

**Submission to the Universal Periodic Review of Bahrain**  
Human Rights Watch

March 2022

1. Bahrain has failed to live up to the recommendations that it supported and pledges it made in the past three cycles of the Human Rights Council's Universal Periodic Review (UPR). In 2021, Bahraini activists commemorated the 10<sup>th</sup> anniversary of the 2011 uprisings amid continuing heavy repression. Oversight mechanisms are not independent of the government and officials are not held accountable for torture and ill-treatment of prisoners. Bahrain continues to arbitrarily imprison individuals for participating in protests and to deny activists and human rights defenders fair trials. There is no independent media and the draft press law of 2021 has expanded restrictions to digital space. The authorities continue to deny access to independent rights monitors and the United Nations special procedures, including the special rapporteur on torture.

### **Freedom of Expression and Assembly**

2. No independent media has operated in Bahrain since the Information Affairs Ministry suspended *Al Wasat*, the country's only independent newspaper, in 2017. Foreign journalists rarely have access to Bahrain, and Human Rights Watch and other rights groups are routinely denied access.
3. In April 2021, the Cabinet approved amendments to the 2002 Press, Printing, and Publishing Law to expand its jurisdiction<sup>i</sup> to internet and digital content. The law now requires that electronic media outlets obtain approval from the Ministry of Information Affairs. Acquiring and renewing one-year licenses require declaration of all the outlets' social media accounts and the names of employees overseeing them. Publishing without authorization is punishable with six months of imprisonment, a fine of 5,000 Dinars, or both.
4. According to a Freedom House report, between June 2020 and May 2021, at least 58 people<sup>ii</sup> were arrested, detained, or prosecuted for their online activities. The charges included "dissemination of false news," "challenging the state's efforts to confront COVID-19 pandemic," and "misuse of social media."
5. In July 2021, Bahrain, already believed to be a customer<sup>iii</sup> of the NSO Group's Pegasus spyware,<sup>iv</sup> reportedly had entered phone numbers of potential targets into a database, which was leaked. In August 2021, Citizen Lab reported that the iPhones of nine Bahraini activists were successfully hacked with NSO Group's Pegasus spyware between June 2020 and February 2021. NSO Group has repeatedly denied<sup>v</sup> the news reports.
6. Thirteen prominent dissidents have been serving lengthy prison terms since their arrest in 2011 for their roles in pro-democracy demonstrations. They include Abdulhadi al-Khawaja, a founder of the Bahrain Center for Human Rights, as well as Hassan Mushaima and Abduljalil al-Singace, leaders of the opposition group Al Haq; all three are serving life terms.
7. Al-Singace began a hunger strike on July 8, 2021, to protest inhumane prison conditions and to demand that a book that he wrote in prison, and which prison authorities confiscated, be returned to his family. Between July and September 2021, al-Singace lost nearly 20 kilograms and is suffering from pre-existing medical conditions, his family says, for which he has not received adequate treatment.
8. Shaikh Ali Salman, leader of Al-Wifaq, Bahrain's largest opposition political society but forcibly dissolved in 2016, is serving a life term after an appeals court reversed his acquittal on trumped up charges of allegedly spying for Qatar.
9. In June 2020, authorities released from prison prominent human rights defender Nabeel Rajab to serve the rest of his 5-year sentence for speech offenses under the 2017 alternative sentencing law.
10. Very few persons sentenced to long prison terms for their roles in the 2011 protests, and none of the most prominent, have been released under the alternative sentencing law.

11. During the 2008 UPR, Bahrain pledged that it “is fully committed to supporting non-governmental organizations through legal and other instruments so as to develop a constructive dialogue with these organizations and other stakeholders.”<sup>vi</sup> However, Bahrain has shut down almost all non-governmental organizations that have been at all critical of the government and its policies.

