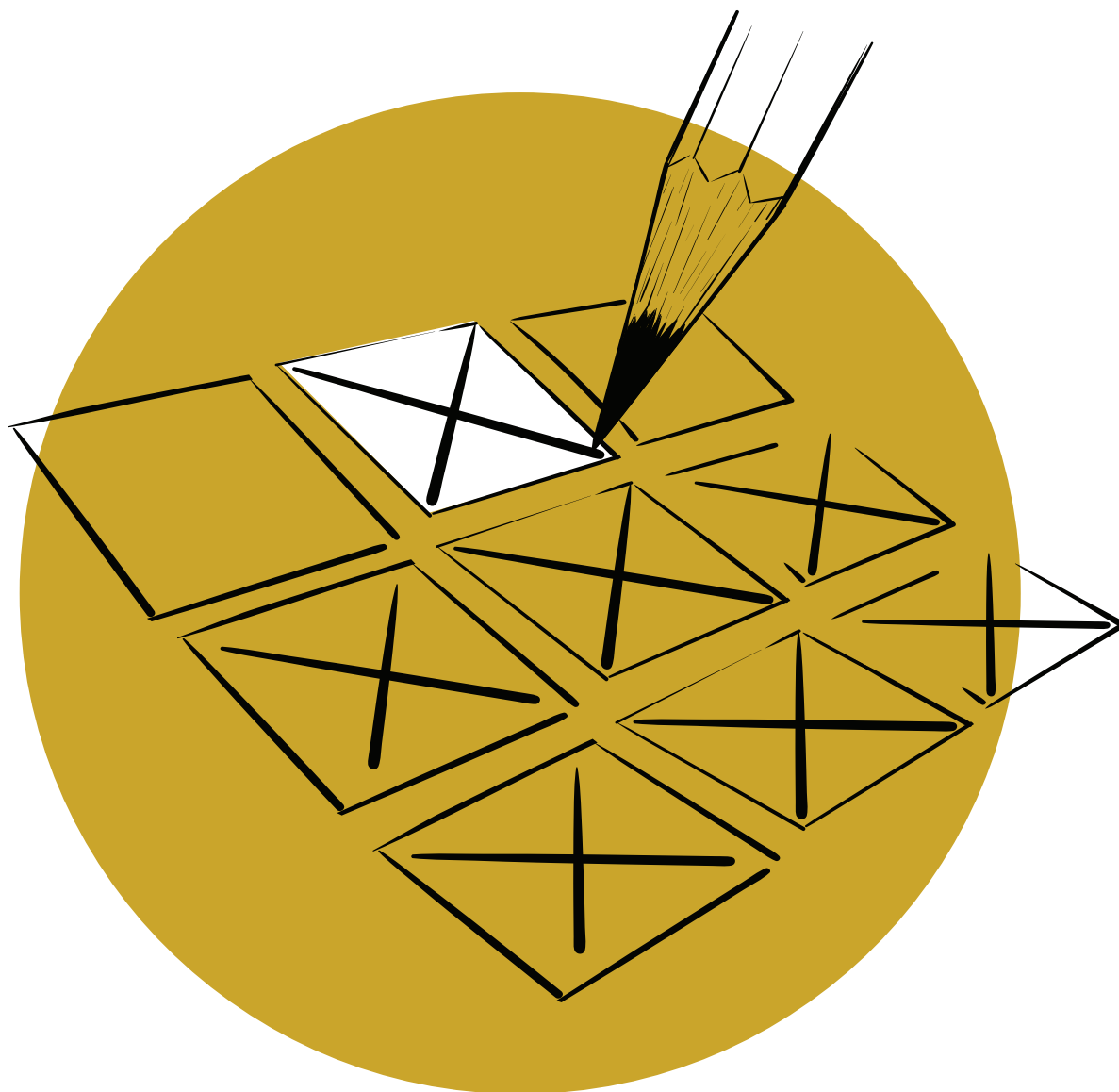


Absent Democracy

A Human Rights Perspective on Lost Political Rights in Bahrain.



A Report by Salam for Democracy and Human Rights
for International Democracy Day

September 2023

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■ Abstract

On September 15, the world celebrates the International Day of Democracy. For this important occasion, Salam for Democracy and Human Rights (SALAM DHR) presents its report: “Absent Democracy: A Human Rights Perspective on Lost Political Rights in Bahrain.”

