of the Optional Protocol to the Convention against Torture: The Minister of Foreign Affairs of Bahrain announced during the universal periodic review process for Bahrain in 2012 that the Kingdom was considering the matter of ratifying the Optional Protocol to the Convention against Torture.

Reply to paragraph 3 of the list of issues

28. Under the Code of Criminal Procedure, “the law enforcement official must immediately hear the statement of the arrested suspect and, where the suspect says nothing to establish his innocence, shall hand him over within 24 hours to the Public Prosecution, which must question him within 24 hours and then order his detention or his release.”²¹

29. Should the Attorney General wish to detain a suspect for longer than the aforesaid period of 24 hours, the Code provides that: “The detention warrant issued by the Public Prosecution shall be valid only for the seven-day period following the handover of the suspect to it. Where the Public Prosecution deems it appropriate to extend the pretrial detention, it must, before expiration of the seven-day period, submit an application to a lower court judge who, after hearing statements from the Public Prosecution and the suspect, may issue a warrant for a further period not exceeding 15 days, or for successive

¹⁹ See the statement of the United Kingdom Ambassador to Bahrain, Iain Lindsay, available at: <https://www.gov.uk/government/world-location-news/british-ambassador-welcomes-the-prisoners-and-detainees-commission>: “This is a positive step by the Government of Bahrain. The establishment of the Prisoners’ and Detainees’ Rights Commission brings Bahrain a step closer to ratifying the Optional Protocol to the Convention against Torture. With the creation of the Ministry of Interior Ombudsman, and the work of the revamped National Institution for Human Rights, I welcome the steps Bahrain is taking to prevent torture in places of detention”

²⁰ The National Institution for Human Rights issued a press statement on the findings of that visit, which is available at: http://www.nihr.org.bh/mediacenter/s64/hidnews/17_Aug_2013.aspx.

²¹ Article 57 of the Code of Criminal Procedure.

periods amounting in total to not more than 30 days, or order the suspect's release on bail or without bail."²²

30. Concerning the offences provided for in chapter I of the special section of the Criminal Code, namely State security offences, the Public Prosecution exercises the powers prescribed for the lower court judge in the preceding paragraph and may, in conformity with the Act on the Protection of Society from Terrorist Acts, detain a suspect for a period or periods not exceeding six months. Thereafter, the matter of the suspect's detention is considered by the judiciary at all levels, in accordance with the conditions prescribed by law.²³

31. The competent court gives its decision concerning the detention after hearing applications and arguments made by the suspect and his lawyers. The suspect must attend in order to present his case.

32. Recent legislative amendments make it clear that detention must be carried out in accordance with the Code of Criminal Procedure, even when a state of national safety is declared.²⁴

33. Bahrain has achieved great progress towards ensuring that the protection prescribed for detainees by law is translated into practice. For further details, please see the reply to paragraph 2 of the list of issues.

Reply to paragraph 4 of the list of issues

34. Full details of the registration system are provided hereinabove in the reply to paragraph 2 of the list of issues.

Reply to paragraph 5 of the list of issues

35. Since its initial report to the Committee, Bahrain has established a National Institution for Human Rights governed by a new law enacted in July 2014. The improvements made guarantee that the Institution is fully in compliance the Paris Principles and eligible for accreditation at the appropriate time as an institution in the top category.

36. The National Institution for Human Rights was initially established pursuant to Royal Order No. 46 of 2009 and its members were appointed in 2010,²⁵ with NGOs such as Amnesty International welcoming the fact that they included several prominent human rights activists. Ministries and State institutions are furthermore required to cooperate with it, assist the achievement of its tasks and facilitate the exercise of its functions.²⁶ Certain provisions of the Royal Order of 2009 were amended pursuant to Royal Order No. 28 of 11 September 2012.

37. The previous framework was fully replaced with the promulgation of Royal Order No. 26 of July 2014 (the text of which can be found in annex C), pursuant to which the National Institution for Human Rights has:

(a) Broad powers: Under the new legislation, the Institution was given broad powers, among them "harmonizing legislation and regulations with regional and international human rights conventions and making proposals and recommendations to the competent authorities on the promotion and protection of human rights, including with respect to accession to regional and international human rights conventions." The

²² Article 147 of the Code of Criminal Procedure.

²³ Act No. 58 of 2006 and Decree-Law No. 68 of 2014.

²⁴ Act No. 50 of 2012 amending provisions of the Code of Criminal Procedure.

²⁵ Royal Order No. 46 of 2009 and Royal Order No. 16 of 2010.

²⁶ Article 5 of Royal Order No. 46 of 2009.

Institution also “monitors cases of human rights violations, conducts essential fact-finding, draws the attention of the competent authorities to such cases, makes recommendations for initiatives to put an end to them and, where necessary, expresses an opinion on the positions and reactions of those authorities;”²⁷

(b) Power to monitor correctional institutions and the like:²⁸ It conducts on-site visits, in accordance with the rules in place, in order to monitor the human rights situation in correctional institutions and places of custody, at workers’ gatherings, in health and educational facilities, and in any other public place where human rights violations are suspected;”²⁹

(c) Independent legal person:

1. No government employees are included as members of the new Institution;³⁰
2. The Institution is an independent legal person, with financial and administrative autonomy, and it performs its functions freely, impartially and independently;³¹

(d) Wide access to information: If a government official fails to provide relevant information concerning the Institution’s powers and mandate, the matter is reported to the competent authorities;³²

(e) Forum for cooperation with NGOs and international bodies: The Institution is specifically empowered to cooperate with the Office of the Ombudsman, national bodies, regional and international organizations, and relevant institutions in other countries that are concerned with the promotion and protection of human rights.³³

38. Following extensive consultation with parliamentary committees, including the two human rights committees of the Council of Representatives and the Shura Council, and with NGOs and women’s associations, the members of the National Institution for Human Rights were selected on 11 September 2012. The new membership structure comprises men and women from different regions and backgrounds who have relevant human rights experience and who are currently exercising their functions under the Institution’s new legislative framework.³⁴

39. The Government considers the reconstituted National Institution for Human Rights, which reflects best practices from the Gulf region and elsewhere, to represent a major contribution towards the promotion of human rights in Bahrain and is committed to cooperating with it in the long term.

Reply to paragraph 6 of the list of issues

40. Bahraini law protects the principle of habeas corpus, with article 57 of the Code of Criminal Procedure providing that: “The law enforcement official must immediately hear the statement of the arrested suspect and, where the suspect says nothing to establish his innocence, shall hand him over within 24 hours to the Public Prosecution, which must question him within 24 hours and then order his detention or his release.” In accordance

²⁷ Article 12, paragraphs (c) and (e), of Act No. 26 of 2014.

²⁸ Article 12 (g) of Act No. 26 of 2014.

²⁹ Ibid.

³⁰ Article 3 of Act No. 26 of 2014.

³¹ Article 2 of Act No. 26 of 2014.

³² Article 14 (b) of Act No. 26 of 2014.

³³ Article 12 of Act No. 26 of 2014.

³⁴ The curriculum vitae of members are available at: <http://en.nihr.org.bh/member/s23/commissioners.aspx>.

with article 147, the detention warrant issued by the Public Prosecution is valid only for the seven-day period following the handover of the suspect to it. Where the Public Prosecution deems it appropriate to extend the pretrial detention, it must, before expiration of the seven-day period, submit an application to a lower court judge who, after hearing statements from the Public Prosecution and the suspect, may issue a warrant for a further period not exceeding 15 days, or for successive periods amounting in total to not more than 30 days, or order the suspect's release on bail or without bail. Concerning the offences provided for in chapter I of the special section of the Criminal Code, the Public Prosecution exercises the powers prescribed for the lower court judge in the preceding paragraph. If the Public Prosecution wishes to hold a suspect in detention for a further period, article 148 of the Code of Criminal Procedure provides that: "If the investigation has not ended and the Public Prosecution deems it appropriate to extend the pretrial detention beyond that prescribed in the preceding paragraph, he must, before expiration of the above-mentioned period, submit an application to the High Criminal Court, which convenes in the consultation chamber and, after hearing statements from the Public Prosecution and the suspect, either issues a warrant for further successive periods of detention amounting in total to not more than 30 days, if so required in the interest of the investigation, or orders the suspect's release on bail or without bail. If, however, the suspect has been held in pretrial detention for three months, the matter must be presented to the Attorney General so that such action as he deems appropriate may be taken to end the investigation. Under no circumstances may the period of pretrial detention exceed six months unless it has been declared that the suspect is to be referred to the competent court"

41. If a detainee or inmate believes that his rights are being violated, article 64 of the Code of Criminal Procedure enables him to take specific actions, providing as it does that: "Every prisoner shall have the right to make a written or verbal complaint at any time to the prison warden and to request him to report it to the President of the High Civil Court of Appeal, the President of the High Civil Court, the sentencing judge or the Public Prosecution. The warden must accept the complaint and immediately report it to whomsoever it is addressed after entering it in the prison register intended for that purpose." Article 64 also establishes an obligation for the prison warden to report cases of persons being detained unlawfully to the sentencing judge or to the Public Prosecution with a view to the release of those persons and the conduct of an investigation into the circumstances that led to the unlawful detention.³⁵

42. Article 64, paragraph 2, of the Code of Criminal Procedure clearly states that anyone knowing that a person is being imprisoned unlawfully or in a place not designated for imprisonment must notify the sentencing judge or a prosecutor. As soon as either of them is so notified, he must proceed to the place where the person is imprisoned, investigate the matter and order the release of the person being unlawfully deprived of his liberty. He must also write a report on the matter and forward it to the Attorney General so that legal action can be taken against the person responsible for the imprisonment.

43. Article 209 of the Criminal Code of 1976 provides that: "Any public official who, with respect to a convicted person, imposes or orders the imposition of a penalty that is more severe than that imposed by law or different to the penalty to which he was sentenced shall be liable to imprisonment." The basis for legal proceedings against that person is article 210, which punishes anyone who is in an administrative position or responsible for guarding a person in the following manner: "Any public official involved in administering or guarding a prison who admits a person to the prison without an order from the competent authority, keeps a prisoner there beyond the time limit specified in the order or fails to execute an order for his release shall be liable to imprisonment for a term of not less than

³⁵ Article 64 of the Code of Criminal Procedure.

one year and not more than five years.” Article 357 also provides that: “Anyone who by any means unlawfully arrests or detains a person or deprives him of his liberty shall be liable to imprisonment ... A heavier penalty shall be imposed if the act is committed by a public official during, on account of or in connection with the performance of his duties.”

44. Judges and representatives of the Public Prosecution may carry out inspections of detention centres and prisons at any time and simultaneously perform other functions by ascertaining that there are no cases of unlawful detention, in accordance with article 63 of the Code of Criminal Procedure. As already explained, specialized teams from the Office of the Ombudsman at the Ministry of the Interior, the Prisoners’ and Detainees’ Rights Commission, the National Institution for Human Rights and ICRC also carry out periodic unannounced inspections of these same facilities and prisons and publish their reports on the findings of their visits. Should any of them come across a case of unlawful detention, the Public Prosecution takes legal action without waiting to receive a complaint from the victim. No Bahraini court has thus far heard any case relating to an unlawful detention by a public official.

Reply to paragraph 7 of the list of issues

45. In an effort to ensure that international human rights standards are fully observed, several independent monitoring mechanisms are in place in the country’s detention centres, details of which are set out in paragraph 27 above.

46. Under article 64 of the Code of Criminal Procedure, which is applicable to both sexes, victims are permitted to submit, through the prison warden, a complaint to: 1. the relevant court judges; 2. the sentencing judge; 3. the Public Prosecution. Written and verbal complaints are submitted, together with a request for them to be reported to whomsoever they are addressed, to the prison warden, who must record the complaint in the register intended for that purpose and refer it to the addressee.

47. The Correctional and Rehabilitation Facility Act No. 18 of 2014 clearly states that the lawyer representing in criminal or civil cases an inmate or a person in pretrial detention who is a party to those cases is permitted to discuss them with him, in accordance with the procedures and rules set out in the implementing regulation.

48. In women’s detention centres, labelled boxes for the anonymous submission of complaints are sited in various locations. The concerned authorities must investigate complaints and grievances and take the necessary follow-up measures.

Reply to paragraph 8 of the list of issues

49. In accordance with the recommendations of the Bahrain Independent Commission of Inquiry³⁶ and advice provided to the authorities in Bahrain by a team of international lawyers of proven expertise and competence, including a former adviser at the Office of the Legal Adviser of the United States Department of State and the former senior legal adviser at the United Kingdom Foreign and Commonwealth Office, a new accountability system has been created, consisting in three fully independent entities: the Special Investigation Unit; the Office of the Ombudsman; and the Office of the Inspector General at the National Security Agency. Within their respective mandates, these new institutions take the necessary action in connection with allegations of torture and ill-treatment by public officials.