**12. Recommendations:**

- Remove abusive restrictions on freedom of expression;
- Amend the press law to bring its provisions into compliance with article 19 of the International Covenant on Civil and Political Rights;
- Impose a moratorium on the use of surveillance technology until adequate human rights safeguards are in place, and disclose any existing contracts or use of such technologies;
- Immediately release all opposition activists, journalists, and other individuals arrested solely for exercising their right to free speech, peaceful assembly, or association;
- Reinstate the operating license of the independent media outlet *Al-Wasat*;
- Allow independent political societies to operate in Bahrain, including al-Wifaq;
- Allow foreign journalists and human rights organizations access to Bahrain;
- Accept the requested visits of the Special Rapporteurs on freedom of expression and freedom of assembly.

**Death Penalty**

13. Bahrain has executed six men since it ended a moratorium in 2017 on use of the death penalty.

14. The Bahrain Institute for Rights and Democracy (BIRD) and Reprieve found that since the 2011 uprising, 51 people have been sentenced to death. Of those, 26 individuals are currently on death row, all at imminent risk of execution, having exhausted all legal remedies. At least 31 were convicted under Bahrain’s overbroad terrorism law, and of those, 20 have alleged they were subjected to torture.

15. On July 27, 2020, Bahrain executed Mohamed Ramadan and Hussein Ali Moosa, despite their unfair trials and credible evidence that their convictions were based on confessions obtained under torture. A criminal court sentenced the two men to death on December 29, 2014. The Court of Cassation confirmed the death sentences in November 2015 but subsequently overturned them in October 2018 after Bahrain’s Special Investigations Unit (SIU) found previously undisclosed medical reports documenting harm and concluded that there is a “suspicion of the crime of torture...which was carried out with the intent of forcing [Moosa and Ramadan] to confess.” Nevertheless, without further investigation and based on the same suspect evidence, the High Criminal Court of Appeal reinstated their convictions and death sentences on January 8, 2020, and the Court of Cassation upheld them on July 13, 2020.

16. In re-instating the death sentences, the court failed to account for the very serious due process violations in the men’s initial trial and the shortcomings of the SIU’s torture investigation.

17. Although the SIU investigation did not definitively establish whether security forces tortured Moosa and Ramadan, the investigation failed to comply with the Istanbul Protocol.

18. Dr. Agnes Callamard, the United Nations special rapporteur on extrajudicial, summary or arbitrary executions, provided written comments to the Court of Appeals stating that Moosa and Ramadan’s “conviction resulting in the death penalty would be arbitrary and a clear violation of their right to life” given the failure to properly investigate their torture allegations and the failure to afford other fair trial guarantees.

**19. Recommendations:**

- Reinstate a moratorium on death sentences and executions with a view to abolishing the death penalty;

- Order independent and impartial investigations into all allegations of torture, and where evidence of torture is found, order a retrial that fully complies with international fair trial standards and excludes evidence obtained under torture;
- Invite the UN Special Rapporteur on Torture to conduct a mission in Bahrain.

