



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

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## Committee against Torture

### Concluding observations on the fourth periodic report of Bahrain\*

1. The Committee considered the fourth periodic report of Bahrain<sup>1</sup> at its 2219th and 2222nd meetings,<sup>2</sup> held on 18 and 19 November 2025, and adopted the present concluding observations at its 2231st and 2232nd meetings, held on 26 November 2025.

#### A. Introduction

2. The Committee expresses its appreciation to the State Party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State Party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee also expresses appreciation for having had the opportunity to engage in a constructive dialogue with the delegation of the State Party and for the responses provided to the questions and concerns raised during the consideration of the report.

#### B. Positive aspects

4. The Committee welcomes the State Party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including the adoption of:

(a) Act No. 6 of 2024, amending the Reform and Rehabilitation Institution Act No. 18 of 2014, which provides for the transfer of health services in correctional and rehabilitation facilities to government hospitals, expands family visiting time and increases minimum daily sunlight exposure and physical activity time for inmates;

(b) Decree Law No. 24 of 2021 amending Act No. 18 of 2017 on alternative sentences and measures, which extends the use of non-custodial sanctions to allow sentence substitution without the requirement to serve half of the sentence;

(c) Act No. 4 of 2021 on restorative justice for children and their protection from abuse, which raises the minimum age of criminal responsibility from 7 to 15 years old, excludes life imprisonment as a lawful sentence for offences committed by children, and establishes specialized juvenile courts and rehabilitation centres for children in conflict with the law;

(d) Decree Law No. 44 of 2018 on international crimes, which criminalizes acts related to genocide, crimes against humanity and war crimes, including torture.

\* Adopted by the Committee at its eighty-third session (10–28 November 2025).

<sup>1</sup> CAT/C/BHR/4.

<sup>2</sup> See CAT/C/SR.2219 and CAT/C/SR.2222.



5. The Committee also welcomes the State Party’s initiatives to amend its policies and procedures in areas of relevance to the Convention and to ensure greater protection of human rights, including:

- (a) The establishment, in 2024, of the Committee for Oversight of Alternative Sentencing and the Open Prisons Programme;
- (b) The reinstatement, in 2024, of the National Committee for Childhood, and the adoption, in 2023, of the national strategy for childhood (2023–2027);
- (c) The adoption, in 2023, of the national strategy for the rights of persons with disabilities (2023–2027);
- (d) The creation, in 2023, of the position of child rights commissioner within the National Institution for Human Rights;
- (e) The signing, in 2022, of a memorandum of understanding between the State Party and the International Committee of the Red Cross (ICRC), which enables that humanitarian organization to conduct regular, independent visits to detention facilities and to provide human rights training for security and prison personnel;
- (f) The reinstatement, in 2022, of the National Committee to Combat Trafficking in Persons, and the adoption of the national strategy to combat trafficking in persons in Bahrain (2024–2028);
- (g) The adoption, in 2022, of the national human rights plan (2022–2026);
- (h) The creation, in 2021, of the Victims and Witnesses Protection Office within the Public Prosecutor’s Office;
- (i) The establishment, in 2018, of the National Human Rights Committee at the Ministry of the Interior.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

6. In its previous concluding observations,<sup>3</sup> the Committee requested the State Party to provide information on the implementation of its recommendations on the moratorium on the death penalty, regular visits by independent monitoring bodies, including international bodies, to places of detention, and visits by the United Nations human rights mechanisms (paras. 13 (a), 23 (d) and 41, respectively). In the light of the information received from the State Party on follow-up to those concluding observations, on 11 May 2018,<sup>4</sup> the information contained in the State Party’s fourth periodic report and the additional information provided by the delegation during the dialogue, and with reference to the letter dated 23 October 2018 from the Rapporteur for follow-up to concluding observations to the Permanent Representative of Bahrain to the United Nations Office and other international organizations in Geneva,<sup>5</sup> the Committee is of the view that the recommendation contained in paragraph 23 (d) of the previous concluding observations has been partially implemented and that the recommendations set out in paragraphs 13 (a) and 41 have not been implemented. The recommendations contained in paragraphs 13 (a), 23 (d) and 41 of the previous concluding observations are addressed in paragraphs 26 and 38 of the present concluding observations.

### Legal status and domestic application of the Convention

7. While noting that article 37 of the Constitution establishes that international treaties ratified by the State Party acquire the force of law upon publication in the Official Gazette

<sup>3</sup> CAT/C/BHR/CO/2-3, para. 42.

<sup>4</sup> CAT/C/BHR/CO/2-3/Add.1 and CAT/C/BHR/CO/2-3/Add.1/Corr.1.

<sup>5</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FBHR%2F32848&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FBHR%2F32848&Lang=en).

and that international treaties relating to citizens' public or private rights shall require, for their entry into force, the enactment of a law, the Committee is concerned that certain provisions of the Convention have not been fully incorporated into its national legislation and regrets the lack of information on how potential conflicts between domestic laws and the Convention are resolved (art. 2).<sup>6</sup>

**8. The State Party should ensure that the provisions of the Convention are fully incorporated into its domestic legal order and that domestic laws are interpreted and applied in conformity with its obligations under the Convention. It should also provide judicial officials and lawyers with specific training on the Convention and on asserting the rights established in its provisions before the courts.**

#### **Definition and criminalization of torture**

9. While noting that torture is explicitly prohibited under article 19 (3) of the Constitution, that the offence of torture is not subject to a statute of limitations and that the definition of torture enshrined in articles 208 and 232 of the Criminal Code is broadly in line with the provisions of article 1 of the Convention, the Committee is concerned that acts of torture are criminalized only when they are committed against "a person who is in the custody or under the control" of the alleged perpetrator. It is also concerned that articles 208 and 232 of the Criminal Code do not provide for a minimum term of imprisonment for perpetrators of acts of torture that do not result in the death of the victim, which runs counter to the requirement set out in article 4 (2) of the Convention that torture should be made punishable by appropriate penalties that take into account its grave nature (arts. 1 and 4).

