

Americans for Democracy



& Human Rights in Bahrain



Iraqi Development Organization (IDO)

**A CRITICAL ANALYSIS OF BAHRAIN'S PERFORMANCE AND COMPLIANCE  
WITH ITS INTERNATIONAL OBLIGATIONS SINCE ITS THIRD UPR**

For Consideration ahead of the 41<sup>st</sup> Session of the Universal Periodic Review Working Group

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**Joint Submission to the United Nations  
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**Submitting Organizations**

1. The following submission has been prepared by Americans for Democracy & Human Rights in Bahrain (ADHRB) and Iraqi Development Organization based on data collection carried out by this organization, and information received from independent human rights defenders in Bahrain. ADHRB is a non-profit organization that fosters awareness of, and support for, democracy and human rights in Bahrain and the wider Gulf region. ADHRB has repeatedly requested permission to formally visit Bahrain to consult with official human rights bodies, such as the National Institute for Human Rights (NIHR), but has repeatedly been denied access. Thus far, the Government of Bahrain has declined to cooperate with ADHRB on any level. Iraqi Development Organization (IDO) is a nonprofit organization with offices in Iraq and the United Kingdom, accredited as a non-governmental organization with a special consultative status with the United Nations Economic and Social Council (UN ECOSOC). IDO works on variety of issues related to women and children and especially in the field of mental health and wellbeing.

## **Introduction**

2. Bahrain has been involved in the UPR process since its first cycle in 2012. This report will consider their 3rd cycle review and their performance in regard to implementing recommendations that they accepted after the report was published. The report also makes a thorough evaluation of Bahrain's compliance with its international obligations by reason of having ratified United Nations (UN) Human Rights Treaties, namely the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment, (CAT), International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Elimination of Discrimination against Women (CEDAW).
3. The report finds the Bahrain government is failing to fulfill its obligations as a member of the UN despite its consistent claims that it takes allegations of human rights violations seriously and is taking proactive steps toward improving the human rights situation in the country.

## **Bahrain's 3rd Cycle UPR Mid-Term report**

4. The Bahraini government published a report in 2019 outlining their progress regarding implementation of the 3rd cycle UPR guidelines.<sup>1</sup> The report, however, provides a mostly surface level engagement with the issues that have been raised in this paper, and often fails to acknowledge the most serious concerns that have been raised. These reforms have been ostensibly implemented to whitewash the country's human rights record and present themselves to UN members as a nation that is taking their responsibilities as a member state seriously. The report mentions their willingness to engage with CSOs and insists that they have been in communication with over 20 CSO's, however, CSOs, political opposition, and independent media have been banned since 2017.
5. Despite the vast amount of corroborating evidence the Bahraini government refuses to acknowledge allegations of torture and other forms of inhumane treatment in their mid-term review. This shows a clear disengagement with the recommendations that have been submitted by fellow UN member states, as well as a need for the UN to pressure the government to take their responsibilities as an individual member state seriously.

### **Convention against Torture and other cruel, Inhuman and Degrading Treatment or Punishment (CAT)**

6. Since pro-democracy protests in 2011, there has been a systematic use of torture and inhumane treatment by the Bahraini government. Torture has been used both retributively, as a means of coercing human rights defenders into confessing to alleged crimes and as a deterrent, attempting to ensure that activists' cease their activities. The government continues to deny these allegations rather than conducting investigations to comply with international standards.
7. As reviews of Bahrain's implementation of the third cycle UPR recommendations conducted by Civil Society Organization's (CSOs) have shown, several forms of torture and inhuman treatment have persisted in Bahrain since 2017.<sup>2</sup> The findings illustrate continuous human rights violations in prisons and show that investigative bodies fail to

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<sup>1</sup>Bahrain Government, 2019. Bahrain Government 3rd Cycle UPR Mid Term Report 2019. Bahrain. *Bahraini Citizenship Act* [Bahrain]. 1963. [online] available at: <<https://www.refworld.org/docid/3fb9f34f4.html>> [Accessed 2 July 2021]

<sup>2</sup> BFHR, Salam and GIDHR (2020) *Mid-term Universal Periodic Review (UPR) Assessment Report*. [online] Available at: <<https://www.bfhr.org/english/uploaded/files/Midterm%20UPR%20-%20bahrain.pdf>> [Accessed 2 July 2021].

provide effective and robust action. Since the 2017 UPR, there have been 108 documented cases of torture, ill-treatment, and denial of medical treatment in detention facilities between June and July 2018. Instances of enforced disappearances and sexual torture have also been recorded and are frequent and politically motivated.<sup>3</sup> Furthermore, in the absence of rigorous investigation and punishment of perpetrators in cases of torture and ill-treatment, Bahraini officials continue to assault prisoners. The Criminal Investigations Directorate (CDI) has been a hotbed of coercive interrogation techniques and human rights abuses.<sup>4</sup> The persecution and abuse of human rights defenders and activists demonstrates a clear premeditated effort to punish them and deter the population from speaking out against the government and their gross human rights violations.

8. The BICI report raised issues of impunity in Bahrain and recommended Bahrain to conduct investigations into allegations of torture and ill-treatment by independent and impartial body<sup>5</sup>. This led to the creation of oversight bodies such as the Special Investigations Unit (SIU) and the Prisoners and Detainees Rights Commission (PDRC). However, because these bodies fell under the purview of Ministry of Interior (MoI) and Public Prosecution Office (PPO), they lacked independence and failed to serve the intended roles<sup>6</sup>. Similarly, judicial, and other oversight bodies, such as the Ombudsman, continue to lack independence and impartiality to effectively adjudicate or investigate cases of torture or abuses and hold perpetrators responsible<sup>7</sup>.
9. Dr Abduljalil AlSingace, prominent blogger and HRs activist submitted multiple complaints to judicial bodies claiming to be a victim of severe mental and physical torture since his detention and arrest in 2013, all of which went unheard and uninvestigated<sup>8</sup>. Since July 2021, he has been on a hunger strike in protest of his ill-treatment and abuse in Jau Prison and the confiscation of his academic research.

