



# Bahrain: ABSOLUTE MONARCHY TAKES ROOT

A report in the international day of democracy

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## Introduction

If democracy is defined as rule by the people or rule that is based on popular sovereignty, which is based on “the people as the source of authority,” then a government in any country is not democratic unless it is founded by the consent of the people. A legitimate government is obtained from the free will of the people and through true partnership, starting with the drafting of a constitution and a referendum on it, passing through the parliamentary elections to elect the people's representatives in a legislative authority with popular oversight from elected representatives in parliament for the actions of the government, i.e. the executive authority, and also with the independence of the judicial authority administratively and financially, in order to complete the elements of popular legitimacy for these three authorities.

Democracy is not a slogan or vague description given to any country, but a program for managing the affairs of government that is based on firm and solid foundations to apply the rule of law from its source (the people), that enables them to feel a true partnership in managing the state. These full rights are indispensable to all people of the world.

On the occasion of the International Day of Democracy in 2020, we at Salam for Democracy and Human Rights present this report, which we believe is an opportunity to shed light on the reality of democracy in Bahrain and the extent to which its people enjoy basic rights, including political rights related to democratic life.

There is a claim by the government of Bahrain that the existing political system is democratic, yet the current government is in no way based on democratic foundations. The authorities violate the basic principles and original elements of a democracy based on the will of the people, and this contravenes the basic rules of democracy within the framework of international law, in particular the International Covenant on Civil and Political Rights that includes freedom of expression (Article 19), the right to peaceful assembly (Article 21), the right to freedom of association with others (Article 22), the right to participation in the management of public affairs (Article 25), the right of citizens to vote and be elected in fair elections and on an equal footing (Article 25). This covenant is binding on the countries that have ratified it, and Bahrain is among them.

## Good Governance and the Rule of Law

One of the principles of democracy is for the ruling authority to be transparent in its work and to be effective in managing the country's affairs. Governance in Bahrain is administered by the king and his family, and in the constitution, the king himself is inviolable. The financial assets of the king, the prime minister and the crown prince cannot be controlled or monitored. Members of the ruling family cannot be held accountable and are considered untouchable by the nomenklatura. Those who even dare to criticize the ministers are punished, reprimanded or imprisoned. This near absolute power is derived from high positions of leadership within the state as well as being related to the king, as the people cannot sue the ruling family.

The submission of everyone, including those who intervene in state affairs, to the law is one of the most important elements of a democratic state, which provides a set of guarantees, the most important of which are the rule of law and equality before it, the separation of powers, the recognition of rights and freedoms, and the independence of the judiciary.

Laws, legislation and decisions in Bahrain are not issued by democratic mechanisms, but are instead issued by a single authority, and they do not apply to everyone. Members of the ruling family and influential people close to them are excluded from applications of the law. For others,

laws are used in a repressive and autocratic manner. The king is the head of the judiciary and the Supreme Judicial Council. He is the one who appoints judges and removes them from their positions based on their loyalty to him. He also appoints the Attorney General. The law cannot be just without independent judicial or executive authorities.

Worse still, the government of Bahrain uses its laws arbitrarily against opponents. Courts are used to issue the heaviest penalties against them such as death sentences, life imprisonment or long prison terms, as well as the revocation citizenship and deportation. These practices blatantly contravene international law.

In Bahrain, members of the ruling family and influential people close to them are not held accountable. For example, in December 2018, the Bahraini authorities arrested the artist and producer, Qahtan Al-Qahtani, for resending a letter containing criticism about the reappointment of the Minister of Information Affairs, Ali Al-Rumaihi, within the new ministerial formation. There is no evidence any influential officials have been held accountable for corruption or graft because the system does not even adhere to the laws it has codified.

The authorities in Bahrain are not obligated to implement the laws. For example, torture is prohibited according to Bahraini law, but it is systematically practiced by the National Intelligence Service, the Criminal Investigation Department and in police stations, where a culture of impunity proliferates.

