

Salam for Democracy and Human Rights Rights Realization Centre

Joint Submission to the
Committee on the Elimination of Racial Discrimination (CERD) -
Bahrain: Combined eighth to fourteenth periodic reports

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Introduction

The joint submitters of this text are:

1. **SALAM for Democracy and Human Rights** (SALAM DHR) is an independent non-governmental organisation that promotes adherence to international human rights standards and the principles of democracy, including through partnerships. Registered in several European states, it is not able to work in Bahrain, where it nonetheless has members. Amy Berquist, Anthony Tazbaz and Amy Whittle each contributed text, alongside Drewery Dyke, who also edited the report. SALAM DHR is responsible for the content of the report.
2. The **Rights Realization Centre** (RRC) is a UK-registered charity that promotes and protects international human rights standards through partnerships with other NGOs but also by way of engagement with governments and corporations.

Widespread, enduring and deep-seated discrimination against the Shi'a and migrant worker community

3. As set out below, on the basis of the Covenant, in respect to its conduct towards the Shi'a community of Bahrain, the conduct of GoB violates:
 - Article 1.1, by imposing “*distinction, exclusion, restriction and or preference based on [...] descent, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms*”;
 - Article 5, by failing to eliminate “*racial discrimination in all its forms [...]*” including in respect to civil and political rights, notably:
 - (a) *The right to equal treatment before the tribunals and all other organs administering justice, set out below under **Failure to Ensure Equal Treatment Before Tribunals: the Death Penalty**;*
 - (b) *The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution, set out below under **Excessive use of Force against Peaceful Dissent by Members of the Shi'a Community**;*
 - (c) *Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service set out below under **Rejection of the Right to Participate in Public Affairs**,*
 - (d) *Other civil rights, in particular:*
 - (i) *The right to freedom of movement and residence within the border of the State;*
 - (ii) *The right to leave any country, including one's own, and to return to one's country;*
 - (iii) *The right to nationality, set out below under **Deprivation of Citizenship** ;*
 - (vii) *The right to freedom of thought, conscience and religion;*
 - (viii) *The right to freedom of opinion and expression; and*
 - (ix) *The right to freedom of peaceful assembly and association.*
 - Article 5(e), by failing to eliminate violations of economic, social and cultural rights, in particular:

- (iii) *The right to housing;*
- (iv) *The right to public health, medical care, social security and social services;*
- (v) *The right to education and training [and]*
- (vi) *The right to equal participation in cultural activities set out below under **Violations of Economic, Social and Cultural Rights.***

- Article 6, by rejecting to implement “*effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination [...]*”
4. The GoB claims to ‘see’ the Shi’a community. In its June 2019 responses to the LoIPR, the GoB failed to identify the proportion of Shi’a in the overall Moslem community. However, paragraphs (9) and (10) provide no demographic data about the country. Paragraph 49 states that: “[...] the people of Bahrain are one united people and that all citizens of Bahrain are united by the bonds of citizenship” and the GoB asserts:

“that the terms ‘Ajām’ and ‘Bahārna’, are extraneous to the constitutional, political and legal order in Bahrain. There is absolutely no basis to, or even mention of, these terms in the Constitution or in any legal texts, including those applicable to administrative practices. This is because, although they belong to numerous sects and denominations, Bahrainis constitute one single people made up of citizens who are equal in terms of their rights and duties. [...]”

And that:

“[...] Shia citizens are an integral part of the fabric of Bahraini society who live together and share a common religious and social life with their fellow citizens from other sects. This relationship is based on the principles of love, fraternity and social harmony and is unsullied by any form of discrimination. This is attested by the fact that the members of the Shia community have been appointed to the highest positions in the State, as well as to the Consultative Council and the Chamber of Deputies. Members of the community hold senior public positions and have even been appointed to the presidency of the Consultative Council and have served as ministers and deputy ministers. It is unfortunate that such allegations have been raised for narrow political motives by a very limited number of individuals intent on advancing foreign agendas.”

5. However, long-standing official, governmental discrimination has served to deprive the Shi’a of human rights. Scholar Marc Owen Jones has stated Bahārna and Shi’a culture:

“[...] are marginalized in Bahrain’s historical and cultural output. TV shows produced by Bahrain’s national television are mainly made in Sunni dialect, marginalizing the Bahrānī dialect almost completely. The National Museum of Bahrain tends to promote the history of Bahrain’s Sunni-dominated pearl industry and pre-Islamic civilization of the Dilmun to the almost complete exclusion of the ‘Ajām and the Bahārna, the latter of whom mostly formed a settled agricultural class. As Amal Khalaf notes, the state-controlled image economy emphasizes the ruling family and therefore privileges Sunni Muslims or those loyal to the ruling tribe. Thus political repression extends as far as attempting to remove potential deviant identities from the Al Khalifa’s perception of the national fabric. The marginalization of particular Shi’a or Bahrānī voices, abetted implicitly by censorship laws, from Bahrain’s media and cultural fabric has undermined the king’s attempt to project the regime as tolerant and exclusive and perhaps served to strengthen this native identity.

With regard to repression, it has merely served to strengthen oppositional grievances and undermine the support of fellow citizens who are denied access to alternative and inclusive understandings of Bahrain’s history.”¹

¹ Marc Owen Jones - Political Repression in Bahrain, Cambridge University Press, 2020, p264, text available via <https://marcownjones.wordpress.com/2020/07/19/new-book-political-repression-bahrain/>, accessed 16 November 2020.

6. SALAM DHR welcomes the GoB's assertion in paragraph 56 of the LOIPR that: "*Bahrain is a haven of peace and coexistence among numerous sects and religions.*" We inform the CERD that the "*university chair*" at the Sapienza University, Rome, Italy, named after King Hamad comprises, according to publicly available information:²
- Two undergraduate teaching modules
 - One post-graduate teaching module
 - Two, time-bound summer school initiatives in 2019 and 2020

The publicly available information provides other, generalised information, without specific information. While a welcome contribution to global understanding and the promotion of tolerance, SALAM DHR suggests that the GoB would have been better served by providing precise information relating to the scope of the initiative, which may be more significant than the information made public, rather than a generalised reference that appears to suggest something grander than the evidence suggests. This, regrettably, only serves to embolden the narrative that the GoB operationalises initiatives in order to promote an image of the government that is not true.

7. In respect to Article 7 of the Treaty, the GoB asserts, in paragraphs 101-106 of its responses to the LOIPR, that, in broad terms, its education system promotes "*equal citizenship and a sense of responsibility and national unity among the people of Bahrain*" (paragraph 101).³ The government cites legal provisions apparently to support this assertion. Yet, scholar Omar H. AlShehabi notes, in his 2019 book, *Contested Modernity: Sectarianism, Nationalism, and Colonialism in Bahrain* (Radical Histories of the Middle East), that 'shallow' sectarian narratives continue to shape discourse in the country.
8. Bahrain has witnessed a deteriorating human rights situation and a continuation of repression since the 2011 uprising. Arbitrary arrests have been carried out on a regular basis over the past several years, and security forces have continued a pattern of torture, ill-treatment and sexual harassment during arrests, in detention and prisons. The death penalty is being used against citizens convicted in unfair trials, marred by serious due process violations and allegations of torture.⁴ All independent press has been banned, the judiciary is not independent, trials are often not fair and do they meet the standards of international law. Civilians have been tried before military courts and many prisoners' confessions have been extracted under torture. Security forces enjoy a culture of impunity, while the government continues to abuse laws, ostensibly to protect society from terrorist acts; a pretext that is used to justify and legitimise authoritarian and regressive practices against citizens.⁵

² See a text of the scope of the "chair" at https://primed-miur.it/files/stresa/interventi/Intervento_Alessandro_Saggiolo.pdf, accessed 23 October 2022. And

³ United Nations, Committee on the Elimination of All Forms of Racial Discrimination: Combined eighth to fourteenth periodic reports submitted by Bahrain under article 9 of the Convention [International Convention on the Elimination of All Forms of Racial Discrimination], due in 2007 - report submitted [3 April 2019] to the Committee on the Elimination of Racial Discrimination by the High Coordinating Committee for Human Rights, the national mechanism responsible for the preparation and submission of national reports on human rights in the Kingdom of Bahrain, chaired by Mr. Abdulla bin Faisal bin Jabur Al Doseri, Assistant Foreign Minister; adopted on 19 February 2019, UN reference: CERD/C/BHR/8-14; at <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsKpwXNwiXCmk491ttJ1zEOdXAcUG%2bDxpIkkkegTOKcJ29vx%2btnBza1u8zFGsJBATkTIEw%2bNxT%2baHOtNopN7dEWxCaE9vrAiOvKBOfFBdjeFJ>, accessed 22 October 2022