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<sup>3</sup> *Ibid*

<sup>4</sup> *Ibid*

<sup>5</sup> BFHR, Salam and GIDHR (2020) *Mid-term Universal Periodic Review (UPR) Assessment Report*. [online] Available at: <<https://www.bfhr.org/english/uploaded/files/Midterm%20UPR%20-%20bahrain.pdf>> [Accessed 2 July 2021].

<sup>6</sup> *Ibid*.

<sup>7</sup> <https://www.adhrb.org/author/rpeterston> (2017). Bahrain: Sheikh Nasser Appointed to Top Security Post despite Evidence of Torture | Americans for Democracy & Human Rights in Bahrain. [online] Americans for Democracy & Human Rights in Bahrain. Available at: <https://www.adhrb.org/2017/10/bahrain-sheikh-nasser-appointed-to-top-security-post-despite-evidence-of-torture/> [Accessed 25 Jan. 2022].

<sup>8</sup> *Ibid*, note 9.

10. Similarly, Naji Ali Fateel<sup>9</sup>, prominent HRD and co-founder of BYSHR filed multiple complaints before the SIU, PPO, PDRC and Ombudsman alleging to have been subjected to psychological and physical torture, however, the claims went unheard and uninvestigated.<sup>10</sup> Many officials continue to enjoy total power and get promoted to higher ranks despite evidence of torture against them, thereby promoting a culture of impunity. In October 2017, 5 months after the 3<sup>rd</sup> UPR, the King appointed his son, Sheikh Nasser bin Hamad Al-Khalifa, to serve in the SDC despite evidence against him directly torturing detainees in 2011<sup>11</sup>.
11. Abdulhadi al-Khawaja, one of the Bahrain 13, prominent human rights activist and co-founder of BCHR, was arrested in 2011 for organizing peaceful protests demanding democratic reforms. The BICI report details how the security forces violently arrested Al-Khawaja, inflicting “a hard blow to the side of his face, which broke his jaw and knocked him to the ground. He was taken to the Ministry of Interior (MoI) clinic and then the Bahrain Defense Forces (BDF) Hospital where he had major jaw surgery for four broken bones in his face”<sup>12</sup> and denied treatment in line with the Mandela Rules.
12. On July 26, 2018, ADHRB received an anonymous complaint by a prisoner in Jau stating to have been subjected to interrogation and torture for 25 days whilst being denied legal representation.
13. Authorities did not spare children in committing acts of torture. One such case is of Sayed Redha Fadhul, 15 at the time of his arrest in 2020, was kept in solitary confinement for a month, blindfolded, forced to stand incessant hours, and subjected to physical and psychological torture. Officers also used an electroshock device on him, as well as subjecting him to deprivation of sleep, food, adequate clothing, threat of sexual assault and physical beatings on sensitive parts of his body<sup>13</sup>. Similar to this are the cases of Ali Hasan AlAradi who was only 17 at the time of arrest<sup>14</sup> and Fadhel Abbas Shajjar<sup>15</sup>

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<sup>9</sup> Americans for Democracy and Human Rights in Bahrain. 2020. *Profile in Persecution: Naji Ali Fateel*. [online] Available at: <<https://www.adhrb.org/2020/07/profile-in-persecution-naji-ali-fateel/>> [Accessed 2 July 2021].

<sup>10</sup> Ibid, note 9.

<sup>11</sup> Ibid, note 11.

<sup>12</sup> Report of the Bahrain Independent Commission of Inquiry, 23 November 2011, p.438

<sup>13</sup> Profiles in Persecution: Sayed Redha Fadhul, 2021, ADHRB

<sup>14</sup> Profile in persecution: Ali Hasan AlAradi, 2020, ADHRB

<sup>15</sup> Profile in persecution: Fadhel Abbas Shajjar, 2018, ADHRB

who was subjected to torture as a minor.

14. Numerous cases show that the Bahraini authorities employ a variety of torture methods on detainees and prisoners, or their family members, to stifle fundamental rights in the country. Some of the methods documented include electrocution, excessive physical beatings, and abuse, forced nudity, sexual harassment and assault, rape, making them crawl into a pool of water contaminated with human waste, deprivation of sleep, water and food, solitary confinement, denial of healthcare, denaturalization, etc. The following cases evidence the use of such tactics and other malpractices by the Bahraini authorities in breach of their obligation under CAT, ICESCR and ICCPR.
15. For example, the arrest, enforced disappearance and torture of Ebrahim Marhoon in 2013 merely for exercising his right to belief and observing Shia rituals. 25-year-old, Ali Habib Saleh, was judicially harassed by Bahraini authorities four times. At his 4<sup>th</sup> arrest in March 2017 he was arbitrarily arrested, taken to CID, tortured, tried in absentia, and sentenced to 8 years in total.
16. Similar are the cases of Mohamed Hameed AlDaqqaq, Taha Sayed Shubar, Jaafar Mohamed Shughul, Ahmed Abdul Hasan Husain, Husain Mohsen Al-Meftah, Husain Abdulla Khalaf, Hesham Abduljalil AL Sabbagh, Habib Hasan Yusuf, Ali Husain AlAali, Isa Ebrahim Hasan, Hasan Ali Fateel, Ali Ebrahim Salman, Husain Ali Muhanna, Hasan Moosa Ali, Aqeel Hasan AbdulNabi, Mohamed Ahmed Husain Ahmed, Abdulla Habib Swar, Najji Ali Fateel, Husain Ali Saad, Mohamed Radhi Hasan, Jasim Mohamed AlEskafi, Husain AlSari, Mohamed Abdulla, Ali Mohamed Hasan, Hasan Ali Shahdad AlBalooshi and thousands of others like them<sup>16</sup>. The NGOs BFHR, SALAM and GDHR have, between June and July 2018, documented 108 cases of torture, ill-treatment, and denial of medical assistance by security forces in Bahrain<sup>17</sup>.