³⁶ Report of the Bahrain Independent Commission of Inquiry, paragraph 1717.

Institutional reform

50. Before the introduction of institutional changes in 2011 and 2012, the Ministry of the Interior was responsible for carrying out such investigations, meaning that police officers investigated other police officers and that all trials were held at the Ministry's own private courts.

51. Established on 27 February 2012, the Special Investigation Unit is independent from the Public Prosecution and is composed of a president with the rank of advocate general and members who are highly accomplished investigators in the area of allegations of torture and ill-treatment. The Unit has several sections: a judicial police section; a forensic medicine and psychological support section; and a monitoring and follow-up section. An internal adviser and an external international adviser have been appointed to the Unit. Both have extensive human rights experience and skills, notably with respect to the international standards articulated in the Istanbul Protocol relating to the investigation and documentation of torture, as is consistent with the technical and training assistance provided under the agreement concluded between the Unit and the United Nations Development Programme and likewise the cooperation with the United Nations Office on Drugs and Crime, the International Institute of Higher Studies in Criminal Sciences in Siracusa, and the American Bar Association.

52. The Special Investigation Unit has set about investigating all allegations of torture received, including those reported to the Bahrain Independent Commission of Inquiry,³⁷ in addition to allegations brought to light through its monitoring of the media, social networking sites and the Internet. It concluded a memorandum of understanding with the Office of the Ombudsman on coordination between them in exchanging information, pursuing reports falling within their respective mandates and following up on the implementation of decisions of the Unit relating to the administration of punishments. All complainants who agreed to identify themselves were also interviewed and any complainant so wishing or bearing visible marks was examined and referred to a forensic pathologist. Paragraph 125 below contains more information about the accountability process.

53. Furthermore, in order to ensure that individuals are able to submit complaints against members of the security forces to a qualified independent entity, and in line with best practices, the Office of the Ombudsman was created at the Ministry of the Interior, together with the Office of the Inspector General at the National Security Agency, a move acclaimed by the international community. The two entities also filled a legislative and administrative gap in terms of enabling the public to submit complaints against the security forces and, more importantly, against those subsequently responsible for following up their cases.

The Office of the Ombudsman at the Ministry of the Interior

54. The Office of the Ombudsman was established at the Ministry of the Interior pursuant to Royal Decree No. 27 promulgated on 28 February 2012, as amended pursuant to Royal Decree No. 35 promulgated on 28 May 2013.

³⁷ The Bahrain Independent Commission of Inquiry attributed 19 civilian deaths, including 5 from torture, to official public authorities (with 6 other cases, including the killing of 4 police officers and a member of the Bahrain Defence Force, attributed to non-officials). Although the Commission concluded that various instances of ill-treatment occurred at detention centres, there was insufficient evidence to establish whether these deaths were the result of an adopted policy or of individual actions.

55. On 8 August 2012, Mr. Nawaf Al Ma`awda was appointed as Ombudsman pursuant to Royal Decree No. 59 of 2012. Before his appointment to the post, he held important positions in the judiciary and in government, which was among the factors that qualified him for the post. This appointment was the first of its kind in the countries of the Gulf Cooperation Council and among the first in the Middle East and Africa.

56. The Office of the Ombudsman was established as an institution with financial and administrative autonomy operating independently within the Ministry of the Interior in a impartial, fair and transparent manner in order to ensure accountability for any abuses and redress for victims.

57. The Office of the Ombudsman is mandated to receive, review and examine complaints submitted in accordance with the provisions of Royal Decree No. 27 of 2012, as amended pursuant to Royal Decree No. 35 of 2013. It is furthermore competent with respect to matters referred to it by the Ministry of the Interior's Department of Internal Audit and Investigations to examine the most serious complaints, as decided by the Ombudsman, even if they are within the jurisdiction of the Department. The Office of the Ombudsman may exercise its functions without a complaint having been submitted in the event of any misconduct that has a negative impact on the public confidence in personnel working for the Ministry of the Interior.

The Office of the Ombudsman may visit prisons, juvenile care home and places of pretrial detention and custody in order to ascertain that inmates, detainees and persons in custody are being lawfully held and not subjected to torture or inhuman or degrading treatment. It is immediately notified of all cases of deaths occurring in prisons, juvenile care homes and places of detention and custody so that it may take such action as it deems appropriate.

The powers and authorities of the Office of the Ombudsman are defined in article 3 of the said Decree, which provides that: "The Ombudsman shall exercise his powers and functions in full independence with respect to complaints submitted to him and decisions relating thereto, to which end he may:

1. Direct, supervise and monitor the Office of Internal Affairs at the Ministry of the Interior, including in respect of the distribution of work relating to complaints;
2. Estimate the operational expenditure required for the Office of the Ombudsman;
3. Make recommendations and provide advice concerning the operation of the Office of Internal Affairs with a view to achieving the objectives set out in article 6 of the Decree, including recommendations relating to the gathering and preservation of evidence;
4. Suggest appropriate disciplinary sanctions for imposition on members of the Public Security Forces by the competent authorities."

Article 13 also states that, without prejudice to the provisions of the laws in force in the Kingdom of Bahrain, the Ombudsman and personnel working in his Office and in the Department of Internal Audit and Investigations are empowered to exercise their functions in accordance with the provisions of this Decree and decisions relating thereto, to which end they may:

- Access places and information, data and documents, including those stored on computers;
- Approach any person for the purpose of obtaining information or evidence;
- Consider and express an opinion concerning requests for conciliation and civil court settlements;

- Ministries, officials and concerned parties must facilitate the task of those working at the Office of the Ombudsman and the Department of Internal Audit and Investigations and provide them with any data, information or documentation that they request in connection with the complaint.

Pursuant to article 16 of the Decree, the Ministry of the Interior has a separate budget allocation for the Office of the Ombudsman that is sufficient to cover its expenditure. The Ombudsman has the exclusive authority to control such allocations.

58. Since the establishment of the Office of the Ombudsman was announced and the Ombudsman appointed, progress has been achieved in the following areas:

(a) **Guaranteeing independence and impartiality:** Through the designation of a permanent base for the Office of the Ombudsman in the suburb of Saif, away from the building of the Ministry of the Interior, as well as through the allocation of its own separate budget over which the Ombudsman has the exclusive right of control, in accordance with the laws and regulations governing public administrative work;

(b) **Completing work with the speed required to achieve comprehensive justice:** The Office of the Ombudsman set up an advanced technological system comprising an Internet site (www.ombudsman.bh) offering online access to a complaints service and to general and periodic reports published by the Office, the aim being ensure transparency by enabling the public to access the outcomes of cases and complaints that have been investigated and followed up with other authorities. It also established a central online system for the registration of complaints, which is connected to the Ministry of the Interior's main database, so as to ensure that all complaints are registered and that none is lost, as well as ascertain that all arrests and detentions are conducted systematically;

(c) **Utilizing key expertise:**

The Office of the Ombudsman has devoted a great deal of attention to training and development programmes for its human resources, who include persons of both sexes working in legal disciplines, among them investigators, inspectors and so forth. Such training is given by experts from Bahrain and elsewhere. With the aim of ensuring that personnel acquire essential expertise and knowledge, practical training courses have also been organized on the subjects of the Ministry of the Interior's Department of Disciplinary Courts, criminal courts, the Public Prosecution, the Department of Correction and Rehabilitation, and forensic laboratories. In this same context, a manual covering all procedures to be following during the various stages of their work has been prepared for personnel of the Office of the Ombudsman, in conjunction with international experts known for their experience and competence;

(d) **Working to increase public trust, confidence and credibility:**

The Office of the Ombudsman has focused attention on public awareness-raising as one of the challenges faced in view of recent experiences in the region in general. In July 2013, it consequently launched a media awareness campaign to coincide with its official inauguration in order to acquaint the public with its tasks and functions and with the services it provides, using to that end the local, Arab and international press, radio and television in various languages, including Arabic, English and Hindi;

(e) **Benefiting from international best practices:**

The active engagement of the Office of the Ombudsman in seeking out international best practices has clearly produced important successes, including in particular, in June 2013, its acquisition of membership of the International Ombudsman Institute, a renowned international body in this area of activity, after fulfilling the criteria set for the operation of ombudsman institutions around the world, notably with respect to independence in the

performance of their functions. The Office was also involved in the establishment of the first ombudsman association in Islamic States during the first conference of ombudsmen of the member States of the Organization of Islamic Cooperation, held in Pakistan on 28 and 29 April 2014.

On 9 December 2014, the Chaillot Prize for the promotion of human rights in the Gulf Cooperation Council region was awarded for that year to the Office of the Ombudsman, together with the National Institution for Human Rights, by the Delegation of the European Union in Riyadh. On that occasion, the head of the Delegation, Ambassador Adam Kulach, affirmed that the two institutions had exerted tremendous efforts to promote freedom of expression and provide a better life for citizens and had made recommendations to the Government and associations for implementation on the ground. He said that the award was an immense achievement and indicated the amount of confidence placed in the two institutions by the international community, reflecting the extent of transparency in the Kingdom of Bahrain.

The Office of the Ombudsman is also eager to benefit from international expertise and experience in its area of work through positive contacts with a number of relevant institutions and agencies outside the country, which have included a working visit to the United Kingdom and Northern Ireland, France and the United States of America.

It also maintains contact both at home and abroad with various international human rights organizations and institutions and has had several meetings with some of the foreign diplomatic missions in Bahrain. It moreover constantly works to cooperate and communicate with all members of the public and all institutions, administrations and organizations inside and outside the country, being fully aware of the importance of its contribution to promoting human rights principles and concepts in its sphere of activity;

(f) Publishing the first annual report in May 2014:

The report referred to the multiple investigations conducted by the Office of the Ombudsman and the various acts of misconduct and abuses concerning which allegations were made in the complaint forms. There were consequently also various outcomes from these investigations: some were referred to the Special Investigation Unit, the Public Prosecution or disciplinary courts; some gave rise to recommendations for the concerned authorities, especially with respect to complaints relating to correctional and rehabilitation facilities; and some were placed on file for a number of legal reasons, such as the absence of any misconduct.

Between the beginning of July 2013 and the end of April 2014, the Office of the Ombudsman received 242 complaints, 45 of which were referred to the competent judicial authorities.

Generally speaking, the chronological mapping of complaints set forth in the first annual report pointed to a growing confidence in the important role of the Office of the Ombudsman;

(g) Establishing principles and criteria for visiting prisons and places of pretrial detention:

On 25 September 2013, the Office of the Ombudsman disseminated a copy of its principles and standards for visiting prisons and places of pretrial detention, which were prepared with the benefit of expertise from Her Majesty's Inspectorate of Prisons of the United Kingdom and stemmed from the Office's wish to embed professional practices employed at the international level in this sphere. The first of their kind in the region, they indicate the progress achieved by Bahrain in promoting the notion that prisoners and detainees must be humanely treated and their human rights respected. In April 2014, furthermore, it was announced that the Supreme Judicial Council had approved these

principles and standards in order to ensure uniformity in the prison standards applied by the judiciary and by the Office of the Ombudsman.

In the same context, the Office of the Ombudsman announced in September 2013 the results of its three-day inspection of a correctional and rehabilitation facility (Jaw Prison), conducted from 3 to 5 September, during which it checked compliance with the benchmarks for humane treatment, site conditions and the legal rights and guarantees of inmates, as well as the health-care provision. The report contained 18 recommendations, including general recommendations and recommendations on health care.

59. The Office of the Ombudsman began receiving complaints from the public and organizations from the time of its inauguration on 2 July 2013. It performs its tasks and duties in two specific areas of competence:

(i) Receiving complaints from citizens, migrants and visitors or their representatives, as well as from witnesses and civil society organizations, concerning civilian or military staff members of the Ministry of the Interior who, during or on account of the performance of their functions, commit breaches of the law warranting criminal or disciplinary action;

(ii) Visiting prisons, juvenile care facilities and places of pretrial detention and custody in order to ascertain that inmates, detainees and persons in custody are being lawfully held and not subjected to torture or inhuman or degrading treatment. It is immediately notified of all cases of deaths occurring in prisons, juvenile care homes and places of detention and custody so that it may take such action as it deems appropriate.

In performing its functions, the Office cooperates and coordinates with the relevant authorities, such as the Public Prosecution, the Special Investigation Unit, the Ministry of the Interior's disciplinary courts, disciplinary committees for civil servants, and other bodies and agencies. It receives complaints through various methods, including in person, by e-mail or by regular mail, following which it reviews the complaints and decides whether they are within its remit. Such complaints are subsequently investigated as part of an established professional procedure whereby the Office notifies the competent authority at the Ministry of the Interior of the need for disciplinary action against those of its staff who are the subject of the complaint or, in cases constituting a criminal offence, reports the matter to the Public Prosecution or the Special Investigation Unit. It makes administrative recommendations for the purpose of preserving evidence during the conduct of its investigations and adequately informs the complainant and the staff against whom the complaint is made about the steps taken to investigate the complaint and the conclusions drawn.

