



## Bahrain

### Joint Submission to the UN Universal Periodic Review 27<sup>th</sup> Session of the UPR Working Group

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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in  
General Consultative Status with ECOSOC**

**And**

**Bahrain Center for Human Rights**

**And**

**Gulf Centre for Human Rights**

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## **1. (A) Introduction**

- 1.1** CIVICUS is a global alliance of civil society organizations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the Global South, and have members in more than 160 countries throughout the world.
- 1.2** The Bahrain Center for Human Rights (BCHR) is a non-profit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. BCHR documents and reports on human rights violations in Bahrain and uses this documentation for advocacy to ensure that policies are in accordance with the Universal Declaration of Human Rights.
- 1.3** The Gulf Centre for Human Rights (GCHR) is an independent, non-profit and non-governmental organization that works to provide support and protection to human rights defenders in the Gulf region by promoting freedom of expression, association and peaceful assembly.
- 1.4** In this document, CIVICUS, BCHR and GCHR examine the Government of Bahrain's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Bahrain's fulfilment of the rights to freedom of association, assembly, and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2012. To this end, we assess Bahrain's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of specific, action-oriented follow-up recommendations to the Government of Bahrain.
- 1.5** During the 2<sup>nd</sup> UPR cycle, Bahrain received 40 recommendations relating to civic space. Of these recommendations, Bahrain accepted 37 and noted 3. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Bahrain has only partially implemented 1 recommendation and has not implemented the remaining 39 recommendations. The failure of the government to take proactive steps to implement these recommendations is symptomatic of the Bahraini Government's unwillingness to address unwarranted restrictions on the above mentioned rights/ civic space since its last UPR examination.
- 1.6** In particular, CIVICUS remains deeply concerned by the severe and continued restrictions on freedom of expression including the routine judicial persecution and harassment of individuals and groups for taking part in legitimate forms of dissent both online and offline.

**1.7** CIVICUS is further alarmed by the targeting of human rights defenders, journalists, religious leaders, peaceful protesters and civil society representatives through reprisals, travel bans, prison sentences, torture and other unjustified limitations.

- In Section B, CIVICUS, BCHR and GCHR examine Bahrain’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- In Section C, CIVICUS, BCHR and GCHR examine Bahrain’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of human rights defenders, civil society activists and journalists.
- In Section D, CIVICUS, BCHR and GCHR examine Bahrain’s implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression, independence of the media and access to information.
- In Section E, CIVICUS, BCHR and GCHR examine Bahrain’s implementation of UPR recommendations and compliance with international human rights standards related to freedom of assembly.
- In Section F, CIVICUS, BCHR and GCHR make a number of recommendations to address the concerns listed.

## **2. (B) Freedom of association**

**2.1** During Bahrain’s examination under the 2<sup>nd</sup> UPR cycle, the government received 10 recommendations on freedom of association and creating an enabling environment for civil society organizations (CSOs). Among other recommendations, the government committed to “abandon any restriction or obstacle to the work of persons and institutions engaged in the protection and promotion of human rights”<sup>1</sup> and to “align the national legislation on freedom of expression, association and assembly with country’s international human rights obligations”.<sup>2</sup> Of the recommendations received, all ten were accepted. However, as evidenced below, the government has failed to take adequate measures to realize many of these recommendations. Nine of the ten recommendations on freedom of association that the Bahraini Government accepted have not been implemented and one has partially been implemented.

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<sup>1</sup> Report of the Working Group on the Universal Periodic Review Bahrain, Addendum 1, OCHRC, 12 October 2012, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/176/19/PDF/G1217619.pdf?OpenElement>

<sup>2</sup> *ibid*

**2.2** Article 27 of the Bahraini Constitution guarantees freedom of association.<sup>3</sup> Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain is a state party, also guarantees freedom of association. Despite these commitments, the government forbids CSOs to work on political issues, forcibly and unwarrantedly dissolves independent CSOs and limits the unionisation of certain sectors.

**2.3** The 1989 Law of Associations is the primary law governing the activities and operations of civil society organizations in Bahrain. The law, implementation of which is overseen by the Ministry of Labour and Social Affairs, maintains a number of illegitimate restrictions which are regularly invoked to sanction or suppress independent CSOs. These include:

- Article 18, which forbids CSOs from working on political issues without specifically defining the parameters of what constitutes “political”.
- Article 50, which allows the Ministry of Labour and Social Affairs to dissolve a CSO if they deem the organization is unable to achieve the objectives it was established to undertake or if it violates the Law of Associations, public order or norms. The law fails to provide a definition of “norms”.
- Article 9 requires all CSOs, including informal groups, to compulsorily register with the authorities. If the Ministry does not respond within 60 days, the registration request is deemed denied.
- Article 89 imposes a fine of BHD1000 (US\$2640) and/or a year of imprisonment for establishing and operating an unregistered organization or publishing or broadcasting on behalf of an unlicensed organization.<sup>4</sup>
- Once an organization is registered, it is subject to official investigations by authorities on a regular basis. According to Article 20, CSOs are not allowed to receive funds from foreign sources or join another organization that is based outside Bahrain without prior permission from “specialized administrative authority” under the auspices of the Ministry of Social Development.<sup>5</sup>

**2.4** According to Article 10 of Law 33/2002 on Workers and Trade Unions, workers of any particular establishment or sector have the right to join a trade union. However, the law maintains overly vague provisions, which prevents public sector workers

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<sup>3</sup> Interfere, Restrict, Control: Restrains on freedom of association in Bahrain, Human Rights Watch, June 2013, <https://www.hrw.org/sites/default/files/reports/bahrain0613webwcover.pdf> and Constitution of the State of Bahrain June 1973, <http://confinder.richmond.edu/admin/docs/Bahrain.pdf>

<sup>4</sup> Civil Society – how to be a partner? Abdulnabi Al-Ekri, *Al-Wasat* News, 30 April 2016 <http://www.alwasatnews.com/news/1108656.html>

<sup>5</sup> Ibid

from unionising in practice.<sup>6</sup> Under the law, Post Office Workers, Water and Electricity Workers, Public Works Workers, Healthcare Workers, Social Insurance Workers and Retirement Fund Workers have all repeatedly been denied registration to unionise.<sup>7</sup> These rigid restrictions and the denial of registrations for a number of vital sectors have forced many working groups to form non-official networks, including among writers, journalists, medical doctors and nurses.<sup>8</sup>