## **20. Security Forces and Prisons**

21. Bahrain supported the recommendations in its 2017 UPR to ensure accountability for perpetrators of torture and the independence and impartiality of the SIU.
22. Authorities have failed to credibly investigate<sup>vii</sup> and prosecute officials and police officers who allegedly committed serious violations, including torture, since the 2011 protests.
23. Authorities continue to deny Bahraini prisoners adequate medical care<sup>viii</sup>, causing unnecessary suffering and endangering the health of prisoners with chronic medical conditions, including unjustly imprisoned such as Hassan Mushaima and Abdel Jalil al-Singace.
24. Bahrain released 1,486 prisoners<sup>ix</sup> in March 2020 due to the health risk posed by Covid-19, but the releases excluded<sup>x</sup> opposition leaders, activists, journalists, and human rights defenders—many of whom are older and/or suffer from underlying medical conditions.
25. Overcrowded conditions in Bahrain’s prisons compound the risk of Covid-19 spreading. The lack of adequate sanitation led to scabies outbreaks in Jau Prison<sup>xi</sup> —Bahrain’s largest prison—and the Dry Dock Detention Center<sup>xii</sup> in December 2019 and January 2020.
26. At least three prisoners died during 2021, allegedly from the lack of adequate medical care.
27. On April 6, 2021, the Police Media Center announced<sup>xiii</sup> that Abbas Malallah died of a heart attack, but Malallah’s family claimed<sup>xiv</sup> that during his 10 years in prison he had been suffering from chronic illnesses, and other prisoners told<sup>xv</sup> Bahraini rights groups that the Jau prison authorities did not respond to Malallah’s pleas for medical attention before he lost consciousness.
28. Malallah’s death prompted protests,<sup>xvi</sup> including an April 17 sit-in in Jau Prison<sup>xvii</sup> protesting the prison authorities’ alleged medical negligence, particularly during the Covid-19 pandemic. The UN high commissioner for human rights expressed concern that security forces used “unnecessary and disproportionate force”<sup>xviii</sup> to dismantle the peaceful sit-in at the prison on April 17 and reportedly held many prisoners incommunicado.<sup>xix</sup>
29. In an apparent response to the Covid-19 pandemic, the Public Prosecution announced<sup>xx</sup> on April 8, 2021, the release of 73 detainees under the alternative sentencing law. A Covid-19 outbreak at Jau Prison led to the death of Husein Barakat<sup>xxi</sup> on June 9. Rights groups<sup>xxii</sup> said scores of detainees had contracted Covid-19 and that detainees were not provided with personal protective equipment, adequate medical care, or the ability to communicate with their families.
30. On July 25, 2021, Hasan Abdulnabi, who suffered from sickle cell disease, died amid allegations<sup>xxiii</sup> that he was denied adequate medical treatment at the Dry Dock Detention Center.

## **31. Recommendations:**

- Hold accountable officials and security officers who have participated in or ordered torture during interrogations since 2011;
- Comply with international rules and standards regarding prisoner treatment and provide necessary and timely medical care to prisoners;
- Allow human rights groups to visit Bahraini prisons;
- Ratify the Rome Statute and implement the statute in national legislation, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court (ICC) and to investigate and prosecute genocide, crimes against humanity and war crimes

before its national courts in accordance with international law.

## **Migrant Workers**

32. In its 2017 UPR , Bahrain was urged by a number of states to ensure the effective protection of migrant workers, especially domestic workers, through legislative measures.
33. Abuses against migrant workers, especially migrant domestic workers, worsened during the Covid-19 pandemic. Bahrain included irregular migrants in its Covid-19 vaccination program. However, it discriminated against migrant workers during the pandemic.
34. In 2020, the authorities paid the salaries of 100,000 citizens working in the private sector whose salaries had been suspended during Covid-19 closures between April and June but did not provide similar benefits to migrant workers, who comprise most of Bahrain’s workforce. Migrant workers reported facing dismissal, wage theft including reduced or unpaid wages, and evictions from their accommodation.<sup>xxiv</sup>
35. Bahrain continues to enforce the kafala (sponsorship) system that ties migrant workers visas to their employers which means if they leave their employer without their consent, they lose their residency status and can face arrest, fines, and deportation for “absconding.” In 2009, Bahrain allowed migrant workers to terminate their employment contracts after one year with their first employer as long as they give reasonable notice to their employer of at least 30 days. However, in January 2022, the Parliament voted to extend this to two years, the amendment to the law is now being considered by the Shura Council. The workers are also expected to bear their own fees for the two-year work permit, which has been too onerous for many resulting in little take-up.
36. Bahrain’s Labor Law includes domestic workers but excludes them from protections within it such as weekly rest days, a minimum wage, and limits on working hours. In 2017, Bahrain introduced a unified standard contract for domestic workers which requires detailing the nature of the job, rest hours, and days off. But the standard contract does not limit working hours, set out the minimum wage, or specify what rest days workers are entitled to.
37. **Recommendations:**
  - Ensure migrant workers can change jobs without their employers’ consent, at any time and without risking their legal status, publicize the new rules, and extend the reform to domestic workers;
  - Revise the labor law to ensure it meets Bahrain’s obligations under international labor standards, including by extending its full and equal protections to domestic workers including a non-discriminatory minimum wage, weekly rest days, and limits on working hours.

