

Introduction

1. In recent years, the Kingdom of Bahrain has made improvements to its human rights record. For instance, the government has introduced an 'alternative sentencing law', has reinstated the citizenship of 551 citizens whose citizenship was revoked, and has released many political prisoners, such as Nabeel Rajab.
2. Bahrain does remain committed to human rights protection. In the last Universal Periodic Review in 2017, Bahrain fully supported 145 of the recommendations given, partially supported 13, and rejected 18. However, Bahrain has not satisfactorily implemented many of the recommendations and several human rights issues still need to be addressed.
3. The Next Century Foundation (NCF) is concerned about four main issues: (I) the need for free elections; (II) freedom of expression; (III) the rights of women; and (IV) the revocation of citizenship. We are proposing several reforms to further improve human rights compliance in Bahrain.

I. Free Elections

4. As elections will be held towards the end of the year, this year presents an important opportunity to improve democratic participation in Bahrain. Currently, democracy in Bahrain is in a precarious position because there no longer remains an effective political opposition to the government. However, if positive changes are made, there may be a chance for Bahrain to hold fairer elections.
5. Bahrain's largest opposition political society, al-Wefaq, was dissolved by court order in 2016 and had all its assets seized on the charge that they were inciting violence and supporting terrorism. Al-Wefaq tried to seek legal recourse by appealing the decision to Bahrain's highest court in 2017 but their appeal was rejected. An identical fate befell Bahrain's second-largest opposition party, Wa'ad, which was dissolved in 2017.
6. To fully restrict the participation of these opposition societies in the political process, Bahrain changed Article 3 of its Law on Exercising Political Rights in 2018 to prevent former members of prohibited societies from standing in elections. Former members of these societies are not only prevented from standing as members of their dissolved societies, but they are also prevented from standing as independents. They are even prohibited from being members of other non-political clubs and associations, like charities and non-governmental organisations.

7. As a result of these measures, there no longer remains an effective political opposition in Bahrain. Most of the forty members in the Council of Representatives are independents. The largest remaining opposition political society is al-Asalah, a conservative Sunni party with three seats. The Council of Representatives lacks political strength and only offers limited pushback against government policy. If changes are not made, the moderate opposition in Bahrain will get even weaker.
8. As Article 25 of the International Covenant on Civil and Political Rights (ICCPR) makes clear, equal participation in political and public affairs is a fundamental human right. Furthermore, Article 22 of the ICCPR recognises the right to freedom of association with others, including the ability to form political parties and join non-political organisations.
9. Protecting the rights to freedom of association (114.101) and the rights of all individuals to participate in legitimate political activities (114.122) were recommendations accepted by Bahrain in its previous Review in 2017. However, little progress has been made in this regard.
10. To make elections in Bahrain more democratic and to ensure that Bahrain fulfils its human rights obligations, the Next Century Foundation respectfully asks the following.

(i) Ending the Exclusion Law:

11. The Next Century Foundation asks Bahrain to repeal its law prohibiting former members of dissolved opposition societies from standing in elections. A royal decree by the King could be made to overturn the law, thereby allowing members of these societies to stand in the upcoming general election.
12. It is critical that people are not restricted in the representatives they are allowed to choose and important that anybody, regardless of political affiliation, can freely participate in the state's political affairs of the state.

(ii) Overturning Dissolution of Opposition Political Societies:

13. The NCF also respectfully asks Bahrain to overturn its decisions to dissolve its major opposition political societies. The government could reverse the dissolution entirely and allow the dissolved opposition societies to re-register. Alternatively, the government could alter the initial dissolutions by making them temporary and putting a time limit on them which will expire before the election. Thus, when the time limit expires, these societies will be automatically

re-registered and allowed to continue as they were before the dissolution.

14. Regardless, it is essential that dissolved opposition groups are fully registered in time to stand in the election this year and that they are not unduly delayed.

(iii) Encouraging Opposition Societies to Stand:

15. Finally, it is important that Bahrain publicly encourages members of opposition societies to stand in the election and ensures that no repercussions will come if they do so.
16. Some members of the opposition may have concerns about standing. In the past, many members of opposition societies, including the leader of al-Wefaq Sheikh Ali Salman, have been imprisoned on various charges and have had their citizenship revoked. Members of the opposition need to be assured that they are genuinely free to stand in the elections, and the government needs to actively encourage full democratic participation from all sides.
17. By the same token, it is important that, given the opportunity to stand in this year's elections, members of the opposition do not refuse to do so. In 2014, five opposition societies, including al-Wefaq and Wa'ad, decided to boycott the election on the pretext that the elections were unfair and an attempt to establish 'absolute rule' in Bahrain.
18. However, given how vital the participation of opposition societies is to any democracy in Bahrain, the opportunity needs to be taken regardless of any criticisms the opposition might have of the government. If the opportunity is taken, opposition societies will have access to a legitimate platform in which they can air their political grievances to the government.