- 2.5** On 22 May 2016, the Shura Council, the Upper House of the Parliament, passed an amendment to article 5 of the Political Societies Law (2005), preventing any religious figure who delivers a sermon from joining political societies or from participating in political activities. The amendment determines that “political societies’ heads and leaders shouldn’t be religious preachers, even if they occupy the position in the societies’ without being paid.”<sup>9</sup>
- 2.6** In sharp contrast to the government’s targeted persecution of independent CSOs, Government-Organized NGOs (GONGOs), do not face the same level of restrictions and are typically allowed to operate unencumbered.<sup>10</sup> GONGOs not only assume vital resources, legitimize the government’s claims of civic engagement and accountability but have also participated in and led defamation campaigns against independent CSOs and human rights defender (HRDs).
- 2.7** Since Bahrain’s last UPR examination, the government has intensified efforts to impede the functioning and work of CSOs through monitoring and dissolution of CSOs deemed critical of the government or its policy. A number of independent CSOs have been subjected to targeted persecution or forced closure. Since 2000, 30 CSOs have been dissolved of which 11 were dissolved in 2016 alone<sup>11</sup>. According to BCHR the national dialogue with civil society was suspended in 2014, following the arrest of one of the representatives participating in the dialogue. On 14 June 2016, the Ministry of Social Development closed down two non-profit religious societies: Al-Risala Islamic Society and the Islamic Enlightenment Society (Al-Taweya).<sup>12</sup> On 17 July 2016, The High Civil Court ordered the largest opposition group, Al-Wefaq Islamic Political Society, dissolved, confiscated the society’s assets, closed the

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<sup>6</sup> Interfere, Restrict, Control: Restrains on freedom of association in Bahrain, Human Rights Watch, June 2013, <https://www.hrw.org/sites/default/files/reports/bahrain0613webwcover.pdf> and Online Library Bahrain, International Center for Non-for profit Law, <http://www.icnl.org/research/library/files/Bahrain/21-89-En.pdf>

<sup>7</sup> *ibid*

<sup>8</sup> Civil Society – how to be a partner? Abdulnabi Al-Ekri, *Al-Wasat News*, 30 April 2016 <http://www.alwasatnews.com/news/1108656.html>

<sup>9</sup> Further restrictions aimed at curtailing Bahraini opposition’s participation in political decision, Bahrain Center for Human Rights, 23 May 2016, <http://bahrainrights.org/en/node/7840>

<sup>10</sup> *ibid*

<sup>11</sup> More than 30 CSOs dissolved in since 200. Another one dissolved in 2016, *Al-Wasat News*, 21 August 2016, <http://www.alwasatnews.com/news/1150862.html>

<sup>12</sup> Bahrain: Authorities Escalate Crackdown on Shia Clerics and Freedom of Religion, Bahrain Center for Human Rights, 17 June 2016 <http://bahrainrights.org/en/node/7914>

headquarters and blocked its website.<sup>13</sup> The decision was upheld in the Appeals Court on 22 September 2016<sup>14</sup>. The authorities also dissolved the Bahrain Teacher's Society and took over the Bahrain Medical Society by replacing its board members with pro-government operatives in April 2011.<sup>15</sup> Similarly, the Bahrain Nursing Society was dissolved and its headquarter was subsumed after the Society held a solidarity event for a member who was arrested for treating an injured protester in March 2010.<sup>16</sup> The Bahrain Lawyers Society's legally elected board was also declared illegitimate by ministerial decision and replaced in December 2011.<sup>17</sup> Furthermore, the administrative body of the Authors and Writers Family Society was pressured to resign in July 2011.

- 2.8** While the authorities continue to stymie unionization in the country, the government has taken some modest steps to ease draconian persecution of state employees and students for maintaining dissident views. Specially, the government has partially implemented a recommendation put forward by the Government of Canada during Bahrain's 2<sup>nd</sup> UPR cycle to "Reinstate all employees and students dismissed following the events of February and March 2011 whose political activities were consistent with the right to freedom of peaceful assembly and of association (...)". However, while several people were re-instated and given new contracts, there are still approximately 50 people that have not been re-instated<sup>18</sup>.
- 2.9** The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association has requested an official visit Bahrain but has not received an answer.

### **3. (C) Harassment, intimidation and attacks against human rights defenders, journalists and civil society representatives**

- 3.1** During Bahrain's previous UPR, five recommendations were made on the protection of HRDs, journalists and civil society representatives. Of these recommendations, the government accepted four recommendations and noted one. Among others, the government committed to ensuring "that human rights defenders must be protected and allowed to conduct their work without hindrance, intimidation or harassment"

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<sup>13</sup> Further Restriction on Freedom of Association: Bahrain Dissolved Al-Wefaq, the Largest Political Society in the Country, Bahrain Center for Human Rights, 17 July 2016 <http://www.bahrainrights.org/en/node/8009>

<sup>14</sup> Bahrain's High Court of Appeal Upholds Dissolution of Al-Wefaq, Bahrain Center for Human Rights, 22 September 2016, <http://bahrainrights.org/en/node/8188>

<sup>15</sup> A Follow-Up Report on Bahrain's UPR Second Cycle: The deteriorating human rights situation in Bahrain, Americans for Democracy and Human Rights, February 2014, [http://adhrb.org/wp-content/uploads/2014/04/ADHRB\\_February2014\\_web.pdf](http://adhrb.org/wp-content/uploads/2014/04/ADHRB_February2014_web.pdf)

<sup>16</sup> Ministry of Human Rights Continues Attempts to Take Over Civil Society Organizations and Cancel Bahrain Bar Society Elections, Bahrain Center for Human Rights, 18 December 2011, <http://www.bahrainrights.org/en/node/4910>

<sup>17</sup> Ibid

<sup>18</sup> 50 of Dismissed Tripartite Agreement Have Not Returned to Their Jobs, *Al-Wasat* News, 5 March 2016, <http://www.alwasatnews.com/news/1086789.html>

and to “cease all intimidation or repression against human rights defenders, journalists and Non-Governmental Organizations”. However, despite these commitments, none of the five recommendations have been implemented.