Office of the Inspector General at the National Security Agency

60. The Office of the Inspector General at the National Security Agency was established pursuant to Royal Decree No. 28 of 28 February 2012.

61. Mr. Mohammed bin Rashid Abdullah al-Rumaihi was appointed as Inspector General of the National Security Agency pursuant to Decree No. 68 of 11 September 2012. Before his appointment, he had had a full career in the judiciary and was recognized for his independence and expertise, which made him an ideal candidate for the post. Alongside the appointment of Mr. Al Ma`awda to the Ministry of the Interior as Ombudsman, this appointment to the National Security Agency is clear evidence of how the complaints and internal accountability procedures have evolved in Bahrain.

62. On 3 March 2013, the Inspector General of the National Security Agency issued a press statement in which he announced that his Office would be accepting complaints and

grievances from the public and that they could be submitted by various methods (in person or via e-mail, Facebook or Twitter).

63. The Inspector General of the National Security Agency is based at the Ministry of Justice complex in Manama, confirming his de facto independence from the National Security Agency, and is vested with the following powers:

- Receiving and examining complaints to the effect that Agency personnel inflicted ill-treatment on individuals or otherwise violated laws or international conventions ratified by the Kingdom of Bahrain;
- Investigating those complaints where such violations are committed by personnel in connection with, on account of or during the performance of their functions or where the Agency had a role therein.

64. Since his appointment, the Inspector General of the National Security Agency has recruited a team of qualified personnel, has acquired membership of the International Ombudsman Institute and is also a founding member of the Organization of Islamic Cooperation Ombudsmen Association. The Office of the Inspector General furthermore started its own Facebook page and Twitter account, which provide details of the Inspector General's powers, responsibilities and recent activities, in both Arabic and English. The Office has its own website, which contains a great deal of information about the Office and through which a complaints form can also be completed and submitted to the Office. The Inspector General also set up a 24-hour telephone complaints hotline, the number for which is 0097366644111.

Legislative reform and professionalism

65. The successive new measures and legislative enactments have included an update of the rules on investigation and legal proceedings relating to unlawful acts allegedly committed by the security forces, the aim being to raise the standard of professionalism.

66. In the interest of building a solid foundation for the comprehensive reform of the Ministry of the Interior and the police forces, John Yates, former Assistant Commissioner of London's Metropolitan Police, and John Timoney, former Chief of the Miami Police Department, were appointed by the Government as advisers to the Ministry of the Interior. The joint efforts undertaken accordingly reaped numerous benefits, including, in January 2012, the publication of the Police Code of Conduct, which is modelled on various police codes of conduct worldwide and on the United Nations Code of Conduct for Law Enforcement Officials and the European Code of Police Ethics. The Code includes information and guidelines for police concerning the rights of individuals in criminal procedures, among them arrest, search and seizure of property, in addition to the principles and etiquette to be observed by police officers in service and in their private lives. The Code was circulated to all departments and sections of the Ministry of the Interior for implementation and has also been incorporated into the training and education programmes run by the Royal Academy of Police.

67. The reliance on evidence from witnesses and confessions has in turn shifted in focus towards scientific evidence-gathering, meaning that investigators must be trained in the latest crime scene management techniques. This is currently being done in conjunction with the new forensic laboratory, which is staffed by fully qualified technicians. The laboratory and the training courses are being developed in cooperation with the United Kingdom police and the United Kingdom National Policing Improvement Agency. Judges, prosecutorial personnel and police thus receive several months of intensive training, details of which will be provided in the reply to paragraph 15 of the list of issues.

68. In order to provide further legal protection, legislative amendments have been made by way of Act No. 50 of 2012 amending provisions of the Code of Criminal Procedure promulgated by Decree-Law No. 46 of 2002 through the addition of new article 22 bis, which provides that: “Anyone claiming to be subjected to reprisal on account of having previously alleged that he was subjected to torture or other cruel, inhuman or degrading treatment or punishment may bring a civil claim against the accused person during the evidence-gathering or investigation stages, or before the court hearing the criminal case at any stage up until the closure of pleadings. Such claims are inadmissible before the appeal courts unless the reprisal constitutes an offence. In the event that the reprisal is not punishable under criminal law, jurisdiction rests with the civil courts.”

69. Legislative amendments were also introduced in order to criminalize any threat or act aimed at influencing testimonies given in court. Act No. 53 of 9 October 2012 amending the provisions of articles 115, 214 and 234 of the Code of Criminal Procedure and adding articles 81 bis, 82, paragraph 3, 128 bis, 223 bis and 223 bis (a) thereto thus ushered in measures and guarantees for the protection and safety of witnesses, experts and victims and for reducing the potential risk of them being subjected to undue pressure during the evidence-gathering or investigation stages or during court proceedings.

Disciplinary measures

70. The disciplinary system has also been developed with the establishment, pursuant to Decree No. 28 of 28 February 2012, of an office of professional standards at the National Security Agency, which is tasked with preparing a staff code of conduct for the Agency, to be promulgated by a decision of the Prime Minister. The code is to cover human rights principles applied domestically and internationally that are related to the Agency’s work; the preparation and implementation of ongoing professional training programmes for Agency staff; the receipt and examination of internal complaints at the Agency; and the referral of study findings to the competent authorities so that necessary action may be taken. As already mentioned, the Office of the Ombudsman was established at the Ministry of the Interior pursuant to Royal Decree No. 27 of 2012, as amended pursuant to Royal Decree No. 35 of 2013, and proceeded to exercise its functions and powers. The Decree establishing the Office was based on advice provided, at the request of the Bahraini authorities, by a number of international experts, such as Sir Daniel Bethlehem, Mr. John Yates and Mr. John Timoney, and borrows from the structures in place at the United Kingdom Home Office.

71. The new internal procedures have thus far led to two processes of disciplinary action against a number of officers, the first of which included a recommendation that an officer should be suspended from his work or section until completion of the Public Prosecution’s investigations into the abuses allegedly committed by the officer concerned. The second included removal of the officers about whom complaints were made pending the results of the investigation into the allegations against them.

Reply to paragraph 9 of the list of issues

72. In accordance with the provisions of the Bahraini Constitution, the country’s judiciary enjoys full administrative and financial independence and there is no interference in its work by the executive. With respect to prosecutors working in the former Public Prosecution Office, the Office was transferred to the judiciary pursuant to the decision establishing the Public Prosecution in 2003, which does not detract from their independence or their earlier prosecution work, as they are some of the country’s most accomplished individuals and they have had no relationship or contact with the Ministry of the Interior since 2003. Furthermore, they and all prosecutors are bound by the provisions of the Judiciary Act and the Code of Criminal Procedure, pursuant to which the rules in place for

guaranteeing the integrity of procedures may not be derogated from or violated, especially as any violation would in many cases result in the invalidation of those procedures. Consequently, there can be no abuses in that such matters are subject to internal oversight by the Public Prosecution and likewise to oversight by the judiciary by means of challenges, grievances and pleadings, either before a case is referred to the competent court or when the court is considering the merits of a case once referred to it.

73. The National Security Agency has been significantly reformed in order to guarantee that it is fully excluded from the judicial process. Decree No. 115 of 2011 accordingly restricts the powers of the Agency to gathering information and to monitoring and uncovering all harmful activities associated with espionage, communication and terrorism in order to safeguard the Kingdom's national security, institutions and structures. Decree No. 28 of 2012 furthermore established an independent Office of the Inspector General and the Office of Professional Standards at the National Security Agency as supervisory bodies mandated to deal with complaints about ill-treatment. Consequently, there is no basis for any intervention by the National Security Agency in the work of the Public Prosecution in that there is no longer any overlap in their powers, as the role of the National Security Agency is confined to information-gathering, while the Public Prosecution is a judicial body in charge of investigations and prosecutions. No one has been presented to the Public Prosecution on the basis of charges levelled by the National Security Agency, given that the Agency now has no power of arrest or detention.

Article 3

Reply to paragraph 10 of the list of issues

74. Bahraini law prohibits the expulsion of persons granted political asylum in the country. Article 21 of the Bahrain Constitution unequivocally provides that: "The extradition of political refugees is prohibited." See also the reply to paragraph 11 of the list of issues.

Reply to paragraph 11 of the list of issues

75. The extradition process is governed by articles 412 to 425 of the Code of Criminal Procedure, which guarantee robust protection for human rights. Citizens are extradited, for example, where the offence is a serious crime or a misdemeanour punishable by a minimum one-year term of imprisonment under the law of the Kingdom of Bahrain and that of the State requesting the extradition. In the case of a second trial for the same act, extradition is prohibited. Article 412 moreover governs the extradition process in the context of the preceding articles and in accordance with the rules of international public law, without prejudice to the provisions of international treaties and conventions that have force of law in Bahrain.

76. Extradition requests must be submitted to the High Criminal Court for a decision as to their merit. The Court may accept or reject the request and, in so doing, may take into account the circumstances, including the substance of such a request from a foreign government and the context in which it was made.

77. All extradition decisions are subject to appeal and the person whose extradition is requested is entitled to contest the decision of the High Criminal Court before the Court of Appeal. The Minister of Justice may not decide to extradite a person without a final court ruling that was at the time substantiated.

78. If the court accepts the request, the Ministry of Justice forwards the file to the Ministry of Foreign Affairs for the necessary action to be taken for its implementation

through diplomatic channels so that the process of transfer to the other jurisdiction may commence.

79. Most extradition requests received by Bahrain are from other Arab countries. Since 2007, the country's courts have considered 16 requests for the extradition of residents in Bahraini territory accused of committing offences abroad. Fourteen of those requests were accepted and two were rejected, the court having held that they did not satisfy the conditions for extradition. In the case of a Belgian citizen accused of kidnapping his daughter and bringing her to Bahrain, for instance, the country's courts were not persuaded of the existence of any mutual (reciprocal) obligation to extradite between Bahrain and Belgium. The Belgian extradition request was therefore refused. The Bahraini authorities, however, guaranteed the daughter's return to her mother in Belgium.

Reply to paragraph 12 of the list of issues

80. Please refer to the information on the framework for expulsion in Bahrain as contained in the replies to paragraphs 11 and 12 of the list of issues.

Articles 5, 6 and 7

Reply to paragraph 13 of the list of issues

81. Articles 6 to 9 of the Bahraini Criminal Code relating to the extraterritorial application of criminal laws provide that it is subject to specific circumstances.

82. Currently, and in accordance with article 5 of the Convention against Torture, the Bahraini Criminal Code provides for the punishment of torture under its criminal laws where (1) the offence is committed in territory under its jurisdiction or (2) where the offender is a national of the State.

Article 10

Reply to paragraph 14 of the list of issues

83. Torture is prohibited under the Constitution of the Kingdom of Bahrain and under more than one domestic law. Please refer to paragraph 1 of the list of issues above. Articles 133, 134 and 135 of the Code of Criminal Procedure also set out the principles governing the course of interrogations and include rules for the conduct of interrogations by the Public Prosecution in the presence of the suspect's lawyer, who must be permitted to see the case file at least one day before the interrogation. Paragraph 26 hereinabove sets out the steps taken to ensure that these safeguards are robustly applied in practice, among them the use of audiovisual recording and separate monitoring by national entities, including senior officials from the Ministry of the Interior, and by various international bodies.

84. As mentioned earlier, interrogations concerning allegations of torture in Bahrain are conducted and monitored by the Special Investigation Unit in accordance with the regulations and rules set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known as the Istanbul Protocol.

Reply to paragraph 15 of the list of issues

85. The concerned ministries in the Government of Bahrain periodically provide information relating to the prevention of torture through training for law enforcement officials (civilian and military), medical personnel, public officials and others who may be

associated with any form of arrest and investigation. The number of professional training and education programmes has visibly increased in recent years so as to keep abreast of international standards. In January 2014, training for prosecutors and other State officials was delivered by court officials, both current and former, and other experts.

86. Comprehensive training programmes have furthermore been introduced for security personnel in order to instil respect for human rights and due process. In addition to the officer training courses mentioned in the initial report of Bahrain,³⁸ others are now available for non-commissioned officers. The Ministry of the Interior has also revised its training programmes for law enforcement officials in order to take into account lessons learned from the detentions and arrests that took place in February and March 2011 and thereafter.³⁹

87. The table below shows the number of judges, prosecutors, police officers, representatives of the military prosecution and personnel of the National Security Agency who have received training in human rights and criminal justice since the report of the Bahrain Independent Commission of Inquiry was published on 23 November 2011. The figures were updated on 25 August 2013 and are drawn from internal reports issued annually by the bodies involved in the training carried out in collaboration with international organizations. This training is in addition the internal training periodically provided by the law enforcement agencies with the assistance of Bahraini trainers, which is not included in the figures set out below.