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<sup>16</sup> Americans for Democracy & Human Rights in Bahrain. (2022). *You searched for profile in persecution | Americans for Democracy & Human Rights in Bahrain*. [online] Available at: <https://www.adhrb.org/?s=profile+in+persecution> [Accessed 25 Jan. 2022].

<sup>17</sup> Ibid, note 9.

17. Citizens continue to be tried in Military Courts in contravention of fair trial rights enshrined under Article 10 UDHR, Article 14 ICCPR and BICI report.<sup>18</sup> In December 2017, the Military Court sentenced six individuals to death and seven individuals to 7 years imprisonment on terror related charges and revoked their Citizenships<sup>19</sup>. Mohamed Yusuf AlAjmi, one of 17 Bahraini civilians tried before a military court in December 2017, was sentenced to 132 years in prison as life imprisonment and was denaturalized<sup>20</sup>.
18. In November 2020, The Bahraini High Criminal Court convicted 51 individuals to prison sentences ranging from 5 years to life in a mass trial, over half of whom were sentenced in absentia on politically motivated charges, bereft of fair trial and due process using confession obtained under duress and torture<sup>21</sup>. These mass trials reflect the escalation of ongoing crackdowns on religious and cultural figures, political dissidents, and peaceful activists at the behest of the Bahraini government and at the hands of Bahraini authorities.
19. In 2019, the highest Court also upheld the death sentence of detainee Maher Abbas al-Khabbaz despite his alibi and without warrant for allegedly killing a policeman with a fire gun in 2013<sup>22</sup>. In July 2020, 39 French parliamentarians wrote to the Bahraini government to commute all death sentences and to allow fresh trials that respect international standards and norms around due process rights<sup>23</sup>. In September 2020, ADHRB rendered an oral intervention at the 45<sup>th</sup> UN HRC urging the council to request Bahrain commute the death sentences of all 12 political prisoners facing imminent execution and to allow the Special Rapporteur on torture to visit the country and ensure

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<sup>18</sup> Americans for Democracy and Human Rights in Bahrain. 2018. Appeal Case for Bahraini Military Conviction of Civilians Postponed [online] Available at: <<https://www.adhrb.org/2018/01/appeal-case-for-bahraini-military-conviction-of-civilians-postponed/>> [Accessed 2 July 2021]

<sup>19</sup> Americans for Democracy and Human Rights in Bahrain. 2017. Bahrain Issues Six New Death Sentences for Terror Charges in Military Trial [online] Available at: <<https://www.adhrb.org/2017/12/bahrain-issues-six-new-death-sentences-for-terror-charges/>> [Accessed 2 July 2021]

<sup>20</sup> Profiles in Persecution: Mohamed Yusuf AlAjmi, 2018, ADHRB

<sup>21</sup> Americans for Democracy and Human Rights in Bahrain. 2020. Bahrain Convicts 51 People in Mass Trial Marred by Torture Confessions Due Process Violations [online] Available at: <<https://www.adhrb.org/2020/11/bahrain-convicts-51-people-in-mass-trial-marred-by-torture-confessions-due-process-violations/>> [Accessed 2 July 2021]

<sup>22</sup> Americans for Democracy & Human Rights in Bahrain. 2018. *Bahrain: Maher Al-Khabbaz Awaits Impending Execution Following Flawed Trial* | Americans for Democracy & Human Rights in Bahrain. [online] Available at: <<https://www.adhrb.org/2018/02/bahrain-maher-al-khabbaz-awaits-impending-execution-following-flawed-trial/>> [Accessed 2 July 2021].

<sup>23</sup> Americans for Democracy & Human Rights in Bahrain. 2020. *39 French Parliamentarians Call on Bahrain not to Execute two Torture Victims* | Americans for Democracy & Human Rights in Bahrain. [online] Available at: <<https://www.adhrb.org/2020/07/38-french-parliamentarians-call-on-bahrain/>> [Accessed 2 July 2021].

Bahrain's compliance with the CAT<sup>24</sup>.

### Denaturalization as a weapon

20. Since 2017, the number of citizenship revocations have increased, despite multiple recommendations in the UPR to halt this practice.<sup>25</sup> The Bahraini government has manipulated its vague domestic laws to claim “terrorist activities” as the justification for stripping critics of their citizenship whereas most of these acts are often not even internationally recognized as criminal. While several citizenships were reinstated, there are still 434 citizens who have been rendered stateless by Bahrain, a gross violation of the Universal Declaration on Human Rights (UDHR) which protects the right to citizenship.<sup>26</sup>

## **International Covenant on Civil and Political Rights (ICCPR)**

### Freedom of Expression, press and media

21. Severe restrictions on civil and political rights continue to engulf Bahrain through the government imposing limitations on exercise of all fundamental rights such as freedom of expression, assembly, association, press and religion of Bahraini citizens, opposition political parties, NGOs, and other civil society actors. Whenever these factions have tried to function, the government has responded through means of reprisals, physical and mental harassment, torture, arbitrary arrest, and imprisonment, which have increased multifold times and become a routine since the 2011 pro-democracy protests.

22. The government has put the exercise of these rights under greater threat through the introduction and amendment of its vague laws such as the Penal law, 2006 Anti-terror

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<sup>24</sup> Americans for Democracy & Human Rights in Bahrain. 2020. *Bahrain must drop death penalty sentences against victims of torture* | Americans for Democracy & Human Rights in Bahrain. [online] Available at: <<https://www.adhrb.org/2020/09/bahrain-must-drop-death-penalty-sentences-against-victims-of-torture/>> [Accessed 2 July 2021].