⁴ *Bahrain: A Deepening Spiral of Repression*, SALAM for Democracy and Human Rights, 2018, available at: <https://salam-dhr.org/?p=3505>

⁵ For more information on the latest human rights violations in Bahrain, please visit Salam DHR's website: <https://salam-dhr.org/?lang=en>

Enduring rejection of cooperation with UN and other national and international human rights bodies

9. The GoB has, for over a decade, rejected effective or meaningful cooperation with UN and other human rights bodies, seeking, instead, to operationalise links with the OHCHR or other human rights bodies to advance a misleading and false public image of cooperation. Since 2011, the Special Procedures of the Human Rights Council sent 89 communications to the Bahraini Government regarding a range of human rights concerns. Despite communications by several UN Special Rapporteurs expressing concern pertaining to their mandates, the Government has not given a Special Rapporteur access to the country since 2006.
10. On 5 October, 2022, after withdrawing its candidature from a the leadership of the Human Rights Council, an official reportedly stated that:
*“Bahrain remains fully supportive of the Human Rights Council, to which it has been elected three times, and will continue to work with other UN member states to promote global human rights best practices.”*⁶
11. In its response to Question 5 in the LOIPR, the GoB stated that the GoB’s *“Programme of Action 2019–2022, entitled ‘Achieving Long-term Social and Economic Security and Maintaining Financial Equilibrium’ [...] is also designed to promote justice, which supports the democratic process and respect for human rights, and to strengthen political and rights-based activities”*.⁷ As set out below, the authorities have repeatedly rejected recommendations, made by, inter alia, UN human rights bodies and civil society bodies, to *“promote justice”* and have expressly closed the *“democratic process”*.
12. In respect to its response to Question 6, on Bahrain’s national human rights institution (NIHR), following its 25 November 2015 submission to the Global Alliance of National Human Rights Institutions’ (GANHRI) Subcommittee on Accreditation, according to paragraph 21 of the LOIPR responses, the Subcommittee accorded Bahrain’s NIHR a B classification on 2 August 2016. The Subcommittee - according to paragraph 26 - *“recommended that the National Institution should formalise its relationship with civil society organisations through regular and constructive engagement [...]”* On 23 October 2022, SALAM DHR wrote to the email addresses on the website of the NIHR in order to formalise this link and will advise the Committee when and if we receive a reply.

Discriminatory practices towards women: Gender Discrimination in Bahrain’s Nationality Law

13. In paragraph 15 of its responses to the LOIPR, the GoB asserted that *“Bahraini legislation enshrines equality between men and women, particularly in terms of the right of women to acquire and retain nationality and with regard to the renunciation and loss of nationality.”*

⁶ Reuters / Emma Farge: Bahrain pulls out of U.N. human rights body election after criticism, 4 October 2022, <https://www.reuters.com/world/middle-east/bahrain-pulls-out-un-human-rights-body-election-after-criticism-2022-10-04/>, accessed 22 October 2022.

⁷ United Nations, Committee on the Elimination of Racial Discrimination: List of issues prior to submission of the combined eighth to fourteenth periodic reports of Bahrain / Combined eighth to fourteenth periodic reports submitted by Bahrain under article 9 of the Convention, due in 2007 (report submitted to the Committee on the Elimination of Racial Discrimination was adopted on 19 February 2019 by the High Coordinating Committee for Human Rights, the national mechanism responsible for the preparation and submission of national reports on human rights in the Kingdom of Bahrain, chaired by Mr. Abdulla bin Faisal bin Jabur Al Doseri, Assistant Foreign Minister), reference: CERD/C/BHR/8-14, 11 June 2019, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskpwXNwiXCmk491ttJ1zEOdXAcUG%2bDxpxlkkegTOKcJ29vx%2btnBza1u8zFGsJBATkTIEw%2bNxT%2baHOtNopN7dEWxCaE9vrAiOvKBOfFBdjeFJ>, accessed 22 October 2022.

14. However, Bahrain's Citizenship Act of 1963, as amended, denies Bahraini women the right to confer their nationality on their children, leaving children vulnerable to statelessness.⁸ Bahraini men have the right to confer citizenship on a non-citizen spouse, a right denied to Bahraini women. According to Paragraph 2 of Article 7 of the Citizenship Act, women who acquired Bahraini nationality through marriage, may be stripped of their nationality upon the divorce.
15. Gender discrimination in Bahrain's nationality law contributes to be the root cause of gender-based violence (GBV) by undermining women's equal status in society. The nationality law contributes to GBV in other ways, including by increasing obstacles faced by women seeking to leave an abusive relationship, when their or their children's nationality is dependent upon an abusive spouse. The co-submitters are likewise concerned by wide-ranging gender discrimination in law and practice in Bahrain, in addition to those pertaining to nationality rights, we draw particular attention here to Article 353 of the Penal Code, which promotes impunity for rape by permitting the rapist to avoid punishment if the perpetrator marries the victim. The combination of provisions such as Article 353 and gender discrimination in Bahrain's nationality law, which ascribes women a second-class citizenship status, demonstrates the State's role in perpetuating violence against women.⁹

Failure to Ensure Equal Treatment Before Tribunals: the Death Penalty

16. The GoB violates Article 5 (a) of the Covenant by failing to respect, protect or fulfil its obligation to ensure "*equal treatment before the tribunals and all other organs administering justice [...]*". In light of the December 2022, UN General Assembly resolution on extending the global moratorium on the use of the death penalty, this report focuses solely on the death penalty.
17. It nevertheless remains the case that the GoB has arbitrarily detained and unfairly tried scores of peaceful political and civil society activists from the Shi'a community, tens of whom remain in jail to this day. The authorities have not provided any recompense for their unfair incarceration; each of these cases remain, in themselves, human rights violations.
18. Following a de facto moratorium for around 10 years from the 1990s to 2006, the GoB resumed implementation of the death penalty
- In 2006, after a ten-year de facto moratorium on executions, Bahrain executed three Bangladeshi nationals.¹⁰ Bahrain executed another Bangladeshi national in 2010 for the

⁸ Article 4 of the Citizenship Act states that: "Anyone shall be regarded a Bahraini national, if: (A) Was born in Bahrain after the effective date of this act and his father was a Bahraini at the time of birth. (B) Born outside Bahrain, after the effective date of this Act, and his father was a Bahraini national at the time of birth provided that this father or the grandfather was born in Bahrain. (C) Born in Bahrain or abroad, after the effective date of this Act, and his mother, at the time of birth was a Bahraini national provided that father was unknown, without nationality or fatherhood was not substantiated." In other words, unless the child's father is unknown, stateless, or has repudiated/not acknowledged the child, Bahraini women do not have the right to confer their citizenship on their children. Also, if the father's nationality changes, his children may cease to be citizens without consideration of the Bahraini mother's nationality.

⁹ Funding cuts to women's organisations have also inhibited civil society's ability to advocate for women's equal rights and support those in vulnerable situations. In June 2016, the Bahraini Government cut funding for thirteen women's rights NGOs, including a charity that provided support for victims of domestic abuse.

¹⁰ Amnesty International UK, *Bahrain: Bangladeshi man faces rare execution* (Press Release), Dec. 3, 2009, <https://www.amnesty.org.uk/press-releases/bahrain-bangladeshi-man-faces-rare-execution> (accessed 20 October 20, 2022).

murder of another Bangladeshi man.¹¹ Since 2011, Bahrain has executed one foreign national, and that person was from Bangladesh.¹²

- In January 2017, the authorities took the lives, by way of firing squad, of three men, Abbas al-Samea, 27, Sami Mushaima, 42, and Ali al-Singace, 21, a week after the Court of Cassation upheld their convictions. The authorities charged them with “*organising, running and financing a terrorist group [the al-Ashtar Brigade] with the aim of carrying out terrorist attacks*”. They were also accused of “*possession and planting of explosives with the intention to kill*”.¹³ While the court found there was “*no evidence of coercion in the case documents*”, international human rights groups rejected this assertion: in a tweet, an official of Amnesty International said “*Torture, unfair trial + flimsy evidence: these are extrajudicial killings*”.¹⁴ The Guardian reported that “*Mushaima is said to be largely illiterate, while Samea was arrested three hours after the bombing incident. It is also claimed by their supporters that Samea was subjected to beatings, electric shocks, and deprivation of food and water.*”¹⁵
- In 2019 the authorities executed two further Shia activists whom they accused of terrorism and then sentenced to death following a mass, unfair trial.¹⁶ NGOs have reported that authorities obtained their confessions “through torture and that the trial proceedings were unfair.”¹⁷ The men had previously expressed their opposition to the government.¹⁸

19. Courts in Bahrain did not sentence anyone to death in 2021,¹⁹ but they sentenced three people to death in 2020.²⁰ Reported death sentences have increased from just 7 between 2001 and 2010 to at least 51 between 2011 and 2020.²¹ There are currently at least 26 people under sentence of death in

¹¹ Amnesty International, *Urgent Action: Bangladeshi man executed in Bahrain*, July 9, 2010, <https://www.amnesty.org/en/wp-content/uploads/2021/06/mde110032010en.pdf> (accessed Oct. 20, 2022).