- 3.2** Article 12 of the UN Declaration on HRDs mandates states to take necessary measures to ensure protection of HRDs. The ICCPR further guarantees freedom of expression, association and peaceful assembly. However, despite of these protections, HRDs in Bahrain continue to face repression, politically motivated charges and arbitrary arrest and detention.
- 3.3** Of critical concern is the Government’s frequent misuse of the overbroad and widely criticised Protecting Society From Terrorism Acts law and Article 214 of Penal Code, which criminalises a number of legitimate activities including “insulting authorities or “insulting the King”<sup>19</sup>. According to BCHR, more than 3,000 individuals remain detained in Bahrain for exercising their fundamental civic and public freedoms. The vast majority of these HRDs have also been charged under articles 133, 215 and 216 of the Penal Code, which precludes spreading false rumours in wartime, offending national institutions and offending a foreign country or institution<sup>20</sup>. HRDs are routinely summoned for interrogation by the security agencies and trials are frequently based on confessions coerced under torture. HRDs are often denied a lawyer or contact with their family.
- 3.4** The number of HRDs, civil society representatives and members of their family who have had travel bans imposed on them has increased precipitously since Bahrain’s previous UPR. In June 2016 and during the 32<sup>nd</sup> session of the UN Human Rights Council, 23<sup>21</sup> Bahraini HRDs and family members of victims of extrajudicial killings were banned from traveling to Geneva.<sup>22</sup> On 29 August 2016, advocacy coordinator at BCHR, Nedal Al-Salman was banned from travelling, as she was on her way to Geneva to partake in a UN roundtable<sup>23</sup>. According to GCHR, international CSOs and HRDs are normally not let into Bahrain and Joe Stork from Human Rights Watch is persona non grata.
- 3.5** On 13 June 2016, the opening day of the UN HRC's 32<sup>nd</sup> Session, security forces arrested HRD Nabeel Rajab, President of the BCHR, founding Director of the GCHR and Deputy Secretary General of the International Federation for Human Rights

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<sup>19</sup> Limited Freedom of Expression in Bahrain: Arrested for Insulted the King, 30 December 2013, <http://bahrainrights.org/sites/default/files/Insulting%20the%20King%2C%20Test%20.pdf>

<sup>20</sup> Nabeel Rajab’s Lawyers: There is no evidence proving our client is guilty of the charges, Bahrain Center for Human Rights, 22 August 2016 <http://bahrainrights.org/en/node/8085>

<sup>21</sup> Bahrain: Authorities Violate Right to Freedom of Movement for HRDs and civil society, Bahrain Center for Human Rights, 18 July 2016, <http://bahrainrights.org/en/node/7974>

<sup>22</sup> NGOs call for an end to reprisals against human rights defenders as Nabeel Rajab arrested and Bahraini rights defenders banned from travel to Geneva, Gulf Center for Human Rights, 16 June 2016, <http://www.gc4hr.org/news/view/1287>

<sup>23</sup> Bahrain NGOs Condemn Reprisals against HRDs For UN Engagement, Bahrain Center for Human Rights, 2 September 2016, <http://www.bahrainrights.org/en/node/8126>

(FIDH).<sup>24</sup> On 14 June 2016, Nabeel Rajab was charged with “publishing and broadcasting false news that undermines the prestige of the state,” related to statements in TV interviews<sup>25</sup>. In a separate case, he risks 15 years in prison for charges related to tweets and retweets about the war in Yemen and for insulting a statutory body on social media. He has been forced to endure harsh conditions tantamount to ill-treatment which have adversely impacted his health.<sup>26</sup> On 4 September 2016, a letter written by Nabeel Rajab in his prison cell was published in New York Times and immediately, the Bahraini authorities responded by bringing an additional charge of “undermining the prestige of the state” against him.<sup>27</sup> In 2011 and 2012, Nabeel Rajab was detained on several occasions for expressing democratic dissent. On 11 December 2012 he was sentenced to two years in prison on charges of organizing unauthorized protests.<sup>28</sup>

- 3.6** Former Director and founder of BCHR and GCHR, Abdulhadi Al-Khawaja, has been serving a life sentence in prison since 2011 due to his human rights work in Bahrain and the Gulf region.<sup>29</sup> He was one of 13 political and human rights leaders that received prison sentences ranging from 5 years to life in prison. They remain imprisoned with no further appeals<sup>30</sup> on alleged charges of “breaching the Constitution and participating in a plot to overthrow the regime and having intelligence contact with foreign entities”<sup>31</sup>. Since Al-Khawaja’s arrest and detention, he has been subjected to severe torture, and as a result suffers from a number of critical medical conditions.
- 3.7** Woman human rights defender Zainab Al-Khawaja has been detained eleven times since 2011 on different charges for her activism and on 5 June 2016 she was forced to leave Bahrain with her family as new charges with lengthy sentences would be imposed against her.<sup>32</sup> Co-director of the Gulf Centre for Human Rights, Maryam Al-Khawaja, was sentenced *in absentia* to one-year imprisonment on trumped up

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<sup>24</sup> Updates: Arrest and Detention of BCHR’s President Nabeel Rajab, Bahrain Center for Human Rights, 8 September 2016, <http://bahrainrights.org/en/updates-arrest-and-detention-bchrs-president-nabeel-rajab>

<sup>25</sup> Bahrain Renews Detention of Leading Human Rights Defender Nabeel Rajab, Bahrain Center for Human Rights, 21 June 2016, <http://www.bahrainrights.org/en/node/7926>

<sup>26</sup> Updates: Arrest and Detention of BCHR’s President Nabeel Rajab, Bahrain Center for Human Rights, 8 September 2016, <http://bahrainrights.org/en/updates-arrest-and-detention-bchrs-president-nabeel-rajab>

<sup>27</sup> Ibid.

<sup>28</sup> Nabeel Rajab Background Information Previous Harassment, Bahrain Center for Human Rights, <http://bahrainrights.org/en/nabeel-rajab-background-information-previous-harassment>

<sup>29</sup> BCHR: Release of Testimony of former BCHR Director Abdulhadi Al-Khawaja, Bahrain Center for Human Rights, 26 June 2012, <http://www.bahrainrights.org/en/node/5338>

<sup>30</sup> May Champions for Justice: The Bahrain 13, Bahrain Center for Human Rights, 12 May 2016, <http://www.bahrainrights.org/en/node/7519>

<sup>31</sup> In the Absence of International Consequences, High Court of Appeal Upholds Politically Motivated Sentences, Gulf Center for Human Rights and Gulf Centre for Human Rights, 05 September 2012, <http://www.gc4hr.org/news/view/232>

<sup>32</sup> Bahrain: Zainab Al-Khawaja forced to leave her country or risk indefinite detention, Gulf Centre for Human Rights, 11 June 2016, <http://www.gc4hr.org/news/view/1276>



charges of assaulting police officers detaining her at Bahrain International Airport when she attempted to visit her father Abdulhadi Al-Khawaja in prison.<sup>33</sup>