<sup>25</sup> Human Rights Watch. 2021. *World Report 2020: Rights Trends in Bahrain*. [online] Available at: <<https://www.hrw.org/world-report/2021/country-chapters/bahrain>> [Accessed 1 July 2021].

Institutesi.org. 2021. Institute Statelessness and Inclusion. [online] Available at: <<https://www.institutesi.org/resources/report-arbitrary-revocation-of-nationality-in-bahraina>> [Accessed 2 July 2021].

<sup>26</sup> Bfhr.org. 2020. *Mid-term Universal Periodic Review (UPR) Assessment Report*. [online] Available at: <<https://www.bfhr.org/english/uploaded/files/Midterm%20UPR%20-%20bahrain.pdf>> [Accessed 2 July 2021].



Law, 2002 Press and Publication law and the Cybercrime law, to criminalize civilians simply for exercising their right to freely express criticism. Article 169 of the Penal Code penalizes any publication authorities consider to be untrue, undermining of public peace or State creditworthiness, insulting the king or the national flag or emblem. The 2006 Anti-terror law empowers authorities to penalize individuals as ‘terrorists’ for speech intending to harm security or national and international unity. In 2013 and 2014 this law was amended to give more powers of evading due process in such cases (Articles 29 and 30)<sup>27</sup>.

23. Likewise, Articles 19, 20, 70 and 78 of the Press Law are used to intimidate, abuse, and prosecute journalists and activists working online or abroad for criticizing the government or advocating for change in the government<sup>28</sup>. Authorities can block a website without court order on grounds it encroaches on State religion or jeopardizes public peace and security. Article 88 of the law requires Bahraini journalists to obtain and renew license through the IAA (Bahrain’s information Ministry), but the authority creates hurdles for journalists or media houses to work efficiently. For example, Nazeeha Syeed<sup>29</sup> and Moosa Abd-Ali<sup>30</sup> have both faced severe torture and abuse at the hands of Bahraini authorities and other reprisals on account of their journalism highlighting human rights violations in their country. In 2017, Bahrain’s prominent independent newspaper ‘Al Wasat’ was shut down for ‘violating the law and publishing information intended to sow division in society and affecting Bahrain’s relation with other States’<sup>31</sup>.

24. Furthermore, expression on the internet by political activists, journalists, HRDs and citizens is also punishable by the State through the Cybercrime law. This law empowers the IAA to filter content on the internet and social media and to block any website it

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Front Line Defenders. n.d. *Case History: Nazeeha Saeed*. [online] Available at: <<https://www.frontlinedefenders.org/en/case/case-history-nazeeha-saeed>> [Accessed 1 July 2021].

<sup>30</sup> Americans for Democracy & Human Rights in Bahrain. 2019. *HRC42 Written Statement: ADHRB unequivocally condemns the attack on Photojournalist by Bahraini Embassy in London | Americans for Democracy & Human Rights in Bahrain*. [online] Available at: <<https://www.adhrb.org/2019/09/hrc42-written-statement-adhrb-unequivocally-condemns-the-attack-on-photojournalist-by-bahraini-embassy-in-london/>> [Accessed 1 July 2021].

<sup>31</sup> Aljazeera.com. 2017. *Bahrain newspaper, shut down by government, fires staff*. [online] Available at: <<https://www.aljazeera.com/news/2017/6/25/al-wasat-newspaper-shut-down-by-bahrain-fires-staff>> [Accessed 1 July 2021]

perceives to be critical of the monarchy or country or promoting sectarianism<sup>32</sup>. In October 2020, Freedom House's Freedom on Net periodic report assigned Bahrain a score of 29/ 100 (with 100 being most free)<sup>33</sup>.

25. Authorities also blocked the Telegram app, which was used by independent media outlets, political opposition members, and even the websites of BCHR and Al-Quds al-Arabiya London-based newspaper. Bahrain Mirror, a popular news site, also remains blocked<sup>34</sup>. In 2018 an independent news outlet Awal Online was blocked a month after its launch for criticizing a long-term government minister<sup>35</sup>. In 2019 Bahraini users posted over 800 comments urging the Government to release political prisoners but the government responded by blocking comments on the post<sup>36</sup>.
26. In 2020, Bahraini historical researcher Jassim Al-Abbas posted about a historical mosque and mentioned the previous ruler of Bahrain before the Al-Khalifa ruling family. He was arrested and charged with publishing wrongful information and his account was suspended<sup>37</sup>. Nabeel Rajab, prominent HRD and President of BCHR also faced prosecution because of his work and tweets criticizing the government<sup>38</sup>. He was conditionally released in June 2020 under the Alternative Sentencing program.
27. In 2019, the government amended the Press and Media Law of 2002 to introduce the harmful concept of social media misuse and tougher penalties in case of its breach.<sup>39</sup> Social media misuse now includes anything which the government considers "to threaten community peace, cause division, and weaken national unity"<sup>40</sup>. For example, in May 2019, Bahraini authorities sent a text warning to every registered number under its territory not to follow accounts it had defined as "pro-terrorist, biased or inciting

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<sup>32</sup> Ibid, note 2

<sup>33</sup> Ecoinet. 2020. *Freedom House: "Freedom on the Net 2020 - Bahrain"*, Document #2039053 - *ecoinet*. [online] Available at: <<https://www.ecoi.net/en/document/2039053.html>> [Accessed 1 July 2021].

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid, note 10.

<sup>37</sup> Ibid.

<sup>38</sup> Front Line Defenders. n.d. *Nabeel Rajab Re-Arrested Despite Court Order to Temporarily Release Him*. [online] Available at: <<https://www.frontlinedefenders.org/en/case/case-history-nabeel-rajab>> [Accessed 1 July 2021].

<sup>39</sup> Americans for Democracy & Human Rights in Bahrain. 2021. Bahrain: "Social Media Misuse" and Suppression of Dissent Violate ICCPR | *Americans for Democracy & Human Rights in Bahrain*. [online] Available at: <<https://www.adhrb.org/2021/02/bahrain-social-media-misuse-and-suppression-of-dissent-violate-iccpr/>> [Accessed 2 July 2021].