**10. The State Party should amend articles 208 and 232 of the Criminal Code to remove the restrictive requirement that the victim be "in the custody or under the control" of the alleged perpetrator. It should also ensure that all acts of torture and ill-treatment are punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 (2) of the Convention.**

#### **Absolute prohibition of torture and command responsibility**

11. The Committee is concerned that there is no clear provision in the State Party's legislation to ensure that the prohibition against torture is absolute and non-derogable, in accordance with article 2 (2) of the Convention, and that an order from a superior officer or a public authority may in no case be invoked as a justification of torture, in accordance with article 2 (3) of the Convention. It is also concerned that the principle of command or superior responsibility for acts of torture or ill-treatment committed by subordinates is not explicitly recognized in domestic law when such acts do not constitute crimes against humanity or war crimes (art. 2).

**12. The State Party should ensure that the principle of absolute prohibition of torture is incorporated into its legislation and that it is strictly applied, in accordance with article 2 (2) of the Convention, and that, in accordance with article 2 (3) of the Convention, an order from a superior officer or a public authority may in no case be invoked as a justification of torture. To this end, the State Party should establish mechanisms for the protection of subordinates who refuse to obey such orders and ensure that all law enforcement officers are informed of the prohibition against obeying unlawful orders and of the protective mechanisms in place. Furthermore, the State Party should establish the criminal responsibility of those exercising superior authority for acts of torture or ill-treatment committed by subordinates, even when such acts do not constitute crimes against humanity or war crimes, where they knew or should have known that such impermissible conduct was occurring or likely to occur, yet failed to take any reasonable and necessary preventive measures or to refer the case to the competent authorities for investigation and prosecution.**

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<sup>6</sup> [CCPR/C/BHR/CO/1](#), paras. 5 and 6; [E/C.12/BHR/CO/1](#), paras. 4 and 5; and [CERD/C/BHR/CO/8-14](#), paras. 7 and 8.

### **Universal jurisdiction**

13. The Committee is concerned that, under Decree Law No. 44 of 2018 on international crimes, the State Party's capacity to exercise universal jurisdiction over acts of torture is limited to cases where such acts constitute crimes against humanity or war crimes. It also regrets the lack of information on how the State Party has exercised in practice its universal jurisdiction to prosecute alleged perpetrators of acts of torture amounting to crimes against humanity or war crimes who are present in its territory (arts. 5, 7 and 8).

14. **The State Party should take all steps necessary, including by amending Decree Law No. 44 of 2018 on international crimes, to effectively exercise universal jurisdiction over any persons allegedly responsible for acts of torture – regardless of whether such acts constitute crimes against humanity or war crimes – who are present in its territory if it does not extradite them to another country, in accordance with articles 7 and 8 of the Convention. It should also provide the Committee with information on instances in which the Convention has been invoked in judicial decisions regarding extradition and universal jurisdiction, in compliance with article 5 of the Convention.**

### **Fundamental legal safeguards**

15. While taking note of the procedural safeguards to prevent torture and ill-treatment that are enshrined in the Constitution and the Code of Criminal Procedure, the Committee is concerned about reports indicating that, in practice, persons in custody, in particular persons detained for terrorism-related offences, are not routinely afforded all fundamental legal safeguards from the very outset of deprivation of liberty. In that respect, it has been reported that: (a) the rights of persons in custody to be informed of the reasons for their arrest, the nature of any charges against them and their rights are routinely violated;<sup>7</sup> (b) access to lawyers is not guaranteed in practice, particularly during the period of investigation;<sup>8</sup> (c) timely access to an independent medical examination is not a standard practice aimed at uncovering signs of torture and ill-treatment; (d) the right to notify a relative or a person of one's choice is often delayed and sometimes denied; (e) registers of persons deprived of liberty, including details about such persons, are not used systematically and consistently at all stages of detention; (f) suspects are often brought before the competent authority well after the 48-hour legal limit under Bahraini law, which may leave them vulnerable to an increased risk of torture or ill-treatment; and (g) the right of the accused to challenge the legality of detention before a judge is not always respected. The Committee also remains concerned about reports that, while a video or audio monitoring system has been installed in all interrogation centres and places of custody, interrogations continue to occur in parts of those facilities not equipped with such systems in order to avoid the interrogations being recorded (art. 2).

16. **The State Party should:**

(a) **Ensure that all persons deprived of their liberty are afforded, both in law and in practice regardless of the reasons for their detention, all fundamental legal safeguards from the very outset of their detention, including notably:**

- (i) **Being informed both orally and in writing and in a language that they understand of the reasons for their arrest, the nature of any charges against them and their rights;**
- (ii) **Being informed of and having guaranteed their right to be assisted by an independent lawyer of their choice, including during the investigation stage, to consult with their lawyer in private throughout the proceedings against them, and to have access to qualified, independent and free legal aid, if necessary;**

<sup>7</sup> CCPR/C/BHR/CO/1, paras. 39 and 40.

<sup>8</sup> Ibid.