Table 1
International training by position of the recipients

	<i>In-country training</i>		<i>Training abroad</i>	
	<i>Human rights and criminal justice</i>	<i>Other</i>	<i>Human rights and criminal justice</i>	<i>Other</i>
Judges ⁴⁰	23	29	35	11
Prosecutors ⁴¹	40	16	36	14
Police	78 officers 216 police personnel	428 officers 3 428 police personnel	128 officers	74 officers
Military judiciary ⁴²	21	31	30	6
National Security Agency	25	19	12	0

88. Following specific recommendations made by the Bahrain Independent Commission of Inquiry in its final report,⁴³ the Ministry of the Interior introduced a new training programme on good police conduct. Those recommendations were formulated on the advice of two international experts in policing, John Yates and John Timoney, as well as on that provided by regional and local experts. The Police Code of Conduct⁴⁴ is a fundamental part of these training courses, which are held at the Royal Academy of Police. The revised programme lasts for 12 weeks, during which an internationally recognized police protocol is taught.

³⁸ Initial report, paragraph 94.

³⁹ See paragraphs 88 and 98 below.

⁴⁰ The total number of judges in Bahrain is 134.

⁴¹ The total number of prosecutors in Bahrain is 63.

⁴² The total number of members of the military judiciary, including the National Guard, in Bahrain is 51.

⁴³ Recommendations of the Bahrain Independent Commission of Inquiry.

⁴⁴ See paragraph 66.

89. Irrespective of their rank, all officers take part in training. Since 2011, personnel at all levels from the Ministry of the Interior, whether officers, non-commissioned officers or new recruits, have received training in human rights concepts for law enforcement officials. A total of 1,534 personnel from the Ministry received training in 2012, a number that more than doubled in 2013 alone to 3,926, including 228 officers, 66 civilians, 3,052 non-commissioned officers and 580 new privates.

90. The Ministry has furthermore made it a requirement for officers to take part in continuous training on a regular basis.

91. In September 2012, an academic curriculum entitled “Human rights and the rights of victims” was introduced for all new recruits to the Royal Academy of Police. The lessons in the curriculum units cover human rights; dispute management; delivery of first aid to victims, survivors and witnesses; detention; reporting of individuals; and questioning of suspects. Between 2011 and June 2014, over 829 officers and 3,600 police personnel took part in training that included human rights topics.

92. The curricula and courses taught at the Royal Academy of Police have been accredited by Edexcel, a United Kingdom institution specializing in the assessment of educational excellence (www.pearson.com). The Academy is the first institution of its kind in the Middle East to receive such an assessment for excellence.

93. Police also take courses and engage in field trips outside the country. The Ministry of the Interior has signed an agreement with the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy, pursuant to which the latter provides police officer training courses, followed by field trips to various police services in European Union countries. The Institute enjoys consultative status with the United Nations and the Council of Europe, has a special cooperation agreement with the United Nations Office at Vienna and is one of the 18 organizations representing the United Nations Crime Prevention and Criminal Justice Programme Network.

94. Twenty-four police officers took part in the first training course at the International Institute of Higher Studies in Criminal Sciences, which ran from 23 June to 14 July 2012. The second round of training ran from 3 to 23 October 2012 and was attended by 18 officers, including the Director of the Department of Correction and Rehabilitation and prison officers from detention centres in Bahrain. The training included visits to Italian detention centres and instruction from prison officers concerning best practices. The third training course ran from 17 March to 10 April 2013 and was attended by 25 police personnel; the fourth ran from 24 September to 14 October 2012 and was attended by 22 police personnel; the fifth ran from 27 January to 16 February 2014 and was attended by 19 police personnel; and the sixth ran from 26 April to 17 May 2014 and was attended by 19 police personnel.

95. In March 2012, the Ministry invited New York Supreme Court Justice John Walsh to give a course entitled “Human rights and international law for law enforcement officials”, which was attended by 185 officers and 600 non-commissioned officers, as well as by the Chief of Public Security, Major General Tariq al-Hassan and his senior aides, trainers at the Royal Academy of Police, and supervisors of the Special Security Force Command. The new Police Code of Conduct was distributed in Arabic and English and was included in the training course.

96. In April 2012, two human rights lawyers from the United Kingdom came to give two one-day training courses at the Royal Academy of Police on international human rights standards in connection with torture, including the Istanbul Protocol. The courses were attended by 50 police officers in supervisory positions.

97. The Royal Academy of Police also introduced a two-day training course, held twice weekly over 15 weeks,⁴⁵ which has been attended by over 700 police personnel. The professors at the Academy furthermore teach the same course to experienced officers from the Ministry's various departments.

98. The number of police officers and personnel taking part in the human rights programme offered by the Royal Academy of Police continues to grow. Indeed, such programmes are now a familiar part of police training in Bahrain.

The National Security Agency

99. The National Security Agency began offering a comprehensive training programme for its personnel on 22 January 2012. The six-month courses include lessons on human rights basics, appropriate professional conduct and interaction with the public (although the Agency has now been stripped of its law enforcement powers).⁴⁶

Judges and prosecutorial personnel

100. With respect to the judiciary and the Public Prosecution, the report of the Bahrain Independent Commission of Inquiry recommended targeted training on the need to ensure that their activities contribute to the prevention and eradication of torture and ill-treatment.⁴⁷ The Government of Bahrain agreed to implement these recommendations by way of a training programme designed in association with the Italian Siracusa Institute.

101. The Siracusa Institute programme has included the participation of internationally renowned Arab experts and materials in Arabic on human rights laws and international criminal law. Cases mentioned in the report of the Bahrain Independent Commission of Inquiry are studied as part of the programme, which also incorporates field trips to judicial bodies in Switzerland, Norway, France and Italy. One of the programme's main features is its integrated approach, which promotes openness among the authorities involved in investigations and prosecutions relating to torture and ill-treatment, thereby improving coordination. Members of the judiciary, the Public Prosecution and the police are thus trained in small groups. Thus far 83 judges and prosecutors have received training.

102. In addition to the Siracusa Institute programme, judges and prosecutors are continually sent to attend training courses abroad. Since April 2012, 42 have been sent on such courses in the United Kingdom, Qatar, Thailand, the Kingdom of Saudi Arabia, the United Arab Emirates and Egypt.

103. Bahrain furthermore invited NGOs specializing in the prevention and monitoring of torture to provide training for judges and prosecutors, among them the Association for the Prevention of Torture, which organized training for public officials, including judges and prosecutors, in precautionary measures for the prevention of torture. Training workshops in the prevention and punishment of acts of torture pursuant to the Convention against Torture are arranged for government officials, parliamentarians, prosecutors and others involved in implementing measures relevant to the prevention and monitoring of torture and the punishment of those who commit torture.

104. The Public Prosecution likewise runs its own training programmes, in which context prosecutors visited the Court of Cassation in Italy, where they met Italian prosecutors, as well as OHCHR and ICRC in Geneva and the European Court of Human Rights in Strasbourg. Prosecutors have similarly visited the Court of Cassation in France, where they

⁴⁵ In addition to the usual training courses, the Academy now offers a diploma in human rights.

⁴⁶ The National Security Agency was stripped of its powers of arrest and detention pursuant to Decree No. 115 of 2011.

⁴⁷ Report of the Bahrain Independent Commission of Inquiry, paragraph 1722 f.

met the French Public Prosecutor, and the Berlin Court, where they attended a court hearing and also met the German Public Prosecutor General.

105. Several prosecutors and judges have moreover attended training workshops in Bahrain run by international experts from Germany, Morocco and Egypt on the subject of fundamental rights and standards of criminal justice at the domestic and international levels.

Medical and health workers

106. In cooperation with various foreign institutions, the Ministry of Health provides training in such matters as the treatment of victims in times of tension and crisis, which covers the medical consequences of ill-treatment and quick assessment of the psychological condition of victims. The Ministry is keen to provide high-quality training for medical personnel in Bahrain and is working to achieve that objective.

Article 11

Reply to paragraph 16 of the list of issues

107. The Juveniles Act No. 17 of 1976 governs the arrest, detention and trial of juveniles in Bahrain, prohibiting the pretrial detention of juveniles in any circumstance. If, however, the circumstances of the case require a juvenile to be looked after, the court may order that the juvenile be entrusted to the care of one of the persons listed in article 8 of the Act, namely a parent, guardian or other person responsible for him. If none of them is fit to raise him, he is entrusted to the care of a suitable family member, failing which he is entrusted to the care of a reliable person who undertakes to raise him in the right way or to a trustworthy family who agrees to undertake the task.

108. Articles 70 and 73 of the Criminal Code provide that young age is a mitigating circumstance in the case of an accused person who is between 15 and 18 years old.

109. On 10 June 2014, the definition of the word “juvenile” was adopted pursuant to Act No. 15 of 2014 amending article 1 of Decree-Law No. 17 of 1967 concerning juveniles.

110. The new amendment provides that the meaning of juvenile for the purpose of that law is “anyone over 7 and under 15 years of age.” The new law further states that persons under 15 years of age may not be held in pretrial detention, as was the case under Act No. 17 of 1976.

111. Juveniles are tried by the Juvenile Court in closed hearings, which no one other than family members of the juvenile is permitted to attend.

112. Although those over 16 years of age are in fact regarded as adults, the practice is that no one aged under 18 is placed in pretrial detention with other detainees; they are instead detained in specific locations to prevent them mixing with adults in the detention centre. The same applies to under-18s serving sentences in correctional and rehabilitation facilities, who are separated from adult inmates.

Reply to paragraph 17 of the list of issues

(a) Persons sentenced to prison in Bahrain

113. As is clear from table 2 below, the vast majority of those sentenced to prison as at 11 September 2014 are Bahraini nationals. Non-Bahraini prisoners account for under 18 per cent of total prisoners and are mostly from the Asian continent, broken down as follows:

4.64 per cent are from Bangladesh; 4.16 per cent are from Pakistan; and 3.02 per cent are from India. Their numbers in Bahraini prisons are the highest after Bahrainis.

Table 2

Convicted prisoners in Bahrain, as at 11 September 2014, by nationality

Bahrain	1 885
Azerbaijan	1
Bangladesh	106
China	2
Egypt	7
India	69
Iran (Islamic Republic of)	14
Iraq	1
Jordan	4
Lebanon	2
Malaysia	6
Morocco	2
Nepal	3
Nigeria	3
Oman	3
Pakistan	95
Philippines	12
Qatar	1
Russian Federation	1
Saudi Arabia	41
South Africa	1
Sri Lanka	5
Sudan	2
Syrian Arab Republic	3
Thailand	4
Tunisia	1
Turkey	1
Yemen	5
United Kingdom	1
Nationality unknown	3

114. Concerning age group (diagram 2), the majority of prison inmates in Bahrain have an average age of between 22 and 45 years, as is the case in numerous countries. The proportion of males is much higher than females, who represent only slightly more than 4 per cent of total prison inmates.

Diagram 1
Convicted prisoners, as at 11 September 2014, by gender

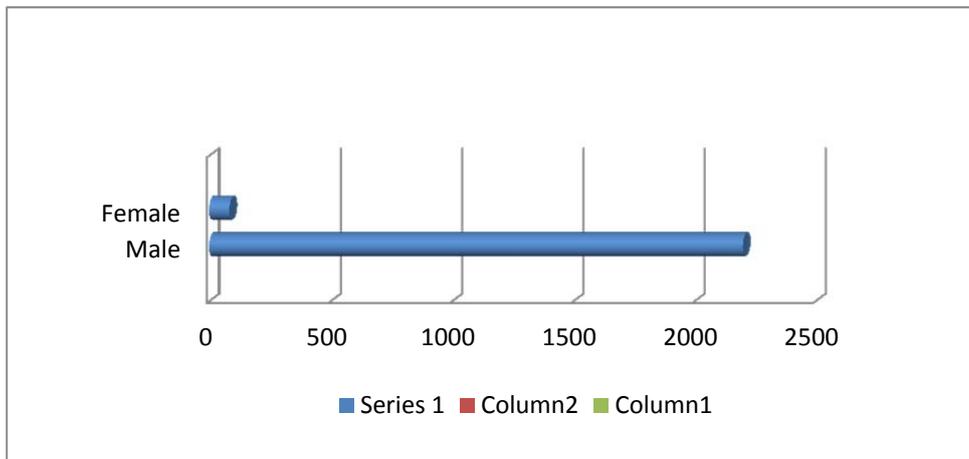
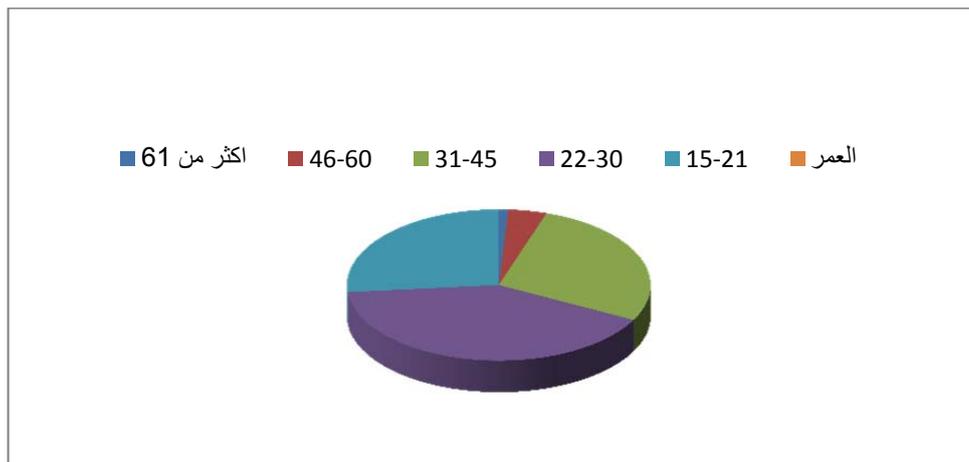


Diagram 2
Convicted prisoners, as at 11 September 2014, by age group



(b) Pretrial detainees

115. The data collected (diagram 3 and table 3) indicates that a small percentage of pretrial detainees are women. The percentage is much higher, however, for non-Bahrainis, amounting to 27.68 per cent.⁴⁸ It is worth noting that approximately one half of the population of Bahrain is made up of foreigners and that over two thirds of pretrial detainees, as at 15 September 2014, are Bahraini nationals. Among non-nationals, the countries with the highest percentages are Bangladesh (10.78 per cent), Pakistan (6.49 per cent) and India (6.39 per cent).