<sup>40</sup> Ibid.

hatred.”<sup>41</sup>

28. That same year, the authorities prosecuted human rights lawyer Abdullah al-Shamlawi, who has represented prominent opposition figures such as Sheikh Ali Salman (imprisoned leader of largest opposition organization Al Wefaq), for being part of a campaign against governmental authority’s attacks on defense lawyers and HRs activists<sup>42</sup>. Al-Shamlawi was also convicted for “inciting hatred on religious sects and misusing telecommunication devices”.<sup>43</sup>
29. Despite Bahrain consistently accepting UPR recommendations pertaining to freedom of expression, the evidence on the ground demonstrates insufficient progress is being made. Over the last two years, the Government of Bahrain has taken increased measures to criminalize dissent expressed on social media by imposing strict censorship on online content. Authorities have also continued to target human rights defenders, journalists, bloggers, and activists, in particular, because of their online dissidence.<sup>44</sup> A prime example of this is the case of Najah Yusuf, a former civil servant who was detained and subjected to physical and sexual abuse before being imprisoned in response to an online post where she criticized the Bahrain government for human rights abuses and questioned why the country was allowed to stage a Grand Prix event despite its human rights record.<sup>45</sup>
30. The government has also continued to suppress activists' ability to use physical space in the country to protest the government, with all public protests being banned since 2012. In 2017, Bahrain security forces used teargas, rubber bullets and birdshot against people

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<sup>41</sup> Ibid.

<sup>42</sup> Human Rights Watch. 2020. *Bahrain: Lawyers Prosecuted on Speech Charges*. [online] Available at: <<https://www.hrw.org/news/2020/09/09/bahrain-lawyers-prosecuted-speech-charges>> [Accessed 2 July 2021].

<sup>43</sup> Ibid.

<sup>44</sup> Americans for Democracy & Human Rights in Bahrain (ADHRB), 2019. Mid-Term Assessment of the Universal Periodic Review - Bahrain.

<sup>45</sup> Oppenheim, M., 2019. *Bahraini activist jailed after criticizing Formula One ‘considered suicide’ after rape and abuse by authorities*. [online] The Independent. Available at: <<https://www.independent.co.uk/news/world/middle-east/bahrain-formula-one-woman-jailed-prison-najah-yusuf-rape-abuse-a9170871.html>> [Accessed 2 July 2021].

in a peaceful demonstration in Diraz, killing six, including one child, and injuring hundreds more.<sup>46</sup> In April 2021, security forces used force against peaceful protestors, and arrested family members of prisoners who took part in demonstrations which demanded the government release political prisoners amidst the Covid-19 outbreak in Jau Prison.

31. The evidence, therefore, shows that the Bahrain government has not taken the recommendations from the UPR seriously and they continue to systematically suppress their people's right to freedom of expression.

#### Freedom of Association and Assembly and Right to participate in political life

32. Bahrain has failed in acceding to the Optional Protocol to the International Civil and Political Rights and Optional Protocol to ICCPR aiming at abolition of Death Penalty and has gone on to violently suppress mass pro-democracy protests and dissent against the government. The Kingdom has effectively abandoned all political and human rights reform programs, including the National Action Charter and the Bahrain Independent Commission of Inquiry Recommendations (BICI), and eliminated all civil and political space necessary to building accountability and bringing progressive democratic changes in the country for the betterment of the society.

33. Since 2007, the government has not allowed a single UN Special Procedures to visit the country to assess the ground situation and has effectively cancelled a visit from the High Commissioner for Human Rights.<sup>47</sup> 'Bahrain has failed to openly and meaningfully engage with any international human rights mechanisms, and refused to implement the vast majority of recommendations made to it during its Universal Periodic Review (UPR) process',<sup>48</sup> acting in complete derogation of its obligation under ICCPR for which it must be held accountable at any cost by the International community.

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<sup>46</sup> Amnesty.org. 2021. Bahrain: At least one dead and hundreds injured as government violently cracks down on opposition. [online] Available at: <<https://www.amnesty.org/en/latest/news/2017/05/bahrain-at-least-one-dead-and-hundreds-injured-as-government-violently-cracks-down-on-opposition/>> [Accessed 25 June 2021].

<sup>47</sup> *Submission to the United Nations Human Rights Committee for Bahrain's Review under the International Covenant of Civil and Political Rights*. [online] Available at: <[https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2018/07/INT\\_CCPR\\_CSS\\_BHR\\_31378\\_E.pdf](https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2018/07/INT_CCPR_CSS_BHR_31378_E.pdf)> [Accessed 1 July 2021].

<sup>48</sup> Ibid.

34. The 2012 amendments to the Constitution imposed limitations on the power of the King to consult with the Shura/ Consultative Council, the unelected upper house, and Speaker for the Council of Representative before dissolving the National Assembly, however, broader problems with the consultative structure undermine such checks as the King needs only to inform the National Assembly before dissolving it.<sup>49</sup> Furthermore, every law needs to be passed by both the Councils *ad idem* before being sent to the King for final approval. Both the houses also lack the power to alter royal decrees, and the King often bypasses the National Assembly altogether by issuing laws when it is in recess.<sup>50</sup> Independent studies have found that Bahraini authorities have “targeted redistricting to dilute Shia majority community”<sup>51</sup>. This is evidenced from the act of the government arbitrarily dissolving a major opposition Shia group in the Kingdom, *Al-Wefaq*, in the year 2016 on sectarian lines to prevent them from gathering more votes.<sup>52</sup> Moreover, the government has imposed restrictions on political participation of imprisoned HRDs and political prisoners to prevent free and fair elections as is evidenced from the 2018 elections. The government in 2018 amended Law no 14/2002 known as the Law on Exercise of Political Rights, to target and prevent the candidacies of prominent Shia political figures contesting elections.<sup>53</sup> This law “[a]ffects the remaining thousands of prisoners of conscience who were arrested for their political opposition or human rights beliefs”.<sup>54</sup>

35. Nominally being a constitutional monarchy, all powers are concentrated in the hands of the Sunni Al Khalifa ruling family and all important posts are held by its Sunni supporters. The members of the upper house and National Assembly, by reason of being appointed by the King, lack the capacity to effectively check the monarchy’s power<sup>55</sup>, placing unbridled powers in the hands of the royal family. The Constitution empowers the King to establish military courts to try civilians during a state of National Safety,

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid, note 12.

