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BAHRAIN: ELECTIONS, BUT NO CIVIC SPACE

OVERVIEW

As Bahrain holds parliamentary elections on 12 November 2022, the government retains its long-standing ban on the opposition parties that used to compete in elections prior to 2011. The government has banned al-Wefaq, the Shia-led party that has won the most seats in the history of Bahrain's current parliamentary system, Amal, a Shia opposition party that competed with al-Wefaq, and Wa'd, a non-sectarian opposition party. These three parties oppose the 2002 constitution, which the ruling family issued unilaterally in 2002, but sought to change it by participating in the electoral process. The banning of parties which have peacefully sought to change the system of government by legal means such as participating in elections is a flagrant violation of the right to freedom of association.

Under two 2018 statutory amendments that are popularly referred to as the "civil and political isolation laws", the government also bans members of the banned opposition parties, any representative who resigned from the parliament in the past and anyone who has a prison sentence of more than six months on their record from taking leadership positions in civil society organizations. The Bahraini government now screens all candidates for the boards of non-governmental organizations to exclude those who have been members of banned political opposition parties, and has vetoed candidates for the boards of the Bahrain Women Union and the Bahrain Human Rights Society on this basis. Bahrain has closed the one independent news source in the country, banned all unlicensed public gatherings, all protests in the capital, Manama, any expression it considers "false statements" that could affect the election, and any election activities that "incite division". These highly restrictive measures quash much of the scope for the exercise of the human rights to freedom of expression, peaceful assembly, association and public participation.

BACKGROUND

The elections that Bahrain will hold on Saturday are for municipal councils and for the Council of Representatives, which is the elected house of the National Assembly. A second house, the Shura Council, is appointed by the king, and no bill passed by the elected house can become law until it is also approved by the Shura Council and the king (Articles 52 and 70 of the 2002 constitution). The outlawed Shia opposition party, al-Wefaq, which was the most successful party to participate in Bahrain's elections since the king established the elected house of parliament in 2002, has called on its supporters to boycott all elections since 2014.

This year marks the second round of legislative elections since Bahrain expanded the ban in 2018 on the three opposition parties al-Wefaq, Amal and Wa'd to also exclude any candidates who were members of those dissolved parties. Amnesty International [described](#) at the time of the 2018 elections how Bahrain had quashed political opposition and freedom of expression in the lead-up to the voting, and how the new laws would have a *de facto* discriminatory effect on Shi'as' political participation.

In addition, tens of thousands of citizens have since been removed from the authorized voter lists due to past convictions, even when they were related to the peaceful exercise of the rights to peaceful assembly, association and expression, or for their non-participation in the 2018 elections. Overall, government figures indicate that just over one out of five ($\approx 21.5\%$) Bahraini adult citizens is ineligible to vote this year, an increase from 2018.¹

BANNING OF MAJOR OPPOSITION PARTIES

Bahrain has cracked down on opposition since 2011. It has banned at least three opposition parties, including the largest opposition party in the country, al-Wefaq, which has been the most electorally successful party in the country under the current constitution, and two smaller opposition parties, Amal and Wa'd.

¹ The number of eligible voters [announced](#) by the government this year is 344,713. The number of voting-age citizens (20 and above) reported in Bahrain's latest official statistics is 439,574. "Population 2021" Excel file, tab "T2", downloadable (under "Documents" section) from Bahrain's [Information & eGovernment Authority](#).

In February 2012 the government dissolved the opposition party Amal (more formally known as the Islamic Action Society), by court order in a case brought by the executive branch. Amal had obtained a [license as a political party from the government](#) in 2006, and contested in the parliamentary elections that year, competing with al-Wefaq among Shia voters, though it did not win any seats in parliament. Bahrain's public prosecution raised the case calling for Amal's dissolution [on the grounds](#) that it had failed to give an adequate report of its budget and funding to the Ministry of Justice in January 2012, had held a political meeting in a house of worship and had stated through a spokesman that Shia religious leaders have more authority than the constitution. Following the court order dissolving the party, the Ministry of Justice [issued a notice](#) stating, "It is forbidden to the public to interact with the association, and forbidden to its members... to continue their activity".