Moreover, according to the law, arrest is prohibited without an arrest warrant, yet arrests are routinely made without them. According to the country's constitution and related laws, marches and sit-ins are a right, where organizers need only to notify the authorities. In reality, the Ministry of Interior requires licensing and approval and sit-ins and protests are strictly prohibited in clear violation of the law.

## Drafting the Constitution

In Bahrain, there was a consensual, contractual constitution, the constitution of 1973. In 2002 the King of Bahrain drafted a new constitution. He did so unilaterally and without submitting it to a popular referendum. There was no participation from civil society or national lawmakers in drafting it. Moreover, the Bahraini people received no consultation. Articles were drafted on the basis that all powers are in the hands of the king, and for the king to be the head of the Supreme Judicial Council, the head of the executive authority, and the supreme commander of the armed forces. The prime minister, ministers, and members of the judiciary are relieved of their posts and appointed by the king.

In the absence of a constitution that is agreed upon by the people, one that protects the rights of everyone and guarantees justice, equality and equality before the law, there is no democracy in Bahrain. The conclusion now is that the system of government limits all powers to one person, the king. He has authority over all the components of the state (lands, wealth, power, destiny of the people), by dominating the three powers: legislative, executive and judicial power, without oversight or accountability.

## Legislative Power

According to the Bahraini Constitution of 2002, legislative authority is vested in the king and the National Assembly, which is composed of the Shura Council (upper house) and the House of Representatives (lower house). The Shura Council consists of forty members appointed by the king, including the speaker. It has become clear that all those appointed as members of the Shura Council are loyal to the ruling family and not to those with experience or specialists.

In order for the king to ensure that all laws issued do not violate the ruling policies, the 2002 constitution stipulated in Article (70) that no law shall be issued unless it is approved by both the Shura and House of Representatives and approved by the King. Additionally, in the event that the National Assembly disagrees on a law twice, they are to meet under the chairmanship of the Speaker of the House of Representatives, where the passing of the proposed bill requires the approval of the majority of the members present.

Article (38) of the constitution permits the king to issue decrees that have the power of law unilaterally in the exercise of legislation. Article (87) obligates the legislative authority to a period of time related to economic or financial draft laws that the government requests to consider urgently, and incapacitating articles have been included to hold the Prime Minister accountable. For example, if the National Assembly approved by a two-thirds majority of its members the inability to cooperate with the Prime Minister, the matter is raised to the king for the final decision, by relieving

the Prime Minister and appointing a new cabinet or dissolving the House of Representatives, (not dissolving the two chambers together (the House of Representatives and the Shura Council).

Decree-Law No. (16) of 2002 promulgated the Law of the Financial Supervision Bureau, published in the Official Gazette on July 10, 2002. An independent body with a public legal personality called the Office of Financial Supervision was established, and it is under the power of the king. With this law, further restrictions were placed on the powers of the legislative authority for exercising control over financial affairs.

The authorities have launched security campaigns against former deputies, who were targeted because of their responsibilities to perform oversight and accountability. Among them are: former MP Sheikh Ali Salman who is still detained and facing life imprisonment, former MP Khalil Al-Marzouq, who was arrested and summoned for investigation several times, the two former MPs Sheikh Hassan Sultan and Ali Al-Aswad, who are sentenced to life imprisonment, and Sheikh Hassan Sultan who was stripped of his nationality. Former MP Mr. Jamil Kazem was sentenced to six months in prison for expressing his opinion on social media. Former MP Jawad Fairooz was stripped of his nationality and tortured in army and national intelligence service prisons. In addition, former MP Jalal Fairooz was also stripped of his nationality. Former MP Matar Matar was subjected to torture and arrest during the period of national emergency in 2011, and former MPs Osama Al-Tamimi and Khaled Abdel Aal were subjected to harassment, security prosecution and imprisonment several times.