<sup>53</sup> Americans for Democracy & Human Rights in Bahrain. 2018. *Bahrain Moves to Ban Opposition Ahead of 2018 Elections* | *Americans for Democracy & Human Rights in Bahrain*. [online] Available at: <<https://www.adhrb.org/2018/05/bahrain-moves-to-ban-opposition-ahead-of-2018-elections/>> [Accessed 2 July 2021].

<sup>54</sup> Americans for Democracy & Human Rights in Bahrain. 2021. *The Five-Year Trend of Political Repression in Bahrain* | *Americans for Democracy & Human Rights in Bahrain*. [online] Available at: <<https://www.adhrb.org/2021/03/the-five-year-trend-of-political-repression-in-bahrain/>> [Accessed 2 July 2021].

<sup>55</sup> Ibid, note 19.

something that has been exercised by the King since the 2011 pro-democracy protests by the creation of National Safety Courts run by the military. Thousands of individuals have been arrested, charged and convicted on politically motivated charges by the military court “in proceedings marred by due process violations including torture, forced confessions, and a general lack of transparency”<sup>56</sup>. The King also restored power to the NSA, the Bahraini intelligence agency, which was responsible for subjecting political activists and HRDs to widespread and systematic arbitrary detention, torture and extra judicial killings.<sup>57</sup>

36. In January 2017, Bahrain ended the de facto moratorium on the death penalty and executed more than 3 torture victims who were convicted by a military court following an unfair trial in violation of their due process rights. These actions of the Bahraini government are in violation of all ICCPR, BICI and UPR recommendations.<sup>58</sup> In 2019, Bahrain executed 3 men who had been sentenced to death in a mass trial marred by allegations of torture and serious due process violations.<sup>59</sup> A report on Bahrain in 2020 stated, currently there are 27 individuals on death row with 25 at imminent risk of execution.<sup>60</sup> Furthermore, the highest court of Bahrain (court of Cassation) upheld the death sentences of Mohamed Ramadan and Hussein Ali Moosa despite their complaints of having been subjected to torture and unfair trial.<sup>61</sup>

37. Since the 2011 pro-democracy protests, the government has imposed a blanket ban on all demonstrations, marches, sit-ins, religious gatherings, and funeral processions. The government has prohibited and outlawed peaceful assemblies, providing the MoI with ample powers to ban rallies near “security sensitive areas” further expanding their powers through amendments in the Public Gathering Law.<sup>62</sup> Anyone who participates in any kind of demonstration without authorization from the government, or in the event of

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Human Rights Watch. 2021. *World Report 2020: Rights Trends in Bahrain*. [online] Available at: <<https://www.hrw.org/world-report/2021/country-chapters/bahrain>> [Accessed 1 July 2021].

Institutesi.org. 2021. Institute Statelessness and Inclusion. [online] Available at: <<https://www.institutesi.org/resources/report-arbitrary-revocation-of-nationality-in-bahraina>> [Accessed 2 July 2021].

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid, note 19.

invalidation of the application, all the participants of such demonstration are labelled as criminals and subjected to the consequences set out under Article 13 in conjunction with broad laws such as anti-terror law or cyber security law.<sup>63</sup>

38. In 2014 the government made amendments to its Citizenship Law to penalize dissenters in contravention of the ICCPR, UDHR and Article 29 of the Arab Charter for Human Rights. Sheikh Isa Qassim, a prominent Shia spiritual cleric, was punished for being part of a non-violent sit-in around his home Diraz and was denaturalized as a consequence, which led to further protests, leading to arrests and killings of many more protestors.<sup>64</sup>

39. According to BIRD, since 2012, the Bahraini authorities have been guilty of denaturalizing 738 nationals – 238 in 2018 alone – as a political weapon to hammer mass anti-government protests, all of which have been handed down by civil and military courts.<sup>65</sup> ADHRB director of advocacy Husain Abdulla and BIRD advocacy director Syed Alwadaei have both fallen victim to citizenship revocation as reprisals for their Human rights advocacy work. This is in clear violation of international norms and obligations.

40. In 2019, despite claims of torture, abuse and due process rights violations, the 4<sup>th</sup> High Criminal Court in Bahrain revoked citizenship of 139 dissenters on terror charges in a mass trial (Hezbollah Cell), bringing the total number of denaturalized individuals in Bahrain in 2019 to 990.<sup>66</sup>

### **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

41. Despite ratifying the Convention in 2002, Bahrain has not yet acceded to its Optional Protocol,<sup>67</sup> and continues to maintain blanket reservations against Articles 2, 9(2), 15(4),

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<sup>63</sup> Ibid, note 19.

<sup>64</sup> Ibid, note 2.

<sup>65</sup> Human Rights Watch. 2018. *Bahrain: Hundreds Stripped of Citizenship*. [online] Available at: <<https://www.hrw.org/news/2018/07/27/bahrain-hundreds-stripped-citizenship>> [Accessed 2 July 2021].