⁴⁸ Most cases involving foreigners are related to unlawful entry to the country and breaches of residence permits or employment regulations. In the event that a deportation order is issued, the foreigner remains in detention until a final court decision is made. In the case of women involved in serious offences, such as human trafficking or prostitution, the Public Office may decide to detain them, in accordance with the legal rules and time frames, until investigations are completed.

Table 3
Pretrial detainees, as at 15 September 2014, by nationality

Bahrain	715
Algeria	1
Bangladesh	108
Egypt	6
Ethiopia	1
India	64
Iran (Islamic Republic of)	1
Iraq	1
Jordan	3
Kenya	1
Lebanon	2
Nepal	1
Nigeria	1
Oman	1
Pakistan	65
Russian Federation	1
Saudi Arabia	21
Sri Lanka	2
Syrian Arab Republic	3
Thailand	1
Turkey	1
United States	1

116. As in the case of the age group for prison inmates, most pretrial detainees in Bahrain are between 22 and 45 years of age.

Diagram 3
Pretrial detainees, as at 15 September 2014, by gender

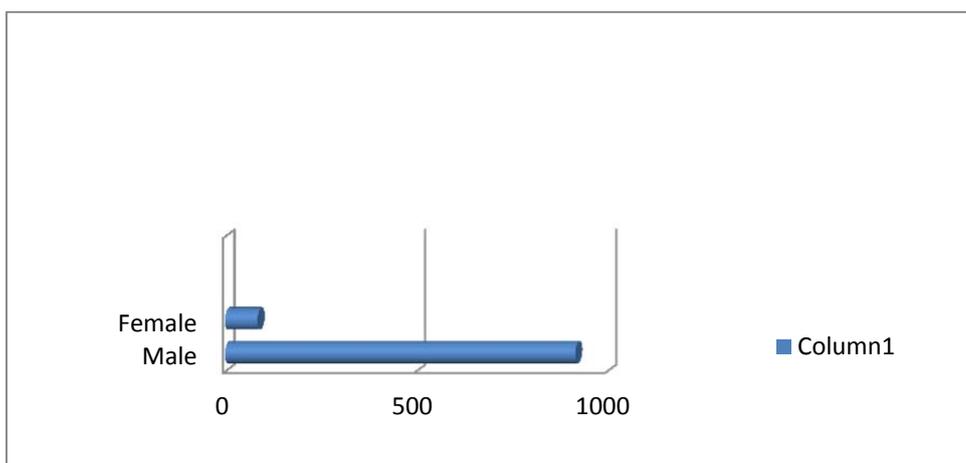
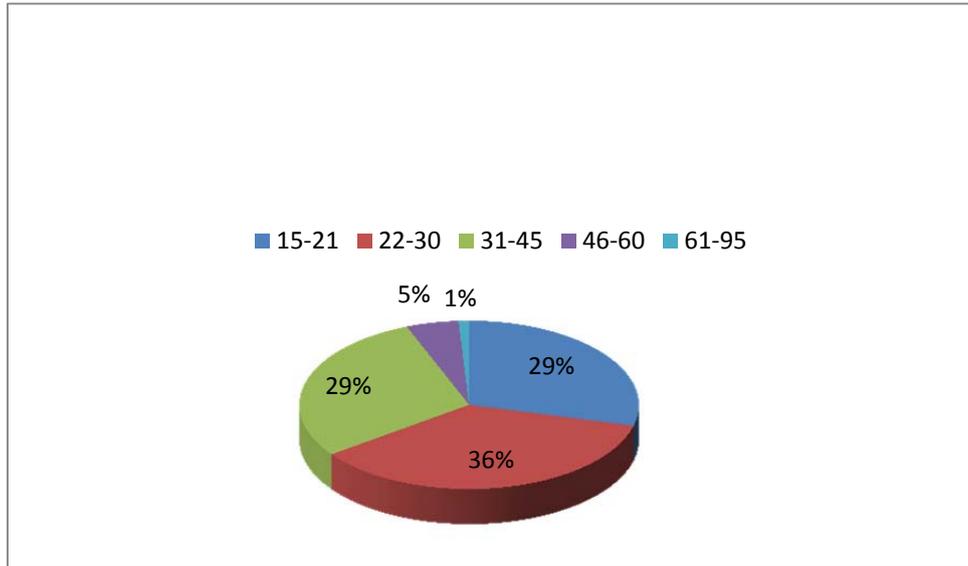


Diagram 4

Pretrial detainees, as at 15 September 2014, by age group**Reply to paragraph 18 of the list of issues**

117. As at January 2014, there were six female judges, six women working in the Public Prosecution, all of them prosecutors, and one female military judge in the military tribunals of the Ministry of the Interior. There are 195 female non-commissioned officers in the Ministry of the Interior and 1,737 female personnel.

Reply to paragraph 19 of the list of issues

118. Additional details to those illustrated in diagrams 1 and 3 above are that non-Bahraini women account for 9 per cent of the total penitentiary population. In particular, foreign women represent 7.2 per cent of women sentenced to imprisonment and 11.4 per cent of women in pretrial detention.

Article 12 and 13**Reply to paragraph 20 of the list of issues**

119. Amnesty Decree Nos. 10 of 2001 and 56 of 2002 are two sides of one coin. Decree-Law No. 56 simply interprets the original provision set out in Decree-Law No. 10 and confirms the blanket amnesty. These decree-laws are restricted to State security offences and offences associated with that period. They apply only to acts committed up until when they were enacted and their effect can in no way encompass or be extended to any offence occurring after that same period. It should be noted, however, that no civil claim for compensation has yet been filed by anyone asserting a legal interest that falls within the scope of application of these two decrees. Not a single civil case has been brought and the claim that both decrees, in particular the interpretative Decree No. 56 of 2002, are unconstitutional has not been borne out. The Government of Bahrain has nonetheless opened its doors to all those who suffered damage during that period, whether as a result of allegedly being subjected to torture or ill-treatment or as a result of terrorism, arson or sabotage.

120. Accountability is one of the key issues about which recommendations were made in the report of the Bahrain Independent Commission of Inquiry. On royal directives, the Government has taken various measures to ensure that all of the recommendations are fully implemented as soon as possible in a transparent and impartial manner (please refer to the above replies to paragraphs 7 and 8). In that vein, the Government embarked on making amendments to the Criminal Code and the Code of Criminal Procedure as soon as the report was published with the aim of ensuring greater protection from torture, that perpetrators of the offence do not escape with impunity and that victims of ill-treatment are adequately compensated. The most significant of those amendments came with the promulgation of Act No. 52 of 3 October 2012, pursuant to which the definition of torture in articles 208 and 232 of the Criminal Code was brought into line with international norms and no statute of limitations is applicable in the case of torture offences (please see the above reply to paragraph 1). Concerning the amendments to the Code of Criminal Procedure, article 22 bis was added pursuant to Act No. 50 of 9 October 2012 in order to allow anyone claiming to be subjected to reprisal on account of having previously alleged that he was subjected to torture or other cruel, inhuman or degrading treatment or punishment may bring a civil claim against the accused during the evidence-gathering or investigation stages, or before the court hearing the criminal case at any stage up until the closure of pleadings. The procedures for the hearing and protection of witnesses, experts and victims were also changed pursuant to Act No. 53 of 2012, which establishes procedural safeguards for the protection of such persons, guarantees their safety and ensures that they are not endangered or influenced during or after any investigation or trial.

121. With regard to judicial procedures, as soon as the report of the Bahrain Independent Commission of Inquiry was published, the judiciary took decisive action to investigate all allegations and charges, irrespective of the position of the perpetrators in the professional hierarchy. In February 2012, the Attorney General issued a decision to establish the Special Investigation Unit, as described earlier, in order to investigate and ultimately determine the criminal responsibility of government officials, particularly those in positions of leadership, accused of having committed unlawful acts that gave rise to killing, torture, harm or ill-treatment.

122. Act No. 49 of 2012 was furthermore promulgated to amend article 81 of the Public Security Forces Act promulgated by Decree-Law No. 3 of 1982 by adding an additional paragraph to the article, which provides that acts allegedly involving torture, inhuman or degrading treatment or related death are not characterized as military offences, meaning that military personnel are tried in civil courts in the event that they are charged with having committed any of those offences. With respect to implementing measures, the Government has worked to establish independent national mechanisms for monitoring the country's human rights situation in general and ensuring that those who commit such offences are brought to justice. The first outcome of those measures was the promulgation of Royal Order No. 28 of 2012, which amended provisions of Royal Order No. 46 of 2009 establishing the National Institution for Human Rights so as to ensure that the Institution plays an active role in monitoring the human rights situation in Bahrain. This was followed, as mentioned earlier, by the appointment of an Ombudsman and an Inspector General of the National Security Agency, both of whom have discharged their respective functions since that time. The Prisoners' and Detainees' Rights Commission too was established, as also mentioned earlier, and is concerned with visiting all prisons and places of custody in order to monitor the conditions of detention and ensure that no inmate or detainee is subjected to any form of torture or cruel or inhuman treatment.

123. Concerted efforts at all administrative, judicial and non-governmental levels will continue in order to ensure a climate that preserves everyone's rights and is conducive to the prosecution of any person, whatever his capacity, who violates the rights of individuals, in particular through torture and inhuman, degrading or undignified treatment.

Reply to paragraph 21 of the list of issues*Statistical data*

124. Following on from the recommendations of the Bahrain Independent Commission of Inquiry contained in its report of November 2011, complaints relating to allegations of torture and ill-treatment at the hands of government officials are now investigated directly by the Special Investigation Unit at the Office of the Attorney General. The Unit then decides on the basis of the investigation whether there is sufficient evidence to lay a charge against the alleged perpetrator.

125. The Special Investigation Unit has handled numerous complaints and referred to the criminal courts 36 cases in which charges were laid against 69 members of the Public Security Forces, including 15 officers. Of those cases, 9 involved deaths, 4 involved torture and 23 involved ill-treatment. Various sentences of imprisonment for terms of between 1 month and 10 years were handed down. The Unit also challenged 12 decisions by appeal and 2 decisions by cassation.

126. With specific respect to torture and ill-treatment leading to deaths in custody, the Bahrain Independent Commission of Inquiry concluded in its report, published in 2011,⁴⁹ that five such deaths resulted from torture. In conducting its special investigations, the Commission noted that the Ministry of the Interior had in fact investigated the deaths of three of the five persons, namely Hasan Jassim Maki, Ali Isa Ibrahim Saqer and Abdulkarim Ali Ahmed Fakhrawi. The Special Investigation Unit had nonetheless looked into all of the cases, including those investigated by the Ministry of the Interior, and ultimately referred for prosecution five suspects in the deaths of Ali Isa Ibrahim Saqer and Zakariya Al Asheri and two suspects in the death of Abdulkarim Ali Ahmad Fakhrawi, whereas it placed on file the cases of Hasan Jassim Maki and Ebrahim Jaber Alawiyat owing to the absence of any criminal suspicions surrounding their deaths.

127. The Bahraini authorities are continuing their efforts to raise awareness of the country's new framework for the prevention of torture and for ensuring that those who commit torture are brought to justice. This framework includes the powers of the Ombudsman and the Special Investigation Unit.

Reply to paragraph 22 of the list of issues

128. The 178 persons referred to in paragraph 22 who were pardoned by the King in April 2009 had been charged with committing serious offences under the Criminal Code in connection with unlawful activities. The King used his royal powers to grant a pardon as part of the ongoing government programme for reconciliation in Bahraini society. The Minister of the Interior also made it clear when the amnesty was declared that no allegations had been made about there being anything unlawful relating to the detention of those persons or to the conditions of their detention. No investigations were therefore opened into such matters.