- 3.8** Dr Abduljalil Al-Singace has been serving a life sentence since 2011.<sup>34</sup> The accusations brought against him, including destabilizing the government, are based on his blogging activity, which include commenting on the government's restrictions on civil liberties and discrimination of the Shiite majority population in Bahrain. In prison, Abduljalil Al-Singace has been subjected to severe physical and psychological torture.<sup>35</sup>
- 3.9** Naji Fateel, a prominent HRD and member of Bahrain Youth Human Rights Society, was tried under the Protecting Society From Terrorism Acts in September 2013, together with 49 other HRDs and political activists.<sup>36</sup> Naji Fateel has been reported to be subjected to severe torture during his interrogation in the notorious Criminal Investigations Directorate (CID) and later in Jaw prison.<sup>37</sup> He was sentenced to 15 years in prison.<sup>38</sup>
- 3.10** Press freedom in Bahrain remains highly restricted and there are reports of persecution of several members of the media. Journalists Hussam Suroor, Ahmed Zainaldeen and Mustafa Rabea were detained incommunicado for five days following their arrest on 4 September 2014. Suroor was sentenced to over 20 years in multiple cases and Zainaldeen and Rabea to 10 years in prison for illegal assembly and charges related to an explosion in Duraz. Since 2012, there have been at least 88 cases of denial of entry for foreign journalists and members of international human rights group.<sup>39</sup> In February 2016, authorities arrested four US journalists around the fifth anniversary of the 2011 protests in Bahrain although they were later released.<sup>40</sup>

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<sup>33</sup> Bahrain: Update in relation to human rights defenders Zainab Al-Khawaja and Maryam Al-Khawaja, daughters of imprisoned Abdulhadi Al-Khawaja, Gulf Centre for Human Rights, 01 December 2014, <http://www.gc4hr.org/news/view/832>

<sup>34</sup> One blogger sentenced to life imprisonment, another to 15 years in jail, Reporters Without Borders, 22 June 2011, <https://rsf.org/en/news/detained-blogger-abduljalil-al-singace-hunger-strike>

<sup>35</sup> Urgent Appeal – Dr. Al-Singace makes claims of torture to Public Prosecutor, Bahrain Center for Human Rights, 29 August 2010 <http://www.bahrainrights.org/en/node/3273>

<sup>36</sup> Bahrain Court Sentences 50 Defendants, Including Human Rights Defenders, Under Terrorism Law, and Reduces Sentence For Two Police Officers Convicted of Torturing Detainee to Death, Bahrain Center for Human Rights, 29 September 2013, <http://www.bahrainrights.org/en/node/6418> and Bahrain - Human rights defenders Naji Fateel to be detained for 60 days on anti-state charges after allegedly being tortured, Bahrain Center for Human Rights, 9 May 2013 <http://www.bahrainrights.org/en/node/5741>

<sup>37</sup> Bahrain: Torture of head of the Bahrain Youth Society for Human Rights, Naji Fateel, and systematic targeting of its members, Gulf Centre for Human Rights, 20 February 2015, <http://www.gc4hr.org/news/view/920>

<sup>38</sup> Bahrain: Enforced Disappearance of Mr. Naji Fateel, FIDH, 22 March 2016, <https://www.fidh.org/en/region/north-africa-middle-east/bahrain/bahrain-enforced-disappearance-of-mr-naji-fateel>

<sup>39</sup> Access Watch Spreadsheet, Bahrain Watch, retrieved 16 September 2016, <https://bahrainwatch.org/access/data.php>

<sup>40</sup> RSF calls for release of four US journalists detained in Bahrain, Reporters Without Borders, 8 March 2016, <https://rsf.org/en/news/rsf-calls-release-four-us-journalists-detained-bahrain>

- 3.11** In November 2015, award-winning photographer, Sayed Ahmed Al-Mousawi was sentenced to 10 years imprisonment and had his citizenship revoked after being accused of joining a terrorist cell after covering a protest in Sitra, a Bahraini island south of Manama, providing SIM cards to “terrorist” demonstrators and taking photos of anti-government protests.<sup>41</sup> Award-winning photojournalist Ahmed Humaidan has also been serving a 10-year prison sentence since December 2012 for documenting pro-democracy demonstrations in Sitra. Photographer, Jaffar Marhoon, was arrested on 26 December 2013 and convicted on several politically motivated charges to a total of 27 years and four months in prison.<sup>42</sup>
- 3.12** Several opposition political party members convicted and sentenced for merely exercising their right to freedom of expression remain in custody. Sheikh Ali Salman, General Secretary of Al-Wefaq Society, delivered a speech on 26 December 2014, calling for political reform. In June 2015, he was sentenced to four years in prison for “publicly inciting hatred, disturbing public peace, inciting civil disobedience of the law, and insulting public institutions”<sup>43</sup> which was then increased to nine years on appeal.

#### **4. (D) Freedom of expression, independence of the media and access to information**

- 4.1** Under the 2<sup>nd</sup> UPR cycle, the government of Bahrain received 23 recommendations on freedom of expression and access to information. 22 of these recommendations were accepted and one was noted. Among other recommendations, the government pledged to “Adopt as soon as possible a legislative framework on freedom of expression, including access to internet, to decriminalize defamation and slander as crimes,” and “Release persons imprisoned as required by freedom of expression and repeal all legislation that criminalizes the exercise of this right”. However, as examined below, the government did not take the necessary measures to implement any of these 22 recommendations.
- 4.2** Article 19 of the ICCPR guarantees freedom of expression and opinion. Article 23 of the Constitution of Bahrain also guarantees freedom of expression. However, the state of freedom of expression has seen a marked deterioration in law and practice since Bahrain’s last UPR.

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<sup>41</sup> NGOs Condemn Imprisonment and Nationality Revocation of Photographer Sayed Ahmed Al-Mousawi, Bahrain Center for Human Rights, 25 November 2015  
<http://www.bahrainrights.org/en/node/7661>

<sup>42</sup> Bahrain: Urgent Appeal to Reveal the Whereabouts of the Two Detained Photographers Ahmed Al-Fardan and Jafar Marhoon, Bahrain Center for Human Rights, 31 December 2013,  
<http://www.bahrainrights.org/en/node/6687>

<sup>43</sup> NGOs Condemn 4 Year Prison Sentence Against Bahrain Opposition Leader Sheikh Ali Salman, Bahrain Center for Human Rights, 16 June 2015, <http://www.bahrainrights.org/en/node/7541>

