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Political and Civil Rights in Bahrain

An individual Submission to the UN Universal Periodic Review by

Salam for Democracy and Human Rights

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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. SALAM DHR is a UK-based NGO, registered in several European states. It is not able to work in Bahrain, where it nonetheless has members.

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Introduction

1. SALAM for Democracy and Human Rights provides this submission to the Universal Periodic Review (UPR) on Political and Civil Rights in Bahrain.
2. Bahrain was previously reviewed during the 1st, 13th and 36th sessions of the UPR, in 2008, 2012 and 2017 respectively.ⁱ
3. The right to participate in public affairs and the administration of a country is a basic right for that country's nationals, which is affirmed by the Universal Declaration of Human Rights in its 21st article and the International Covenant on Civil and Political Rights, in its 25th article.
4. This right is neither a privilege nor a gift from a ruler; it is an inherited right that cannot be violated under any pretext.
5. In this report, SALAM DHR will review the reality of political participation in the Kingdom of Bahrain.
6. Several of the sources referenced in this report are official Bahraini legal documents. For that reason, only Arabic copies were available. Every effort was made to acquire English translations but sources in Arabic have been cited where this was not possible.

Bahrain's Mid-Term Review

7. In 2019, Bahrain underwent a mid-term review as an opportunity to assess Bahrain's actions since the 2017 UPR, to inform stakeholders and to prepare for the next round of the UPR in 2022.
8. SALAM DHR submitted a report alongside the Bahraini Forum for Human Rights and the Gulf Institute for Democracy and Human Rights as part of this process.ⁱⁱ This report indicates that Bahrain supported several broad recommendations but rejected specific ones.
9. There continues to be a fundamental lack of willingness by Bahrain to address the socio-political conflict between the government and human rights activists. Little to no progress was made in this field.
10. This was shown most by the reimplementing of laws and practices ruled out by the Bahrain Independent Commission of Inquiry. Bahrain has fundamentally failed to engage with the OHCHR in its outright rejection of demands to release prisoners of conscience or to improve its trial procedures. Profoundly discriminatory practices remain. These practices violate freedom of expression, association, and assembly. Additionally, inadequate efforts have been made to achieve progress towards gender equality in Bahrain or to address the issues faced by migrant workers. Finally, the use of the death penalty continues.
11. As such, the submitting organisations urge the international community to learn from these examples and to assess all claims of progress by Bahrain with a due degree of scepticism.
12. The submitting organisations also implore the international community to reiterate and expand the recommendations it made in 2017.
13. Finally, the submitting organisations call on the international community to place meaningful pressure on Bahrain to support and implement all recommendations it receives.

Legal Framework

14. The 2002 Bahraini constitution recognizes in Article 1, paragraphs (d) and (e), the principles of democracy, and gives Bahraini men and women the right to participate in public affairs. It also grants the enjoyment of political rights, including the right to vote and to be elected. Article 4 also states that freedom, equality, and equal opportunities are the pillars of society, guaranteed by the state.ⁱⁱⁱ
15. Furthermore, Article 1 paragraph (e) and Article 31 of the constitution stipulate that the latter rights shall not be deprived of any person except in compliance with rules set by the constitution.
16. The Kingdom of Bahrain has agreed to accede to the International Covenant on Civil and Political Rights and ratified it in 2006.^{iv} This enshrines several rights: the right to political participation, the right to vote, the right to hold elected office, and equality before the law.
17. Nevertheless, although the Constitution of Bahrain and the ICCPR stipulate these principles, the Bahraini law and its application have clearly violated them.
18. On 3 July 2002, the King of Bahrain, by virtue of the powers obtained from the constitution, issued Decree-Law No. 14.^v This regards the exercise of political rights, outlined the electoral process, and defines its conditions, including voting, candidacy, and all other provisions relating to the election of the National Assembly. Additionally, the constitution accredited the king with the power to issue decrees that determine the shape of the electoral districts. It also granted the powers to call for the process of elections and candidacy at the beginning of the sessions of the National Council and the adjournment of the sessions.

Political Isolation Law

19. Despite the constitution and the ratification of ICCPR, an amendment to Decree-law No. 14 of 2002 was enacted in 2006. This 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 misdemeanor of a penalty depriving him of liberty”.*

20. On 14th June 2016, the Government of Bahrain (GoB) announced the dissolution of the Al-Wefaq Islamic Society, closed its headquarters, and seized all its accounts and property.^{vi} The Justice Ministry shut down the opposition group, accusing it of helping to foster violence in the Middle Eastern country.
21. Furthermore, on 31st May 2017, GoB forcibly dissolved the National Democratic Action Party (Wa’ad), closed its headquarters, and seized its properties via lawsuit.^{vii}
22. Similarly, and following the completion of the procedures for the dissolution of two of the largest opposition societies, Law No. 25 of 2018 was enacted on 10th June 2018.^{viii} It amended Article 3 of Decree Law No. 14 of 2002, prohibiting leaders of dissolved political societies were prohibited from running for parliament:

“Replacing the text of the second paragraph of Article 3 of Decree-Law No. (14) Of 2002 regarding the exercise of political rights by the following text:

He shall be prohibited from running for Parliament membership:

- 1- *He who has been convicted of a felony, even if a special pardon is issued for the penalty or he has been rehabilitated.*
 - 2- *He who has been sentenced to imprisonment for premeditated crimes for a period exceeding six months, even if a special amnesty is issued for the penalty.*
 - 3- ***He who is an actual leader as well as members of political societies dissolved by a final judgment for committing a grave violation of the provisions of the Kingdom's constitution or any of its laws.***
 - 4- *He who wilfully harms or disrupts the functioning of constitutional or parliamentary life by terminating or leaving the parliamentary work in the Council, or whose membership has been revoked for the same reasons."*
23. 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.
 24. Consequently, the November 2018 election to the Council of Deputies systematically excluded political figures from formerly prominent political groupings. It constituted legalized and normalized discrimination as well as a violation of human rights.
 25. Additionally, those deprived of the right to vote and to run for office were not only leaders and members of dissolved political societies, Al-Wefaq and Wa'ad but also unaligned politicians with sympathies for the oppositions, as well as human rights defenders, who were not affiliated with any political association.
 26. Several applications made for running in the 2018 parliamentary elections were rejected based on this legislation. Although most of the opposition boycotted the election, those who applied for candidacy were either rejected because of their previous affiliation with dissolved political societies or their political sympathies. The names of some of those impacted are listed below.
 - 26.1. Nader Abdel-Imam;
 - 26.2. Muhammad Hassan Al-Aradi;
 - 26.3. Youssef Al-Buri (former municipal member);
 - 26.4. Hussein Al-Eskafi;
 - 26.5. Majed Al-Majed (former MP);
 - 26.6. Ali Shamtout (former MP);
 - 26.7. Majed Taher;
 - 26.8. Jaafar Dheif;
 - 26.9. Hussein Al-Uwainati;
 - 26.10. Ibrahim Bahr;
 - 26.11. Majid Saleh;
 - 26.12. and Hussein Muhammad Habib
 - 26.13. All of the above were rejected for candidacy.
 27. To justify amending Article 3 of Law No. 14 of 2002, the GoB explained that the law prevents extremists from reaching decision-making centres. This justification clarifies, in the context of events, that the decision to besiege the opposition and isolate it from the political scene and public life in Bahrain, has been taken by the GoB in retaliation for the political positions taken by the opposition from February-March 2011.
 28. The GoB's tendency to isolate and besiege the political opposition in elections and key positions in ministries and state institutions has expanded. It is currently preventing leaders and members of dissolved political societies from running for boards of directors of charitable societies, civil organizations, and sports clubs. This was made possible by the issuing of Decree-Law No. 36 of 2018^{ix} amending Article 43 of Decree-Law No. 21 of 1989. This amendment stated that a member of the board of directors must enjoy their full civil and political rights.
 29. The Ministry of Labour also requires that candidates for boards of directors of CSOs are subject to security checks.^x This will exclude former leaders and members of

dissolved societies, and this is presumably the reason for this policy. It should be noted that 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.

30. 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. They are:
 - 30.1. Sayed Faadel Alawi Abdel Aziz;
 - 30.2. Anwar Makki Hasan;
 - 30.3. Mr. Yasser Alawi Al-Sari;
 - 30.4. Mohammad Hasan Mansour;
 - 30.5. Sayed Jaafar Salman Mahfouth;
 - 30.6. Ali Muhsen Mansour;
 - 30.7. Sayed Mohammad Ahmad Ali;
 - 30.8. Sayed Baaqir Jaafar Mahdi;
 - 30.9. Rajab Jaafar Shaaban;
 - 30.10. Sayed Mahmoud Adnan Makki;
 - 30.11. Ahmad Saleh Mansour;
 - 30.12. Sayed Mahfouth Adnan al-Mahfudh;
 - 30.13. Mohammad Hasan Saleh;
 - 30.14. And Mr. Abdullah Taqi al-Mahfudt.
 - 30.15. All of these individuals' applications were rejected because of their affiliation with dissolved political associations.
31. Moreover, 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.
32. It was also recorded that two members of the Bahrain Women's Union board of directors were excluded in January 2020 because of their political affiliations.
33. Additionally, 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.
34. The GoB's 2017 Exercise of Political Representation Law removed the right of association for swathes of activists; its banning of political groupings also undermines this fundamental freedom.
35. Salam DHR believes this form of imposed political isolation for politicians and activists is not only a human rights violation, but that it stokes future conflict by silencing a social "valve" in the form of elected representation.

Recommendations

36. Based on the above, SALAM DHR recommends the following:
 - 1- The GoB must abide by its constitutional articles.
 - 2- The GoB must fulfil its obligations towards ICCPR by respecting and implementing Article 2, paragraph 1, Article 25, and Article 26 of the Covenant.
 - 3- The GoB should repeal Law No. 25 of 2018 amending Article 3 of Decree Law No. 14 of 2002 regarding the exercise of political rights.

4- The GoB should repeal Law No. 15 of 2018 amending some provisions of the Law of Societies, Social and Cultural Clubs, and Private Bodies working in the Field of Youth and Sports, and Private Institutions issued by Decree-Law No. 21 of 1989.

5- The GoB should withdraw the circular of the Ministry of Labour No. 731/36/2020 issued on 15 January 2020.

6- The GoB should lift all restrictions imposed on opposition regarding candidacy and voting in the parliamentary and municipal elections.

7- The GoB must restore political and civic life by reconsidering the decision to dissolve the opposition political societies: Al-Wefaq Islamic Society, and the National Democratic Action Society (Wa'ad).

8- The GoB must launch a comprehensive national dialogue that contributes to resolving contentious points with the political opposition to establish an end to all violations at the political and human rights levels.

ⁱ [Bahrain's previous Universal Periodic Review cycles](#)

ⁱⁱ [Bahrain: Universal Periodic Review - Midterm Assessment Matrix](#)

ⁱⁱⁱ [Constitution of the Kingdom of Bahrain](#)

^{iv} [Status of ratification by country](#)

^v [Decree-Law No. 14.](#)

^{vi} [Bahrain: UN chief condemns the dissolution of Al-Wefaq political party](#)

^{vii} [Bahrain heading for 'total suppression' of human rights as secular opposition group banned](#)

^{viii} [Law No. 25 of 2018](#)

^{ix} [Decree-Law No. 36 of 2018](#)

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