- (iii) Having the right to request and receive a medical examination by an independent medical doctor free of charge, or by a doctor of their choice, upon request, that is conducted out of hearing and sight of police officers and prison staff, unless the doctor concerned explicitly requests otherwise;
- (iv) Having their medical records immediately brought to the attention of a prosecutor whenever the findings therein or allegations made may indicate torture or ill-treatment;
- (v) Being able to notify a family member or any other person of their choice of their detention;
- (vi) Having their detention recorded in a central register and having that register accessible to their lawyers, family members and other persons concerned by the case;
- (vii) Being brought before a judge within the 48-hour legal limit prescribed by law;
- (viii) Being able to challenge the legality of their detention at any stage of the proceedings;
- (b) Ensure that all persons deprived of their liberty are interrogated, in all cases and in all places of custody, exclusively in interrogation rooms equipped with a video or audio surveillance system, except where doing so might give rise to violations of detainees' right to privacy or the confidentiality of their conversations with their counsel or doctor;
- (c) Provide officials involved in detention-related activities with adequate and regular training on legal safeguards, monitor compliance and penalize any failure on the part of officials to comply.

#### **Counter-terrorism**

17. While acknowledging the State Party's national security concerns, the Committee is concerned that anti-terrorism legislation, in particular the Act on the Protection of Society from Acts of Terrorism (Act No. 58 of 2006) (as amended in 2019), contains a definition of terrorism that is vague and overly broad and has reportedly been extensively used outside the scope of counter-terrorism to crack down on those critical of the Government. It is also concerned that persons suspected or accused of involvement in terrorist acts can be held in police custody for a maximum period of 28 days and that they have allegedly been held in custody for longer periods without charge. It is further concerned about allegations that persons accused of terrorism are often subjected to arbitrary arrest, unlawful detention, torture, ill-treatment and enforced disappearance and that court proceedings in terrorism cases often lack fundamental procedural safeguards to ensure fair trials (arts. 2, 11, 12 and 16).<sup>9</sup>

18. **The State Party should:**

- (a) Review the definition of terrorism in its anti-terrorism legislation, in particular Act No. 58 of 2006 (as amended in 2019), to bring it into line with the Convention and other international human rights norms, and ensure that anti-terrorism legislation is not used to restrict the rights enshrined in the Convention;
- (b) Reduce the maximum length of time that a person suspected of terrorism can be held in police custody, ensure that any extension is limited to exceptional circumstances that are duly justified and provide for the judicial review of the lawfulness of the detention;
- (c) Ensure that all allegations of torture, ill-treatment and other violations committed by public officials against persons accused of involvement in terrorist acts

<sup>9</sup> Ibid., paras. 29 and 30.

are promptly, impartially and effectively investigated, that those responsible are prosecuted and duly punished, and that victims obtain redress;

(d) Ensure that adequate and effective legal safeguards and fair trial guarantees are in place in practice and that no arbitrary arrest, unlawful detention or enforced disappearance is carried out under the guise of countering terrorism.

#### Non-refoulement

19. The Committee notes with concern the State Party's assertion that there are no refugees in Bahrain and the absence of an adequate legislative and institutional framework ensuring the right to asylum and protection against refoulement for all asylum-seekers entering the country. It is also concerned about reports of individuals seeking or in need of international protection who have been apprehended at the border, detained for entering the territory of the State Party illegally, denied their rights to have access to asylum procedures and to have their protection claims examined, and returned to their countries of origin, in violation of the principle of non-refoulement (arts. 2, 3 and 16).<sup>10</sup>

20. **The State Party should:**

(a) Uphold the principle of non-refoulement by ensuring that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture;

(b) Pending the adoption of a national legal and institutional framework on asylum in line with international standards, take the measures necessary to enable all individuals seeking or in need of international protection to have an individualized case assessment, irrespective of their country of origin;

(c) Ensure that procedural safeguards against refoulement are in place and that effective remedies with respect to refoulement claims in removal proceedings are available, in particular reviews of rejections by an independent judicial appeal body;

(d) Collect and make available information, in respect of the next reporting period, on the number of asylum applications received and granted; cases in which return, extradition or expulsion was carried out and the guarantees and risk assessments afforded to persons subjected to such procedures; and the number of persons deported, the reasons for and the type of deportation, and whether the deported person has been able to lodge an appeal before an independent judicial body;

(e) Consider becoming a Party to the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.

#### Incommunicado detention in unofficial places

21. While taking note of the domestic prohibition of unlawful detention in places not designated for that purpose and the State Party's assertion that there are no secret places of detention in the country, the Committee remains concerned about reports of unlawful and incommunicado detention in unknown locations, in particular under counter-terrorism laws, which creates conditions conducive to unaccounted detention (arts. 2, 11 and 16).<sup>11</sup>

22. **The State Party should ensure, as a matter of priority, that national laws are enforced effectively throughout the country and take action to close all unofficial places of detention without delay. The State Party should order the immediate placement of persons who may be detained in such places, including persons suspected of terrorism, under court supervision and ensure that they enjoy all fundamental safeguards to prevent and protect them from acts of torture or ill-treatment. The State Party should also consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

<sup>10</sup> CERD/C/BHR/CO/8-14, paras. 25 and 26; and CCPR/C/BHR/CO/1, paras. 43 and 44.

<sup>11</sup> CCPR/C/BHR/CO/1, para. 39.