¹² Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

¹³ The Guardian - Bahrain executes three Shia men in first death sentences since 2010, Patrick Wintour, 15 January 2017, <https://www.theguardian.com/world/2017/jan/15/bahrain-three-men-death-sentence-shia-muslims-gulf> (accessed 20 October, 2022)

¹⁴ Twitter - Agnes Callamard, 15 January 2017, at: https://twitter.com/AgnesCallamard/status/820532830744772608?s=20&t=zMql8FPiu_39bPbpO8Rfqw (accessed 21 October, 2022)

¹⁵ The Guardian - Bahrain executes three Shia men in first death sentences since 2010, Patrick Wintour, 15 January 2017, <https://www.theguardian.com/world/2017/jan/15/bahrain-three-men-death-sentence-shia-muslims-gulf> (accessed 20 October, 2022)

¹⁶ Aziz El Yaakoubi & Ali Abdelaty, *Bahrain executes three, including Shi'ite activists*, Reuters, July 27, 2019, <https://www.reuters.com/article/us-bahrain-execution/bahrain-executes-three-including-shiite-activists-idUSKCN1UM04R> (accessed Oct. 17, 2022).

¹⁷ U.S. Department of State, *2021 Report on International Religious Freedom: Bahrain*, June 2, 2022, <https://www.state.gov/reports/2021-report-on-international-religious-freedom/bahrain/> (accessed Oct. 20, 2022).

¹⁸ U.S. Department of State, *2021 Report on International Religious Freedom: Bahrain*, June 2, 2022, <https://www.state.gov/reports/2021-report-on-international-religious-freedom/bahrain/> (accessed Oct. 20, 2022).

¹⁹ Amnesty International, *Death Sentences and Executions 2021* (2022), at 13, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/> (accessed Oct. 17, 2022).

²⁰ Amnesty International, *Death Sentences and Executions 2020* (2021), at 12, available at <https://www.amnesty.org/en/documents/act50/3760/2021/en/> (accessed Oct. 17, 2022).

²¹ Bahrain Institute for Rights and Democracy & Reprieve, *From Uprising to Executions: The death penalty in Bahrain, ten years on from the Arab Spring* (2022), at 3, available at file:///C:/Users/berg0/Downloads/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf (accessed Oct. 20, 2022).

Bahrain,²² all of whom are at imminent risk of execution.²³ Of that number, at least 15 are foreign nationals.²⁴ The number of people on death row facing imminent execution has increased from 1 person at the end of 2010 to at least 26 today.²⁵

20. Of 19 foreign men sentenced to death or executed between 2016 and 2021, 17 were convicted of homicide.²⁶ Of the current death row population, 87% of people who have been sentenced to death for murder are foreign nationals.²⁷ Bangladeshis make up 31% of the death row population and 47% of the people on death row for murder, while they make up approximately 5% of the general population in the country.²⁸ “Of the 13 foreign nationals who received a death sentence from 2011 to the end of 2020, 62% were Bangladeshi nationals.”²⁹

21. A review of the murder cases that have led to death sentences for foreign nationals shows that the crimes “are often motivated by financial hardship related to their poor employment conditions.”³⁰ Prior to apprehension, many of these people “lived in precarious circumstances, financially and about their migratory status. It placed them in situations of danger and desperation. Most were employed as migrant workers.”³¹

22. In all of the 17 homicide cases leading to a death penalty for a foreign national referenced in paragraph 2, the victim was also a foreign national.³² Of those cases, 12 homicides “were identified to be financially motivated, and/or the crime was related to their employment.”³³ For example, in 2019 a Bahraini court sentenced a Filipino man to death for killing a person from Pakistan who had

²² Amnesty International, *Death Sentences and Executions 2021* (2022), at 40, available at <https://www.amnesty.org/en/documents/act50/5418/2022/en/> (accessed Oct. 17, 2022).

²³ Human Rights Watch, *Bahrain: Events of 2021*, <https://www.hrw.org/world-report/2022/country-chapters/bahrain> (accessed Oct. 17, 2022).

²⁴ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

²⁵ Bahrain Institute for Rights and Democracy & Reprieve, *From Uprising to Executions: The death penalty in Bahrain, ten years on from the Arab Spring* (2022), at 3, available at file:///C:/Users/berg0/Downloads/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf (accessed Oct. 20, 2022).

²⁶ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

²⁷ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

²⁸ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

²⁹ Bahrain Institute for Rights and Democracy & Reprieve, *From Uprising to Executions: The death penalty in Bahrain, ten years on from the Arab Spring* (2022), at 3, available at file:///C:/Users/berg0/Downloads/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf (accessed Oct. 20, 2022).

³⁰ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

³¹ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

³² Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

³³ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

confiscated the man's passport as collateral for a loan.³⁴ In another case, a court sentenced two Bangladeshi migrant workers to death for murdering another man from Bangladesh subsequent to a dispute over the equivalent of US\$132.³⁵

23. Anti-Bangladeshi sentiments have prompted a parliamentarian to call for Bangladeshis accused of serious crimes to be sentenced to death without trial, while others have called for bans on Bangladeshi migrants.³⁶ On one occasion, these sentiments emerged after a Bangladeshi man killed an imam who “was reportedly trading in work permits, a common practice in Gulf countries that often leads to a rather precarious form of employment for migrant workers. Through visa trading, citizens sponsor migrants’ work permits—in exchange for either a monthly fee or an upfront payment—granting them quasi-legal residency status while restricting their labour to a single employer. This type of rent-seeking activity that the imam was involved in, and the implied power relation between him and the sponsored Bangladeshi migrants, played a significant role in the motivations that preceded his murder. Yet local media outlets judged this background mainly inconsequential, choosing instead to focus on the nationality of the assailants and Bahraini society’s preconceived notions of the supposed ‘security threat’ posed by the Bangladeshi migrant community as a whole.”³⁷
24. For foreign nationals under sentence of death, Bahrain’s execution practices create additional challenges and distress.³⁸ They “face execution without notification, in circumstances where there is no timeframe established in law between final confirmation of a death sentence, ratification by the King of a death warrant, and execution.”³⁹ Some people have been executed just 16 days after exhausting all legal remedies, while others have been executed two to five months afterward.⁴⁰ For foreign nationals, this uncertainty may complicate their efforts to communicate with family members in their home countries so that they may have a last visit before execution.⁴¹ Bahrain’s laws authorise relatives to visit on the day of execution, but authorities have no duty to provide sufficient notice to

³⁴ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

³⁵ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022).

³⁶ Mohamed Aldaaysi, *Murder and the Vilification of a Community: Bangladeshi Migrant Workers in Bahrain*, LSE Middle East Centre Blog, July 1, 2019, <https://blogs.lse.ac.uk/mec/2019/07/01/murder-and-the-vilification-of-a-community-bangladeshi-migrant-workers-in-bahrain/> (accessed Oct. 20, 2022).

³⁷ Mohamed Aldaaysi, *Murder and the Vilification of a Community: Bangladeshi Migrant Workers in Bahrain*, LSE Middle East Centre Blog, July 1, 2019, <https://blogs.lse.ac.uk/mec/2019/07/01/murder-and-the-vilification-of-a-community-bangladeshi-migrant-workers-in-bahrain/> (accessed Oct. 20, 2022).

³⁸ Reprieve & Bahrain Institute for Rights and Democracy, *Input for report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the death penalty and its impact*, May 2022, ¶¶ 6-9, <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/cfi/imposition-death-penalty/submissions/2022-07-01/reprieve-bird-replies-dp.pdf> (accessed Oct. 20, 2022).

³⁹ Reprieve & Bahrain Institute for Rights and Democracy, *Input for report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the death penalty and its impact*, May 2022, ¶ 6, <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/cfi/imposition-death-penalty/submissions/2022-07-01/reprieve-bird-replies-dp.pdf> (accessed Oct. 20, 2022).

⁴⁰ Reprieve & Bahrain Institute for Rights and Democracy, *Input for report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the death penalty and its impact*, May 2022, ¶ 6, <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/cfi/imposition-death-penalty/submissions/2022-07-01/reprieve-bird-replies-dp.pdf> (accessed Oct. 20, 2022).