<sup>66</sup> Americans for Democracy & Human Rights in Bahrain. 2019. *ADHRB Condemns the Verdicts Issued in the "Bahrain Hezbollah" Case and the Denationalization of 138 Defendants* | *Americans for Democracy & Human Rights in Bahrain*. [online] Available at: <<https://www.adhrb.org/2019/04/adhrb-condemns-the-verdicts-issued-in-the-bahrain-hezbollah-case-and-the-denationalization-of-138-defendants/>> [Accessed 2 July 2021].

<sup>67</sup> United Nations Human Rights Office of the High Commissioner. 2021. Status of Ratification Interactive Dashboard. [ONLINE] Available at: <<https://indicators.ohchr.org/>> [Accessed 2 July 2021].

16 and 29(1) of the Convention<sup>68</sup> citing interference with Islamic law. The government has repeatedly fallen behind in fulfilling its promises to initiate legal reforms, in line with the Convention, to better guarantee legal protection to women, and has contributed to a culture of widespread and systematic discrimination against women in Bahrain.

Furthermore, the government has deferred the visits of the UN Special Procedures mandate since 2006 despite repeated requests from the Working group on discrimination against women.<sup>69</sup> In 2020, Bahrain clearly stated that it will not ratify the Optional Protocol because it undermines national sovereignty.<sup>70</sup>

42. Despite repeated promises, the government has failed to initiate legal reforms in the Kingdom to correct existing discriminatory laws against women, enable gender equality and ensure their participation in the political and economic arena.<sup>71</sup> The government has failed to unify its Family law and Nationality legislation and Citizenship Act, exposing women and children to an increased risk of discrimination, or in some cases even statelessness.<sup>72</sup> Instead of bringing about necessary changes in its laws to better protect women, the government has intensified judicial harassment of women human rights defenders and activists and even imposed sanctions on their freedom of movement.<sup>73</sup> The Supreme Council for Women (SCW), headed by Sheikha Sabika bin Ibrahim Al Khalifa, wife of the King, is tasked with the responsibility to address and redress the grievances of women and to work towards advancement of gender equality. This organization is merely another tool to whitewash the violations that continue to be committed by the Government, hindering the precarious situation of women in the Kingdom.

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<sup>68</sup> Ibid, note 1.

<sup>69</sup> Americans for Democracy & Human Rights in Bahrain. 2017. *HRC35 Item 5 Oral Intervention: Bahrain's Refusal to Cooperate with Rapporteurs* | Americans for Democracy & Human Rights in Bahrain. [online] Available at: <<https://www.adhrb.org/2017/06/hrc35-item-5-oral-intervention-bahrains-refusal-cooperate-rapporteurs/>> [Accessed 1 July 2021].

<sup>70</sup> UN CEDAW. 2020. *Replies of Bahrain to the list of issues and questions in relation to its fourth periodic report*. [online] Available at: <[file:///C:/Users/Dharmesh%20Sharma/Downloads/CEDAW\\_C\\_BHR\\_RQ\\_4-EN.pdf](file:///C:/Users/Dharmesh%20Sharma/Downloads/CEDAW_C_BHR_RQ_4-EN.pdf)> [Accessed 2 July 2021].  
UN HRC. 2018. *Concluding observations on the initial report of Bahrain*. [online] Available at: <[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BHR/CCPR\\_C\\_BHR\\_CO\\_1\\_31860\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/BHR/CCPR_C_BHR_CO_1_31860_E.pdf)> [Accessed 2 July 2021]

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.



43. Though Article 18 of the Bahraini Constitution prohibits discrimination on the basis of sex, the Kingdom's legal system doesn't guarantee this protection in practice.<sup>74</sup> The Family law dealing with matrimonial matters does not apply to either its Shia majority population or even non-Muslims, and fails to take "into account relevant laws of various Islamic schools or work to advance the role of women".<sup>75</sup> Though the Government amended its Family Law in 2017, it still discriminates against women's right to marry someone of choice, to divorce or even extend citizenship to her child. Article 17 of the Law creates a loophole for a guardian to marry her in absence of her consent and Article 40 prevents her from aborting her pregnancy or leaving her matrimonial house without the husband's consent.<sup>76</sup> The absence of a unified family law created hurdles for women of both Sunni and Shia sects in seeking to secure a divorce because of the practice of *khula* as many lack the financial independence to incur the costs of *khula*.<sup>77</sup> Men normally use and abuse this law by demanding more money than usual to create impediments of securing a divorce. Furthermore, women can claim social welfare benefits only through their husband and if she attempts to file for divorce on the ground of abandonment, she runs the risk of being blacklisted from social spheres.<sup>78</sup> Furthermore, the Kingdom legalizes child marriage in contravention to its international obligation under the Convention on the Rights of the Child (CRC) which it acceded to in 1992.

44. Besides this, Bahrain's Citizenship Law of 1963<sup>79</sup> also discriminates against women by prohibiting the passage of citizenship to her child. This is discriminatory as a Bahraini man can pass on citizenship to his foreign wife and child born from such wedlock while a woman can do so only if her husband is a Bahraini. Though the government drafted a law in 2014 to enable women to pass citizenship rights to children born from a foreign wedlock, it has yet to be enforced. This puts many children at the risk of statelessness and being deprived of their right to education, own property, obtaining healthcare and even travel restrictions.<sup>80</sup>

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<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid, note 1.

<sup>77</sup> Ibid, note 5.

<sup>78</sup> Ibid, note 1.

<sup>79</sup> Bahraini Citizenship Act (Amended 1981), Kingdom of Bahrain, 1963

<sup>80</sup> Ibid, note 1.