### Conditions of detention

23. While acknowledging the steps taken by the State Party to promote restorative justice and address prison overcrowding, including through the use of non-custodial alternative measures and the construction of additional facilities, the Committee remains concerned at reports indicating overcrowding and poor material conditions of detention in places of deprivation of liberty, such as Jaww prison, in particular insalubrity and inadequate hygiene, dilapidated and old infrastructure, insufficient ventilation and access to daylight, the poor quality and insufficient quantity of the food and water provided, limited recreational and educational activities to foster rehabilitation and unnecessary restrictions on family visits. It is also concerned about reports of limited access to quality healthcare,<sup>12</sup> including mental healthcare, and about the lack of trained and qualified prison staff, including medical staff. Furthermore, it is concerned about reports indicating harsh treatment of prisoners, including allegations of violent acts committed by prison staff against detainees and reports indicating that detainees held for political reasons are frequently subjected to collective punishment amounting to ill-treatment and torture, including harsh living conditions, excessive use of force, denial of fundamental rights and extended periods of solitary confinement far exceeding the seven consecutive days permitted in law, in retaliation for protesting for better conditions of detention (arts. 2, 11 and 16).<sup>13</sup>

24. **The State Party should intensify its efforts to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should, in particular:**

- (a) **Take further measures to reduce overcrowding in prisons, including by making greater use of alternatives to detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and continuing to implement plans to develop and renovate the infrastructure of prisons and other detention facilities;**
- (b) **Guarantee that the basic needs of persons deprived of their liberty are satisfied, including with regard to water, sanitation, food, ventilation and daylight, and increase the number of trained and qualified prison staff, including medical staff, to ensure the provision of proper healthcare for prisoners, in accordance with rules 24–35 of the Nelson Mandela Rules;**
- (c) **Facilitate access to recreational and cultural activities, as well as vocational training and education, in places of detention, with a view to supporting the rehabilitation of detainees in the community;**
- (d) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to acts of torture and ill-treatment of prisoners by prison personnel, including those convicted on political grounds, and that the alleged perpetrators are suspended from duty, prosecuted and adequately punished;**
- (e) **Ensure that the fundamental rights of detainees are respected in all circumstances and that detainees are not subjected to reprisals, including collective punishment, by the prison administration for protesting for better detention conditions;**
- (f) **Bring its legislation and practice on solitary confinement into line with international standards, particularly rules 43–46 of the Nelson Mandela Rules, and ensure that the practice of renewing and prolonging solitary confinement is strictly prohibited.**

<sup>12</sup> [E/C.12/BHR/CO/1](#), paras. 40 and 41.

<sup>13</sup> [CCPR/C/BHR/CO/1](#), paras. 41 and 42. See also Office of the United Nations High Commissioner for Human Rights: “Bahrain must restore rights in Jau prison amid prisoner protests, say experts”, press release, 15 August 2024; “Comment by UN Human Rights Office spokesperson Ravina Shamdasani on continued hunger strike in Bahrain prison”, press release, 30 August 2023; and “Press briefing notes on Bahrain”, press release, 30 April 2021.

### **Monitoring of detention facilities**

25. While noting the information provided by the State Party that regular announced and unannounced inspections of prison facilities and other places of deprivation of liberty are conducted by several national and international monitoring bodies, such as the Prisoners' and Detainees' Rights Commission, the National Institution for Human Rights, the Office of the Ombudsman at the Ministry of the Interior, the Public Prosecutor's Office, judges responsible for the enforcement of sentences and ICRC, the Committee is concerned about the lack of information on the measures taken to implement the recommendations put forward by these monitoring bodies and to establish an effective independent national system to monitor and inspect all places of deprivation of liberty. Moreover, it remains concerned at reports that these national monitoring mechanisms are not independent, since they are placed under the supervision of the executive branch (arts. 2, 11 and 16).

26. **The State Party should ensure that monitoring bodies with a mandate to visit places of deprivation of liberty, including those mentioned in the paragraph above, are able to carry out regular, independent and unannounced visits to all civilian and military places of deprivation of liberty and to communicate confidentially with any persons deprived of their liberty during these visits. It should also establish an effective independent national system to monitor and inspect all places of deprivation of liberty and follow up on the outcome of such systematic monitoring. Furthermore, the State Party should consider becoming a Party to the Optional Protocol to the Convention against Torture. In addition, the Committee encourages the State Party to facilitate visits to the country by relevant special procedures mandate holders of the United Nations, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in particular to visit places of deprivation of liberty.**

### **Deaths in custody**

27. The Committee regrets the lack of information and statistical data for the period under review on the total number of deaths, including violent deaths, that occurred in places of detention, disaggregated by place of detention, the sex, age and ethnic or national origin and nationality of the deceased and the cause of death. It is also concerned about allegations that, along with the lack of healthcare, torture and ill-treatment are frequent causes of death in custody. It regrets the lack of information on investigations undertaken in that regard (arts. 2, 11, 12 and 16).

28. **The State Party should:**

- (a) **Ensure that all deaths in custody are promptly and impartially investigated by an independent entity, including by means of independent forensic examinations, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death and, where appropriate, apply the corresponding sanctions;**
- (b) **Assess the effectiveness of strategies and programmes for the prevention of inter-prisoner violence, suicide and self-harm and evaluate the existing programmes for the prevention, detection and treatment of chronic, degenerative and infectious diseases in prisons;**
- (c) **Compile and provide to the Committee detailed information on violent incidents and deaths in all places of detention, their causes and the outcomes of the investigations.**

### **Allegations of torture or ill-treatment and the lack of accountability**

29. The Committee is concerned about consistent reports indicating that persons in custody are subjected to torture or ill-treatment by law enforcement officers, prison guards, military personnel and staff of intelligence agencies in police stations, correction and rehabilitation centres, national security detention centres, military bases and unofficial places of detention, in particular during the arrest, interrogation and investigation phases, often as a method of coercion to extract confessions or to punish or intimidate persons accused of terrorism or real or perceived political opponents and critics of the Government. The