The Government of Bahrain (GoB) is currently violating its obligations under international agreements and its constitution with arbitrary measures. They are the primary obstacle to democratic reform in the country. The report outlines the challenges democratic practices face within Bahrain’s political and civil spheres. It includes violations that occurred in Bahrain’s 2022 legislative elections. These include:

- Gerrymandering of electoral districts;
- Marginalizing the opposition through political isolation laws; and
- Preventing international and independent election monitoring.

The report also examines the dissolution of opposition political societies, most notably the Al-Wefaq National Islamic Society (Al-Wefaq), in 2016, and the “National Democratic Action” Society (Wa’ad) in 2017. These practices make legal, organised political activity, a basic pillar for democracy, impossible in Bahrain.

SALAM DHR also documented that 16 former representatives were subjected to a series of human rights violations, with some facing arrest, torture, revocation of citizenship, and imprisonment.

The GoB, represented by the Ministry of Labour and Social Development, enacted a series of arbitrary restrictions against Bahraini civil space. This includes:

- Dissolving civil society organisations and associations;
- Preventing citizens from running for the boards of directors; and
- Imposing strict control on citizens and residents through arbitrary laws and illegal tactics.

Among these measures, the GoB has imposed significant restrictions since 2011 to suppress freedom of opinion and expression, freedom of the press, and freedom of assembly.

Concluding the report, SALAM DHR presents a set of recommendations to ensure the transition towards democracy, political pluralism, and a peaceful transfer of power in Bahrain.

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■ Introduction

“The people are the source of authority”; a principle that has been repeated throughout history, representing the essence of democracy in the world. Democracy is a political system that allows the common people to determine their fate through several basic pillars, starting from elections and participation in decision-making to accountability and effective oversight, where everyone is equal before the law.

International agreements have protected in their articles the right of citizens to express their opinion and participate in public political life through elections and the formation of associations, but despite this, democratic principles still face serious challenges around the world that limit citizens’ rights to decision-making, especially in the Kingdom of Bahrain.

The political system in Bahrain is still largely authoritarian. In 2002, King Hamad bin Isa Al Khalifa issued the Bahrain Constitution without a referendum or consultation, through which he gave powers to the Shura Council appointed by him equal to the legislative powers of the “elected” House of Representatives. The Bahraini regime has consistently resisted calls for democratic reform and ignored the call for an inclusive dialogue for all parties. The increasing authoritarian practices in the country since 2011 are evident by preventing the rights to freedom of expression, press, and assembly, manipulating elections, and restricting political and civil space.

On the occasion of the International Day of Democracy, which the world celebrates on September 15 of each year, SALAM for Democracy and Human Rights reviews, in this brief report, the stark contradiction between the universal principles of democracy and the current situation in Bahrain within a human rights vision about the confiscation of political rights.

■ The legal framework

Internationally, Bahrain's obligations guarantee the political and civil rights of its citizens through its ratification in 2006 of the International Covenant on Civil and Political Rights, which stipulates in Article 22 that every individual has the right to freedom of association with others, including the right to establish and join unions in order to protect his interests. Article 25 stipulates the right of the individual to participate in the management of public affairs, to be elected and run in fair periodic elections, and to have the opportunity to hold public office on an equal basis with others.

Locally, the Constitution of the Kingdom of Bahrain issued in 2002 guarantees justice among Bahraini citizens and the right of each of them to participate in political and social life without discrimination. Its fourth article (4) stipulates that justice is the basis of governance, and that cooperation and compassion are the strongest links between citizens. Freedom, equality, security, tranquility, knowledge and social solidarity, and equal opportunities among citizens are pillars of society guaranteed by the state.

As for Article 18 of the Constitution, it stipulates that people are equal in human dignity, and citizens are equal before the law in public rights and duties, without discrimination between them on the basis of gender, origin, language, religion, or belief.

In addition, Article 31 guarantees that the public rights and freedoms stipulated in this Constitution may not be regulated or limited except by a law and based on it, and that regulation or limitation may not undermine the essence of the right or freedom.

Decree-Law No. (14) of 2002 regulates the exercise of political rights, i.e. elections. Law No. (25) of 2018 amended Article 3 of Decree-Law No. (14) of 2002, specifies the impediments to nomination for the House of Representatives in its first article. It is known as the Political Isolation Law in Bahrain.

As for Law No. (36) of 2018 amending Article (43) of the Law on Associations, Social and Cultural Clubs, Private Bodies Working in the Field of Youth and Sports, and Private Institutions issued by Decree Law No. (21) of 1989, stipulates in its first article that a member of the Board of Directors shall enjoy all his rights: civil and political.

