



**CONCERNING SYSTEMATIC RESTRICTIONS ON THE RIGHT TO FREEDOM OF  
EXPRESSION IN THE KINGDOM OF BAHRAIN**

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

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Submission by Americans for Democracy & Human Rights in Bahrain (ADHRB),  
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**I/ Introduction**

1. The following submission has been prepared by Americans for Democracy & Human Rights in Bahrain (ADHRB) 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 so far been denied access. Thus far, the Government of Bahrain has declined to cooperate with ADHRB on any level. This submission assesses the Kingdom of Bahrain's implementation of its 3rd Cycle Universal Periodic Review (UPR) recommendations on promoting and protecting the right to freedom of expression and associated rights. This submission assesses Bahrain's implementation of recommendations concerning primary legislation used to restrict freedom of expression and legitimize the detention of journalists, bloggers, writers, and human rights defenders etc.

## **II/Executive summary**

2. Though the Kingdom of Bahrain recognizes freedom of expression through its Constitution, the government regularly violates this freedom by criminalizing certain forms and subjects of expression. As such, the kingdom has used its interpretation of freedom of expression to effectively censor dissenting opinions. Arbitrary arrest, judicial harassment and torture are common practices to silence journalists, activists and bloggers who openly criticize the government. Authorities have also resorted to citizenship deprivation and travel bans to restrain free expression and intimidate dissidents into silence. From a procedural perspective, individuals charged on such offenses face disproportionately long prison sentences because of unfair trials and due process violations.
3. Despite its accession to international conventions such as the International Covenant on Civil and Political Rights (ICCPR), and providing constitutional protection, Bahraini authorities instrumentalize national regulations to blatantly restrict and control freedom of expression.
4. During its 3rd UPR in 2017, Bahrain received twenty-three recommendations pertaining to protecting and promoting the right to freedom of expression. The State noted two of them and supported twenty-one. By supporting these recommendations, the Government of Bahrain committed itself to leave behind its practices of intimidating and harassing journalists, human

rights defenders, and political opposition (114.97). Moreover, it committed to amend the penal code and the press law to make them respect freedom of expression as stated in the ICCPR article 19 (114.106).

5. Although the Bahraini authorities amended the press law in 2021 to reduce the repression of journalists, this action is not sufficient to claim that any recommendation has been implemented. Already in 2017, Bahrain's rejection of the German recommendation (114.111)<sup>1</sup> to repeal all laws that restrict the freedoms of expression and association or assembly was an ominous announcement regarding the willingness of the State to see progress in rights. In that regard, no law to protect human rights defenders that includes special protection for vulnerable groups of defenders, including women defenders and those who express themselves through the Internet and social media, has been enacted despite the State's commitment to do it. Finally, and worryingly, the state has not acted on its commitment to release all persons detained solely for the exercise of their right to freedom of expression or their right to peaceful assembly. In effect, this means that a huge number of Human Rights Defenders and opponents remain in prison in awful conditions of detention.
6. Thus, ADHRB assesses that the Bahraini government has not implemented its recommendations in a substantial or meaningful manner. Authorities continue to criminalize certain kinds of expression, including peaceful dissent and criticism, while arbitrarily arresting, torturing, and jailing writers and activists who cross this boundary.

### **III/ Systemic hindrances to freedom of expression**

7. The 2002 Bahraini Constitution officially recognizes freedoms of opinion, press, and scientific research. As specified in articles 23 and 24, all have a right to express their opinion both orally and in writing, provided such expression does not infringe on Islamic doctrine or any other applicable legislation. Neither jurisprudence nor legislation provides a clear framework as to the bounds of Bahrain's Islamic doctrine, thereby generating a climate of legal insecurity for proponents of free speech. Indeed, not only is the constitutional framework vague, at best, but the Ministry of Justice (MOJ) is further tasked with Islamic affairs, effectively rendering the entire justice system subordinate to religious interpretations from executive officers.