⁴¹ See Reprieve & Bahrain Institute for Rights and Democracy, *Input for report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the death penalty and its impact*, May 2022, ¶¶ 6, 8-9, 15, <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/cfi/imposition-death-penalty/submissions/2022-07-01/reprieve-bird-replies-dp.pdf> (accessed Oct. 20, 2022).

facilitate such a visit.⁴² The law does not require authorities to return the body of an executed prisoner to the family.⁴³

25. The most recent foreign national to be executed did not receive a fair trial.⁴⁴ Defendants in capital cases are often denied appropriate access to counsel while their trials are ongoing.⁴⁵ In some proceedings, capital defendants did not receive the evidence that the prosecution used at trial, including in one case an inculpatory report relying on secret sources.⁴⁶ In Bahraini courts, “Prosecutors rarely present evidence orally in court but provide it in written and digital formats to judges in their chambers.”⁴⁷ The court in one capital trial did not allow the defendant to call defence witnesses.⁴⁸ Also, “judges may declare [defence counsel] questions to be irrelevant and prohibit a line of questioning without reasoning.”⁴⁹
26. Bahraini authorities detain all or nearly all people under sentence of death at Jau Prison,⁵⁰ where conditions reportedly “violate international standards for detention.”⁵¹ For example, prison authorities violate the rights of Shias to practice their religion. One civil society organisation reports that for people on death row, “religious rites are prohibited, and they are punished with solitary confinement if they attempt to practice.”⁵² Another civil society organisation reports that “[o]n 16 November 2016,

⁴² Reprieve & Bahrain Institute for Rights and Democracy, *Input for report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the death penalty and its impact*, May 2022, ¶ 15, <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/cfi/imposition-death-penalty/submissions/2022-07-01/reprieve-bird-replies-dp.pdf> (accessed Oct. 20, 2022).

⁴³ Reprieve & Bahrain Institute for Rights and Democracy, *Input for report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the death penalty and its impact*, May 2022, ¶ 21, <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/cfi/imposition-death-penalty/submissions/2022-07-01/reprieve-bird-replies-dp.pdf> (accessed Oct. 20, 2022).

⁴⁴ Andrew McIntosh, Salam for Democracy and Human Rights, *The Death Penalty in Bahrain: A system build on torture*, Oct. 2021, at 5, available at <https://salam-dhr.org/wp-content/uploads/2021/10/EN-DP-Report.pdf> (accessed Oct. 20, 2022).

⁴⁵ Human Rights Watch, “*The Court is Satisfied with the Confession*”: *Bahrain Death Sentences Follow Torture, Sham Trials*, Oct. 10, 2022, <https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials> (accessed Oct. 20, 2022).

⁴⁶ Human Rights Watch, “*The Court is Satisfied with the Confession*”: *Bahrain Death Sentences Follow Torture, Sham Trials*, Oct. 10, 2022, <https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials> (accessed Oct. 20, 2022).

⁴⁷ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Bahrain* (2022), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/bahrain/> (accessed Oct. 20, 2022).

⁴⁸ Human Rights Watch, “*The Court is Satisfied with the Confession*”: *Bahrain Death Sentences Follow Torture, Sham Trials*, Oct. 10, 2022, <https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials> (accessed Oct. 20, 2022).

⁴⁹ U.S. Department of State, *2021 Report on International Religious Freedom: Bahrain*, June 2, 2022, <https://www.state.gov/reports/2021-report-on-international-religious-freedom/bahrain/> (accessed Oct. 20, 2022).

⁵⁰ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (accessed Oct. 19, 2022); Reprieve & Bahrain Institute for Rights and Democracy, *Input for report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the death penalty and its impact*, May 2022, ¶ 3, <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/cfi/imposition-death-penalty/submissions/2022-07-01/reprieve-bird-replies-dp.pdf> (accessed Oct. 20, 2022).

⁵¹ Americans for Democracy & Human Rights in Bahrain, *ADHRB Condemns Poor Conditions in Bahrain’s Notorious Jau Prison & Prisoner Abuse*, June 27, 2018, <https://www.adhrb.org/2018/06/adhrb-condemns-poor-conditions-in-bahrains-notorious-jau-prison-prisoner-abuse/> (accessed Oct. 20, 2022).

⁵² Americans for Democracy & Human Rights in Bahrain, *ADHRB Condemns Poor Conditions in Bahrain’s Notorious Jau Prison & Prisoner Abuse*, June 27, 2018, <https://www.adhrb.org/2018/06/adhrb-condemns-poor-conditions-in-bahrains-notorious-jau-prison-prisoner-abuse/> (accessed Oct. 20, 2022).

Jau Prison authorities raided the death row unit on the pretext of a search, in the course of which guards subjected [people on death row] to verbal abuse, took their food from them, and destroyed religious texts and symbols.”⁵³

Rejection of the Right to Participate in Public Affairs

27. The GoB effectively forbids the right of assembly, association and right to participate in public affairs, and thereby violates Article 5 (c) of the Covenant by preventing collective expression and therefore *“the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage [...]”*

Paragraph 49 states that:

“[...] the people of Bahrain are one united people and that all citizens of Bahrain are united by the bonds of citizenship. All citizens, both men and women, are entitled to participate in public affairs and to enjoy political rights, including the right to vote and to stand for election to the Chamber of Deputies, in accordance with the regulations established by law. Therefore, certain terms contained in the question, namely “Ajam” and “Baharna”, are extraneous to the constitutional, political and legal order in Bahrain. There is absolutely no basis to, or even mention of, these terms in the Constitution or in any legal texts, including those applicable to administrative practices. This is because, although they belong to numerous sects and denominations, Bahrainis constitute one single people made up of citizens who are equal in terms of their rights and duties. Hence, Shia citizens are an integral part of the fabric of Bahraini society who live together and share a common religious and social life with their fellow citizens from other sects. This relationship is based on the principles of love, fraternity and social harmony and is unsullied by any form of discrimination [...]”

28. In contrast, an amendment to Decree-law No. 14 2002, enacted in 2006, stripped prisoners of their right to vote and barred Bahrainis convicted of political crimes from running for parliament: Article 3: *“He shall be deprived of the right to exercise political rights, during the execution of his sentence, whoever is convicted of a felony or misdemeanour of a penalty depriving him of liberty”.*

29. The GoB forcibly dissolved peaceful political associations in order to silence organised dissent. While not exclusively Shi’a or sectarian in nature, its dissolution served, in the main, to disenfranchise this community: on 14 June 2016, the GoB dissolved Al-Wefaq Islamic Society, closed its headquarters, and seized all its accounts and property.⁵⁴ Then, on 31 May 2017, the GoB forcibly dissolved the National Democratic Action Party (Wa’ad), closed its headquarters, and seized its properties via lawsuit.⁵⁵

30. Later still, Law No. 25 of 2018, enacted on 10 June 2018 prohibited leaders of dissolved political societies from running for parliament.⁵⁶ The same measure was used against those who had resigned from parliament. These measures appear to have also been expanded to include the right to vote. Those deprived of the right to vote and to run for office were not only leaders and members of dissolved associations.

⁵³ Reprieve & Bahrain Institute for Rights & Democracy, *Training Torturers: The UK’s Role in Bahrain’s Brutal Crackdown* (2018), at 33, available at <https://reprieve.org/wp-content/uploads/sites/2/2018/05/TRAINING-TORTURERS-THE-UK%E2%80%99S-ROLE-IN-BAHRAIN%E2%80%99S-BRUTAL-CRACKDOWN-ON-DISSENT.pdf> (accessed Oct. 20, 2022).

⁵⁴ [Bahrain: UN chief condemns the dissolution of Al-Wefaq political party](#)

⁵⁵ [Bahrain heading for 'total suppression' of human rights as secular opposition group banned](#)

⁵⁶ [Law No. 25 of 2018](#)

31. The Ministry of Labour also requires that candidates for boards of directors of CSOs are subject to security checks.⁵⁷ This will exclude former leaders and members of dissolved societies, and this is presumably the reason for this policy. The document relating to security check requirements was provided by an Illegal Circular that was sent to several Civil Society Organisations by email and it was not published on the Ministry of Labour's website: for example, in November 2021, the Ministry of Labour rejected applications for the candidacy of 14 out of 16 members of the board of directors of the Saar Charitable Association. The impact of such measures includes:

- In December 2021, the Charitable Society of Bilad al-Qadim, Zanj, Adhari and Salhia announced that the Ministry of Labour had rejected 30 people out of 34 nominations for the association's board of directors because of their affiliation with dissolved political societies. Consequently, they were forced to postpone the election process.
- Two members of the Bahrain Women's Union board of directors were excluded in January 2020 because of their political affiliations.
- On 30 January 2022, the Ministry of Labour excluded 3 members of the Bahrain Human Rights Society from the right to run for the board of director's elections because they were members of Wa'ad.