129. No one in Bahrain is deprived of his liberty on the basis of his political opinions. Anyone being held in detention is referred to the judicial authorities for an independent decision to punish him if he has contravened the law or to release him if he has not. The King also grants a pardon in exceptional cases where deemed to be in the interest of national reconciliation, including among groups in the community.

⁴⁹ Report of the Bahrain Independent Commission of Inquiry.

Article 14

Reply to paragraph 23 of the list of issues

130. In accordance with article 14 of the Convention against Torture, Bahraini law provides for the right to fair and adequate compensation for victims of torture. Articles 177 to 181 of the Civil Code thus establish the principles for the award of compensation for damage suffered as a result of an unlawful act.

131. Individuals who, while being arrested or in detention, suffer damage as a result of ill-treatment at the hands of public security officials are entitled to make a civil claim for compensation, either against the official directly if the ill-treatment occurred other than in the course of performing his official duties or against the Government if it occurred during his performance of those duties. Article 22 of the Code of Criminal Procedure spells out how victims are able to make such a claim against an accused person.⁵⁰ In cases where the act is not criminal in nature but nonetheless caused damage, the victim may initiate civil proceedings for compensation without first seeking a judgement from the criminal courts. In the event, however, that criminal proceedings are still under way, any civil proceedings must be deferred until the criminal courts deliver judgement.

132. The victim may alternatively initiate civil proceedings against a public security official in his personal capacity but seek compensation from the Government on account of its responsibility for that individual as one of its employees, pursuant to article 172 of the Civil Code.⁵¹

133. Further redress is available as a result of Decree-Law No. 30 of 20 September 2011 establishing the National Fund for the Reparation of Victims, which is administered by a committee authorized to receive and consider all compensation claims and to award any form of compensation that it deems appropriate within the limits set by Decree No. 13 of 26 January 2012 concerning the rules of procedure of the Fund. Both decrees are set out in annex A.

134. These two decrees reflect the international best practices for victim compensation funds worldwide and the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. Among other things, the Fund provides assistance to anyone who suffered material, psychological or physical damage as a result of the violent events that occurred in the Kingdom of Bahrain in February 2011 or as a result of violent events of a similar nature occurring after that date, provided that the competent court has rendered a final criminal conviction against the perpetrator of the offending act. The Fund thus provides redress for victims of torture and for victims of other offences likewise.

135. The Fund is a key government initiative providing three forms of protection for victims over and above the existing rights to compensation under Bahraini law:

(a) Where the injured party submits a claim through the Fund for compensation from the Government, he is not required to prove that the acts of the public official occurred while he was fulfilling his duties, as is the case in ordinary civil proceedings;

⁵⁰ The article provides that: "Any person who has suffered a direct personal injury established to have arisen from the offence shall be entitled to bring a civil claim against the accused during the evidence-gathering or investigation stages, or before the court hearing the criminal case at any stage up until the closure of pleadings. Such claims are inadmissible before the Court of Appeal."

⁵¹ Article 172 (a) provides that a superior is liable to the injured party for damage caused by an unlawful act of his subordinate where carried out during or on account of the performance of his functions.

(b) While the definition of a victim in civil proceedings is confined to the injured person,⁵² any immediate family member or dependent of the victim, as well as anyone who suffered harm while intervening to assist victims, may seek relief from the Fund under its procedures;

(c) The remedies offered by the Fund extend beyond monetary compensation in that, in accordance with recognized international standards,⁵³ the committee may approve any means of reparation, such as restitution, monetary compensation, rehabilitation, satisfaction and guarantees of non-repetition, as necessary and where appropriate.

136. At the end of 2013, all deaths identified by the Bahrain Independent Commission of Inquiry were recompensed by the Fund, with civil compensation amounting to US\$ 159,000 paid to the family of each victim. The Fund received 421 requests for compensation from individuals who suffered injury during the events of March 2011 and 193 cases are currently in the hands of medical departments with a view to determining the extent of the resulting disability (and consequently the amount of compensation to be awarded in ordinary civil proceedings).

137. As recommended by the National Commission tasked with following up the recommendations of the Bahrain Independent Commission of Inquiry, two further mechanisms have been established in order to speed up compensation payouts, namely special courts dedicated to hearing compensation claims; and the Civil Settlement Initiative, which enables injured parties to settle their claims by mutual agreement.

138. On 27 February 2012, the Supreme Judicial Council announced the establishment of special courts devoted to hearing compensation claims. The National Fund for the Reparation of Victims requires that a criminal conviction must have been handed down against a person before compensation can be sought. In the case of complaints against the State, insofar as no specific person is identified, a civil judgement against the concerned government entity is usually required and it is a lengthy process if compensation is sought through the normal legal channels. Courts dedicated to hearing compensation cases will expedite the settlement of claims brought against the State.

139. Lastly, at the proposal of the National Commission, the Council of Ministers authorized the Ministry of Justice, Islamic Affairs and Awqaf, on 4 March 2012, to launch the Civil Settlement Initiative, pursuant to which injured parties will be able to settle their claims by mutual agreement. Those benefiting from the initiative are the families of deceased persons, persons who sustained physical injury in 2011, and any person obliged to turn to the civil courts in order to obtain any kind of compensation from the State. The aim of the initiative is to ensure that claims are settled as swiftly as possible within a matter of months.

140. Bahrain therefore has a robust legal framework for providing victims of acts of violence or torture with redress and an enforceable right to fair and adequate compensation. These provisions in fact go beyond those in place in the countries of the region and in various countries elsewhere.

141. During 2012 and 2013, in the light of the recommendations of the Bahrain Independent Commission of Inquiry, the Civil Settlement Office paid compensation to be each of the 35 deaths mentioned in the Commission's report, as well as for 4 other deaths outside the Commission's temporal mandate but for which it deemed compensation to be

⁵² See the above paragraph.

⁵³ The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by United Nations General Assembly resolution 70/164 of 16 December 2005.

appropriate. The Ministry completed all of the procedures for compensating those who accepted the amount to be paid in settlement. The total compensation awarded to victims amounted to 2.22 million Bahraini dinars (BD), equivalent to approximately US\$ 6 million. During 2014, the Civil Compensation Office also paid compensation deemed appropriate in the case of six further deaths outside the temporal mandate of the Bahrain Independent Commission of Inquiry, amounting in total to BD 360,000, in addition to compensation in the sum of BD 315,000 for 47 cases of injury directly linked with the events. The overall sum of compensation paid in 2014 for deaths and injuries thus amounted to BD 675,500, equivalent to US\$ 1.8 million.

Article 15

Reply to paragraph 24 of the list of issues

142. Article 19 (d) of the Constitution of Bahrain provides that: “No person shall be subjected to physical or mental torture, inducement or undignified treatment and the law shall determine the penalty for the commission of such acts. Any statement or confession established to have been made as a result of torture, inducement or such treatment or of the threat thereof, shall be null and void.” The second part of chapter I of the National Action Charter of 2001 provides in paragraph 3 that: “Any confession or statement made as a result of torture, threat or inducement shall be null and void. In particular, it is prohibited to subject an accused person to any physical or mental harm.”

143. Article 84 of the Code of Criminal Procedure provides that the legal representative of an accused person is entitled to be present during investigation procedures. Even in exceptional cases where an investigation is conducted in his absence, that legal representative has the right to access the documents, in accordance with article 87 of the Code.

144. Article 134 of the Code of Criminal Procedure states that, in the case of serious offences, prosecutors are not permitted to question the accused or confront him with witnesses or the testimony of others until after his lawyer, where present, has been summoned. It also states that the accused must declare the name of his lawyer.⁵⁴

145. Pursuant to article 216 of the same Code, a lawyer must appear in court with the accused. In the event that the accused has not appointed a lawyer, the court shall choose a lawyer for him and, should the accused be unable to pay the legal fees, the State shall assume responsibility for their payment.

146. With respect to complaints within their jurisdiction that they are investigating, the Public Prosecution and the Office of the Ombudsman check the accused for signs of ill-treatment through the visits to detention centres described in paragraph 27 hereinabove. If such signs are present, the Public Prosecution must authorize a forensic pathologist to examine the accused in order to determine the causes of the injury. If, as a result of the investigation, a confession is found to have been obtained from the accused by way of coercion or threat, the Public Prosecution must exclude it from the evidence. In the case relating to the activities of medical personnel during the events of February and March 2011 (Case No. 191 of 2011), the Public Prosecution requested the court not to rely on confessions attributed to the accused persons that had allegedly been obtained from them through mental and physical coercion. The court therefore discounted that evidence when delivering its verdict on the case.

⁵⁴ This is not required in the case of flagrante delicto or summary proceedings owing to the concern that evidence may be lost.

Article 16

Reply to paragraph 25 of the list of issues

147. Sharia courts have no jurisdiction over cases of domestic violence. Such cases fall under the jurisdiction of the ordinary criminal courts, which apply the provisions of the Criminal Code to them in the same way as in other serious offences.

148. The role of Sharia courts in cases of domestic violence is restricted to the legal effects arising out of such violence and comes into play primarily after a criminal court judgement has been delivered and after certain aspects of a case have been referred to them. Hence, if it is established that a woman has been the victim of domestic violence, the Sharia court may, for example, be requested to rule in favour of divorce for the woman's protection or may decide to deny the custody of any children to the offender. The Sharia courts have no jurisdiction, however, to try domestic violence offenders.

149. The criminal courts have already considered offences relating to domestic abuse, handing down in such cases 14 judgements in 2012 and 4 other judgements between 1 January and 31 August 2013. These cases typically relate to charges under the Bahraini Criminal Code, pursuant to which assault is a criminal offence. It is considered an aggravating circumstance if the perpetrator of the violence is a close relative of the victim, a person responsible for his upbringing, his guardian, a person with authority over him or a servant of his or of one of the persons mentioned (art. 348 of the Criminal Code). This article is applied in the majority of cases involving violence against women.

150. Table 4 below provides details of complaints received from individuals alleging to be victims of domestic abuse.

Table 4

Individual complaints of alleged domestic abuse

<i>Time period</i>	<i>Type of abuse</i>	<i>Number of cases</i>	<i>Source</i>
1 January 2011 to 7 March 2012		28	
		22	Ministry of Justice, Islamic Affairs and Awqaf
		41	
	Psychological	2	
1 January 2010 to 12 April 2012	16		
		14	
		40	
		2	
2006	Verbal		
2007	Physical	311	
2008	Sexual	327	
2009	Psychological	331	
2010	Verbal	403	
2011	Physical	263	
2012	Sexual	484	
2013 (January to June)	Domestic violence	No information available	
		434	Ministry of the Interior

Reply to paragraph 26 of the list of issues

151. All forms of violence are against the law. Absence of consent constitutes the serious offence of rape under the Bahraini Criminal Code, and charges of rape are heard by the ordinary criminal courts. In accordance with article 348, paragraph 1, of the Code, it is considered an aggravating circumstance if the perpetrator of the violence is a close relative of the victim, a person responsible for his upbringing, his guardian, a person with authority over him or a servant of his or of one of the persons mentioned, meaning that spouses are not exempt from any offence under the Criminal Code; on the contrary, they may be liable to a heavier penalty. Hence, a wife whose husband perpetrates any act against her in the domestic setting that gives rise to any form of damage may bring proceedings against him and seek a ruling to impose the penalty prescribed by law (arts. 344-348 of the Criminal Code).

152. In the light of complaints relating to matters within the jurisdiction of Sharia courts, the Government has, since the early 1980s, made proposals aimed at increasing and codifying women's rights through legislative and other reforms. In 2006, the Government drafted a unified family code and submitted it to the Council of Representatives for approval. The code is designed to regulate the Sunni and Ja`fari courts in the same manner in order to guarantee fair and equal application of the law in matters of personal status and ensure equal rights for women and men from both religious communities. This code is a part of the framework formulated to prevent, identify and punish violence against women in Bahrain. It accordingly accepts the testimony of women as proof, for example, in cases of marriage, divorce, injury, custody and other matters with which women are generally conversant. It also guarantees to women that they may marry a man of their choice and prohibits any child marriage of girls.

153. The Ja`faris, however, argued against the adoption of the draft code by the Council of Representatives and took to the streets to oppose the enactment of both components of the draft, saying that its application should be exclusively confined to cases heard by the Sunni courts. The Family Code subsequently enacted, which is still in force, is therefore applicable to the Sunni courts alone and has no effect in the Ja`fari courts.

154. His Majesty the King of Bahrain promulgated the (Sunni) Family Code (Act No. 19 of 2009) following its approval by the Council of Representatives and the Shura Council. The component relating to reform of the Ja`fari courts remains under discussion.