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<sup>1</sup> "Repeal or amend all laws that restrict the freedoms of expression, association or assembly, including decree No. 31 of 2013, Law No. 34 of 2014, and Law No. 26 of 2015". The recommendation was aimed at specific legislation that was apparently of too great importance to Bahrain.

8. Additionally, although the Bahraini constitution technically guarantees freedom of speech and press, a network of legislation – primarily the Penal Code, press law, anti-terror law, and cybercrime law – set a broad and complex range of modalities surrounding the practice of these freedoms. As a result, Bahraini authorities are empowered to prosecute individuals on a wide spectrum of offenses related solely to opinion or expression.
9. Bahrain has a large network of legislation that can be used to restrict freedom of expression, chiefly the counterterror and cybercrime laws. These two legislative mechanisms allow the government to criminalize free expression and repress dissent within the kingdom. More specifically, both these laws either fail to define their key terminology, or offer definitions that are excessively broad.
10. By way of example, terrorism is defined as “any crime under the Penal Code which intends to disrupt public order or endanger the kingdom’s security or the national unity”. Article 6 of the counter terrorism law provides that “activities calling on the interruption of legal or constitutional provisions are terrorist in nature”. In other terms, calling for institutional or legislative reform can constitute an act of terrorism. Association with or participation in groups deemed to be engaged in terrorist activities is punishable by prison, leading to restrictions on basic freedoms including movement and communication, and even deprivation of nationality. As such, Bahraini authorities have a great leeway to judicially harass or arrest bloggers, journalists, and political activists for expressing their views publicly.
11. In response to increased online dissent and activism, the Bahraini government has stepped up its efforts to silence peaceful critics and intimidate online activists. To supplement the repressive effects of its overly broad and vague anti-terrorism law, Bahrain has managed to close in on opposition by suppressing online dissent through cybercrime legislation, including the 2014 Information Technology Crimes Law, which allows for the prosecution of online free speech. While Bahraini cybercrime laws largely address issues such as personal data protection and computer crimes, the law also provides opportunities to target online critics.
12. The 2002 Press law, similarly to the Information Technology law, nominally provides for freedom of thought and expression. In reality, however, content in the press is, heavily censored. Content must not criticize the King. Further, it must respect Islamic principles and it cannot threaten national security and religious unity, neither of which are clearly defined. This allows for full discretion by both law enforcement and judges, effectively empowering Bahraini authorities to subjectively define what constitutes a threat..

13. Though the imprisonment of journalists has recently been written out of the law, this recent amendment has not impacted the judiciary's unilateral understanding of freedom of expression in other fields. Furthermore, many bloggers, journalists and activists remain imprisoned for decriminalized offences, such as Dr. Abduljalil Al-Singace, a prominent Bahraini blogger and activist.
14. According to recent announcements, following or interacting with social media accounts that "incite sedition and threaten civil peace" is punishable under the law. Moreover, spreading "false" news or "extremist" content is also a crime as it poses a threat to national unity and security, yet assessments of veracity and zealotry are left entirely to government officials. As a result, these ill-defined provisions have been used to silence or imprison peaceful activists and other opponents to the regime.

#### **IV/ Implementation of national regulations and charges related to freedom of expression**

15. The Bahraini government frequently prosecutes writers, bloggers, and journalists on terrorism charges for exercising their right to freedom of expression.
16. For example, [Nabeel Rajab](#) was sentenced in 2018 to five years imprisonment for Twitter publications denouncing both the use of torture in Bahraini prisons and the participation of the government in the war in Yemen. Subsequently, in June 2020 he was given an alternative sentence. Although released from prison, his release remains conditional. He is now forced to self-censor and refrain from participating in human rights activities. Granting him the alternative sentencing allows the authorities to impose control over his activities and restrict his right to freedom of expression.
17. Relatedly, as it concerns freedom of expression, Bahraini authorities are known to forcefully dissolve or ban political groups and human rights organizations. For instance, in 2019 the Court of Cassation upheld the dissolution of Wa'ad, the last remaining opposition political party in Bahrain following the dissolution of Al-Wefaq.
18. The Bahraini government also suppresses political opposition by targeting the relatives of those political opponents who publicly exercise their right to freedom of expression. In 2021, the passport request of Ali Ahmed Khalifa Salman's son was rejected by the Bahraini authorities in reprisal for his father's peaceful journalistic activism on television. Since 2011, Salman had