- 4.3** Bahrain's Penal Code continues to be used to limit freedom of expression. Article 92 (c) criminalizes "written materials, drawing, pictures, signs, films and other means of expression if they are displayed at any of the aforesaid places." This legislation allows for the imprisonment and/or fine of any person who publishes "untrue" reports or "falsified" documents to undermine public peace, cause damage to the country's supreme interest, or causes offence to the country's reputation. The Penal Code also imposes sanctions on individuals who insult or criticize the government, neighboring countries, or religious figures.<sup>44</sup>
- 4.4** Bahrain's Protecting Society From Terrorism Acts law is also commonly used to stifle freedom of expression under vague and overbroad definitions of the Terrorism. Article 12 of the law prescribes lengthy prison sentences and steep fines against "whoever promotes or approves, in any way, any act of crime committed for a terrorist purpose."
- 4.5** To further restrict freedom of expression, on 18 November 2013, the Shura Council approved parliamentary amendments to article 214 of the Penal Code extending the sentence for "insulting the King" to up to seven years.<sup>45</sup> In February 2014, King Hamad bin Isa Al-Khalifa ratified Law 1/2014, which was an amendment passed by the Parliament of article 214 of Penal Code. Consequently, article 214 states that "a punishment of imprisonment for a period of no less than one year and no more than seven years and a fine of no less than BHD1,000 (US\$2,650) and no more than BHD 10,000 (US\$26,500) will be inflicted upon any person who offends in public the Monarch of the Kingdom of Bahrain, the flag or the national emblem."<sup>46</sup> Worryingly, the law does not specify what constitutes an offence and therefore allows for the criminalization of any form of criticism of the King.
- 4.6** In December 2014, King Hamad enacted the Anti-Cybercrimes Law, which criminalizes the use of encryption for "criminal purposes"<sup>47</sup> and Article 168 of the Penal Code imposes sentences for contravention of the law up to two years in prison and or a fine of BHD200 (US\$530).<sup>48</sup> Hayat Abdel Majid, the head of the Ministry of Interior's Department for Economic and Electronic Security, announced<sup>49</sup> that an administrator of a WhatsApp group (a mobile phone communication service that

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<sup>44</sup> Amiri decree no. 15 of 1976 with respect to enactment of the Penal Code, Kingdom of Bahrain, Ministry of Justice, Retrieved 16 September 2016, [http://www.moj.gov.bh/en/Print\\_p68b7.html?printid=938](http://www.moj.gov.bh/en/Print_p68b7.html?printid=938)

<sup>45</sup> Limited Freedom of Expression in Bahrain: Arrested for Insulting the King, 30 December 2013, <http://bahrainrights.org/sites/default/files/Insulting%20the%20King%2C%20Test%20.pdf>

<sup>46</sup> HM King Hamad ratifies four laws approved by Parliament, Bahrain News Agency, 4 February 2014, <http://www.bna.bh/portal/en/news/600849>

<sup>47</sup> Law. No. (60) for the year 2014, Anti-Cybercrimes Laws, General Directorate of Anti-Corruption & Economic & Electronic Security, Cyber Crime Directorate, Government of Bahrain, Retrieved 16 September 2016, <http://www.acees.gov.bh/cyber-crime/anti-cyber-crime-law-in-the-kingdom-of-bahrain/>

<sup>48</sup> Bahraini Authorities Violate the Right to Privacy and Suppress Freedom of Expression, Bahrain Center for Human Rights, 10 March 2016, <http://www.bahrainrights.org/en/node/7747>

<sup>49</sup> Advisor Program (the impact of media on the family) with Lieutenant Majid #Bahrain, Bahrain Ministry of Interior Youtube channel, 17 February 2016, <https://www.youtube.com/watch?v=m6XJRwQ643I>

also facilitates group conversations administered by a Whatsapp user) will be legally responsible for any defamatory news, rumors or inaccurate information circulated in that group and punished under Article 168 of the Penal Code<sup>50</sup>.

- 4.7** On 16 July 2016, the Information Affairs Minister, Mohammed Al-Rumaihi, issued Decree 68/2016 regulating newspapers' use of electronic media, which was even more restrictive than the 2002 Press Law.<sup>51</sup> Provisions include that licensed newspapers may only disseminate electronic media after receiving a temporary permit from Bahrain's mass media directorate, banning live streaming and limiting audio-visual clips to only 120 seconds.<sup>52</sup>
- 4.8** In February 2015, the authorities suspended the Al-Arab television channel after only one day on air following an interview aired with an aide to a Bahraini opposition leader.<sup>53</sup> On 6 August 2015, Bahraini authorities suspended the only semi-independent newspaper in Bahrain, *Al-Wasat*, from broadcasting on Youtube, claiming that their license does not allow them to broadcast video material<sup>54</sup>.
- 4.9** Since 2012, Bahrain's courts have collectively sentenced at least 40 Internet users to imprisonment for exercising their right to freedom of expression on the internet and social media.<sup>55</sup> As of June 2016, at least 14 Internet users remain in prison, some of whom are serving prison sentences of up to 10 years. Several have experienced ill-treatment and torture in prison and their charges range from insulting the King or inciting hatred to terrorism actions. Other Internet users have had their citizenship revoked and/or have been forced into exile.<sup>56</sup>
- 4.10** According to Reporters Without Borders, the Ministry of Information has blocked or shut down several websites in Bahrain, including human rights websites, blogs, online forums, and individual pages from social media networks.<sup>57</sup> The BCHR website and the website of the Arab Network for Human Rights Information (ANHRI), an NGO working to ensure freedom of expression through monitoring, documenting and providing legal support in the Arab world, remain blocked in Bahrain since 2006. Bahrain Online, a prominent online forum, has been blocked since its launch in 1998. In August 2013, the Communications Minister ordered

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<sup>50</sup> Bahraini Authorities Violate the Right to Privacy and Suppress Freedom of Expression, Bahrain Center for Human Rights, 10 March 2016, <http://www.bahrainrights.org/en/node/7747>

<sup>51</sup> Information Minister Issues Edict 68/2016, Bahrain News Agency, 16 July 2016, <http://bna.bh/portal/en/news/736106>

<sup>52</sup> NGOs: Bahrain's New Expansive Press Regulations a Threat to Journalists, Bahrain Center for Human Rights, 27 July 2016, <http://www.bahrainrights.org/en/node/8032>

<sup>53</sup> Reuters – Bahrain-based satellite channel off-air a day after starting, Bahrain Center for Human Rights, 5 February 2015, <http://www.bahrainrights.org/en/node/7283>

<sup>54</sup> Media" to prevent "voice" of the "Video" using "YouTube", *Al-Wasat* News, 25 January 2016, <http://www.alwasatnews.com/news/1072283.html>

<sup>55</sup> Digital Rights Derailed in Bahrain: BCHR Releases Report on Restricting and Criminalizing of freedoms online, Bahrain Center for Human Rights, 31 August 2016, <http://www.bahrainrights.org/en/node/8111>

<sup>56</sup> Ibid

<sup>57</sup> Bahrain, Enemies of the internet, Reporters Without Borders, Retrieved 16 September 2016, <http://surveillance.rsf.org/en/bahrain/>