Deprivation of Citizenship and Statelessness⁵⁸

32. The GoB violates Article 5 (d), notably (iii) of the Covenant through its arbitrary deprivation of citizenship, impacting on: "(i) *The right to freedom of movement and residence within the border of the State; (ii) The right to leave any country, including one's own, and to return to one's country [and] (iii) The right to nationality.*"⁵⁹

33. Bahrain has regulated deprivation of nationality in national law as a punitive measure since 1963, and it has been a tool of political repression for decades, the 2011 non-violent mass protests led to a dramatic increase in citizenship stripping practices. Since 2012, the government has engaged in indiscriminate arbitrary revocations of nationality as a tool of oppression, unlawfully targeting political opposition leaders, human rights activists, journalists, academics, religious scholars and even people who do not have any religious or political affiliation. These arbitrary nationality deprivations were carried out through various means – through royal decrees, judicial rulings and ministerial orders, often without any legal basis, with subsequent legislative amendments being introduced to

⁵⁷ [Circular No. 731/36/2020 of 15 January 2020](#)

58 Bahrain is not a signatory to either the 1954 Convention on the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. However, Bahrain has international obligations to protect the right to a nationality and the rights of stateless persons on the basis of other UN and regional treaties to which it is a party. These include, among others, the International Covenant on Civil and Political Rights (ICCPR - article 24.3), International Covenant on Economic, Social and Cultural Rights (ICESCR - articles. 2.2 and article 3), Convention of the Rights of the Child (CRC - articles 2, 3, 7 and 8), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW - article 9), Convention on the Rights of Persons with Disabilities (CRPD - article 18) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

⁵⁹ For more information, see: SALAM for Democracy and Human Rights, Rights Realization Centre, MENA Statelessness Network (Hawiati), Global Campaign for Equal Nationality Rights, Institute on Statelessness and Inclusion: Bahrain - Joint Submission to the Human Rights Council / Universal Periodic Review, 41st Session, 4th Cycle - 07 - 18 November 2022, 31 March 2022, <https://salam-dhr.org/wp-content/uploads/2022/05/BAHRAIN-WEBSITE.pdf>

create an illusion of lawfulness.⁶⁰ At the time of writing, a total of 985 Bahraini citizens have had their nationality revoked since 2012; 970 of whom were politicians, particularly from Bahrain's opposition originally from the Shi'a demographic group, and activists.⁶¹ Subsequent crackdowns by Bahrain's authorities heralded a new phase of the practice of political deprivation of nationality, where mass revocations became a quasi-legislative instrument of performing social and political purges.

34. In 2012, numerous opposition politicians and activists were stripped of their nationality while they were abroad. In many cases, such as that of former MPs Jawad and Jalal Fairooz, this left them stateless and stranded. For instance, on 15 May 2018, a Bahraini criminal court stripped nationality from 115 individuals for being deemed members of a terrorist group in a mass trial and they were sentenced to prison in Bahrain.⁶² The fact that the vast majority of those who have had their citizenships stripped are from the Shi'a community, suggests sectarian motivations behind this practice in Bahrain. The consequences for victims within Bahrain are arguably more severe. Upon revocation of citizenship, such persons become irregular non-citizens. In most cases, they are arrested and detained, where they are coerced, including through torture and ill-treatment in Bahrain. Soon after, they are deported.⁶³
35. According to data held by Salam for Democracy and Human Rights, a total of 18 individuals have been deported following revocation of their citizenship, including eight in 2018. none have been permitted to return to Bahrain. They are overwhelmingly Shi'a.
36. Since 1 January 2018, all known citizenship stripping decisions have been handed down by civil or military courts.⁶⁴ Under these amendments, the King and the judiciary claim that they no longer have the power to unilaterally strip Bahrainis of their citizenship for the purpose of national security or terrorism. In April 2019, King Hamad bin Isa Al Khalifa restored Bahraini citizenship to 551 individuals and the power to strip nationality was restricted to the Cabinet.⁶⁵ Prior to this, arbitrary nationality deprivations were carried out through various means – through royal decrees, judicial rulings, and ministerial orders, often without any legal basis, with subsequent legislative amendments being introduced to create an illusion of lawfulness.
37. Despite the restoration of citizenship to 551 individuals, 434 people whose nationality was stripped remain without Bahraini citizenship, many of them stateless. On the basis of known figures (and acknowledging the lack of data in relation to this practice), Bahrain's prolific use of revocation of nationality, especially towards members of the political opposition, has placed it as the global leader in the practice of citizenship deprivation over the past decade.
38. 2014's amendments to the Bahraini Nationality Law were especially impactful, as the Cabinet, particularly the Minister of Interior, has the authority to strip citizens of their nationality for terrorist offences, which are treated as criminal cases under the Anti-Terrorism Law of 2006 and Articles 155

⁶⁰ Salam Democracy for Human Rights, Hawiati, Institute on Statelessness and Inclusion, 'Arbitrary Revocation of Nationality in Bahrain - A Tool of Oppression', available at: https://files.institutesi.org/Arbitrary_Revocation_of_Nationality_in_Bahrain.pdf.

⁶¹ Salam for Democracy and Human Rights, "I am Bahraini", available at: <https://www.anabahraini.org/>.

⁶² Human Rights Watch, "Bahrain: Hundreds Stripped of Citizenship", (27 July 2018), available at: <https://www.hrw.org/news/2018/07/27/bahrain-hundreds-stripped-citizenship>.

⁶³ "Bahrain: New Deportations of Nationals", *Human Rights Watch*, (4 February 2018), available at: <https://www.hrw.org/news/2018/02/04/bahrain-new-deportations-nationals>.

⁶⁴ Salam Democracy for Human Rights, Hawiati, Institute on Statelessness and Inclusion, 'Arbitrary Revocation of Nationality in Bahrain - A Tool of Oppression', p. 22, available at: https://files.institutesi.org/Arbitrary_Revocation_of_Nationality_in_Bahrain.pdf.

⁶⁵ Salam for Democracy and Human Rights, "Decade of Oppression: Authoritarianism in Bahrain 2011-2021", (2021), p 84, available at: <https://salam-dhr.org/?p=4309>.

and 168 of the Penal Code. Terror grounds are then being employed widely and spuriously to strip individuals of their Bahraini nationality as they are perceived to be a threat to national security. However, Bahrain's definition of terrorism is extraordinarily vague, while being broad in its scope of prosecution. Former MPs and activists have been charged under the Code for engaging in peaceful protests as well as practices that are ostensibly guaranteed by Bahrain's constitution, such as criticising the police and armed forces.

39. Deprivation of the right to nationality, since birth or later in life, can result in the denial of other fundamental human rights. Those affected lose access to their bank accounts, their right to work, their access to education, their pensions, their healthcare, any housing allowances, and their right to register their child at birth, violating several of Bahrain's international obligations under ICCPR and CRC. Moreover, the official documentation of those stripped of their nationality becomes invalid rendering those affected unable to travel outside Bahrain.
40. Stateless children in Bahrain also face significant challenges in accessing basic rights. As citizenship is only passed to children through male citizens in all but the rarest cases children born to Bahraini men who have been stripped of their citizenship, will not be considered Bahraini citizens, even when the mother is a Bahraini citizen. The discriminatory nature of the nationality law therefore puts children at heightened risk of statelessness with a subsequent threat to the enjoyment of their fundamental rights.
41. Stateless people's right to reside in the country remains precarious. Many individuals who have been stripped of their nationality have received deportation orders once the revocation takes place, without any clear determination as to how they may travel or where they can go. Stateless children must renew their residency permits yearly. Once they are adults, they must be sponsored by an employer to continue living in Bahrain.
42. Individuals who have had their Bahraini citizenship restored do not enjoy full rights in respect to housing, social allowances, social welfare, and healthcare, and continue to face discrimination and harassment from Bahraini institutions.⁶⁶ These individuals have received no reparations for any finances or properties seized upon revocation of their citizenship or for the subsequent additional hardships experienced.