Committee remains deeply concerned at the reported lack of accountability, which contributes to a climate of impunity. In that regard, and while taking note of the statistical data provided by the delegation of the State Party, the Committee regrets that it has not received comprehensive information about cases that have resulted in criminal proceedings or their outcomes, including the prosecutions carried out, convictions pronounced and the penalties and disciplinary measures imposed on persons convicted for acts of torture and ill-treatment during the period under review. It is also concerned about reports that victims and witnesses of torture have been reluctant to report cases for fear of harassment and reprisals by the perpetrators and lack of protection. Furthermore, the Committee is concerned about reports that there is still no specific, independent, effective and confidential mechanism for the receipt of complaints of torture or ill-treatment in all places of deprivation of liberty and that existing investigation bodies lack the necessary independence, that their mandates are unclear and overlap, and that they are not effective given that complaints ultimately pass through the Ministry of the Interior (arts. 2, 11–13 and 16).<sup>14</sup>

**30. The State Party should:**

- (a) **Ensure that all complaints of torture and ill-treatment are investigated in a prompt, effective and impartial manner by an independent body and that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts;**
- (b) **Ensure that the authorities open an investigation ex officio whenever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed;**
- (c) **Ensure that, in cases of torture or ill-treatment, the suspected perpetrators are immediately suspended from duty for the duration of the investigation, while ensuring that the principle of presumption of innocence is observed;**
- (d) **Ensure that the suspected perpetrators of acts of torture or ill-treatment and the superior officers responsible for ordering or tolerating such acts are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of those acts;**
- (e) **Establish an effective and independent police oversight mechanism;**
- (f) **Establish an independent, effective, confidential and accessible complaints mechanism in all places of detention, including police custody facilities and prisons, and protect victims, witnesses and members of their families from any risk of reprisals;**
- (g) **Ensure the adequate protection of health professionals documenting torture and ill-treatment from intimidation, retaliation and other forms of reprisals, including by ensuring that they are not hierarchically subordinated to the head of the detention facility or other law enforcement organs;**
- (h) **Compile and disseminate up-to-date disaggregated statistics on the complaints filed, investigations conducted, prosecutions launched and convictions handed down in cases involving allegations of torture and ill-treatment.**

**Independence of the judiciary**

31. While noting the measures taken to strengthen the independence of the judiciary, including ongoing reforms to strengthen the role of the Supreme Judicial Council in ensuring the competence, independence and integrity of judges and prosecutors, the Committee expresses its concern at reports that, in practice, the judiciary continues to lack independence and impartiality, including in cases related to the Convention, owing to the executive branch's interference in its functioning, especially in the selection, appointment, suspension, transfer, removal and disciplining of judges and prosecutors, which could contribute to impunity, in particular in cases of torture (arts. 2, 12, 13, 15 and 16).<sup>15</sup>

<sup>14</sup> CCPR/C/BHR/CO/1, paras. 37 and 38.

<sup>15</sup> Ibid., paras. 45 and 46.

32. **The State Party should take all measures necessary to safeguard, in law and in practice, the full independence and impartiality of the judiciary, including in cases related to the Convention, especially by ensuring that it is free from any kind of pressure or undue interference from other bodies, in particular the executive branch. In doing so, it should ensure that the procedures for the selection, appointment, suspension, transfer, removal and disciplining of judges and prosecutors comply with relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors.**

#### **Juvenile justice**

33. While welcoming the adoption of Act No. 4 of 2021 on restorative justice for children and their protection from abuse, and the establishment, in 2024, of a specialized unit within the Office of the Ombudsman responsible for monitoring juvenile detention centres and for investigating complaints of children in detention, the Committee is concerned about:

- (a) The high number of children aged between 15 and 18 years who are deprived of their liberty during investigation;
- (b) Reports of arbitrary arrest, including for participating in public demonstrations or for insulting and criticizing public officials,<sup>16</sup> incommunicado detention of children, torture and ill-treatment of children in detention<sup>17</sup> and children being held in detention facilities with adults;
- (c) The lack of alternative measures to detention for child offenders;
- (d) Children's lack of information about their rights and how to report abuses (arts. 2, 11 and 16).<sup>18</sup>

34. **The State Party should intensify its efforts to bring its child justice system fully into line with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and:**

- (a) Ensure that deprivation of liberty of children is used only as a measure of last resort and for the shortest period possible, including by actively promoting non-judicial measures such as diversion, mediation and counselling for children accused of criminal offences and, wherever possible, the use of non-custodial sentences, such as probation or community service;
- (b) Promptly investigate all cases of arbitrary and incommunicado detention, torture and ill-treatment of children in detention, and adequately sanction the perpetrators;
- (c) In cases where detention is unavoidable, ensure that detention conditions comply with international standards, including with regard to access to education and health services and, for pretrial detention, that detention is reviewed on a regular basis with a view to its withdrawal;
- (d) Increase the number of well-trained and qualified prison staff capable of properly addressing the special needs of children;
- (e) Ensure that all children in detention are separated from adults;
- (f) Provide children in conflict with the law with information about their rights, ensure that they have access to effective, independent, confidential and accessible complaint mechanisms, as well as qualified, free and independent legal aid from the outset of the investigation and throughout the legal proceedings, and grant them access to their family immediately after arrest.<sup>19</sup>

<sup>16</sup> [CRC/C/BHR/CO/4-6](#), paras. 23 and 24.

<sup>17</sup> Ibid., paras. 26 and 27.

<sup>18</sup> Ibid., paras. 43 and 44.

<sup>19</sup> [E/C.12/BHR/CO/1](#), para. 33.