Internet Service Providers to block 70 websites, supposedly “affiliated with internationally recognized organizations that fund and promote terrorism.”<sup>58</sup>

**4.11** It should be noted that the recommendation: “That further progress be made toward concrete and visible reform, including through implementation of the follow-up committee’s report, in a way which guarantees transparency and freedom of speech” was not implemented by the Government of Bahrain. While several state-sponsored human rights monitoring bodies, including an Ombudsman, a Special Investigation Unit (SIU) and a National Human Rights Institution (NHRI), have been established, these bodies lack the basic principles of independence and have failed to effectively and impartially investigate human rights violations documented by a range of intergovernmental and civil society stakeholders.<sup>59</sup> In a statement to the UN Human Rights Council on 16 June 2016, Americans for Democracy and Human Rights in Bahrain (ADHRB) and four other CSOs underlined that, the Ombudsman is not independent from the government but relies on the Ministry of Interior for the position and financial security.<sup>60</sup> According to ADHRB, he also lacks ability to investigate the use of its case work in the best interest of victims, to obtain convictions for abuses or criticize the functioning of the Ministry of Interior<sup>61</sup> In their statement on 16 June, the CSOs also underlined that SIU is part of the Public Prosecutor’s Office and, therefore, “unable to independently and impartially investigate claims of abuse and torture by security forces”. Additionally, the NHRI is not independent nor has adequate investigation power. Government representatives control its board, while it has ignored requests from NGOs and has showed a “structural bias towards the government and a general apathy toward the wider challenges facing human rights in Bahrain.”<sup>62</sup>

## 5. (E) Freedom of peaceful assembly

**5.1** During Bahrain’s 2<sup>nd</sup> UPR cycle, the government received 17 recommendations on freedom of peaceful assembly. Bahrain accepted all 17 of these recommendations. Among other recommendations, the government committed to “Revise the Public Gathering Law (32/2006), so that peaceful demonstrations can be held as established by the ICCPR” and committed to “A speedy conclusion to these cases (of human rights violations against peaceful protestors), such as the ongoing case of

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<sup>58</sup> Ministry of State for Communications To Regulate Websites Linked to Internationally Recognized Terrorist Organizations, 3 August 2016, <http://www.bna.bh/portal/en/news/573944>

<sup>59</sup> ADHRB Submits Written Statement on Bahrain to the Human Rights Council, ADHRB, 16 June 2016, <http://www.adhrb.org/2016/06/9998/>

<sup>60</sup> Ibid

<sup>61</sup> Ombudsman Report Continues to Sidestep Key Human Rights Issues, Americans for Democracy and Human Rights in Bahrain, 29 June 2016, <http://www.adhrb.org/2016/06/ombudsman-report-continues-sidestep-key-human-rights-issues/>

<sup>62</sup> ADHRB Submits Written Statement on Bahrain to the Human Rights Council, ADHRB, 16 June 2016, <http://www.adhrb.org/2016/06/9998/>

Abdulhadi Al-Khawaja.” However, as evidenced below, the government has not implemented these recommendations.

- 5.2** Article 21 of the ICCPR guarantees freedom of peaceful assembly. In addition, article 28 of Bahrain’s Constitution also guarantees freedom of assembly. However, in law and practice, freedom of peaceful assembly is severely stifled in Bahrain through a combination of excessive use of force by security officials and the imposition of unduly restrictive laws.
- 5.3** In 2006, the same year that Bahrain became a signatory to the ICCPR, the government passed Law 32/2006 on Public Meetings, Processions and Gatherings, significantly curtailing people’s right to peaceful assembly.<sup>63</sup> The law “imposes blanket restrictions on both time and location” of assemblies, and “requires both prior notification and authorization”. The Law 32/2006 restricts the timing of protests and gatherings, forbidding them before sunrise or after sunset. Since the outbreak of the pro-democracy protest movement in 2011, the authorities have increasingly invoked Law 32/2006 to limit the protests of opposition groups and human rights activists. In July 2013, the Bahraini Parliament imposed a blanket-ban on sit-ins and rallies in the capital Manama and other central locations.<sup>64</sup>
- 5.4** Furthermore, Article 2 of the Public Meetings, Processions and Gatherings Law 32/2006 states that protests and gatherings are only allowed to be held or organized after notifying the Ministry of Interior three days in advance of the action. However, in practice, these notifications are tantamount to authorisation. In 2015 alone, the religious opposition group, Al-Wefaq Society stated that the Ministry of Interior rejected requests to hold more than 140 peaceful gatherings proposed by the opposition political parties. The law further endows the authorities with the power to unilaterally cancel demonstrations, modify the route of the protest or change its time and location.
- 5.5** Article 13 of the Public Meetings, Processions and Gatherings Law 32/2006 lists a number of criminal sanctions for violating the law, including up to six months imprisonment and/or a fine of not less than BHD100 (US\$265) against whoever holds protests or gatherings without permission or holds them despite a ban order. Those who participate in banned protests – despite the authorities’ warning – will receive a sentence of up to four months in prison and/or not less than BHD50 fine.

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<sup>63</sup> International Covenant on Civil and Political Rights, OHCHR, Retrieved 16 September 2016, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>64</sup> Freedom of Assembly in Bahrain: Domestic law and practice violates international law obligations, Lawyers Rights Watch Canada, Canadian Journalists for Free Expression, Bahrain Center for Human Rights, 13 June 2013, <http://www.bahrainrights.org/sites/default/files/LRWC.CJFE%26BCHR.Bahrain.Assembly%20Rights.June.13.pdf>

- 5.6** Peaceful protests and gatherings, which are not officially approved by the Ministry of Interior, are routinely subject to violent suppression.<sup>65</sup> Security forces often use excessive force to disperse protesters, such as teargas and live ammunition, resulting in high numbers of injuries. At least five people have been killed in protests since 2012.
- 5.7** The BCHR documented that between 8 February 2016 and 31 May 2016, 659 protests were held across Bahrain, of which at least 83 were reportedly dispersed by security forces using excessive force. An estimated 157 peaceful protests were documented in the period 11 - 14 February 2016, marking the 5<sup>th</sup> anniversary of the 2011 pro-democracy protests, of which at least 33 protests were suppressed with excessive force resulting in numerous injuries<sup>66</sup>.

## **6. (F) Recommendations to the Government of Bahrain**

CIVICUS, BCHR and GCHR call on the Government of Bahrain to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedom of association, freedom of expression, freedom of peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

### **6.1 Regarding freedom of association**

- Take measures to foster a safe, respectful, enabling environment for civil society; including through removing legal and policy measures, which unwarrantedly limit the right to association.
- Remove all undue restrictions on the ability of civil society organizations to receive international and national funding in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and association.