■ Challenges of democratic practices in the political space

- **The recent legislative electoral experience - the 2022 mock elections:**

Elections are considered one of the most prominent pillars of democracy, and the right of the people to fair political representation and to participate in parliamentary elections is an internationally enshrined right, whether in the Universal Declaration of Human Rights in Article 21 or in Article 25 of the International Covenant on Civil and Political Rights. The most prominent indicators in determining the success of democratic elections are the fair distribution of electoral districts and effective and balanced popular participation in them.

In Bahrain, the authority to distribute districts, draw their boundaries, and appoint their seats is vested in the king. Due to 2022, the King issued Decree No. (49) of 2022 regarding the definition of regions, electoral districts and their boundaries. The king's authority to issue such a decree constitutes one of the clearest arbitrary measures against citizens that undermine any step to hold legitimate and independent legislative elections. The unfair way in which districts and seats are geographically and politically designated greatly affects the election results issued for each region. In total, there are 40 electoral districts in the current Bahraini elections, none of which are equal in size or number of voters, in addition to their sectarian distribution that serves the interests of the authority.

The fate of the legislative elections in 2022 was the same as the fate of its predecessor. As expected - the Bahraini opposition was repeatedly suppressed and prevented from participating in this election, whether through candidacy or voting.

Due to the arbitrary measures imposed by the Bahraini government in the period preceding the legislative elections, many citizens called for a boycott of these elections due to their loss of legitimacy. Citizens were surprised when their names were removed from the removal lists, especially those who expressed their support for the boycott, as a measure taken by the government to try to increase the participation rate. SALAM DHR noted in the "Unfair Elections" press conference last year that about 94,000 citizens were removed from the voter lists in Bahrain. That is 27% of the voting bloc.

A large segment of citizens was also prevented from running for legislative elections, as, in Law No. (25) of 2018 amending Article 3 of Decree Law No. (14) of 2002 regarding the exercise of political rights, barriers to running for the House of Representatives, known as political isolation laws, were specified. These prevented the actual leaders and members of the dissolved political societies, the opposition representatives who had previously resigned and those who were sentenced to a felony or imprisonment. In other words, all opposition citizens who were unjustly tried for expressing their opinion and peaceful protest since the 2011 uprising, from running for elections. Therefore, these prohibitions violate the state's obligations under the International Covenant on Civil and

Political Rights, as they targeted the right to freedom of opinion and expression guaranteed in Article 19 thereof first, and the right to participate in public affairs in Article 25 of that Covenant. They also undermine the provisions of the Bahraini Constitution, especially Article 31 thereof. This law was used as a means to reduce political pluralism, announce the beginning of the process of political isolation, and strengthen the authority of the king and his court.

Accordingly, the recommendations of the National Institution for Human Rights were issued in its new report on the 2022 elections, in which it implicitly acknowledged the existence of a clear defect in Law No. (25) of 2018. Therefore, In its fourth recommendation, the Institution called on the government to develop a clear and specific judicial interpretation based on an objective standard regarding what is meant by the phrase “ Actual leaders and members of political societies that were finally dissolved for having committed a grave violation of the provisions of the Kingdom’s Constitution or any of its laws,” as one of the barriers to running for the House of Representatives.

In light of the prevention of a large segment of citizens from participating in the electoral entitlement, SALAM DHR monitored the presence of more than 59,000 soldiers and members of the security services present to participate in it, as the legal advisor Ibrahim Sarhan indicated during the press conference held in Beirut that failure to neutralize the military affects the integrity of the electoral process.

In addition, the elections took place amid Bahrain’s refusal to receive the competent international community institutions to monitor the elections or even independent Bahraini civil society institutions. In turn, the National Institution for Human Rights addressed this issue in Recommendation 11 of its report, calling on the government of Bahrain to consider allowing Gulf and Arab civil society institutions, along with local ones, to monitor the upcoming elections, as clear proof that the Bahraini legislative elections are free of independent regional and international monitoring.

Bahrain’s history of muting the civil society and the opposition was a clear indication of the country’s lack of reform and the intention to hold fair elections that reflect the real needs of the people aspiring to democracy.

- **Dissolution of opposition political societies:**

In another blow to democracy in Bahrain, and in a clear violation of Article 22 of the International Covenant on Civil and Political Rights, the Administrative Court dissolved the Al-Wefaq National Islamic Society after a lawsuit filed by the Ministry of Justice and Islamic Affairs in 2016. Al-Wefaq Society is the largest opposition political society in the country, and closed its headquarters and offices on charges of providing an “incubator environment for terrorism, extremism and violence.” This charge was considered false by Bahraini civil society and the international community. The Secretary-General of the United Nations at the time, Ban Ki-moon, denounced the dissolution of Al-Wefaq Society, and said that this step was the latest in a series of restrictions imposed on the right to peaceful assembly, freedom of association, and freedom of expression in Bahrain. The Court of Cassation upheld the ruling to close Al-Wefaq Association in February 2018.