appeared on the LuaLua<sup>2</sup>, AlKawthar, AlThaqalyn<sup>3</sup>, and AlAlam channels to condemn human rights violations, tackle religious freedoms, demand that the people be the source of power, and discuss prisoners' rights and freedom of political expression. Because the 4-year-old Ahmed – Salman's son – was not granted the Bahraini passport, he is denied basic rights including the right to health and the right to education.

## **V/ Censorship in the Kingdom of Bahrain**

19. The legal environment surrounding freedom of expression insidiously generates a climate rife with self-censorship adding to the already heavy censorship practiced by authorities. As a result, the government of Bahrain is effectively suffocating and silencing its entire population under threat of lengthy imprisonment, torture, or banishment.
20. In June 2017, Bahrain's Ministry of Information Affairs (MIA) ordered the indefinite suspension of Al-Wasat, Bahrain's only independent newspaper. Since then, efforts to suppress other forms of media have increased exponentially. In February 2018, the penal code was amended, increasing the maximum prison sentence for posting private news, comments, or images determined to be defamatory to the state to up to three years, and increasing the fine from BD 500 (\$1,327) to BD 10,000 (26,525).
21. Furthermore, The Telecommunications Regulatory Authority (TRA) extensively monitors and censors content on the Internet and requires all internet service providers in Bahrain to use a filtering system. It has been known to block websites which the government may deem inflammatory or spreading opposing views. For example, the government has blocked the website of the Bahrain Centre for Human Rights' (BCHR) within the Kingdom. This has prompted many websites of a similar nature to move overseas to avoid arbitrary removal or blocking. The TRA has also blocked numerous messaging and live streaming apps such as Telegram and Ustream.
22. In 2019, the Ministry of Interior announced that anyone who followed or interacted with social media accounts that "incite sedition and threaten civil peace" can face legal sanctions. According to Bahrain's anti-terror law, any online speech found to "prejudice national unity" can constitute a terrorist offense and be punished accordingly. The increased financial and personal risks for

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<sup>2</sup> His appearances on LuaLua TV are available on the following links: [https://youtu.be/9HI\\_bix1VxQ](https://youtu.be/9HI_bix1VxQ) & <https://youtu.be/OwcrWDrzBjY>

<sup>3</sup>One of his appearances on AlThaqalyn is available on the following link: <https://www.youtube.com/watch?v=go6wGYFDXxw>

journalists has created an environment where the truth is suppressed and the Bahraini authorities can push one controlled message.

## **VI/ Conclusions and recommendations**

23. Considering the above evidence, as well as the work of ADHRB and other human rights organizations in the Gulf, it is clear the Bahrain has not followed through with promises it made in the 2017 UPR cycle regarding freedom of expression. Instead of providing for a free and open civil society, the government has orchestrated a crackdown on both traditional and new forms of media. The sequence of events in recent years have been particularly concerning. Therefore, we would encourage that the Kingdom of Bahrain considers the following recommendations;

- Amend aspects of the Penal Code that threaten the transparency of journalists to report on events freely
- Curb the powers of the TRA and the MIA to allow for a more open space for the media to operate and report on important events in the country without censorship
- Allow websites that discuss human rights to be re-platformed in Bahrain
- Immediately and unconditionally release all journalists and human rights defenders who are in jail because of their attempts to exercise their freedom of expression
- Adequately implement the 23 recommendations made in 2017 at the 3<sup>rd</sup> UPR cycle, pertaining to protecting and promoting the right to freedom of expression