



## Bahrain

### Joint Submission to the UN Universal Periodic Review – Consolidated Version

27<sup>th</sup> Session of the UPR Working Group – May 2017

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### **1. (A) Introduction**

- 1.1** In this consolidated UPR document<sup>1</sup>, CIVICUS, BCHR and GCHR examine the Government of Bahrain's compliance with its international human rights obligations to promote, protect and fulfil the rights to freedom of association, assembly, and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2012.
- 1.2** During the 2<sup>nd</sup> UPR cycle, Bahrain received 40 recommendations relating to civic space. Of these recommendations, Bahrain accepted 37 and noted 3. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Bahrain has only partially implemented 1 recommendation and has not implemented the remaining 39 recommendations. The failure of the government to take proactive steps to implement these recommendations is symptomatic of the Bahraini Government's unwillingness to address unwarranted restrictions on the above mentioned rights/ civic space since its last UPR examination.

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<sup>1</sup> TO READ CIVICUS, BCHR AND GCHR'S FULL SUBMISSION PLEASE SEE HERE:  
<http://www.civicus.org/images/CIVICUS%20Bahrain%203rd%20UPR%20Cycle.pdf>

**1.3** In particular, CIVICUS remains deeply concerned by the severe and continued restrictions on freedom of expression including the routine judicial persecution and harassment of individuals and groups for taking part in legitimate forms of dissent both online and offline.

**1.4** CIVICUS is further alarmed by the targeting of human rights defenders, journalists, religious leaders, peaceful protesters and civil society representatives through reprisals, travel bans, prison sentences, torture and other unjustified limitations.

## **2. (B) Freedom of association**

**2.1** During Bahrain’s examination under the 2<sup>nd</sup> UPR cycle, the government received 10 recommendations on freedom of association and creating an enabling environment for civil society organizations (CSOs). Among other recommendations, the government committed to “abandon any restriction or obstacle to the work of persons and institutions engaged in the protection and promotion of human rights”<sup>2</sup> and to “align the national legislation on freedom of expression, association and assembly with country’s international human rights obligations”.<sup>3</sup> Of the recommendations received, all ten were accepted. However, as evidenced below, the government has failed to take adequate measures to realize many of these recommendations. Nine of the ten recommendations on freedom of association that the Bahraini Government accepted have not been implemented and one has partially been implemented.

### **2.2 Recommendations**

- Remove all undue restrictions on the ability of civil society organizations to receive international and national funding in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and association.
- All CSOs, which have been arbitrarily and unduly sanctioned or deregistered, should be immediately reinstated.
- Amend the 1989 Law of Associations to guarantee that undue restrictions on freedom of association are removed to bring their provisions into compliance with articles 21 and 22 of ICCPR.

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<sup>2</sup> Report of the Working Group on the Universal Periodic Review Bahrain, Appendix 1, OCHRC, 12 October 2012, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/176/19/PDF/G1217619.pdf?OpenElement>

<sup>3</sup> *ibid*

### **3. (C) Harassment, intimidation and attacks against human rights defenders, journalists and civil society representatives**

**3.1** During Bahrain’s previous UPR, five recommendations were made on the protection of HRDs, journalists and civil society representatives. Of these recommendations, the government accepted four recommendations and noted one. Among others, the government committed to ensuring “that human rights defenders must be protected and allowed to conduct their work without hindrance, intimidation or harassment” and to “cease all intimidation or repression against human rights defenders, journalists and Non-Governmental Organizations”. However, despite these commitments, none of the five recommendations have been implemented.

#### **3.2 Recommendations**

- Civil society members, journalists and HRDs should be provided a safe and secure environment to carry out their work and those imprisoned must be unconditionally and immediately released.
- Conduct impartial, thorough and effective investigations into all cases of imprisonment, travel bans, torture, attacks, harassment, and intimidation against them and bring perpetrators of such offences to justice.
- Repeal the Protecting Society From Terrorism Acts law and articles 133, 215 and 216 of the Penal Code in accordance with the ICCPR and the UN Declaration on HRDs

### **4. (D) Freedom of expression, independence of the media and access to information**

**4.1** Under the 2<sup>nd</sup> UPR cycle, the government of Bahrain received 23 recommendations on freedom of expression and access to information. 22 of these recommendations were accepted and one was noted. Among other recommendations, the government pledged to “Adopt as soon as possible a legislative framework on freedom of expression, including access to internet, to decriminalize defamation and slander as crimes,” and “Release persons imprisoned as required by freedom of expression and repeal all legislation that criminalizes the exercise of this right”. However, as examined below, the government did not take the necessary measures to implement any of these 22 recommendations.

#### **4.2 Recommendations**

- Review the Penal Code, anti-terrorism laws, the Publication law, the Anti-Cybercrimes Law and regulations on media in order to ensure that local legislation is in line international human rights standards on freedom of expression.

- All media outlets unwarrantedly closed should be reinstated and authorities must cease practice of confiscating and censoring print media and ensure that media can broadcast online and offline without restrictions.
- Ensure that journalists, writers and photographers can work freely and without fear of retribution for expressing critical opinions or covering “sensitive” topics.

## **5. (E) Freedom of peaceful assembly**

**5.1** During Bahrain’s 2<sup>nd</sup> UPR cycle, the government received 17 recommendations on freedom of peaceful assembly. Bahrain accepted all 17 of these recommendations. Among other recommendations, the government committed to “Revise the Public Gathering Law (32/2006), so that peaceful demonstrations can be held as established by the ICCPR” and committed to “A speedy conclusion to these cases (of human rights violations against peaceful protestors), such as the ongoing case of Abdulhadi AlKhawaja”. However, as evidenced below, the government has not implemented these recommendations.

### **5.2 Recommendations**

- Amend Law 32/2006 on Public Meetings, Processions and Gatherings in order to fully guarantee the right to freedom of peaceful assembly.
- All demonstrators, journalists and HRDs detained for exercising their right to freedom of peaceful assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further persecution.
- All instances of extra-judicial killings and excessive force committed by security forces while monitoring protests and demonstrations should be immediately and impartially investigated.