## **Women’s Rights and Sexual Orientation**

38. Despite the support that Bahrain has shown to recommendations in its 2017 UPR to address restrictive citizenship and family laws, and to bolster its protection of women and minorities, the authorities have not delivered on these promises.
39. Bahrain passed a unified family law in July 2017, but it continues to discriminate against women’s rights to marry, divorce, and inherit on an equal basis to men. Women are required to obey their husband as the head of the household. The 1963 citizenship act prohibits women from conferring their nationality to their children from a non-Bahraini father.
40. Article 353 of the penal code exempts perpetrators of rape from prosecution if they marry their victims. Bahrain’s parliament proposed to repeal that article in 2016, but the cabinet rejected the proposal. Article 334 of the penal code reduces the penalties for perpetrators of so-called honor

crimes.

41. Bahrain's penal code article 316 criminalizes adultery, a violation of the right to privacy which disproportionately harms women and migrant women. Women who are pregnant outside marriage, as well as women who report rape, can find themselves prosecuted for consensual extramarital sex. Although no law explicitly criminalizes same-sex relations, authorities have used<sup>xxv</sup> vague penal code provisions against "indecent" and "immorality" to target sexual and gender minorities.
42. In December 2018, Bahrain amended its labor law<sup>xxvi</sup> to ban discrimination based on sex, origin, language or creed, and sexual harassment in the workplace, but the law does not refer to sexual orientation, gender identity, disability, or age.
- 43. Recommendations:**
  - Amend the citizenship law of 1963 to allow women to pass their citizenship onto their children on an equal basis to men;
  - Repeal articles 316, 334, and 353 of the Penal Code;
  - Prohibit discrimination on the basis of gender, sex, sexual orientation, gender identity, disability, race, nationality, and age.

### Children's Rights

44. Police beat children<sup>xxvii</sup> arrested in protest-related cases in early February 2021, in the lead up to the 10th anniversary of the 2011 uprising in Bahrain, and threatened them with rape and electric shocks. Prosecutors and judges, who refused to allow the children's parents or lawyers to be present during their interrogations and ordered their detention, enabled the abuses. A government report denied that security forces beat, insulted, or threatened to rape the boys.
45. In December 2021 and January 2022, Bahraini authorities arrested and detained<sup>xxviii</sup> six boys, ages 14 and 15, in a child welfare facility. The authorities did not provide the boys or their families with any written justification for their weeks-long detention until a hearing on February 20, when the boys rejected their confessions and denied the accusations against them, and they denied parents' requests to be present during interrogations and to visit their sons. Prior to their arrests, the boys had appeared when summoned for questioning, but the authorities repeatedly renewed their weekly detention and rejected requests that the children be allowed to return home with pledges to appear if requested. On March 13, the boys were sentenced under the Restorative Justice Law for Children of 2021 to one year in detention for throwing a Molotov cocktail and for participating in an unlicensed gathering, primarily on the basis of their confessions. As of March 14, the children had been denied access to education while in detention.
46. Bahrain has been abusing children's rights under its Restorative Justice Law for Children. The law raises the age of criminal responsibility from 7 to 15, defines a child as anyone under 18, and provides for special child courts and separate detention facilities for children. However, it fails to guarantee children access to a lawyer and their parents during interrogations, and provides that children may be detained if they participate in unlicensed protests.
47. Despite the supported recommendation in the 2017 UPR cycle to prohibit corporal punishment against children in all settings, Bahrain did not comply. The Children's Act of 2012 does not address corporal punishment.
- 48. Recommendations:**
  - Revise Law No. 4/2021 to guarantee a child's rights to access to their parents and a lawyer at all stages of arrest and custody, to be informed promptly of their rights and the reasons for their arrest and detention, to be able to challenge the legality of their detention, including detention in social care facilities or any other location whether or not it is classified as a prison or jail, and to access quality education without discrimination;

- Introduce legislation that clearly prohibits corporal punishment of children in all contexts.