Violations of Economic, Social and Cultural Rights

43. The GoB routinely violates the economic, social and cultural rights of the Shi'a and migrant worker communities as provided for Article 5 (e) of the Covenant.⁶⁷ In paragraph 72 of the responses to the LOIPR, the GoB states that *"there are 452 licensed mosques and prayer halls supervised by the Department of Sunni Religious Endowments, 608 licensed mosques and prayer halls supervised by the Department of Shia Religious Endowments [...]"* along with scores of other religions' premises, such as churches and temples, but these figures mask deep-rooted discrimination: the July 2018 concluding observations of the Human Rights Committee (HRC) which expressed concern "at reports that members of the Shi'a community have been subjected to restrictions of their right to worship and profess their religious beliefs and that liberty of conscience is not effectively guaranteed.
44. Despite non-discriminatory legislation, discriminatory employment and representational problems remains: the preponderant Shi'a community appears grossly under represented in governmental,

⁶⁶ For more information on revocation of citizenship in Bahrain and the name of the victims, See Salam DHR's advocacy campaign "Ana Bahraini" at: <https://www.anabahraini.org/>

⁶⁷ Article 5 (e) provides for: (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training [and] (vi) The right to equal participation in cultural activities.

administrative and police/army jobs. While Shi'a groups are technically free to carry out religious observances, Shi'a clerics and community leaders often face harassment, interrogation, prosecution, and imprisonment.⁶⁸ They have long faced difficulties in gaining employment, political representation, promotion within the military, and construction of mosques.⁶⁹

45. The GoB restricts the right of the Shi'a community to exercise peaceful cultural expression. In 2020, the GoB cited the pandemic to disproportionately restrict the Shi'a community's right of assembly for the purposes of commemorating the 'Ashoura (Ashura) religious occasion, including in prison. These violations included:

- Threatening organisers with long prison sentences and heavy fines, even though organisers would have implemented precautionary, safety measures. Confusingly, gyms, swimming pools, malls and others were allowed to remain open in accordance with the then health measures in place.
- Limiting collective commemoration to 20 minutes.
- Prohibiting broadcast of commemorations via loudspeaker.
- Summoning organisers and those working to stage commemorations and forced them to remove 'Ashoura banners situated on their personal, private properties.
- Coercing managers of many Shi'a mosques to sign a pledge to suspend 'Ashoura ceremonies and related activities.
- Forcibly closing places of worship and community gathering.⁷⁰
- Arbitrarily detaining those who took part in or oversaw 'Ashoura commemorations. This included Sheikh Ibrahim Al-Ansari, Abdulnabi Al-Samak, and Nasser Ali Nasser.
- Additionally on 6 October 2020, the GoB detained two orators, Ahmed al-Majed and Habib al-Mahdi, for taking part in mourning ceremonies.⁷¹

46. In respect to 'Ashoura 2020, SALAM DHR, recorded a total of 42 instances on discriminatory acts aimed at restriction the right to enjoy cultural life including:

- 2 instances of sabotaging 'Ashura appearances.
- 12 instances of 'Ashoura banners being confiscated.
- 12 instances of provocative depictions of participants in mourning councils and processions.
- 8 instances of police harassment, which included provocative speech made by members of the security services in front of Shi'a funerals, police monitoring of ceremonies and participants, and the arrest of participants who failed to show their identification papers.
- 5 instances of restricting standards for holding funeral ceremonies, including preventing processions.

47. It was no better in 2021.⁷² Around the advent of 'Ashoura when the GoB: carried out four arbitrary arrests during Ashura. They were the head of the Funeral Procession of Imam Ali, Fadhel Hammad from the al-Deir area, and two men, Ali Mansoor al-Mallah and Muhammad Mahdi Daif from the Karzakan district. The men did not respond to summons requests, so members of the security forces attacked a funeral procession in the al-Sayyida Khadija district in Salmabad district where

⁶⁸ <https://fot.humanists.international/countries/asia-western-asia/bahrain/>

⁶⁹ <https://www.uscirf.gov/sites/default/files/Bahrain.pdf>

⁷⁰ Locations forcibly closed and events forcibly suspended included the funeral of the Taf martyrs in the Naim area; the Sayyida Khadija Mosque in Hamad Town; al-Zahra Mosque in Hamad Town Circle 40; Zahraa Mosque in Hamad Town Circle 10 after (locks changed by the Ministry of Interior) and the Imam al-Hassan Mosque and centre in the Sadad region.

⁷¹ News of Bahrain - Religious Gathering: Bahrain to take legal action, 9 October 2020, at <https://www.newsofbahrain.com/bahrain/66812.html>, accessed 29 October 2020.

⁷² For more information, see: SALAM DHR - Religious Tolerance in the Cross Hairs, 1 December 2021, accessed 15 February 2022 at: <https://salam-dhr.org/?p=4776>

GoB agents arrested the two men, before releasing them on a bail of BD 100 dinars (\$265) each. While the number of summons issued during 'Ashoura 2021 reached 18, SALAM DHR recorded another 15 instances in which the following religious scholars faced interrogation.

48. The authorities extended limitations on the right to express and engage in religious and cultural expression to prisons: those on death row faced “[...] *random beatings, threats of execution, and the intentional destruction of Shia religious symbols and books, with a view to denying [them] the ability to exercise religious rights.*”⁷³

Aspects of discrimination faced by the migrant worker community

49. Migrant workers form the majority of Bahrain’s workforce. Paragraph (10) of the June 2019 responses to the LoIPR states that “*migrant workers account for 55 per cent of the total population and 80 percent of the total number of persons in employment in 2017*”. Asia Perri’s report for SALAM DHR, Covid-19 and the socio-legal status of migrant workers in Bahrain notes that Bahrain’s workforce is overwhelmingly non-Bahraini: while the International Organization for Migration (IOM) estimated that at least 63% of Bahrain’s workforce is made up of overseas workers coming from nearby states⁷⁴ the Bahrain Labour Market Regulatory Authority (LMRA) estimated, in 2021, that 77.5% of the entire labour force comprises migrant workers⁷⁵. In the private sector alone, this rises to 79.4% of the workforce.⁷⁶ The majority of foreign nationals are of South Asian origin, especially Indian nationals who make up 47.4% of the foreign workers: Asian nationals who migrated to Bahrain to contribute to the labour force of the country historically form a large cohort of the migrant worker community.⁷⁷

50. Nevertheless, the GoB has not acceded to:

- International Labour Organisation (ILO) Convention No. (87) of 1988 regarding freedom of association and protection of the right to organise;
- ILO Convention No. (98) of 1988 regarding the implementation of the principles of the right to organise and collective bargaining, nor has the GoB
- Changed the provisions of Decree-Law No. (33) of 2002 on trade unions, to introduce a provision for civil service workers to establish and join trade unions.

⁷³ Reprieve & Bahrain Institute for Rights & Democracy, *Training Torturers: The UK’s Role in Bahrain’s Brutal Crackdown* (2018), at 33, available at <https://reprieve.org/wp-content/uploads/sites/2/2018/05/TRAINING-TORTURERS-THE-UK%E2%80%99S-ROLE-IN-BAHRAIN%E2%80%99S-BRUTAL-CRACKDOWN-ON-DISSENT.pdf> accessed 20 October, 2022.

⁷⁴ “Bahrain”, International Organization for Migration <https://www.iom.int/countries/bahrain>

⁷⁵ See the table issued by the LMRA at: http://blmi.lmra.bh/2021/03/data/lmr/Table_A.pdf

⁷⁶ See the LMRA data at: http://blmi.lmra.bh/2018/03/mi_dashboard.xml but also Françoise De Bel-Air, Demography, Migration, and the Labour Market in Bahrain (s.l.: Gulf Labour Markets and Migration, 2019), 3

⁷⁷ Françoise De Bel-Air, Demography, Migration, and the Labour Market in Bahrain (s.l.: Gulf Labour Markets and Migration, 2019), 7

51. Migrant workers face human rights violations under the *kafala* guest-worker system, which fails to protect them against exploitation, including confiscation of passports, wage theft, and exorbitant recruiting fees.⁷⁸ It can result in numerous violations of the human rights of foreign nationals, including “*effective deprivation of freedom, modern forms of slavery and physical abuse to mental health issues.*”⁷⁹ The *kafala* framework carries many negative, including corollary effects which directly impact on migrant workers. These can include effective deprivation of freedom, modern forms of slavery and physical abuse to mental health issues. For example, fear over regular payment of salary; personal safety or of a summary or arbitrary deportation remains ever-present in the minds of many workers. At one end, for example, a very small number of educated people tend to get high-earning jobs, while a significantly larger number of lower-skilled migrants are forced to take “*vulnerable job categories and are prone to marginalization.*”⁸⁰ Foreign workers often face persistent fear that they will not be paid, that they will be physically unsafe, or that they will be arbitrarily deported.⁸¹ Migrant workers in Bahrain are at an elevated risk of suicide.⁸²
52. Migrant domestic workers are particularly vulnerable, and it is unclear whether courts would take into account their precarious circumstances when assessing culpability in capital cases. In Bahrain, migrant women are 65% of the total female workforce, and of the 91,852 officially registered domestic workers, 75% are women.⁸³ Bahrain does not have a domestic worker law.⁸⁴ Bahrain’s legal protections for domestic workers “*remain among the weakest in the Gulf; there are no regulations on maximum working hours, mandatory rest hours, or a weekly day off—regulations which almost all other Gulf countries provide.*”⁸⁵ The tools of supervision and inspection applicable to migrant workers in the formal workplace have not been applied to domestic workers, who:

“[...] are often women who are still working long hours without interruption and are not given weekends and become female prisoners and are often not allowed to communicate with their family. Their passports and documents are confiscated when they arrive in Bahrain and in cases where they are not allowed to return to their countries even if the visa has expired and is renewed without their knowledge or consent to their ignorance of their rights. They are often mistreated and are often signatories to work contracts that do not understand their language. In addition, there is no law obliging the home owner to transfer the salary of the maid to a bank account that guarantees her rights if she claims not to receive her wages. In most cases, the maid cannot prove that she did not receive her wages, as she is signed on the receipt of her wages as soon as she arrives in Bahrain in a

⁷⁸ Lucy Harry et al., *How the Bahrain judicial system fails its migrant workers*, 360info, Sept. 5, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/> (last visited Oct. 19, 2022).