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<sup>65</sup> Human Rights Violations from Practice to Policy, BCHR 2015 Annual Report, Bahrain Center for Human Rights, <http://bahrainrights.org/sites/default/files/BCHR%20Annual%20Report%202015.pdf#page=21&zoom=auto,69,513>

<sup>66</sup> NGOs Condemn Violence Against Protesters on Fifth Anniversary of Bahrain's Peaceful Uprising, Bahrain Center for Human Rights, 16 February 2016, <http://bahrainrights.org/en/node/7729>

- All CSOs, which have been arbitrarily and unduly sanctioned or deregistered, should be immediately reinstated.
- Refrain from acts leading to the closure or suspension of CSOs, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of HRDs, CSOs, journalists, political activists and others.
- Amend the 1989 Law of Associations to guarantee that undue restrictions on freedom of association are removed to bring their provisions into compliance with articles 21 and 22 of ICCPR.
- Amend Law 33/2002 of Workers and Trade Unions to guarantee that undue restrictions on freedom of association are removed to bring their provisions into compliance with articles 21 and 22 of ICCPR.
- Guarantee the effective and independent functioning of autonomous trade unions by removing the proscriptions on the formulation of independent labour unions and undue limitations on the right to strike for unions.

## **6.2 Regarding the protection of human rights defenders**

- Civil society members, journalists and HRDs should be provided a safe and secure environment to carry out their work and those imprisoned must be unconditionally and immediately released. Conduct impartial, thorough and effective investigations into all cases of imprisonment, travel bans, torture, attacks, harassment, and intimidation against them and bring perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative persecution.
- Consolidate a process of repeal or amendment of laws and decrees, which unwarrantedly restrict the legitimate work of HRDs in line with the UN Declaration on Human Rights Defenders;
- Repeal the Protecting Society From Terrorism Acts law and articles 133, 215 and 216 of the Penal Code in accordance with the ICCPR and the UN Declaration on HRDs.
- Senior government officials must publicly condemn instances of persecution and intimidation of civil society activists and organizations.
- The Government should apply systematic legal provisions that promote and protect human rights and establish mechanisms that protect HRDs by adopting a specific law on the protection of HRDs in accordance with resolution 27.31 of the UNHRC.



### **6.3 Regarding freedom of expression, independence of the media and access to information**

- Ensure freedom of expression and media freedom by making national legislation in line with international standards.
- Review the Penal Code, anti-terrorism laws, the Publication law, the Anti-Cybercrimes Law and regulations on media in order to ensure that local legislation is in line international human rights standards on freedom of expression.
- All media outlets unwarrantedly closed should be reinstated.
- Authorities must cease practice of confiscating and censoring print media and ensure that media can broadcast online without restrictions.
- Ensure that journalists, writers and photographers can work freely and without fear of retribution for expressing critical opinions or covering “sensitive” topics.
- Adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Guarantee unfettered access for all persons in Bahrain to domestic and foreign media information, both offline and online.
- Remove restrictions on access to national and international news websites, social media outlets and the websites of CSOs.
- Adopt a law on access to information in order to fully promote the exercise of the right to freedom of expression and freedom of opinion.

### **6.4 Regarding freedom of assembly**

- Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and association in his annual report (2012), which calls for simple notification rather than explicit permission to assemble.
- Amend Law 32/2006 on Public Meetings, Processions and Gatherings in order to fully guarantee the right to freedom of peaceful assembly.
- All demonstrators, journalists and HRDs detained for exercising their right to freedom of peaceful assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further persecution.
- All instances of extra-judicial killings and excessive force committed by security forces while monitoring protests and demonstrations should be immediately and impartially investigated.

- Senior government officials should publically condemn the use of excessive and brutal force by security forces in the dispersal of protests. A formal investigation into such instances should be launched, and perpetrators should be held accountable.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to peaceful assembly by state authorities.

### **6.5 Regarding access to UN Special Procedures mandate holders**

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritize official visits by: 1) Special Rapporteur on Human Rights Defenders; 2) Special Rapporteur on Freedom of Expression; 3) Special Rapporteur on Freedom of Peaceful Assembly and Association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

### **6.6 Regarding State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalizing and submitting the national report.
- Systematically consult with HRDs and CSOs on the implementation of the UPR including by holding periodical comprehensive consultations with a diverse range of civil society actors.
- Incorporate the results of this UPR into a national action plan for the promotion and protection of all human rights, taking into account the proposals of civil society and present a midterm evaluation report to the UNHRC on the implementation of the recommendations of this session.