Bahrain has outlawed the country's largest political opposition party since 2016.² Known as al-Wefaq ("the Concord") National Islamic Association, this political movement joined the Bahraini government-structured "reform" process launched after the accession of King Hamad in 1999. Al-Wefaq [registered](#) with the government in 2001 and ran in the elections of 2006 and 2010, [winning](#) 17 out of 40 seats in 2006 and 18 seats in 2010. Its electoral record makes it the most successful political group to have existed under Bahrain's current constitution, issued in 2002 after 27 years without parliamentary elections.³

Al-Wefaq has always been formally committed to "a state of law, democratic life", "cohesion and solidarity... between different groups", resolution of social problems "by peaceful means" and "rejection of division and discrimination between citizens", in the words of its 2001 charter.

In July 2016, a Bahraini court [ruled to dissolve](#) al-Wefaq based on a complaint brought by the Ministry of Justice. The government claimed that al-Wefaq had violated Article 23 of Bahrain's Law on Political Associations – which refers generally to any violation of any domestic law – in alleged acts ranging from "use of houses of worship for political activity" to "praising violence and supporting terrorist organizations". Amnesty International has examined documents from the trial and found that the court produced no credible evidence that al-Wefaq engaged in incitement to violence.

Bahrain has also imprisoned the leader of al-Wefaq, Ali Salman, since December 2014. The Bahraini judiciary sentenced him to two years in prison for incitement to disobey the law, based on political speeches in which he stated al-Wefaq's goal of governing Bahrain. The Court of Cassation raised the sentence to four years after appeals. In 2017 the judiciary condemned him to an additional sentence of [life in prison](#) on a new set of charges accusing him of spying for Qatar. Amnesty International examined the court documents in both cases. The charges used to issue the life sentence were based on telephone conversations Ali Salman had in 2011 with Qatari officials acting as mediators between the Bahraini government and opposition. The Bahraini government approved and was involved in the same discussions.

In May 2017, a Bahraini court, again acting on a Ministry of Justice complaint, [dissolved](#) the non-sectarian political opposition party Wa'd, charging it with "attacking the basic principle of rule of law" and "inciting terrorism" because it had referred to individuals killed by the state as "martyrs". Wa'd did not have members in parliament, but competed in the 2006 and 2010 elections and had several candidates reach the second round of voting both times. Wa'd had joined al-Wefaq in committing itself to non-violence, including in a joint statement the two parties [issued](#) in May 2017 several weeks before the court order dissolving Wa'd.

In addition, in June 2016, al-Ikha, another [licensed](#) opposition party organized by members of the 'ajm (Persian-descent) Shia community, announced its own dissolution, [citing](#) "pressures exercised by the Ministry of Justice" and "the shrinking margin granted to freedom of expression".

BANNING OF CANDIDATES WHO WERE MEMBERS OF PROHIBITED OPPOSITION PARTIES OR HAVE BEEN UNFAIRLY SENTENCED

In 2018, before the last round of parliamentary elections, Bahrain amended its Law on the Exercise of Political Rights to exclude members of dissolved parties from also running as independent candidates (as part of the "civil and political isolation laws"). The law now forbids candidacy to the Council of Representatives by any "effective leaders or members of dissolved political associations".⁴ This prevents those belonging to al-Wefaq, Wa'd and Amal from running for election as independent candidates, on top of the previously imposed ban on the parties themselves. The law further in effect bans candidacy by al-Wefaq representatives who resigned in 2011 in protest over the government's clampdown on demonstrators, and the "estimated 300 persons" that the Bahrain Independent Commission of Inquiry, appointed by the

² Technically under Bahraini law ([Act No. 26 of 2005](#)), organizations competing in elections are defined as "political associations" rather than parties, but since there is no functional difference the term "parties" is used here.