Likewise, the opposition “National Democratic Action” (“Waad”) association was dissolved in 2017, as the Administrative Court issued a decision to dissolve it following a lawsuit filed by the Ministry of Justice and Islamic Affairs. In 2019, a decision was issued by the Bahraini Court of Cassation to uphold the ruling to dissolve the Waad Association, amid widespread international and human rights condemnation. Consequently, in the concluding observations on Bahrain’s initial report in 2018, the Human Rights Committee expressed its concern regarding the dissolution of the opposition parties “Al-Wefaq” and “Waad.”

After the dissolution of the country’s largest political associations, political space became restricted as organised political action, a fundamental pillar of democracy, was eliminated.

- **Persecution of former MPs:**

The Bahraini government’s arbitrary persecutions were not limited to political societies only. Since 2011, it has been persecuting former representatives elected by the people in the most horrific ways, proving the extent of its “respect” for democracy and popular representation. Former parliamentarians have faced a disturbing series of human rights violations, indicating a significant and recurring pattern of suppression of dissenting voices. 15 former representatives, most of them from Al-Wefaq Society, were subjected to political persecution, and some of them were subjected to arrest, torture, withdrawal of citizenship, and imprisonment. Here we see a table summarising the violations to which the MPs were subjected, by name. A detailed and complete report on these violations can be followed here.

Violation	Former MP
Currently detained former MPs	Sheikh Hassan Issa (Marzouq) Sheikh Ali Salman
Former MPs with revoked citizenships	Sheikh Isa Qassim Sheikh Hasan Sultan Jalal Fairouz Jawad Fairouz Matar Matar Abdul-Hadi Khalaf
Former MPs outside Bahrain	Sheikh Isa Qassim Sheikh Hasan Sultan Ali Al-Asswad Jalal Fairouz Jawad Fairouz Matar Matar Abdul-Hadi Khalaf
Tortured Former MPs	Jawad Fairouz Matar Matar
Former MPs arbitrarily detained	Khalid Abdul-Aal Ali Al-isheeri Sheikh Hamzah Al-Deeri Jalal Fairouz Jawad Fairouz (Sheikh Hassan Issa (Marzouq Jameel Kathim Matar Matar Khalil Marzouq Sheikh Ali Salman Osama Al-Tamimi
Former MPs sentenced for a crime under Bahraini law that does not appear to constitute an internationally recognized criminal offense	Khalid Abdul-Aal Ali Al-isheeri Ali Al-Asswad Sheikh Hamzah Al-Deeri Jawad Fairouz (Sheikh Hassan Issa (Marzouq Jameel Kathim Sheikh Ali Salman Osama Al-Tamimi

This move, especially the widespread targeting of figures such as Sheikh Ali Salman, Secretary-General of the Al-Wefaq Islamic Society, who faces a life sentence, underscores the urgent need for Bahrain to review its human rights practices and protect the rights of its parliamentarians to ensure a true democracy that produces a clear political solution that begins with dialogue.

■ Closing civic space

- **Restriction on civil society organisations:**

Amid the systematic restrictions imposed on the opposition and independent political scene in Bahrain, civil space has continued to suffer from blatant violations against it as part of a series of restrictions. Civil society organisations have been subjected to human rights violations as the Bahraini government has violated Article 22 of the International Covenant on Civil and Political Rights, which stipulates the individual's right to freedom of association with others, and to establish and join unions in order to protect his interests. Therefore, SALAM DHR recalls some of the most prominent events that occurred with these institutions:

- In 2004, the Bahrain Centre for Human Rights was dissolved under the pretext that the Centre was carrying out activities in violation of the Associations Law of 1989.
- The Teachers Association was dissolved in 2011 after its president and a number of the board of directors participated in the February 2011 protests and were accused of incitement.
- The Bahraini Islamic Scholars Council, the highest Shiite religious body in Bahrain, was dissolved in 2014.
- Dissolving the Al-Resala and Islamic Awareness Associations in 2016.