II. Freedom of Expression

19. Following pro-democracy uprisings in 2011, the Government of Bahrain tightened measures on freedom of expression. Thirteen prominent political dissidents were given jail time and there are currently six journalists imprisoned in Bahrain. These individuals are serving sentences under charges relating to participating in demonstrations, destroying property, and terrorism. High-profile government critics, such as human rights blogger Dr. Abduljalil al-Singace, face long sentences for supporting pro-democracy protests.
20. In its 2017 Review, Bahrain supported Recommendation 114.112, to immediately and unconditionally release all prisoners of conscience imprisoned only for

exercising their right to freedom of expression. However, this issue still needs further attention.

21. In 2019, the Interior Ministry declared that: "those who follow inciting accounts that promote sedition and circulate their posts will be held legally accountable." Abdullah al-Shamlawi and Abdullah Hashim, distinguished lawyers in Bahrain, were among several to be sentenced solely for posting online. Moreover, the authorities tightened controls on free speech on COVID-19 grounds. In March 2020, the Office of Public Prosecution criminalised posting or circulating false news as the "current circumstances" called for "support for the agencies and institutions of the state."
22. Bahrain has also failed to implement Recommendation 114.104, which asked Bahrain to remove undue restrictions on the online publication of news media, and the licensing restrictions on media organisations and individuals seeking to practice journalism.
23. Bahrain currently ranks 168 out of 180 countries on the World Press Freedom Index. Many major news outlets, such as al-Jazeera, are denied access in Bahrain. Most notably, in 2017, Bahrain indefinitely suspended al-Wasat, the only opposition newspaper to operate in the country and an important opposition voice. Their suspension came after they published an article expressing sympathy with a pro-democracy uprising in Morocco.

Prison Conditions

24. Those imprisoned on a quasi-political basis are predominantly held at Jau Prison in south-east Bahrain. Conditions at Jau are particularly poor. Detainees claim they deal with poor sanitation and inadequate medical care. An outbreak of scabies occurred in January 2020 due to poor sanitation and, despite a COVID-19 outbreak amongst prison staff, prisoners were not given masks, sanitiser, or viral testing at the time. Mahmood Abdulredha al-Jazeera, a former al-Wasat journalist, was placed in solitary confinement for several days for sending a recorded message which criticised a COVID-19 safety inspection of the prison.
25. The Bahrain authorities released 1,486 prisoners in March 2020 due to concerns over the pandemic. This is to be hugely applauded. Nevertheless, the decree excluded opposition leaders, journalists, activists, and human rights defenders, a number of whom are older and suffer from underlying health conditions. Abduljalil al-Singace, for instance, has had several health issues whilst detained at Jau. His medical appointments have been denied because he has refused to

attend in handcuffs and a prison uniform. We appreciate that, even in the West, prisoners might be similarly restrained if attending medical appointments. However, in view of the contentious nature of the length of his prison term, some special regard might be exercised.

26. For Bahrain to improve freedom of expression for its citizens, the Next Century Foundation respectfully asks the following.

(i) To remove undue restrictions on those seeking to practise journalism and release all journalists detained under sentences solely relating to freedom of expression issues.

(ii) To revoke the ban on al-Wasat's right to publish news articles and permit any other news agencies to operate freely in Bahrain.

(iii) To ensure prisoners are held in adequate conditions. Detention centres must not be overcrowded. Prisoners must be allowed access to appropriate sanitation and medical care.

III. The Rights of Women

27. Bahrain has seen numerous improvements in women's rights since King Hamad bin Isa Al Khalifa took the throne in 1999. The 2002 Constitution was a crucial first step and declared women equal to men in all aspects of society as long as it did not breach Islamic law.

28. Since then, women's rights in Bahrain have witnessed victories. Bahrain has made efforts to increase the representation of women in leadership, which was a recommendation they accepted in the 2017 Review (114.147). Women can vote and hold seats in Parliament as well as the Supreme Council of Women. In 2018, Bahrain elected six women to the Council of Representatives, which doubled the number of women and set a record high. That said, only 39 women ran in the 2018 elections compared to 330 men. Women's participation in higher education is also high, often exceeding that of men.

29. However, progress is only seen when it does not encroach upon Islamic Law and there are still several barriers for women. Little progress has been made on recommendation 114.136 from the 2017 Review, to pursue efforts to enhance women's rights and fight all sorts of discrimination against women.

30. Currently, citizenship is passed to children through their fathers, meaning mothers who marry non-Bahraini men cannot pass citizenship to their children.

After living as dependents for 18 years, these children are forced to apply for residency permits or face deportation. These children are also often unable to attend university, gain employment, or open bank accounts as they do not possess the legal paperwork. The NCF calls for the immediate reconsideration of this practice. Children who have been born and raised in Bahrain should be able to live equal lives despite their father not being Bahraini.