### **Inadmissibility of statements obtained through torture**

35. While taking note of the guarantees set forth in article 19 (3) of the Constitution and article 253 of the Code of Criminal Procedure regarding the inadmissibility of evidence obtained under torture or coercion, and the establishment within the Public Prosecutor's Office of a specialized material evidence department that collects and analyses evidence using modern scientific methods, the Committee regrets the lack of information about court decisions in which confessions obtained through torture or ill-treatment have been disallowed as evidence. It is concerned about reports indicating that torture is routinely used to extract confessions and that confessions obtained through torture are invoked against defendants in court as evidence of their guilt. It is also concerned about consistent reports maintaining that the courts do not investigate complaints of this kind (arts. 2, 15 and 16).<sup>20</sup>

36. **The State Party should:**

- (a) **Ensure that confessions and other statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing torture, as evidence that the statement was made, and that the burden of proving that confessions were made voluntarily falls on State authorities;**
- (b) **Ensure that, when it is alleged that a statement has been obtained through torture, the allegation is investigated immediately, effectively and independently, and that alleged perpetrators are prosecuted and, if found guilty, punished;**
- (c) **Ensure that all police officers, national security officers and military personnel, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation of the judiciary to invalidate confessions and witness statements made under torture, taking note, in that regard, of the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles);**
- (d) **Provide the Committee with information on criminal proceedings in which judges, either on their own initiative or at the request of parties to the case, have ruled that evidence obtained under torture is inadmissible and the measures taken in response.**

### **Death penalty**

37. The Committee is seriously concerned that the State Party lifted its seven-year de facto moratorium on the death penalty in January 2017 and that, since then, the number of death sentences is reported to have increased. It is also concerned that domestic law punishes with the death penalty a high number of crimes, such as drug trafficking, deliberately obstructing funerals or memorial services, and certain crimes against property under aggravating circumstances, that do not involve intentional killing and thus do not qualify as "the most serious crimes".<sup>21</sup> Moreover, the Committee remains deeply concerned about reports suggesting that proceedings leading to the imposition of death sentences are often accompanied by a lack of due process and fair trial guarantees.<sup>22</sup> It is particularly concerned about allegations of instances in which death sentences have been imposed on the basis of confessions obtained under duress or torture, including in the context of mass trials and trials in military courts (arts. 2, 11 and 16).<sup>23</sup>

38. **The State Party should:**

- (a) **Review its policy on the death penalty, including by taking affirmative steps to re-establish a moratorium on the death penalty with a view to abolishing it in law, take steps towards commuting to life imprisonment the death sentences imposed on persons who are currently incarcerated on death row and consider acceding to the**

<sup>20</sup> [CCPR/C/BHR/CO/1](#), paras. 37 and 38.

<sup>21</sup> International Covenant on Civil and Political Rights, art. 6 (2); and Human Rights Committee, general comment No. 36 (2018), para. 35.

<sup>22</sup> [CRPD/C/BHR/CO/1-2](#), paras. 20 and 21.

<sup>23</sup> [CCPR/C/BHR/CO/1](#), paras. 31 and 32.

**Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;**

(b) **Revise its legislation, including its counter-terrorism legislation and other relevant laws that may entail the imposition of the death penalty, to restrict the crimes for which the death penalty may be imposed to the most serious crimes involving intentional killing;**

(c) **Ensure that conditions of detention for condemned prisoners do not constitute torture or ill-treatment by taking immediate steps to strengthen legal safeguards and guarantees of due process, including full access to legal assistance, that death sentence is not imposed by military courts against civilians and that evidence obtained under duress and torture is inadmissible in court;**

(d) **Collect and make publicly available data on the number of death sentences imposed, the number of executions carried out, the type of offences for which death sentences are imposed and the persons sentenced, disaggregated by, *inter alia*, sex, age and ethnic or national origin and nationality.**

**Human rights defenders, journalists, political opponents and members of civil society**

39. The Committee remains concerned about reports according to which human rights defenders, members of civil society, journalists, political opponents and other critics of the Government have been subjected to retaliation, such as intimidation, threats, harassment, travel bans,<sup>24</sup> revocation of citizenship,<sup>25</sup> excessive use of force, undue restrictions on family contact, arbitrary arrest and detention, prosecution, including before military courts, torture and ill-treatment, enforced disappearance and extrajudicial execution. It is also concerned about the State Party's inadequate efforts to provide such persons with the protection they need, to conduct prompt, effective and impartial investigations and to punish the perpetrators appropriately. The Committee is particularly concerned about the situation of several human rights defenders, including Abdulhadi al-Khawaja, whose detention was declared arbitrary by the Working Group on Arbitrary Detention, Hasan Mushaima and Abduljalil al-Singace, especially with regard to their access to medical care (arts. 2, 12, 13 and 16).<sup>26</sup>

**40. The State Party should:**

(a) **Take, as a matter of urgency, the measures necessary to ensure that human rights defenders, members of civil society, journalists, political opponents and other critics of the Government are adequately protected from all forms of intimidation, threats, harassment, travel bans, excessive use of force, undue restrictions on family contact, arbitrary arrest and detention, prosecution, torture and ill-treatment, enforced disappearance and extrajudicial execution that they may be at risk of as a result of their activities, and that all human rights violations perpetrated against them are thoroughly investigated, that those responsible are brought to justice and that victims or their families are provided with effective remedies;**

(b) **Release from detention human rights defenders who have allegedly been detained and imprisoned in retaliation for their work, including Abdulhadi al-Khawaja, Abduljalil al-Singace and Hassan Mushaima;**

(c) **Refrain from using revocation of citizenship as a form of reprisal against human rights defenders, journalists, political opponents and other critics of the Government;**

<sup>24</sup> Ibid., paras. 49 and 50.