## Dialogue and Political Participation

Political participation in managing the country's affairs is the basis of democracy. The denial of civil society participation is an indication of tyrannical rule. Article 1 paragraph (e) of the Bahraini Constitution of 2002 states that: "Citizens, both men and women, are entitled to participate in public affairs and enjoy political rights, including the right to vote and run for office, and no citizen may be deprived of the right to vote or be nominated for elections, except in accordance with the law."

Since the 1950s, the people of Bahrain have been calling for a political dialogue that leads to national reconciliation, as the people formed the National Union in 1954. However, the leaders of this movement were later exiled by the government. The same demands were repeated in the 70s, 80s and 90s, and they were all confronted with force and repression. The Arab Spring in 2011, was the latest occasion when the people called again for dialogue and political reform to reach their right to elect the government, a legislative authority with full powers, and an independent judiciary. However, the Bahraini authorities used excessive force and allowed military forces from outside the country under the name of the Shield Forces Al-Jazeera to enter Bahrain. It arrested thousands of citizens and engaged in extrajudicial killings that claimed dozens of victims. The authorities imposed a state of emergency and civilians were tried in the military judiciary, including leaders human rights leaders, such as the former president of the Bahrain Center for Human Rights, Abdul Hadi Al-Khawaja, and political figures such as Hassan Mushaima, Abdel Wahab Hussain, and

and political figures such as Hassan Mushaima, Abdel Wahab Hussain, and religious scholars. All of them were subject to torture, which was documented in the report of the Bahrain Commission of Inquiry

The opposition is still urging the authorities to open a national dialogue that leads to national consensus and political participation. It presented more than one document and a call to the Bahraini authorities, such as an invitation announced by five opposition societies in October 2011 under the name “Manama Document”. In June 2018, ‘Al Wefaq’, the opposition party dissolved in 2016, launched an initiative called "Declaration of Joint Principles and Interests", and called on the authorities to a dialogue and negotiations on the basis of victory for the country, and that they are fully prepared to proceed with the solution program on the basis of national consensus and come up with a common vision.

Opposition forces in Bahrain are deprived of political participation, and face discrimination and oppression in exercising their right of assembly, political rights, and participation in public life.

## Elections

An essential element of democracy is for the people to be the source of the three authorities through free, fair and periodic elections, and to participate in them with all its groups and sects without discrimination and on an equal footing in elections that are held on the basis of secret balloting with equal opportunities, so that the people elect whoever governs them, whether the head of state or the prime minister, and the majority govern with constitutional controls that preserve the rights of minorities.

In Bahrain, the people do not have the right to elect the king or the prime minister, and elections for the legislative body are partial, which is for the House of Representatives without the Shura Council (appointed by the king), and the delimitation of electoral districts is issued by the king via decree. As for the municipal councils, they have been shown through practice that they are councils without executive powers. Under the new laws, opposition groups cannot run for the House of Representatives or the Municipal Council. Additionally, in clear violation of Article 1 parag (e) of the 2002 constitution, thousands of citizens were excluded from the right to vote and run for office in the 2018 elections. This caused individuals to be permanently prevented from running for parliamentary elections, including those who were previously convicted of a prison sentence of six months or more, in addition to citizens belonging to political societies that were dissolved because of their positions calling for a transition towards democracy.

The Bahraini authorities worked during all periods of the parliamentary and municipal elections to intimidate citizens from exercising their right to boycott the elections if they wanted, as it was promoted through the official and pro-government media, by depriving them of their basic rights such as employment, withdrawing their housing units and removing their names from the waiting lists for social housing in case they abstain from voting.