- <sup>i</sup> Freedom House, "Freedom of the Net 2021: Bahrain," Undated, <https://freedomhouse.org/country/bahrain/freedom-net/2021> (accessed March 29, 2022).
- <sup>ii</sup> Ibid.
- <sup>iii</sup> Bill Maczack, John Scott-Railton, Sarah McKune, Bahr Abdul Razzak, and Ron Deibert, "Hide and Seek: Tracking NSO Group's Pegasus Spyware to Operations in 45 Countries, Citizen Lab," September 18, 2018, <https://citizenlab.ca/2018/09/hidden-and-peek-tracking-nso-groups-pegasus-spyware-to-operations-in-45-countries/> (accessed March 29, 2022).
- <sup>iv</sup> Stephanie Kirchgaessner, Paul Lewis, David Pegg, Sam Cutler, Nina Lakhani, and Michael Safi, "Revealed: Leak Uncovers Global Abuse of Cyber-surveillance Weapon," *The Guardian*, July 18, 2021, <https://www.theguardian.com/world/2021/jul/18/revealed-leak-uncovers-global-abuse-of-cyber-surveillance-weapon-nso-group-pegasus> (accessed March 29, 2022).
- <sup>v</sup> "Unchecked Spyware Industry Enables Abuse," Human Rights Watch New Release, July 30, 2021, <https://www.hrw.org/news/2021/07/30/unchecked-spyware-industry-enables-abuses>.
- <sup>vi</sup> "Implementation According to National Reports at the 13<sup>th</sup> UPR Session," UPR Info, Undated, [https://www.upr-info.org/followup/index/page/13th\\_UPR\\_session](https://www.upr-info.org/followup/index/page/13th_UPR_session) (accessed March 29, 2022).
- <sup>vii</sup> Human Rights Watch, *World Report 2022*, Bahrain Chapter, <https://www.hrw.org/world-report/2022/country-chapters/bahrain>.
- <sup>viii</sup> "Bahrain: Prisoners Denied Medical Care," Human Rights Watch News Release, October 8, 2019, <https://www.hrw.org/news/2019/10/08/bahrain-prisoners-denied-medical-care>.
- <sup>ix</sup> Aya Majzoub, "Bahrain's Prison Release Positive but Insufficient," Human Rights Watch Dispatch, March 23, 2020, <https://www.hrw.org/news/2020/03/23/bahrain-prison-release-positive-insufficient>.
- <sup>x</sup> "Bahrain: Free Imprisoned Rights Defenders and Opposition Activists," Human Rights Watch News Release, April 6, 2020, <https://www.hrw.org/news/2020/04/06/bahrain-free-imprisoned-rights-defenders-and-opposition-activists>.
- <sup>xi</sup> "الإصلاح والتأهيل يؤكد على تقديم الرعاية الصحية لكافة النزلاء," *Bahraini Police Media Center*, December 30, 2019, <https://www.policemc.gov.bh/news/ministry/99333> (accessed March 29, 2022).
- <sup>xii</sup> "Scores of Prisoners in Bahrain Launch Hunger Strike over Scabies Outbreak," *The New Arab*, January 22, 2020, <https://english.alaraby.co.uk/english/news/2020/1/22/scores-bahraini-prisoners-launch-hunger-strike-over-scabies-outbreak> (March 29, 2022).
- <sup>xiii</sup> "الإصلاح والتأهيل تعرب عن خالص العزاء لأهل نزيل توفي وفاة طبيعية إثر تعرضه لأزمة قلبية," *Bahraini Police Media Center*, April 6, 2021, <https://www.policemc.gov.bh/news/ministry/115360> (March 29, 2022).
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- <sup>xv</sup> Ibid.
- <sup>xvi</sup> "المعامير - تظاهرة غاضبة لاستشهاد المعتقل عباس مال الله في سجون البحرين," YouTube Video, April 6, 2021, <https://www.youtube.com/watch?v=2u0mOTIH7Mo> (accessed March 29, 2022).
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