<sup>25</sup> CCPR/C/BHR/CO/1, paras. 61 and 62; CERD/C/BHR/CO/8-14, paras. 23 and 24; and CRC/C/BHR/CO/4-6, paras. 21 and 22.

<sup>26</sup> CCPR/C/BHR/CO/1, paras. 53–54 and 59–60; CEDAW/C/BHR/CO/4, paras. 18 and 19; CRC/C/BHR/CO/4-6, para. 13; CERD/C/BHR/CO/8-14, paras. 19 and 20; and E/C.12/BHR/CO/1, paras. 8 and 9. See also Office of the United Nations High Commissioner for Human Rights, “Bahrain: UN expert alarmed by health of human rights defenders in prison”, press release, 15 September 2023.

(d) **Amend its Citizenship Act, including the provisions on deprivation of nationality, to ensure that the application thereof does not result in statelessness;**

(e) **Consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

#### **Military courts**

41. The Committee notes with concern the amendment to article 105 (b) of the Constitution made in March 2017 and the amendments made in April of the same year to the Military Justice Code, which grant military courts jurisdiction over civilians outside a declared state of emergency. It is also concerned by reports that a number of actual or perceived critics and political opponents of the Government, including children,<sup>27</sup> have been tried and convicted in such courts in trials that lack due process and fair trial guarantees (arts. 2, 11–13 and 16).<sup>28</sup>

**42. The State Party should consider reviewing its amendments to the Constitution and the Military Justice Code to ensure that military courts are prevented from exercising jurisdiction over civilians. It should also make all convictions and sentences rendered by the military courts subject to full review in the ordinary courts.**

#### **Gender-based violence**

43. While welcoming the measures taken by the State Party to combat gender-based violence against women, including the adoption of Act No. 7 of 2023 repealing article 353 of the Criminal Code and thereby removing the exemption from criminal liability if a perpetrator marries the victim of rape, the Committee is concerned about:

(a) The widespread incidence of gender-based violence, in particular domestic and sexual violence against women and girls;

(b) The absence of a comprehensive law on gender-based violence, discriminatory provisions of the Criminal Code, in particular article 334 which provides for mitigated penalties for perpetrators of crimes committed in the name of so-called “honour”,<sup>29</sup> and the fact that marital rape is still not criminalized as such;

(c) The prevalence of the underreporting of cases of gender-based violence, owing to sociocultural barriers and fear of stigmatization, revictimization and impunity;

(d) The reportedly low number of prosecutions and convictions for gender-based violence and the leniency of the penalties imposed (arts. 2 and 16).<sup>30</sup>

**44. The State Party should:**

(a) **Effectively enforce Act No. 17 of 2015 concerning protection from domestic violence and consider adopting a comprehensive law on gender-based violence to criminalize all forms of violence against women;**

(b) **Ensure that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately and that the victims or their families receive redress, including adequate compensation and rehabilitation;**

(c) **Repeal or amend article 334 of the Criminal Code to ensure that perpetrators of so-called “honour crimes” do not receive reduced sentences and are not exempt from criminal prosecution, even in cases where a spouse is caught in the act of adultery, and criminalize marital rape as rape;**

<sup>27</sup> E/C.12/BHR/CO/1, para. 32.

<sup>28</sup> CCPR/C/BHR/CO/1, paras. 13 and 14.

<sup>29</sup> CRC/C/BHR/CO/4-6, paras. 30 and 31.

<sup>30</sup> CEDAW/C/BHR/CO/4, paras. 26 and 27; and CCPR/C/BHR/CO/1, paras. 25 and 26.

- (d) **Intensify efforts to raise awareness among both men and women, including through educational and media campaigns, of the criminal nature of gender-based violence, including domestic violence, in order to challenge its social acceptance and address the stigma discouraging victims from reporting it;**
- (e) **Provide members of the judiciary, prosecutors, police officers and other law enforcement officials with adequate training on women's rights and on gender-sensitive investigation and interrogation procedures in cases of gender-based violence;**
- (f) **Ensure that victims of domestic violence benefit from protection, including restraining orders, and have access to medical, psychosocial and legal services, including counselling, as well as safe and adequate government-funded shelters throughout the country.**

#### **Abortion**

45. The Committee is concerned about the fact that abortion remains criminalized under articles 321 to 323 of the Criminal Code, except in cases of grave danger to the woman's life, which may result in women resorting to unsafe abortions, putting their lives and health at risk (arts. 2 and 16).<sup>31</sup>

46. **The State Party should amend articles 321 to 323 of the Criminal Code with a view to decriminalizing abortion and to ensuring effective access to safe and legal abortion services, particularly in cases where the life or health of a pregnant woman or girl is at risk, where the pregnancy results from rape or incest, or where continuation of the pregnancy would cause substantial pain or suffering, including in cases of non-viable pregnancies.**

#### **Trafficking in persons**

47. While welcoming the policy and institutional measures taken by the State Party to combat trafficking in persons, as well as efforts to strengthen labour inspections, bilateral and regional cooperation, and psychological assistance to and physical protection for victims of trafficking, the Committee is concerned about the persistence of various forms of trafficking in the State Party, including the trafficking of women migrant workers for the purposes of labour exploitation. It is particularly concerned about reports that migrant domestic workers are subjected to abuse, exploitation and ill-treatment, including excessive working hours, delayed or non-payment of wages and confiscation of passports, and about the lack of effective remedies for such abuses. The Committee is also concerned about reports that procedures to identify persons at risk of trafficking among vulnerable groups are not effectively utilized in practice and that trafficking victims are reluctant to file complaints owing to fear of retribution or deportation. Moreover, it is concerned about the inadequate enforcement of Act No. 1 of 2008 on combating trafficking in persons and the reportedly low rate of prosecutions and convictions for trafficking in persons (arts. 2 and 16).<sup>32</sup>