155. Albeit that no unified family code was enacted, the Supreme Council for Women collaborated with the Supreme Judicial Council in preparing a study on the application of the first component of the Family Code in the Sunni courts with the aim of showing its positive effects. The Supreme Council for Women is also implementing ongoing programmes to raise awareness of the need for a unified family code, as well as other programmes for sensitizing all women and young women in particular to the rights of each party in a marriage.

156. At the same time, the Government is engaged in efforts to achieve public consensus concerning the adoption of a process for approving the component of the Code relating to the Ja`fari courts⁵⁵ so that women from the Ja`fari community receive the same protection as their counterparts from the Sunni community.

⁵⁵ Religious groups routinely opposed such reforms in parliament, including proposals for the introduction of a law to raise the marriageable age and require the payment of maintenance to divorced women who are unable to support themselves. During the reporting period, some religious groups opposed the Government's proposals for a family code on the ground that such matters must be decided by jurists and not by the positive legislator.

157. The Government also tabled a specific bill on the protection of women from domestic violence for consideration by the legislature. The bill has passed through the Council of Representatives and is now under consideration by the Shura Council. Once the new law is adopted, there will be tougher penalties for offences against women, including violence and rape, and the government bodies tasked with receiving and following up complaints of domestic violence will be clearly identified, which is not the case in existing Bahraini law. Victims of domestic violence will also be entitled to institute civil proceedings for compensation against offenders found guilty by the criminal courts. A criminal conviction for domestic violence will furthermore be considered as justification for divorce.

158. In 2012, the Ministry of the Interior, in cooperation with the Women's Support Centre run by the Supreme Council for Women, set up a telephone hotline (80008006), which takes complaints around the clock and is in addition to the existing methods through which the authorities receive complaints and grievances relating to the ill-treatment of women.

159. There are now two dedicated shelters for female domestic workers, which are run by the Embassy of the Philippines and the Society for the Protection of Migrant Workers, a local NGO.

160. Further steps taken to improve the situation of migrant workers, both men and women, in Bahrain and to combat trafficking in persons are described below.

Reply to paragraph 27 of the list of issues

161. In addition to the measures mentioned in the reply to paragraph 26, Bahrain has prepared a bill for protecting the rights of female migrant workers, which is now before the legislature for consideration. It is expected to cover the rights of seven categories of women working in domestic service.

162. Pursuant to the Private Sector Labour Code (Act No. 36 of 2012), workers, whether citizens or migrants, may submit complaints about the non-payment of wages by employers. It is the job of the Arbitration and Labour Advisory Service and the Labour Inspectorate at the Ministry of the Interior to examine such complaints and seek an amicable settlement through urging the employer to pay the outstanding wages to the workers. If the employer fails to respond, the Ministry is entitled to draw up a report to the effect that the employer has contravened article 40 of the Private Sector Labour Code, which is punishable under article 188 thereof by a fine of between BD 200 and 500, multiplied by the number of workers whose wages are in arrears or have never been paid. Workers also have the right to file cases against employers with the Office of Labour Cases at the Ministry of Justice, which works to settle such matters between the parties. Workers may furthermore take their complaints to the High Civil Court for a decision. Article 302 bis of the Criminal Code provides that any person who exacts forced labour from workers in any activity or who withholds all or part of their wages without justification is liable to imprisonment and/or a fine.

163. In cases where his passport is retained without his consent, a migrant worker may report the matter to a police station and to his country's embassy. It is prohibited under the Labour Code to retain workers' passports, as stated in the reply to paragraph 32 of the list of issues, and the General Department of Nationality, Passports and Residence at the Ministry of the Interior thus works to recover passports and return them to the worker. As part of its awareness-raising activities, the Labour Market Regulatory Authority advises new migrant workers not to surrender their passports to their employer without obtaining a formal receipt specifying the place where the passport is kept and stating that it will be returned within a reasonable period. See also the reply to paragraph 32 below.

164. Trafficking in persons is prohibited pursuant to Act No. 1 of 2008. Bahrain is the second Gulf country to have promulgated such a law, which was drafted and approved as recommended in the report of the Special Rapporteur on trafficking in persons, especially women and children, issued in 2007 (A/HRC/4/23/Add.2). Bahraini law is consistent with the Palermo Protocol, treating trafficking in persons as a criminal offence and requiring convicted offenders to bear the cost of repatriating victims. It also provides for the confiscation of other assets and property used in the commission of the offence; recognizes the responsibility of any legal person in whose name, on whose account or for whose benefit the offence was committed; and imposes the heaviest penalty if aggravating circumstances are present, which includes cases in which the offence was committed by a criminal group or against a person under 15 years of age, a female, or a person with special needs, and cases where the offence is non-national in nature, or where the offender is responsible for the victim, or where the offence results in the victim suffering an incurable illness.

165. The law also guarantees all legal and material rights to the victim during the investigation and trial stages, including personal and psychological care, such as that provided by appropriate medical and mental health facilities, shelters and rehabilitation centres. Arrangements are also made, where necessary, to protect the safety of victims.

166. The court and the Public Prosecution may also decide as to whether the victim should remain in Bahrain during the investigations or trial. Under Act No. 1 of 2008, victims are permitted to stay in the country until completion of the investigations and trial to enable them to receive full compensation from the offenders. Victims are also afforded ample opportunity to regularize their status so that they are legally able to stay and work in Bahrain. The law furthermore obliges the Bahraini authorities to provide medical and psychological care for victims and to accommodate them in dedicated shelters.

167. Legislative and institutional reform efforts have been pursued in tandem, with a focus on the creation of two new committees, namely the National Committee to Combat Trafficking in Persons and the Committee for Evaluating the Status of Foreign Victims of Trafficking in Persons.

168. The National Committee to Combat Trafficking in Persons was established pursuant to Act No. 1 of 2008. At the time of preparing this report, the Undersecretary for Foreign Affairs was chairing the Committee, which is composed of government representatives and members of NGOs engaged in human rights issues.

169. The Committee's functions include developing programmes to prevent and combat trafficking in persons, protect victims and encourage and promote research, information-sharing and media campaigns, as well as social and economic initiatives for preventing and combating trafficking in persons. The Committee continues to distribute leaflets in various languages to workers on their arrival in Bahrain and also operates a victims' hotline. It has prepared a national plan for dealing with trafficking in persons and is currently engaged in monitoring various cases now under consideration.

170. The Committee has a unit that delivers health and psychological care to women and child victims and works in cooperation with the heads of labour unions, migrant worker associations and others to provide information on labour rights, health and so forth. It can also provide legal support, accommodation, medical assistance and employment, where required, and is also empowered to recommend that a residence permit be granted, even after the case has ended, at the request of the woman concerned, or to arrange her repatriation.

171. The Ministry of the Interior also established its own internal committee to investigate cases involving foreign victims of trafficking in persons. This committee is

entrusted with investigating and following up allegations of trafficking in persons and provides information to the police or the Public Prosecution, as necessary.

172. With the aim of promoting regional and international cooperation, Bahrain hosted an international symposium from 1 to 3 March 2009 on combating trafficking in persons, resulting in the Manama Declaration, which advocates working with the private sector to achieve zero tolerance for trafficking in persons and encouraging governments to implement national strategies for ending trafficking in persons in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. To that end, a training workshop on combating trafficking in persons was organized from 28 to 31 March 2010 by the Public Prosecution in cooperation with the International Organization (IOM) in order to familiarize personnel of the Ministry of the Interior and the Public Prosecution, as well as judges, with the latest techniques for investigating and gathering evidence concerning trafficking in persons offences.

173. The authorities furthermore introduced a witness protection programme enabling victims to give their testimony via video link, with their faces covered, so as to encourage exploited workers whose rights have been infringed to submit official complaints and grievances to the authorities.

174. Her Highness Princess Sabika bint Ibrahim Al Khalifa, consort of His Majesty the King of Bahrain, has continued to preside over the Supreme Council for Women, playing an active role in combating trafficking in persons. Bahrain is now in the process of establishing a prize to be awarded to companies and institutions for their commitment to combating trafficking in persons. The Association for the Protection of Migrant Workers also works to help in resolving any abuses of the rights of migrant workers.

175. Between 2008 and 24 February 2015, the Office of the Attorney General investigated 65 trafficking-related cases involving sexual and labour exploitation, the penalty for which is imprisonment and a fine, in addition to deportation for any foreigner who is convicted. Sentences given ranged from 6 months to 15 years, depending on the circumstances. The Public Prosecution investigated 1 case in 2008, no cases in 2009 or 2011, 11 cases in 2010, 6 cases in 2012, 25 cases in 2013, 21 cases in 2014 and 1 case in 2015.

176. The Attorney General decided that local representatives of the Public Prosecution (Chief Prosecutor of the Capital Governorate) should have exclusive jurisdiction to investigate and prosecute trafficking in persons offences, the aim being to develop specialization in this type of offence. The Office of the Attorney General is also striving to build the capacities of its personnel for investigating trafficking in persons cases by ensuring that they participate in conferences, symposiums and special training courses in Bahrain and abroad.⁵⁶

Reply to paragraph 28 of the list of issues

177. The information provided to the Committee on this matter is incorrect.

178. As in the case of all other criminal convictions in Bahrain, the death sentence is subject to the full judicial appeal process. Three of the four death sentences pronounced in

⁵⁶ During the past few years, these training activities have included a conference on trafficking in persons, held in Vienna; a conference on human trafficking at the crossroads, held at the Ritz Carlton Hotel, Bahrain; a practical training course run in cooperation with the United States National Security Agency at the Judicial and Legal Studies Institute; and a training course run in cooperation with IOM at the Officers' Club of the Ministry of the Interior.

April 2011 against persons accused of killing policemen were, for example, quashed by the Court of Cassation. The fourth case is still being deliberated by the competent court.

179. Moreover, even should the Court of Cassation uphold a death sentence, it is possible for His Majesty the King to grant a pardon. During the deliberation of such cases, the victim's family can also let it be known that it is willing for the sentence to be commuted to life imprisonment.

180. In reality, the death sentence has only very rarely been applied in Bahrain.

Reply to paragraph 29 of the list of issues

181. Bahrain has traditionally welcomed visits from NGO representatives, including those working in the field of human rights. In 2012, for example, some 20 sporadic visits were made by human rights NGOs, with a similar number conducted in 2014.⁵⁷ In conformity with current immigration laws, the duration of visas is limited but does not hamper the ability of NGOs to enter Bahrain, as entry visas may be renewed indefinitely, which is what most often happens. Those arrangements were established so as to best administer access to the country and are similar to the arrangements in place in other countries of the region and elsewhere. Some NGOs have permanent representatives in Bahrain, which enables them to monitor the human rights situation without interruption. Bahrain furthermore welcomed visits and lengthy inquiries by OHCHR in 2013, while in 2011 it also voluntarily formed the Bahrain Independent Commission of Inquiry, with which it cooperated fully. The Commission was given full access to prisons, documents and individuals and testified in its report to the Government's record of cooperation. Lastly, in 2012, the Government received 800 entry visa applications from journalists, 747 of whom (i.e., 93 per cent) were given permission to enter the country.

182. The law of Bahrain protects freedom of information and freedom of expression, with article 23 of the Constitution providing that: "Freedom of expression and scientific research shall be guaranteed. Everyone shall have the right to express and propagate his opinion orally, in writing or by any other means, in accordance with the terms and conditions prescribed by law, without prejudice to the principles of the Islamic faith or the unity of the people, and in a manner that does not give rise to discord or sectarianism." Article 28, paragraph (b), furthermore protects the freedom of Bahrainis to assemble in public, stating that: "Public meetings, marches and gatherings shall be permitted in accordance with the terms and conditions prescribed by law, provided that their purposes and means are peaceful and consistent with morality." As also explained below in the reply to paragraph 34 of the list of issues, the laws on freedom of opinion and expression are now being reviewed and revised with the aim of creating further openness.

183. Bahrain consequently engages in no abuse, intimidation or harassment of NGO representatives, including those involved in human rights.

Reply to paragraph 30 of the list of issues

184. Cases of inter-prison violence are monitored and immediately investigated by the Office of the Attorney General. Between 1 January 2012 and 27 September 2013, 142 cases involving prison offences were referred to the Attorney General for investigation. Most cases are related to assaults among prisoners, theft of personal belongings, abuse directed at government officials and attempted bribery of such officials.

⁵⁷ Four members of Human Rights Watch visited Bahrain from 24 to 27 February 2013, for instance, and a three-person team from Amnesty International also visited from 19 to 25 January 2013.

Reply to paragraph 31 of the list of issues

185. Corporal punishment is prohibited under Bahraini law. The Criminal Code covers offences against the person in chapter VIII, section 1 of which deals with those that endanger human life and physical well-being. The penalty varies according to the consequences of the offence, such as murder, battery occasioning death or disability, physical assault, simple harm, manslaughter or injury caused by negligence.