³ Marc Owen Jones, *Political Repression in Bahrain*, 2020, p. 129.

⁴ Article 3.3, as amended by [Act No. 25 of 2018](#).

king to examine the events and background of the 2011 uprising, [reported](#) were sentenced to one year imprisonment or more for participating in the uprising under provisions of law infringing on freedom of expression and assembly.⁵

CLOSING THE SPACE FOR EXPRESSION, ASSOCIATION AND ASSEMBLY

In 2018, four months before the parliamentary elections that year, Bahrain also tightened the law to prevent those banned from political participation from playing a legal role in civil society, by amending its statute on non-governmental organizations to make it a requirement that any NGO board member must “be in full enjoyment of his civil and political rights”.⁶ A January 2020 circular from the Ministry of Labour and Social Development, not made public by the government but shared with Amnesty International by a member of an affected organization, informed Bahraini NGOs that going forward “there will be a security check of candidates for board[s] of directors” in order to exclude those not “in full enjoyment of [their] civil and political rights”, including members of the banned opposition parties.⁷ Such a blanket ban is in violation of the right to freedom of association.

In January 2020, [the government applied the new law](#) against two women, Zainab al-Durazi and Safia al-Hasan, who had already been elected to the board of the Bahrain Women Union in elections it held in September 2019. The Ministry of Labour and Social Development, which holds supervisory power over all licensed NGOs, ordered the Union to dismiss the two women from their board positions since they did not “enjoy all their civil and political rights”, given that they were members of the outlawed party Wa’d. In January 2022, the government applied the Law on Political Associations to exclude [three members](#) of the Bahrain Human Rights Society from candidacy for the board of directors because they had been members of Wa’d. Excluding the three candidates also meant removing the head of the board, AbdulJalil Yusuf, and another member, Isa Ebrahim, who were both sitting members of the board running for re-election.

QUASHING FREEDOM OF EXPRESSION

Bahrain has a vague and overly broad law outlawing “interfer[ing] in the freedom of... elections or their procedural regime... by participating in gatherings or demonstrations”, or by causing “confusion”.⁸ Two other provisions outlaw “insult[ing]” the committees that administer the elections and conveying “false statements” about elections and candidates “with the intention of affecting the result”.⁹ All such actions are considered crimes that courts can punish by up to two years in prison.¹⁰ On 16 October 2022 the Office of Public Prosecution issued a [reminder](#) on its Twitter account warning that “false statements” about the election are a crime punishable by prison.

In a [new set of regulations](#) issued by the Ministry of Municipalities Affairs in September 2022, Bahrain outlawed election content “infringing on the Islamic creed or the unity of the people, or that incites division or sectarianism between citizens”.¹¹ The regulations forbid candidates from electioneering activities, “including organizing and holding meetings and giving election speeches” in “houses of worship”, “public places reserved for public services”, all public and private universities and educational institutes, at the sites of “statues... and historic buildings”.¹² A final clause further forbids any electioneering speech or activity that “infringes on public security or public morals or religious beliefs or the customs prevalent in society”.¹³ These vague and overly broad restrictions are not compatible with the guarantees of freedom of expression and peaceful assembly.

Since 2017 Bahrain has not allowed any independent media to operate in the country, as that year in June it shut down the one independent news outlet, the newspaper al-Wasat. The Ministry of Information Affairs closed down the paper because, [it said](#), al-Wasat published “material inciting division within society and affecting the Kingdom of Bahrain’s relations with other countries”. The 2011 [report](#) of the Bahrain Independent Commission of Inquiry noted that “[r]adio and television broadcasts in Bahrain are all State-controlled” and: “Of the seven daily papers, only Al-Wasat is classified

⁵ [Report of the Bahrain Independent Commission of Inquiry](#), 2011, paras 1284, 1287, 1289.