45. In 2015, the government granted the Office of Public Prosecution and Courts greater authority to address domestic violence, but the law still fails to address and effectively criminalize domestic violence and marital rape.<sup>81</sup> Previous reviews by ICCPR, CEDAW and ADHRB show that Bahrain has done little to outlaw its diabolical law under Article 353 of the Bahraini Penal Code which grants security to ‘a rapist’ from punishment in case of marriage with the victim. In its recent response to the CEDAW Committee, Bahrain has stated its intention to repeal this Article, but has not suggested when the Bill will be introduced in its legislature.<sup>82</sup> The Human Rights Committee in 2018 expressed its concerns over violence against women being a serious continuous problem in Bahrain and the above Article exempting rapists from penal consequences.<sup>83</sup> The Committee also expressed concerns regarding persistence of polygamy in the State regulated by the Family Law, continuation of early marriage practice in the Kingdom, and women not having equal rights with men in conferring citizenship to her children, etc.<sup>84</sup> Such laws deter women from approaching legal doors and seeking justice.

46. Furthermore, despite the government’s claims of promoting women empowerment in the region, women still face discriminatory practices in political and economic spheres. “In 2017, female economic participation was assessed at 53.7%, dropping from 2015, with women earning about 21% less than men.”<sup>85</sup> Female leadership roles in the Kingdom have decreased as well “with women in Parliament around 8.1% in 2017 and women in Ministerial roles falling to 4.8%”<sup>86</sup> stripping women of any effective political role in uplifting their community and making their grievances heard and addressed.

47. Both during and after the 2011 pro-democracy demonstrations, women HRDs, activists and journalists were placed at a heightened risk of abuse, torture and ill-treatment by reason of their activism, with the government citing broad reasons of threats to national security and in breach of the Kingdoms laws guaranteeing these rights. Below are profiles of some WHRDs and journalists who have faced reprisals for their human rights work in

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<sup>81</sup> Ibid.

<sup>82</sup> Ibid, note 6.

<sup>83</sup> UN HRC | Concluding observations on the initial report of Bahrain. 2018

<sup>84</sup> Ibid.

<sup>85</sup> Ibid, note 1.

<sup>86</sup> Ibid.

the Kingdom.

48. Ebtisam Al Saegh, a prominent woman HRD was arbitrarily arrested, detained, sexually abused and tortured in return for her human rights work. She was even threatened of the abuse extending to her family if she did not cease her activities. In 2017, she was detained for 7 hours after her return from the 34<sup>th</sup> Session of the United Nations Human Rights Council and even faced travel restrictions for it. She was charged and tried on terrorism related offences under the Anti-Terror law.<sup>87</sup>
49. Journalist Nazeeha Saeed, a Bahraini HRD and journalist, was charged for practicing without prior permission from the IAA. She was arrested, severely abused and tortured by the authorities for her work advocating for women's right to expression and even faced travel bans for the same.<sup>88</sup> In addition, Bahraini authorities have arrested over 300 journalists on vague charges in relation to their exercise of their right to expression and association.<sup>89</sup> In 2016, Eman Salehi, a young journalist, was killed by a Bahraini military officer, in front of her 6 year old son, for having refused to take his number.<sup>90</sup>
50. Najah Yusuf, a Bahraini civil servant and HRD was tortured, threatened with rape and murder of her children, psychologically, physically and sexually abused and harassed by the National Security Agency in retaliation of her human rights work and for criticizing Formula 1 in the country. In an interview with the *Independent* she stated to have contemplated suicide after suffering gruesome abuse and rape at the hands of the authorities.<sup>91</sup> In 2019 she was released following a royal pardon with the UN Working group on Arbitrary Detention declaring her detention as arbitrary & violative of international law.

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<sup>87</sup> Front Line Defenders. n.d. *Ebtisam Al Saegh Arrested Abused in Prison*. [online] Available at: <<https://www.frontlinedefenders.org/en/case/ebtisam-al-saegh-arrested-abused-prison>> [Accessed 1 July 2021].

<sup>88</sup> Front Line Defenders. n.d. *Case History: Nazeeha Saeed*. [online] Available at: <<https://www.frontlinedefenders.org/en/case/case-history-nazeeha-saeed>> [Accessed 1 July 2021].

<sup>89</sup> *Ibid*, note 5.

<sup>90</sup> ohchr. n.d. The safety of journalists and the issue of impunity in Bahrain and Saudi Arabia [online] Available at: <<https://www.ohchr.org/Documents/Issues/Journalists/GA72/AmericanDemocracyHumanRightsBahrain.pdf>> [Accessed 2 July 2021].

<sup>91</sup> <https://www.independent.co.uk/news/world/middle-east/bahrain-formula-one-woman-jailed-prison-najah-yusuf-rape-abuse-a9170871.html>

51. In 2013, HRD Zainab AlKhawaja (daughter of prominent HRD Abdulhadi Al Khawaja) has been arrested several times since 2013 in connection with her human rights activities until she was released on humanitarian grounds in 2016<sup>92</sup>, whereafter she fled the country after threats of arresting her again started resurfacing. This exposes challenges faced by women HRDs and journalists by reason of their gender.

## **Conclusion**

52. As evidence in this report has shown, Bahrain has consistently failed to implement the recommendations proposed to it under the 3rd cycle UPR in 2017. This conclusion is in line with its unsatisfactory response to the previous UPR cycles, as well as the flagrant disregard of its international obligations under various UN human rights treaty bodies, namely CAT, ICCPR and CEDAW. This has caused the political and civil space in the Kingdom to become non-existent, leaving little to no scope for any plausible reforms, consequently ruining the entire social fabric of the country.

53. These violations have further intensified in the wake of the COVID-19 global pandemic with the authorities continuing to expose its HRDs, political prisoners, activists, and journalists to blatant acts of torture, abuse and medical negligence. These acts perpetrated by the Government and its authorities are in contravention of the United Nations Standard Minimal Rules for the Treatment of Prisoners (Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). Though a royal decree of pardons was issued on 12<sup>th</sup> April to 91 prisoners, these numbers did not include any prisoners of conscience or political prisoners.

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<sup>92</sup> Front Line Defenders. n.d. *Case History: Zainab Al Khawaja*. [online] Available at: <<https://www.frontlinedefenders.org/en/case/case-history-zainab-al-khawaja>> [Accessed 1 July 2021].