⁷⁹ Asia Perri, Salam for Democracy & Human Rights, *Did the socio-legal status of migrant workers in Bahrain exacerbate the health impact of the COVID-19 pandemic?* 2022, at 8, <https://salam-dhr.org/wp-content/uploads/2022/03/Health-Outcomes-Bahrain-Asia-Perri-1.pdf> (last visited Oct. 20, 2022).

⁸⁰ Huda Alsahi, *COVID-19 and the Intensification of the GCC Workforce Nationalization Policies* (Bawader: Arab Reform Initiative, 2020), 4

⁸¹ Asia Perri, Salam for Democracy & Human Rights, *Did the socio-legal status of migrant workers in Bahrain exacerbate the health impact of the COVID-19 pandemic?* 2022, at 8, <https://salam-dhr.org/wp-content/uploads/2022/03/Health-Outcomes-Bahrain-Asia-Perri-1.pdf> (last visited Oct. 20, 2022).

⁸² Asia Perri, Salam for Democracy & Human Rights, *Did the socio-legal status of migrant workers in Bahrain exacerbate the health impact of the COVID-19 pandemic?* 2022, at 9-10, <https://salam-dhr.org/wp-content/uploads/2022/03/Health-Outcomes-Bahrain-Asia-Perri-1.pdf> (last visited Oct. 20, 2022).

⁸³ Migrant-Rights.org, *Lived Experience of Migrant Women: Qatar, Bahrain, and Kuwait*, 2019, at 10, available at <https://www.migrant-rights.org/wp-content/uploads/2019/11/Lived-Experiences-of-Migrant-Women.pdf> (last visited Oct. 20, 2022).

⁸⁴ Migrant-Rights.org, *Lived Experience of Migrant Women: Qatar, Bahrain, and Kuwait*, 2019, at 17, available at <https://www.migrant-rights.org/wp-content/uploads/2019/11/Lived-Experiences-of-Migrant-Women.pdf> (last visited Oct. 20, 2022).

⁸⁵ Migrant-Rights.org, *Lived Experience of Migrant Women: Qatar, Bahrain, and Kuwait*, 2019, at 17, available at <https://www.migrant-rights.org/wp-content/uploads/2019/11/Lived-Experiences-of-Migrant-Women.pdf> (last visited Oct. 20, 2022).

*language she does not know. Often the maid does not know her rights and is afraid of making a complaint, especially if the owner of the house is an influential person in the state or in the military, which leads to violations of workers' rights and their occurrence in cases of trafficking victims and impunity.*⁸⁶

53. Recruitment agencies sometimes detain domestic workers who “refuse to work in homes where they are mistreated” and then force them to return to work.⁸⁷ If the domestic worker escapes, “the employer submits an escape complaint [...] and she becomes an offender rather than a victim.”⁸⁸ Such workers may be arrested and detained until they are ordered deported.⁸⁹ Foreign domestic workers in the region are vulnerable to domestic violence and sexual harassment by their employers.⁹⁰ Bahrain’s domestic violence law does not explicitly cover migrant domestic workers.⁹¹ According to Migrant-Rights.org, migrant women in the region “reporting rape or sexual harassment face additional burdens, as they can be criminalized for having an illicit relationship. [The] Penal code [...] [in Bahrain] criminalise[s] extramarital relationship.”⁹²
54. Bahrain’s private sector does not appear to exercise a minimum wage and it is therefore difficult for many lower-skilled migrant workers to survive and remit the expected amount of money to their families. According to the ILO, “minimum wages should afford adequate protection to all workers in an employment relationship, including women, youth and migrant workers, regardless of their contractual arrangements”⁹³, but this is not the case in Bahrain, where migrant workers often take on considerable debt while paying off the fees that their sponsors impose.
55. Under the Labour Market Regulatory Authority (LMRA)’s Grievances’ Unit, workers can make complaints. Yet, its limited working hours pose a challenge to those wishing to make a complaint and workers may also fear reprisals if they make complaints, including threats of deportation or being rendered irregular in terms of legal status. They may be, accordingly, reluctant to report violations

⁸⁶ Salam for Democracy & Human Rights, *On the International Day against Trafficking in Persons, Bahrain: Domestic servants are still in the category of human trafficking*, June 30, 2018, <https://salam-dhr.org/on-the-international-day-against-trafficking-in-persons-bahrain-domestic-servants-are-still-in-the-category-of-human-trafficking/> (last visited Oct. 20, 2022).

⁸⁷ Salam for Democracy & Human Rights, *On the International Day against Trafficking in Persons, Bahrain: Domestic servants are still in the category of human trafficking*, June 30, 2018, <https://salam-dhr.org/on-the-international-day-against-trafficking-in-persons-bahrain-domestic-servants-are-still-in-the-category-of-human-trafficking/> (last visited Oct. 20, 2022).

⁸⁸ Salam for Democracy & Human Rights, *On the International Day against Trafficking in Persons, Bahrain: Domestic servants are still in the category of human trafficking*, June 30, 2018, <https://salam-dhr.org/on-the-international-day-against-trafficking-in-persons-bahrain-domestic-servants-are-still-in-the-category-of-human-trafficking/> (last visited Oct. 20, 2022).

⁸⁹ Salam for Democracy & Human Rights, *On the International Day against Trafficking in Persons, Bahrain: Domestic servants are still in the category of human trafficking*, June 30, 2018, <https://salam-dhr.org/on-the-international-day-against-trafficking-in-persons-bahrain-domestic-servants-are-still-in-the-category-of-human-trafficking/> (last visited Oct. 20, 2022).

⁹⁰ Migrant-Rights.org, *Lived Experience of Migrant Women: Qatar, Bahrain, and Kuwait*, 2019, at 20, available at <https://www.migrant-rights.org/wp-content/uploads/2019/11/Lived-Experiences-of-Migrant-Women.pdf> (last visited Oct. 20, 2022).

⁹¹ Migrant-Rights.org, *Lived Experience of Migrant Women: Qatar, Bahrain, and Kuwait*, 2019, at 20, available at <https://www.migrant-rights.org/wp-content/uploads/2019/11/Lived-Experiences-of-Migrant-Women.pdf> (last visited Oct. 20, 2022).

⁹² Migrant-Rights.org, *Lived Experience of Migrant Women: Qatar, Bahrain, and Kuwait*, 2019, at 20, available at <https://www.migrant-rights.org/wp-content/uploads/2019/11/Lived-Experiences-of-Migrant-Women.pdf> (last visited Oct. 20, 2022).

⁹³ “Who Should Be Getting Minimum Wages?”, International Labour Organization <https://www.ilo.org/global/topics/wages/minimum-wages/beneficiaries/lang--en/index.htm>

and seek a resolution from a position of relative vulnerability. The requirement for written material is likewise a hurdle. The website of the Overseas Filipino Worker (OFW) Community in Bahrain reminds workers that they must have: (1) letter explaining complaint/grievance; (2) Copy of employee ID card; (3) Copy of passport with residence visa; (4) Copy of documents supporting complaint/grievance, such as attendance sheets, salary statements, resignation letter, and other files that prove or support your complaint/grievance.⁹⁴

56. The Wage Protection System (WPS) should now protect workers from the delay or the non-payment of salary by employers. After some years' delay, in January 2022, the Labour Market Regulation Authority (LMRA) and the Central Bank of Bahrain (CBB) embarked upon the final phase of its enactment.⁹⁵ In this regard, Bahrain now uses “an electronic salary transfer system that allows institutions to pay workers' wages via banks, bureaux de change, and financial institutions approved and authorized to provide the service”.⁹⁶ While the WPS should allow for transparency in payments, non or late payment of wages remain possible.

57. Regarding access to healthcare, it is not mandatory for employers to provide health insurance for their employees⁹⁷ and the ramifications of this are set out below. There are a few factors that pose challenges to access to health care by migrant workers:

- Status - those rendered irregular by their employers have limited access on the basis of legal status;
- Location - those working in rural areas rather than urban areas may face further challenges;
- Cost - In the absence of medical insurance, medical care - like everywhere - is costly and low paid workers may not be able to afford it. Analogously, pre-pandemic in any case, migrant workers who lacked funds could have been admitted into a medical facility for a fee of \$18.60 for every visit⁹⁸, though some may have found even this prohibitive. During the pandemic, however, the government waived this fee.⁹⁹
- Overwork - those working in physically demanding roles, working long hours, may not have the wherewithal to file a complaint (see below).