⁶ Article 43, para. 1 of the Law on Social and Cultural Associations and Clubs, Private Bodies Working in the Field of Youth and Sports, and Private Institutions, as amended by [Act No. 36 of 2018](#).

⁷ The Arab Gulf-focused human rights organization [SALAM for Democracy and Human Rights](#) has [published](#) the circular on their website.

⁸ Article 30.4 of the Law on the Exercise of Political Rights, as amended by [Act No. 14 of 2016](#).

⁹ Article 30.6 and 30.7 of the Law on the Exercise of Political Rights, as amended by [Act No. 14 of 2016](#).

¹⁰ Article 30, introductory paragraph, of the Law on the Exercise of Political Rights, as amended by [Act No. 14 of 2016](#).

¹¹ Ministry of Municipalities Affairs and Agriculture Decision No. 141 of 2022, Article 2.

¹² Ministry of Municipalities Affairs and Agriculture Decision No. 141 of 2022, Article 4, introductory paragraph, and 4.1-4.4.

¹³ Ministry of Municipalities Affairs and Agriculture Decision No. 141 of 2022, Article 4, final paragraph.

as an opposition paper. The remaining six can be classified as pro-government and are owned by figures closely associated with the GoB [government of Bahrain].” Today the [media landscape](#) in Bahrain is the same, with the one difference that al-Wasat no longer exists as one of the now six newspapers allowed to print by the government.

OUTLAWING FREEDOM OF ASSEMBLY

Bahraini legislation criminalizes any “gathering in a public place, composed of at least five people, with the goal of... infringing on public order, even to achieve a legitimate purpose”.¹⁴ Under this statute, such “unlawful gathering” can be punished by up to two years in prison. Additionally, in 2013 the government passed a new statute reading: “It is forbidden to organize demonstrations, marches, gatherings or protests in the city of Manama [the capital]”.¹⁵

The police do not intervene against every demonstration. Protests in Shia towns and neighbourhoods outside the capital still occur, for example in the Shia area of Samaheej in al-Muharraq governorate on [2 October 2022](#), to express solidarity with Shia prisoners, and in the Shia town of al-Sanabis on [18 October 2022](#) to call for boycott of the elections. The government did not disperse or make arrests at these demonstrations. However, by law the state forbids all such exercises of the freedom of peaceful assembly and thus citizens who take part in them put themselves at risk of prosecution.

In February 2019, for example, Bahrain sentenced 167 people to prison, in a mass trial of 171 total defendants, under the “gathering in a public place” statute. The victims of the mass trial had gathered in the Shia town of al-Duraz to protest the government’s stripping of citizenship from Shia cleric Isa Qasim in June 2016. The king issued an [order stripping the cleric of citizenship](#) on recommendation from the Ministry of Interior because, in the government’s words, of his “causing damage to the interests of the Kingdom and his failure to observe the duty of loyalty to it”. Supporters of the cleric subsequently gathered around his house in al-Duraz in a long-term sit-in protest to express their solidarity with Isa Qasim and to prevent any action to deport him, since by removing his citizenship the Bahraini government made him open to removal from the country as a non-national.¹⁶ In May 2017 the Bahraini government broke up the demonstration around Isa Qasim’s house in al-Duraz using [excessive force](#), and put 171 of the participants on trial. Although sectarian identity is not included in official Bahraini documents, Amnesty International confirmed, using name and place of residence and in consultation with Bahraini sources, that at least 94.7% (162) of the victims of the mass trial are Shia citizens. (For the other nine defendants, the available data did not clearly indicate any sect.)

¹⁴ Article 178 of the Penal Code.

¹⁵ Article 11 of the Law on Public Meetings, Marches and Gatherings, as amended by [Decree of Act No. 22 of 2013](#).

¹⁶ As a result of his stripping of citizenship, in 2018 he left Bahrain and currently resides in Iran.