48. **The State Party should:**

- (a) **Intensify its efforts to ensure effective enforcement of Act No. 1 of 2008 on combating trafficking in persons to ensure that all cases of trafficking in persons and forced labour are thoroughly investigated, that perpetrators are brought to justice and that victims receive full reparation and means of protection;**
- (b) **Expand labour law protection to domestic workers, including by ensuring that they can exercise their rights and that they are protected from exploitation and abuse, and provide access to effective legal remedies for the protection of domestic migrant workers' rights;**

<sup>31</sup> CEDAW/C/BHR/CO/4, paras. 42 and 43; CCPR/C/BHR/CO/1, paras. 27 and 28; E/C.12/BHR/CO/1, paras. 44 and 45; and CRC/C/BHR/CO/4-6, paras. 38.

<sup>32</sup> CCPR/C/BHR/CO/1, paras. 47 and 48; CEDAW/C/BHR/CO/4, paras. 28 and 29; and CERD/C/BHR/CO/8-14, paras. 31 and 32.

(c) Provide capacity-building on early identification and referral of trafficking victims to appropriate social services, and ensure that victims can report their cases without fear of deportation or retribution;

(d) Strengthen inspections and increase its cooperation with countries of origin and neighbouring countries to identify persons at risk of trafficking among vulnerable groups.

### **Training**

49. While noting the efforts made by the State Party to develop and implement human rights education and training programmes for members of the police, the judiciary and prison staff, including training sessions for personnel of the Special Investigation Unit of the Public Prosecutor's Office on the provisions of the Convention and the contents of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, the Committee regrets the lack of information on any mechanisms for evaluating the effectiveness of such training programmes. It also regrets the limited information available on specific training activities on the Convention for State security agents, military personnel, immigration officials and others who may be involved in the custody, interrogation or treatment of detained persons, as well as on the Istanbul Protocol, as revised, for forensic doctors and medical personnel dealing with detainees to enable them to detect and document the physical and psychological sequelae of torture (art. 10).

50. **The State Party should:**

(a) Further develop and implement mandatory initial and in-service training programmes to ensure that all public officials, in particular law enforcement officers, judicial officials, prison staff, State security agents, military personnel, immigration officials and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;

(b) Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised;

(c) Develop and apply a methodology for assessing the effectiveness of educational and training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, as well as the prosecution of those responsible.

### **Redress**

51. The Committee regrets that the State Party did not provide comprehensive information on the measures of redress and compensation ordered by the courts and other State bodies and actually afforded to victims of torture and their families during the reporting period, or on the level of cooperation in this area with specialized non-governmental organizations. While welcoming the efforts made by the State Party to provide financial compensation through the National Fund for the Compensation of Victims to a large number of victims and families of victims of torture and ill-treatment entitled to receive such compensation, including those identified by the Bahrain Independent Commission of Inquiry, the Committee is concerned about reports indicating the very limited medical and psychosocial rehabilitation received by these victims and regrets the lack of information on whether specific rehabilitation programmes have been established for them. The Committee draws the State Party's attention to its general comment No. 3 (2012), in which it explains the content and scope of the obligations of States Parties to provide full redress to victims of torture (art. 14).

52. **The State Party should:**

- (a) Ensure, in law and in practice, that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible, and guarantees of non-repetition, including in cases where the civil liability of the State Party is involved;
- (b) Compile and disseminate up-to-date statistics on the number of victims of torture and ill-treatment who have obtained redress, including medical or psychosocial rehabilitation and compensation, and on the forms of such redress and the results achieved;
- (c) Consider renewing its contributions to the United Nations Voluntary Fund for Victims of Torture, as well as joining the Group of Friends of the Fund to support redress for victims of torture further.

**Corporal punishment**

53. While noting the explanation provided by the State Party's delegation that legal provisions against violence and assault are interpreted as prohibiting all corporal punishment, the Committee is concerned that this practice is not explicitly criminalized in domestic legislation and remains lawful in the home, in day-care and alternative care settings and in juvenile detention facilities (arts. 2 and 16).<sup>33</sup>

54. **The State Party should:**

- (a) Explicitly prohibit and criminalize corporal punishment in all settings, including in the home, in day-care and alternative care settings and in juvenile detention facilities, and enforce the prohibition;
- (b) Strengthen awareness-raising programmes for parents and professionals working with and for children to promote positive, non-violent and participatory forms of child-rearing and discipline.

**Follow-up procedure**

55. The Committee requests the State Party to provide, by 28 November 2026, information on follow-up to the Committee's recommendations on incommunicado detention in unofficial places, conditions of detention, monitoring of detention facilities, and deaths in custody (see paras. 22, 24 (a), 26 and 28 (a) above). In that context, the State Party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the present concluding observations.

**Other issues**

56. The Committee encourages the State Party to consider making the declarations under articles 21 and 22 of the Convention and withdrawing its reservation to article 30 (1) of the Convention.

57. The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

58. The Committee requests the State Party to submit its next periodic report, which will be its fifth, by 28 November 2029. For that purpose, and in view of the fact that the State Party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State Party a list of issues prior to reporting. The State Party's replies to that list of issues will constitute its fifth periodic report under article 19 of the Convention.

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<sup>33</sup> [CRC/C/BHR/CO/4-6](#), para. 28.