58. The environment that some workers face each day can also be significantly dangerous with inadequate safeguards for protection: those in the ‘3D industries’ (“dirty, dangerous and degrading”), such as maintenance, construction, agriculture, extraction, petroleum and others routinely faced highly dangerous work environments.¹⁰⁰ Some of these workers faced extreme and near-constant heat at work, especially during the summer. While working around noon is currently banned, many

⁹⁴ Overseas Filipino Worker (OFW) Community in Bahrain - How to File a Complaint as a Worker in Bahrain, undated. See: <https://bahrainofw.com/file-complaint-worker/>

⁹⁵ Migrant-Rights.Org - Bahrain begins the final phase of its “Wage Protection System” / Scheme falls short of adequately protecting migrant workers from wage theft, 17 January 2022. See: <https://www.migrant-rights.org/2022/01/bahrain-begins-the-final-phase-of-its-wage-protection-system/>

⁹⁶ “Wages Protection System (UAE)”, International Labour Organization https://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=186

⁹⁷ Ibid

⁹⁸ “Comparison of Health Care Coverage for Migrant Workers in the GCC”. Migrant-Rights.org <https://www.migrant-rights.org/wp-content/uploads/2020/03/Comparison-Of-Health-Care-Coverage-For-Migrant-Workers-In-The-GCC-.pdf>

⁹⁹ Bahrain News Agency - Health Ministry suspends BD7 fee for non-Bahrainis, 9 April 2020. See: <https://www.bna.bh/en/HealthMinistrysuspendsBD7feefornonBahrainis.aspx?cms=q8FmFJgiscL2fwIzON1%2BDvbi%2BsPq1k1eN15zFYF6aT8%3D>

¹⁰⁰ “The Precarious Health Situation of Migrant Workers in the Gulf”, Migrant-Rights.org <https://www.migrant-rights.org/wp-content/uploads/2020/02/Health-Assessment-Editorial.pdf>

workers are still required to work more than 12 hours a day in very high temperatures.¹⁰¹ Many migrant workers develop heat-related illnesses such as sunburn and heat stroke.¹⁰² Moreover, the materials that they work with – like solvents, cleaning agents and pesticides – can be highly damaging to the skin and other organs, even causing cancer while working with oil because of benzene.¹⁰³ Specifically, workers faced musculoskeletal implications.¹⁰⁴

59. These factors, coupled with a risk of metal poisoning in some sectors¹⁰⁵, points to the dangerous, harmful and exhausting environment faced by 3D industry workers without adequate protection by the GoB. Such factors create mental and psychological strain associated with work in such arduous conditions for extended periods of time.
60. Migrant workers who attempt to take their own life are, in general, criminalised and deported, rather than cared for. As there is only one mental health hospital in the country – situated in the capital - anecdotal evidence suggests that migrant workers are inadequately served in this regard¹⁰⁶. Mental health concerns can be overlooked or missed, too, on account of language barriers which can serve as an obstacle to getting the appropriate treatments.
61. General living conditions and, say, hygiene, evidence suggests that 3D industry workers' living quarters are of poor quality, where hygiene can be restricted through poor water supply or a lack of washing facilities while the quality of their food, too, may be poor.¹⁰⁷ As 3D industry workers - amongst others - work long hours in onerous conditions, they require the respite of decent quality food and adequate rest: musculoskeletal illnesses referred to above can be caused by exhaustion and malnutrition exacerbated by arduous working conditions. More than 600 informal labour camps have been deemed “*unfit for living*”¹⁰⁸. In April 2020 workers were relocated to public facilities from their accommodation, but only 9,000 of them were able to relocate. The remainder still inhabit (at writing) overcrowded accommodation.¹⁰⁹ While it can be said that the Ministry of Labour has made it obligatory for employers to sterilise worksites and camps, to provide sufficient toilet facilities and to reduce the number of workers¹¹⁰, this has had little effect on the number of migrant workers with the virus, which is growing at an exponential rate. This only extends to formal labour camps anyway, with informal labour camps being untouched by this ruling, meaning that many migrant workers are still being forced into deplorable conditions.
62. The impact of the Covid-19 pandemic exacerbated this scenario: in February 2020 the government decided to close non-essential businesses instead of going directly into an overall lockdown yet a disproportionately high number of cases of Covid-19 among migrant workers in comparison to Bahraini nationals suggest that they continued to live in overcrowded accommodation.

¹⁰¹ Ibid

¹⁰² Ibid

¹⁰³ Ibid

¹⁰⁴ Ibid

¹⁰⁵ Ibid

¹⁰⁶ M.K. Al-Haddad, Adel Al Offi, “Psychiatric services in Bahrain: past, present and future”, *Int Psychiatry*, 6, n.1 (2009)

¹⁰⁷ “The Precarious Health Situation of Migrant Workers in the Gulf”, Migrant-Rights.org <https://www.migrant-rights.org/wp-content/uploads/2020/02/Health-Assessment-Editorial.pdf>

¹⁰⁸ Ibid

¹⁰⁹ “Migrants in Bahrain Face an Eviction Crisis Amid Covid-19 Pandemic”, Migrant-Rights.org <https://www.migrant-rights.org/2020/09/migrants-in-bahrain-face-an-eviction-crisis-amid-covid-19-pandemic/>

¹¹⁰ “Food Woes for Quarantined Migrants in Bahrain”, Migrant-Rights-org <https://www.migrant-rights.org/2020/04/food-woes-for-quarantined-migrants-in-bahrain/>

63. The government initially took steps to help workers by waiving health, electricity and water bills for three months yet landlords started taking legal action against tenants after the Bahraini government decided to renew this support, again for three months, but for nationals only. Non-nationals were unable to afford the bills.¹¹¹

Environmental Impact on Migrants

64. With climate change being prevalent across every region in today's world, Bahrain and the whole of the Middle East witness warmer temperatures year-round, further exacerbating working conditions for many migrant workers employed through the *kafala* system. In particular, migrant workers continually remain subject to hot temperatures amid excessive working hours. Over the past decades, Bahrain's average annual temperature gradually increased year-over-year, with the last year displaying a full degree Celsius increase:

- 1981: > 27 degrees Celsius.
- 2001: > 27.5 °C
- 2021: 28.15 °C
- 2022: 29.15 °C.

65. However, the warmer season (May-October) brings average temperatures between 27 and 39 degrees Celsius. Humidity also constitutes an important factor with respect to a working environment. In an index rating humidity comfort level from "dry" to "miserable", levels in Manama reached "miserable" for up to 60% of the time during the summer. Amid the increasing temperatures, Bahrain's migrant workers continue to work and live under unsanitary conditions, including air pollution, hazardous waste, and porous occupational health and safety practices. Such conditions can render migrant workers on the island susceptible to mild and severe illness. Several heat-induced illnesses include:

- **Heat cramps:** Low salt levels in the body due to sweating, thus causing muscle cramps, pain, spasms in the abdomen, arms, or legs
- **Heat rash:** Skin irritation caused due to excessive sweating, leading to red clusters, pimples or small blisters on the neck, upper chest, groin, under the breasts and in elbow creases.
- **Heat Syncope:** Fainting episodes or dizziness typically occurring due to standing for too long. Dehydration and lack of acclimatisation constitute major factors.
- **Rhabdomyolysis** (Rhabdo): Rapid breakdown, rupture and death of muscles, potentially resulting in irregular heart rhythms, seizures and damage to the kidneys.

66. Although statistics regarding the number of deaths and the cause of death amongst several workers remain unclear, there are several accounts of workers dying and living in deplorable and unsanitary living conditions. Such accounts include:

- Up to 12 workers confined to a single room in labour camps, despite having a capacity limit of up to eight people.
- More than 600 informal labour accommodations/camps deemed "unfit for living"
- Little to no proper mechanisms for waste disposal.
- Up to 10,000 Asian migrant workers die in the Gulf every year, with more than half of those deaths going unexplained.

¹¹¹ Bahrain Migrant Workers Face Homelessness Amid Covid-19 Without Rent and Accommodation Protections, Business & Human Rights Resource Centre: <https://www.business-humanrights.org/pt/latest-news/bahrain-migrant-workers-face-homelessness-amid-covid-19-without-rent-accommodation-protections/>

67. With deplorable sanitary conditions and limited waste disposal, subjecting workers to excessive working hours in hot temperatures year-round ultimately exacerbates current health conditions and renders migrant workers vulnerable to chronic and deadly illness.

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