Law No. (36) of 2018 amending Article (43) of the Law on Associations, Social and Cultural Clubs, Private Bodies Working in the Field of Youth and Sports, and Private Institutions issued by Decree Law No. (21) of 1989 stipulates that a member of the Board of Directors shall enjoy all his civil and political rights. Consequently, the era of civil isolation started and was evident in the exclusion of citizens from the boards of directors of civil society organisations, some of whom belonged to dissolved political societies. For instance, in January 2020, two members of the Board of Directors of the Bahraini Women's Union were excluded by the Ministry of Labour and Social Development.

In November 2021, the Ministry of Labour and Social Development rejected the candidacy of 14 people out of 16 members who applied for the Saar Charitable Fund elections for the 2022-2033 session. Only two members were accepted. On December 2, the Saar Charitable Fund received a letter from the Ministry of Labour and Social Development stating that 4 other candidates had been approved, bringing the number of those whose candidacies were accepted to 6 out of 16 people who applied to run. In addition, the Ministry of Labour and Social Development rejected the nomination request of 30 people out of 34 in three batches according to a previous statement issued by the SALAM DHR in 2021. Three former members of the dissolved Waad Society were banned on January 31, 2022 from running for the Board of Directors of the Bahrain Society for Human Rights due to the isolation laws. These are Abdul Jalil Yousef, Issa Ibrahim, and Mohsen Matar.

The Ministry of Labour and Social Development represented a repressive method against the Bahraini civil space, whether by dissolving civil society organisations, refusing citizens to nominate themselves for the boards of directors of these associations, or imposing strict control on them through a series of circulars to civil society organisations on January 10, 2020, subjecting the names of candidates to the membership of the Board of Directors of Associations to undergo security audits. Additionally, it is not permissible to collect money, receive or transfer money without obtaining a license from the Ministry itself.

- **Suppression of freedom of opinion and expression:**

The number of violations of freedom of opinion and expression against civil society activists in Bahrain from 2011 until December 2022 reached 1,811 violations, according to the Bahraini Press Association. Under the pretext of maintaining order and security, the Bahraini government summons social media activists because of a tweet or the transmission of specific news or information. The General Administration for Anti-Corruption and Economic and Electronic Security of the Ministry of the Interior, which is responsible for strict control over the means of communication, violates the right of citizens established in Article 19 of the International Covenant on Civil and Political Rights and restricts their right to freedom of opinion and expression. The arrests of activists such as Abdul Hadi Al-Khawaja and other prisoners of conscience and the summoning of citizens participating in peaceful protests resulted in the closure of civic space and the dissipation of freedom.

Freedom House ranked Bahrain among the lowest countries in terms of freedom indicators, scoring 12/100. The organisation considered that the authority in Bahrain has systematically abolished a wide range of political rights and civil liberties, dismantled the political opposition, and suppressed the ongoing Shiite-majority opposition.

It must be noted that freedom of the press is also one of the guarantees of democratic societies. Journalism promotes accountability, monitoring and exposing corruption by highlighting political and societal issues to help citizens contribute to decision-making. The press in Bahrain has always been subject to strict censorship and restrictions on its freedom. The Bahraini government practised repressive measures against independent and opposition journalists, subjecting them to harassment, intimidation, arrest, and even revocation of their citizenship.

The closure of Al-Wasat newspaper on June 4, 2017, ordered by the Bahraini Ministry of Information Affairs, was a fatal blow to free media in Bahrain. The newspaper was forced to halt its operations and terminate the contracts of more than 185 full-time and part-time employees on June 24, 2017 as a result.

■ Recommendations

- As a result of all this, on the occasion of International Day of Democracy, SALAM for Democracy and Human Rights urges the government of Bahrain to:
- Commit to Articles 22 and 25 of the International Covenant on Civil and Political Rights and Article 31 of the Bahraini Constitution.
- Abolish political isolation legislation, the most important of which is Law No. (25) of 2018 amending Article Three of Decree Law No. (14) of 2002 regarding the exercise of political rights.
- Repeal Law No. (36) of 2018 amending Article (43) of the Law on Associations, Social and Cultural Clubs, Private Bodies Working in the Field of Youth and Sports, and Private Institutions issued by Decree Law No. (21) of 1989.
- Release political detainees, especially the former MPs who are currently imprisoned, namely Sheikh Ali Salman, Sheikh Hassan Issa (Marzouq), and the rest of the opposition leaders and human rights activists.
- deal with the issue of security and peace which must be moved forward for all Bahraini citizens to work towards a democratic path.
- Ease severe restrictions on freedom of opinion, expression, and peaceful assembly.
- Hold free and fair elections under the supervision of independent bodies.
- Opening channels of constructive dialogue that end with a shift towards democracy, political pluralism, and the peaceful transfer of power.



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