The authorities used the distribution of electoral districts to prevent the opposition from obtaining a majority in the House of Representatives. This distribution is not based on the principle of one vote for every citizen, as the electoral districts are divided into (40 constituencies) and issued by royal decree. The authorities set public voting centers that were used to direct votes in all cycles. In all election cycles that took place, military orders were issued to various employees of the armed forces to vote in public constituencies for candidates that the authorities wanted in the parliament (for more information: the Electoral Intimidation Day report <https://www.bfhr.org/uploaded/tarheb.pdf> )

## Political Parties

Political parties in Bahrain are considered "political societies". Since they quelled protests calling for political reform in 2011, the authorities launched an organized campaign against opposition political societies, where hundreds of their members were arrested, culminating in the boycott of opposition societies, led by Al-Wefaq, the largest political association, for the parliamentary elections that took place in November 2014, when its headquarters were closed and its funds arbitrarily liquidated. The Secretary-General of Al-Wefaq has been in prison since December 2014 on charges of inciting hatred against the regime, obstructing the political process, and conspiring with the State of Qatar to overthrow the regime in the country.

Almost a year after the dissolution of Al-Wefaq, the authorities resorted to the dissolution of the National Democratic Action Society (Wa'ad), the second largest political opposition. In addition, a royal decree was issued on June 11, 2018, preventing members of dissolved political societies from running for membership in Parliament and municipal councils, further restricting the opposition.

The Bahraini authorities have adapted the Political Associations Law of 2005 to suppress civil society and restrict freedoms, so that they can reject applications for registration of associations.

This law was amended by Law No. (13) of 2016, in which Article (6) states that the procedures forming the association's bodies and selecting its leaders, who should not be those who occupy the religious pulpit or those who are engaged in preaching, counseling and rhetoric, even without pay. Article (5) parag (6) states that membership should not combine affiliation with the association and ascending the religious pulpit or engaging in preaching, counseling and rhetoric, even without pay. In all cases, it is not permissible to combine the religious pulpit with political action.

In light of the authorities' strangulation of parties and their denial of political participation, there is no longer any room for Bahrain to be considered a state in which political pluralism exists, but rather inclusive rule.

## Democracy and Human Rights

Because of the nature of authoritarian rule in Bahrain, all kinds of civil movements have ended. The Bahrain Center for Human Rights was dissolved in November 2004, and in July 2012 the Islamic Action Society was dissolved. In January 2014, the International Islamic Council, the highest religious body for Shiite citizens in Bahrain was dissolved. Additionally, the Islamic Awareness Society was dissolved by Resolution No. 59 of 2016. In July 2016, the Al-Wefaq National Islamic Society, the largest of the opposition political parties, was dissolved, and in May 2017, the Democratic National Action Society, Wa'ad, was also dissolved.

Since 2011, the Bahraini authorities have used security and judicial agencies to suppress basic freedoms and rights, and have enacted laws in violation of international law that enables both the security services and the judiciary to practice widespread violations under the law, such as the Law on “Protecting Society from Terrorist Acts” ([more about this law in Salam DHR’s report: Bahraini Law to Protect Society from Terrorist Acts: Legitimizing State Terrorism Against Citizens](#)). This legislation allows the authorities to practice enforced disappearance against detainees, in violation of many international covenants, such as the International Covenant on Civil and Political Rights, which guarantees the rights of individuals to freedom of expression and assembly. The authorities prohibit all kinds of marches, and they continuously summon religious scholars, activists, human rights defenders and lawyers for investigation.

Moreover, Bahraini courts have issued a guilty verdict against lawyer Abdullah Al-Shamlawi on June 30, 2020. He was sentenced to 8 months imprisonment in a vicious and retaliatory trial in two cases based on two incomplete reports that violated of Bahraini law, as he expressed his point of view in a scientific way by writing on Twitter in a discussion of a religious topic. ([For more details: statement of Salam DHR on this subject](#)). Lawyer Abdullah Hashem was also arrested and imprisoned due to freedom of expression. On January 30, 2020, the criminal investigations unit summoned the historical researcher and investigator, Jasim Hussein, after publishing historical information on his blog “The Years of Al-Jarish”, on which he has been writing since 2008. ([For more Details in Salam DHR’s statement on this topic](#)).

