

# STATEMENT UPR Pre-session on **Bahrain**

Geneva, 31 August 2022

Delivered by: Bahrain Centre for Human Rights (BCHR)

## 1- Presentation of the Organization

This statement is delivered on behalf of Bahrain Centre for Human Rights (BCHR), a non-profit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the Government of Bahrain in November 2004 to close it down, BCHR is still functioning after gaining a wide local and international support for its struggle to promote human rights in Bahrain.

## 2- National Consultations for the Drafting of the National Report

As far as BCHR is aware there has been no consultation conducted by the Government of Bahrain to meaningfully engage the national civil society organization in the development of the national report.

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## 3- Plan of the Statement

This statement addresses the following issues:

1. High Commissioner's Priorities, with a focus on
  - Right to Nationality;
  - National Human Rights Mechanisms.
2. Freedom of Expression, with a focus on press and electronic media.

## 4- Statement

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### A. Right to nationality

#### Brief assessment

In the previous cycle of Bahrain's UPR, the state has received at least 18 recommendations calling on the state to eliminate/end all discrimination against women. These recommendations were supported by the Bahraini government, yet the government has not implemented them as they have not taken the appropriate measures to ensure equality towards women's rights.

The legislation governing issues of Bahraini nationality are codified in the Bahraini Citizenship Act 1963. Amended in 1981, it states that individuals are eligible to be regarded as a Bahraini national by descent or birth. Bahraini nationality is transmitted through the male line. It is extremely difficult for Bahraini women to pass their Bahraini citizenship to their children, foreign born spouses, and stateless spouses. In 2002, Bahrain ratified CEDAW, of which Article 9 provides for women to pass their citizenship to their children. However, the Government of Bahrain has so far only extended this provision in extremely limited circumstances through exceptional royal decrees.

More over a number of Bahrainis risk become stateless due to their activism. The Government of Bahrain has used its powers to revoke nationality as a way to silence opposition groups, effectively taking away their rights to speak about national issues and participate in elections or civil society more generally. Several prisoners of conscience were stripped of their nationality and deported just shortly after they served their sentencing, rendering them stateless and vulnerable to the consequences of statelessness generally—e.g., ability to be employed, own land, travel, or just to live in Bahrain.

At one point in 2018, the Government of Bahrain revoked in total almost 1000 nationalities. In 2020, the Committee to Protect Journalists said this practice was used to suppress freedom of expression and press as many targets of this practice were journalists and bloggers. The World Alliance for Citizen Participation stated that Bahrain has been at the forefront of states using this practice.

Although the King of Bahrain has restored the nationalities of around 500 individuals in 2019, it is unclear if their sentences were reduced or if they were compensated for their losses during their stateless periods. More importantly, 400 more individuals, primarily consisting of human rights defenders and activists, remain stateless due to the Government of Bahrain's arbitrary revocation of their nationalities.

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##### Recommendations

- Amend the Bahrain Citizenship Act to allow Bahraini women married to non-Bahrainis to pass their citizenship onto their children as they voluntarily pledged in 2017
- Continue reinstating the nationalities of individuals who had theirs arbitrarily revoked
- Further reform excessively broad nationality and terrorism laws that create statelessness
- Create a system by which the government can collect information and track the remaining cases of statelessness in Bahrain and the profiles of these various stateless groups.

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## B. National Human Rights Mechanisms

### Brief assessment

During Bahrain's examination under the third UPR cycle, the government received at least 12 recommendations on the effectiveness and independence of institutions meant to investigate allegations of mistreatment and torture. Among other recommendations, the government committed to "strengthen the independence and effectiveness of the national human rights institution in accordance with the Paris Principles" and "promptly carry out an in-depth investigation into all allegations of torture and ill-treatment." All these recommendations were supported; however, the government has failed to operationalize many of these recommendations.

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These recommendations led to the establishment of several governmental human rights bodies and amending the mandates of others, including the **Special Investigation Unit (SIU)**, the **Prisoners and Detainees Rights Commission (PDRC)**, the **Office of the Ombudsman at the Ministry of the Interior (MOI Ombudsman)**, and the **National Institution for Human Rights (NIHR)**. Although the establishment of these bodies was notable progress in addressing human rights violations and impunity, the overall human rights situation has not improved.

The establishment of these bodies seemed propitious in improving the human rights scene in Bahrain. Unfortunately, their work has yet to achieve tangible results. In addition to problems with the structure of human rights mechanisms, there is a lack of rigor, courage, and seriousness in addressing violations and holding perpetrators accountable. The real problem is the lack of independence of these bodies and their staff. The lack of transparency in appointment mechanisms is shared between the four bodies, as none of them involves real

and active participation by the civil society or even parliament, and if any, it is unclear. These bodies are formed by the government and report to it, which renders their ability to challenge the government security apparatuses unlikely.

Moreover, none of them adopted clear follow-up procedures, whether for complaints or implementing their recommendations by concerned governmental bodies, negatively impacting their effectiveness. The small number of individuals who have been brought to justice in the past five years, the failure to uphold the principle of superior responsibility, and the reluctance to address certain human rights violations indicate that these bodies, in their current state, are neither independent nor effective. They have not been designed to genuinely guarantee effectiveness and independence in addressing human rights violations. Three out of four of them are associated with the Ministry of Interior (MOI).

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##### Recommendations

- Ensure redress for human rights violations victims and an end to the “culture of impunity”;
  - Ensure the complete independence of these bodies;
  - Adopt a transparent and merit-based mechanism for the screening, selection, and appointment staff for limited terms that involves a public call;
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- Establish a transparent follow-up mechanism for the recommendations of these institutions, ensuring that responsibility for failure to address the violations committed is determined;
  - Allow a periodic impartial review of their work by an autonomous body.

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### C. Freedom of expression, press and electronic media

#### Brief assessment

During Bahrain’s third UPR cycle, the Government of Bahrain also voluntarily pledged to work on “a new law on the press and the electronic media.” First of all, the wording of their commitment is vague. However, in reviewing recent trends in Bahrain’s monitoring of and criminalization of dissent online, it is unlikely that new laws, if any, will fall in line with international human rights norms. Specifically, on the Government of Bahrain’s criminalization of dissent on social media and use of spyware to target human rights defenders and civil society.

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##### Recommendations

- Repeal or substantially amend legislation, decrees, or other regulations that permit expansive restrictions on free expression and free press;
- Promulgate a new media law that fully enshrines the right to free expression in all media and removes vague offences that can be interpreted to include forms of legitimate free expression.
- Eliminate arbitrary and redundant licensing policies for media outlets and journalists.
- Limit the censorship power of the IAA and other media oversight bodies.
- Release all wrongfully imprisoned journalists, photographers, human rights defenders, and social media activists.
- Cease mass online filtering and reinstate arbitrarily blocked websites.
- Allow foreign press to report freely from Bahrain.

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