Reply to paragraph 32 of the list of issues

186. In addition to the measures described in the replies to paragraphs 26 and 27 of the list of issues, several initiatives have been launched to improve the current system of sponsorship and guarantee the necessary protection for migrant workers.

187. Since the enactment of the Labour Market Regulation Act in March 2006, there have been fewer restrictions on migrant workers under the sponsorship system in that it is now possible for them to change jobs without permission from the original employer, provided that they comply fully with the rules and procedures for completion of the transfer within the required period.⁵⁸ The Act also prohibits any person from receiving any material benefit or advantage from a migrant worker in return for issuing him with a work permit or giving him employment.⁵⁹

188. More generally speaking, the law requires employers to respect the rights of workers, including migrant workers. In the event of failure to do so, the concerned government authorities refuse to issue new work permits or renew expired work permits, without which he is not permitted to recruit migrant workers.⁶⁰ Pursuant to Labour Market Regulatory Authority Decision No. 76 of 2007, it is prohibited for employers to employ a migrant worker to engage in any activity or occupation not provided for in the work permit.⁶¹

189. The Labour Market Regulatory Authority disseminates data and information relating to migrant workers and employers on the Internet or through short message services (SMS).

190. On 2 August 2012, the new Private Sector Labour Code (Act No. 36 of 2012) was promulgated, covering, among others, matters relating to migrant workers employed in private companies. Some of its provisions are applicable to domestic workers and it sets out other forms of protection, including as follows:

(a) Article 6 exempts all labour-related cases instigated by workers or their beneficiaries from fees. The court may order the person who instigated the case to pay all or some of the costs if the case is dismissed

(b) Article 8 protects the right of workers to strike;

(c) Articles 10 and 11 establish an obligation for employers to provide appropriate means of transport to and from the workplace, suitable meals for workers whose workplace is not close to their accommodation, and adequate accommodation;

⁵⁸ Article 25. This is the first time that migrant workers in a Gulf country have been permitted to transfer jobs without the consent of their original sponsor or employer. In accordance with Labour Market Regulatory Authority Decision No. 79 of 2009, a migrant worker wishing to transfer to another job must seek to do so at least 30 days prior to the expiration of his work permit, or within 5 working days of being notified of the cancellation of such permit (before its expiration date), following which he has a 30-day period of grace during which to make the transfer (art. 7).

⁵⁹ Article 23, paragraph (c).

⁶⁰ Article 24, paragraph (b) (2).

⁶¹ Article 7.

(d) Under article 12, it is prohibited to take from a worker any documents, certificates and instruments, which clearly includes identity cards and passports, without providing him with a written receipt stating that he is entitled to have them returned to him on request;

(e) In accordance with article 19, individual contracts of employment must be concluded in writing and signed by both parties. In the absence of a written contract of employment, the worker may take it upon himself to establish all of his rights by all means of proof;

(f) Article 40 guarantees that employers will pay wages to their workers at least once monthly (and more frequently depending on the circumstances of their employment);

(g) Article 48 establishes that wages and sums payable to a worker or his beneficiaries, in accordance with the provisions of the Code, are privileged over all of the employer's movable and immovable property and must be settled before any other debt, including debts owing to the State;

(h) Article 51 provides that employers may not employ workers for more than 48 hours weekly without first obtaining approval from the competent authorities;

(i) Article 116 establishes the right of workers not subject to the provisions of the Social Insurance Act whose contracts are terminated to receive recompense equivalent to one half of one month's pay for each year of the first three years of employment and one month's pay for each subsequent year. Workers are also entitled to recompense for fractions of a year prorated on the basis of the period spent in the service of the employer.

II. Other matters

Reply to paragraph 33 of the list of issues

191. Promulgated in 2006, the Act on the Protection of Society against Terrorist Acts made terrorism a serious offence in accordance with Bahraini law. Until the date of its enactment, there had been no definition of terrorism in Bahraini law and it was thereafter that the Criminal Code was tightened with the introduction of heavier penalties for serious offences committed for terrorist purposes.

192. The safeguards against torture provided for with respect to all other offences in Bahraini law consequently apply to the Act on the Protection of Society against Terrorist Acts. Details are provided in the replies above to paragraphs 1 and 3 of the list of issues.

193. No foreigner or Bahraini has been executed under the Act on the Protection of Society against Terrorist Acts.

Reply to paragraph 34 of the list of issues

194. The persons whose confessions were broadcast on 2 December 2008 were facing charges of having committed serious offences under various laws, including the Explosives, Weapons and Ammunition Act of 1976, the Criminal Code of 1976 and the Act on the Protection of Society from Terrorist Acts of 2006. As stated at the time by the Attorney General, the confessions were broadcast because the National Security Agency had felt that it was in the interest of public security to do so in that it would reassure citizens and residents that the authorities had successfully eliminated the activity of that group and its intention to commit terrorist acts. A judicial order was granted on that basis. This case is referred to as the Hujairah case.

195. Suspects in the Hujairah case were never held or detained at the National Security Agency in Manama. Indeed, the building is not appropriately equipped for housing detainees. In any event, on learning of the allegations of torture, the Attorney General conducted a full investigation, which included examination of the suspects by forensic pathologists, who found no evidence that any of those detained in the Hujairah case had been subjected to torture. The court reopened this matter, examining the available evidence itself and receiving briefings from the lawyers who had been representing the suspects. Once again, the court failed to draw the conclusion that the suspects had been subjected to torture or ill-treatment of the kind mentioned in paragraph 34 of the list of issues.

196. The Public Prosecution proceeded to interrogate the suspects as soon as they were presented to it and took their statements, which were either denials or confessions.

197. On the basis of the court's decision, the Public Prosecution visited the Dry Dock Detention Centre to examine the condition of the suspects and speak to them. Some said that they were being well treated in detention by the police, that the prison accommodation and food were good and that they had no complaints.

198. Since November 2011, in accordance with the recommendations contained in the report of the Bahrain Independent Commission of Inquiry concerning the establishment of professional standards for the Bahraini media,⁶² the Higher Authority for Media and Communication was established and constituted in June 2013 as an independent body concerned with the regulation of media affairs and the supervision of media content. It is responsible for producing a media charter of honour to strengthen compliance with professional and ethical standards.⁶³ A new bill is being prepared to promote the freedom and independence of the media and communications, including the audiovisual media, in conformity with international human rights instruments, in particular the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The bill is to be referred to the legislature in 2015 for approval in accordance with the constitutional and legal procedures in place.

Reply to paragraph 35 of the list of issues

199. Article 27 of the Constitution of the Kingdom of Bahrain protects the freedom to form associations and trade unions, provided that they are formed for legitimate objectives and by peaceful means. The rights of NGOs are also regulated by law.

200. Modern technologies and institutional reform have helped to open up the prospects for the development of civil society in Bahrain, paving the way for the emergence of an increasing number of civil society associations. Hence, whereas there were 376 such associations in 2004, the number rose to 425 in 2006 and 460 in 2007 and now stands at over 500, which is something unique in the Gulf region.

201. There has also been a qualitative shift in the structure of the country's civil society; in the past, charitable and religious societies were main type of association to be found in Bahrain. Following on from His Majesty the King's reform project, however, several prominent human rights associations have since been established, in addition to various political associations, whether Islamic, national, leftist, liberal or other.

202. Bahrain has also adopted an open and universal approach to its cumulative participation in United Nations human rights procedures. Hence, in connection with its most recent universal periodic review, it created a supervisory committee to steer the process in a transparent and comprehensive manner. The committee comprises members

⁶² Report of the Bahrain Independent Commission of Inquiry, the media, paragraphs 1724 a. to c. and paragraph 1725 b.

⁶³ http://www.biciactions.bh/wps/themes/html/BICI/pdf/1724a/media_reform_plan_ar.pdf.

from key ministries, as well as NGOs. One of the outcomes of this approach was that Bahrain accepted over 90 per cent of the recommendations made during the review.

Reply to paragraph 36 of the list of issues

203. The Minister for Foreign Affairs announced during the universal periodic review of Bahrain in 2012 that the Kingdom was considering the matter of ratifying the Optional Protocol to the Convention. Other supplementary mechanisms will also be reviewed at a later stage.

III. General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

Reply to paragraph 37 of the list of issues

204. The Government of Bahrain welcomes this opportunity to shed more light on the legal and institutional developments that have occurred since its initial report to the Committee. The long-term reforms relevant to the specific points raised in the Committee's list of issues have been discussed throughout this report. Some additional developments not yet covered in this report and other than those dealt with previously will be addressed here.

205. On 3 May 2012, following a comprehensive dialogue bringing together various groups within Bahraini society, fundamental constitutional amendments designed to strengthen the country's democratic institutions and principles were approved. They encompassed measures to increase parliamentary powers, in particular by giving the Council of Representatives greater democratic oversight of the Government, thereby guaranteeing a major role for the elected Council of Representatives in that it accordingly takes priority over the appointed Shura Council, and also included the adoption of more efficient legislative procedures.

206. Since its initial report to the Committee, Bahrain has ratified the International Covenant on Economic, Social and Cultural Rights (27 September 2007), the International Covenant on Civil and Political Rights (20 September 2006) and the Convention on the Rights of Persons with Disabilities (2011). It also became a party to the United Nations Convention against Corruption (2010). Bahrain has thus ratified seven of the nine core international human rights instruments. It is furthermore committed to the universal periodic review, having accepted the overwhelming majority of the recommendations made in 2012, and it is considering the matter of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

207. A drive for removal of the reservations to the Convention on the Elimination of All Forms of Discrimination against Women and for harmonization of its domestic legislation with the Convention was also launched, with the relevant authorities looking into withdrawing a number of the reservations to articles of the Convention or reformulating them so as to ensure compatibility with the Islamic Sharia, which has now been done pursuant to Decree-Law No. 70 of 2014 amending provisions of Decree-Law No. 5 of 2002 approving accession to the Convention on the Elimination of All Forms of Discrimination against Women.

208. Lastly, Bahrain actively participates as an observer member of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has attended all conferences of the Assembly since the Kampala Review Conference in June 2010. Bahrain

was furthermore elected as a member of Human Rights Council for a three-year period from 2008 to 2011.

Reply to paragraph 38 of the list of issues

209. Several positive developments have occurred since the initial report of Bahrain to the Committee, particularly in the immediate wake of the report of the Bahrain Independent Commission of Inquiry. The present report has referred above to developments in the human rights field as a result of the establishment of the Special Investigation Unit at the Office of the Attorney General,⁶⁴ the Office of the Ombudsman at the Ministry of the Interior, the Office of the Inspector General at the National Security Agency⁶⁵ and the Prisoners' and Detainees' Rights Commission.⁶⁶

210. Bahrain has furthermore ratified several human rights conventions.⁶⁷ The National Institution for Human Rights was also established and later reconstituted in order to ensure full consistency with the Paris Principles.

211. The initiative for national dialogue and the implementation of its outputs was launched, the recommendations of the Bahrain Independent Commission of Inquiry were put into practice, and the Kingdom of Bahrain embarked on a process of comprehensive reform aimed at, inter alia, addressing any abuses that had occurred by enacting laws on accountability and compensation in order to preclude the possibility of any reoccurrence and increase public confidence. These reforms include legislative amendments and important institutional developments based on international best practices, among them the establishment of mechanisms for compensating victims of human rights abuses; the construction of a more responsible information sector; government-led revision of the laws relating to torture and freedom of expression; and sustainable national capacity-building in the investigation of cases involving torture and ill-treatment. Such cases must be prosecuted in an independent and transparent manner, which calls for the reconfiguration or reconstruction of institutions and the delivery of unparalleled long-term training to the judiciary and law enforcement officials by international experts. The benefits of these actions will continue to be reaped during the months and years to come.

Reply to paragraph 39 of the list of issues

212. The Government is confident that it has fully replied to the list of issues raised by the Committee and it will similarly continue its engagement with the universal periodic review process and with United Nations bodies. Bahrain looks forward to driving forward further positive reforms for promoting the development of human rights within the country.

213. The Government of Bahrain welcomes and values the cooperation with the Committee against Torture and wishes the Committee success in its noble endeavours.

⁶⁴ See paragraphs 52 and 53 above.

⁶⁵ See paragraphs 55, 56, 60 and 61 above.

⁶⁶ See paragraph 27 (d) above.

⁶⁷ Bahrain has recently become a party to the Convention on the Rights of Persons with Disabilities (2011) and the Convention against Corruption (2010).

Annexes

Annex A

Decree-Law No. 30 of 2011 establishing the National Fund for the Reparation of Victims and Decree-Law No. 13 of 2012 on the rules of procedure of the Fund

Annex B

Decree-Law No. 56 of 2002 and Decree-Law No. 10 of 2001 on the blanket amnesty for national security offences

Annex C

The National Institution for Human Rights Act No. 26 of 2014

Annex D

Act No. 52 of 2012 amending provisions of the Criminal Code promulgated by Decree-Law No. 15 of 1976