In another example, on May 2019, the Ministry of Interior accused human rights defenders, journalists and activists on social media, including the vice president of Salam DHR, Mr.Youssef El-Mohafadha, the activist on social media platforms Hassan Abd Al-Nabi Al-Sitri, the journalist Adel Marzouq and the lawyer Abdullah Hashem, of cybercrimes and “spreading sedition” among Bahraini society. The Ministry stated that it is about to take legal measures against them ([More details available in Salam DHR’s statement on this topic](#)).

Authorities use tweets in which Bahraini activists express their views as evidence for interrogation and imprisonment in non-independent courts after unfair trials. The authorities continue to censor publications and publishing houses, suspending their issuance, closing media institutions, and blocking

websites. Journalists and activists on social media face harassment, assault, arrest, and torture inside prisons. Moreover, they face long prison terms and the revocation of their nationality in the absence of an independent judiciary and the rule of law. The Ministry of Interior prohibits citizens from accessing information, as it has published a statement on its Twitter account warning citizens from following opposition accounts on social media. It also warned them against re-publishing or retweeting the tweets the authorities consider criticizing the government.



The authorities have largely failed to conduct investigations into accountability and redress for victims despite widespread human rights violations, most notably killing under torture and extrajudicial killings that were carried out by security personnel, whether in places of detention or on the streets. The authorities have not established committees or any means of investigation into finding the truth about patterns of systematic human rights violations.

## The Media

One of the basic tenets of democracy is the existence of a free, independent press, whereby citizens can participate in public life through a media that plays a watchdog role over the performance of officials, contributes constructively through positive criticism processes in combating corruption, and is a guaranteed good governance through press reports that reveal the places of defects while allowing officials to explain their policies to the people. However, the basic principles of freedom of the press are completely absent in Bahrain. The government continues to exercise censorship over publications and publishing houses and suspend their issuance, close media institutions, block websites and cuts off internet and communication services. Journalists, media professionals, editors, publishers and bloggers face harassment, assault, arrest, and torture. Several journalists have faced long prison terms and deprivation of their nationality in the absence of an independent judiciary and the absence of a fair rule of law. In addition to the absence of a modern law that regulates the media process and protects the media professionals, independent press and freedom of expression. The policy of broadcasting incitement and hate speech is spread systematically through official and state-funded media outlets. With the complete absence of the press and independent media, the state continues to monopolize broadcasting via radio and television.

The Reporters Without Borders' 2020 edition of the World Press Freedom Ranking, which measures the press freedom index in 180 countries, ranked Bahrain 169th, down two points from last year's rating.

The report stated that repression on dissenting voices in the country has doubled, and that journalists are continuously accused of participating in "subversive" demonstrations and "supporting terrorism", which exposes them to life imprisonment. The report mentioned that many journalists were subjected to ill-treatment, including those whose nationalities were revoked. It also mentioned that since 2016, the authorities have exerted more pressure on local journalists who work for foreign media, so that they found it difficult to renew their accreditations. At the same time, foreign journalists found that obtaining a visa is an increasingly complicated matter. ([more information in Salam DHR's statement entitled 'The government of Bahrain should end its monopoly on the media'](#))

## Conclusion

There is no democracy in Bahrain, the rule is tyrannical and violates the basic freedoms and the treaties it has ratified, and violates the basic principles of democracy such as the peaceful transfer of power and the people's right to elect the government, with sham elections for parliamentary and municipal councils lacking powers, with any opposition barred from running or voting. Legislative authority has been detailed so that the king guarantees that all laws issued are not contrary to the policies of the government. The constitution was drafted by a unilateral will, the people do not have the right to formulate a consensual, contractual constitution or vote on it, and its articles are set on the basis that all powers are in the hands of the king. The authorities refuse to hold political dialogue with the opposition to reach national reconciliation. Opposition political parties have been dissolved; their money arbitrarily confiscated. Members of the ruling family cannot be prosecuted or held accountable. The media is nationalized and there is no free or independent press and expressing opinion to criticize the authorities is criminal. The authorities violate human rights in a widespread and systematic manner and prosecute activists with laws that violate international laws and treaties.



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