31. Additionally, Article 353 and Article 321 of Bahrain's penal code are gross violations of women's and children's rights. Article 353 allows perpetrators of sexual violence to escape prosecution if they marry their victims. By legally tying victims of sexual violence to their attackers, the law authorises the prolonged suffering of victims. This provides protection for sexual assailants.
32. Furthermore, Article 321 does not permit girls or women to have abortions in the circumstance of rape unless their life is medically in danger. The government is forcing girls and women to deliver children they may not be able to provide for and which may be a constant reminder of a traumatic assault. This is unacceptable and the NCF requests the repeal of Article 353 and the expansion of Article 321 to include abortions for those who are raped.
33. Article 20 of Bahrain's family law also allows girls who are mere children and under 16 to be married off by their families if granted permission by the Shari'ah court. The rights of women to live safe and equal lives must be a priority of the government, even within the boundaries of Islamic Law. Progress must be made on the rights of mothers to pass citizenship to their children and the rights of women to be protected from sexual assailants.

IV. Revocation of Citizenship

34. Bahrain has stripped 985 individuals of their citizenship since 2011. 108 revocations have been issued by the King or the Minister of Interior based on Article 10(c) of the amended 1963 Nationality Law, whilst the rest have had their citizenship revoked by the criminal courts, under Article 24 of Law No. 58 on terrorism.
35. An amendment to Article 10 of the Nationality Law changed paragraph (c) from the King being able to revoke citizenship "If they cause damage to state security" to "If they cause harm to the interests of the Kingdom or act in a manner that contradicts the duty of loyalty to it". The amendment expands the scope under which it is possible to revoke citizenship in Bahrain.

36. The practice of nationality revocation is not unique to Bahrain. The United Kingdom of Great Britain and Northern Ireland also engages in this questionable practice, violating Article 15 of the Universal Declaration of Human Rights, the Right to Nationality. Bahrain's practice of revoking citizenship has had dire consequences for those inside and outside the country. By depriving individuals of their citizenship, the state simultaneously denies the enjoyment of other rights. Furthermore, nationality deprivation, when combined with the confiscation of passports and other documents, places individuals in absolute precarity because they remain stateless without knowing when their sentences end.
37. Furthermore, the NCF expresses concern about Bahrain's refusal to respond to the 2012 and 2015 visit requests from UN Special Rapporteurs on human rights defenders. The country has also denied requests from UN Special Rapporteurs on torture, freedom of expression, and freedom of assembly in recent years, which restrains the observation and assessment of human rights in Bahrain.
38. Bahrain did support Recommendation 114.174 from the last Review to end the practice of revoking citizenship. Despite remaining concerns, the NCF trusts that Bahrain is making progress in reforming the law. Bahrain has restored the citizenship of 551 people since 2019. There are also positive signs of change with regards to alternative sentencing, open jails, and limiting the nationality revocation capability to the cabinet. Nevertheless, as Bahrain is negotiating a Memorandum of Understanding with the UNHRC, the Next Century Foundation wishes to make three recommendations to Bahrain on this issue.

(i) Repatriation of Individuals in Exile:

39. Many of those whose citizenship has been withdrawn are now stateless, living in exile. Those who were deported or fled against their wishes cannot return to Bahrain because they have no residential status. A repatriation plan is necessary. We call for immediate action from Bahrain to quickly establish procedures to re-assess the current sentences and restore citizenship for stateless individuals who cannot return to Bahrain. The NCF further suggests that Bahrain discounts the prison terms of those currently in exile where they are applied by the number of years they have spent in exile.

(ii) Remittance of Current Sentences:

40. Many of those that had their citizenship revoked received sentences in absentia. Remitting their current sentences brings them an opportunity to appeal against their cases. We call for an independent person empowered to remit the

sentences of those tried in absentia to encourage them to appeal against the court's decision and reclaim their citizenship. This will enable fair hearings and enhance justice.

(iii) Special Rapporteurs Entering without Prior Notice:

41. We suggest Bahrain allows the UN Special Rapporteurs on torture, freedom of expression, and freedom of assembly to enter the country without prior notice. We also suggest that Bahrain allows the UN Special Rapporteurs on human rights defenders, freedom of expression, and torture to visit Bahrain immediately to meet detainees, assess the human rights situation, as well as convey their recommendations to solve the crisis facing human rights defenders and journalists.

V. Conclusion

42. The Next Century Foundation is encouraged by the Kingdom of Bahrain's commitment towards improving its human rights record. The proposals we have made seek to strengthen the human rights protection of people in Bahrain. It is important that stronger democratic participation is established in Bahrain and that the freedom of expression of journalists is protected. The rights of women to live safe and equal lives must also be a priority of the government, as should be the establishment of a mechanism to repatriate individuals whose citizenship has been revoked.