## Appendix

### UPR of Bahrain (2<sup>nd</sup> Cycle – 13th session) Matrix

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b>Right or area: 3.2. Cooperation with special procedures</b>			
<p>115.60. Step up its cooperation with special procedures' mandate holders by responding positively to the visit request of the Special Rapporteur on the rights to freedom of peaceful assembly and association, and facilitating, in a timely manner, a visit by the Special Rapporteur on torture (Latvia);</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 18</p> <p><b>Comments:</b> A/HRC/21/6/Add.1/Rev.1 states at para 18: Bahrain currently considers and deals with each visit in coordination with the departments concerned. Visits are considered the most important acts of Special Rapporteurs to shed light on special allegations of human rights abuses. The visit of a Rapporteur to any country gives that Rapporteur the opportunity to get acquainted with all aspects of such alleged abuses, and results in a number of outcomes, such as allowing the Rapporteur to interact with persons representing government and non-governmental organizations, including rights societies, as well as victims of human rights abuses.</p>	Supported/Noted	<p>14.4 Right to peaceful assembly</p> <p>12.5 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>3.2 Cooperation with special procedures</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons deprived of their liberty</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 2.9</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.63. Accept the visit of the Special Rapporteur on Freedom of assembly and association (France);</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 18</p> <p><b>Comments:</b> A/HRC/21/6/Add.1/Rev.1 states at para 18: (see comment to 115.60)</p>	Supported/Noted	<p>3.3 Cooperation with other international mechanisms and institutions</p> <p>3.2 Cooperation with special procedures</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 2.9</p>
<p>115.65. Respond favorably to the requests for visit of the country and also facilitate the visits of the Special Rapporteur on migrants, Special Rapporteur on torture and the Special Rapporteur on freedom of peaceful assembly and of association (Slovenia );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 18</p> <p><b>Comments:</b> A/HRC/21/6/Add.1/Rev.1 states at para 18: (see comment to 115.60)</p>	Supported/Noted	<p>3.3 Cooperation with other international mechanisms and institutions</p> <p>12.5 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>3.2 Cooperation with special procedures</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons deprived of their liberty</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 2.9</p>
<p><b>Right or area: 5.1. Constitutional &amp; legislative framework</b></p>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.24. Align the national legislation on freedom of expression, association and assembly with country's international HR obligations ( Slovakia );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 23(b)</p>	Supported	<p>14.5 Freedom of association</p> <p>14.4 Right to peaceful assembly</p> <p>5.1 Constitutional and legislative framework</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 1 - 5.7</p>
<p>115.25. Adopt as soon as possible a legislative framework on freedom of expression, including access to internet, to decriminalize defamation and slander as crimes ( Mexico );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 13</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- general</p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 – 4.11</p>
<p>115.26. The revision and amendment of relevant legislation, in particular Decree 32 of 2006, in order to bring it into full compliance with Bahrain 's human rights obligations under the ICCPR ( Hungary );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 23(b)</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.4 Right to peaceful assembly</p> <p>14.5 Freedom of association</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 5.1 – 5.7</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.27. Amend any article of its Penal Code that can be used to prosecute individuals for the exercise of the rights to freedom of expression, peaceful assembly or association, and bring its laws into line with international standards established by the International Covenant for Civil and Political Rights ( Ireland );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 23(b)</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.3 Freedom of opinion and expression</p> <p>14.4 Right to peaceful assembly</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- media</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 1.1 – 5.7</p>
<p>115.30. Speed up the adoption of legislative amendments relevant to the specialized laws on freedom of expression in the Bahraini Criminal law ( Egypt );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 13</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.3 Freedom of opinion and expression</p> <p>30.2 Children: family environment and alternative care</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- children</li> <li>- media</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 - 4.11</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.151. Repeal or amend the 2002 Press Law eliminating all restrictions upon the freedom of the press not in line with relevant provisions of the ICCPR. ( Austria );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 23(b)</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>2.1 Acceptance of international norms</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.7</p>
<p>115.152. Enact a progressive, substantive Freedom of Information law Austria );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 13</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 - 4.11</p>
<p>115.153. Amend the Penal Code to remove all criminal penalties for alleged libel offences and the press law to bring its provisions into compliance with article 19 of ICCPR ( Canada );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 23(b)</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 - 4.11</p>



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.154. Bring both the Press law and Penal Code in line with article 19 of ICCPR ( Estonia );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 23(b)</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 - 4.11</p>
<p>115.157. Abolish legal provisions unduly restricting peaceful demonstrations, remove restrictions on freedom of expression contained in Law 32 of 2006, and allow the opposition greater access to television broadcasts, radio broadcasts and print media (Netherlands);</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 16(e)</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 – 5.7</p>
<p>115.160. Revise the Public Gathering Law (32/2006), so that peaceful demonstrations can be held as established by the International Covenant on Civil and Political Rights ( Costa Rica );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 23(b)</p>	Supported	<p>5.1 Constitutional and legislative framework</p> <p>14.4 Right to peaceful assembly</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 5.1 – 5.7</p>
<p><b>Right or area: 5.2. Institutions &amp; policies</b></p>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.44. Reconsider the restrictions imposed by the Ministry of Social Development and take appropriate measures to ensure that civil society organizations can take an active part in the public debate on human rights ( Sweden );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 21</p>	Supported	<p>5.2 Institutions &amp; policies - General</p> <p>5.3 Political framework &amp; good governance</p> <p>11 Civil &amp; political rights - general measures of implementation</p> <p>14.3 Freedom of opinion and expression</p> <p>36 Human rights defenders</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- general</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 2.1 - 2.9</p>
<p><b>Right or area: 5.3. Political framework &amp; good governance</b></p>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.40. Include opposition parliamentary groups and invite civil society in the implementation of the National Consensus Dialogue ( Mexico );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 20</p>	Supported	<p>5.3 Political framework &amp; good governance</p> <p>11 Civil &amp; political rights - general measures of implementation</p> <p>14.5 Freedom of association</p> <p>7.1 Context, statistics, budget, dissemination, civil society</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 2.7</p>
<p>115.55. Continuation of cooperation between governmental and non-governmental institutions, considering the dialogue and cooperation among them ( Jordan );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 20</p>	Supported	<p>5.3 Political framework &amp; good governance</p> <p>7.1 Context, statistics, budget, dissemination, civil society</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.11</p>
<p>115.162. That further progress be made toward concrete and visible reform, including through implementation of the follow-up committee’s report, in a way which guarantees transparency and freedom of speech ( Japan );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 11</p>	Supported	<p>5.3 Political framework &amp; good governance</p> <p>14.3 Freedom of opinion and expression</p> <p>16 Right to an effective remedy, impunity</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.11</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b>Right or area: 12. Right to physical and moral integrity</b>			
<p>115.89. Ensure that security forces respond proportionally and with the utmost restraint to non-peaceful protests ( Germany );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 10</p>	Supported	<p>12 Right to physical and moral integrity</p> <p>12.5 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p><b>Affected persons:</b></p> <p>- persons deprived of their liberty</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 5.1 – 5.7</p>
<b>Right or area: 12.6. Conditions of detention</b>			
<p>115.120. That Abdulhadi Al Khawaja be transferred to the Danish authorities for medical treatment, in line with the agreement reached on March 14 th ( Denmark );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 30</p>	Noted	<p>12.6 Conditions of detention</p> <p>12 Right to physical and moral integrity</p> <p>36 Human rights defenders</p> <p>24 Right to health - General</p> <p><b>Affected persons:</b></p> <p>- persons deprived of their liberty</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.6</p>
<b>Right or area: 13. Right to liberty and security</b>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.91. Release, immediately and unconditionally, all detainees, who have participated in peaceful protests lacking credible criminal charges ( Slovakia );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 5(d)</p>	Supported	<p>13 Right to liberty and security</p> <p>13 Right to liberty and security</p> <p>1 Right of self-determination</p> <p>14.4 Right to peaceful assembly</p> <p>12.6 Conditions of detention</p> <p><b>Affected persons:</b></p> <p>- persons deprived of their liberty</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.1 - 3.12 and 5.1- 5.7</p>
<b>Right or area: 13.3. Arbitrary arrest and detention</b>			
<p>115.100. Release immediately and unconditionally all persons convicted for merely exercising their fundamental rights to freedom of expression and assembly, especially during anti-government protests that began in February 2011 ( Czech Republic );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 5(d)</p>	Supported	<p>13.3 Arbitrary arrest and detention</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 2.1 – 5.7</p>
<p>115.101. Release immediately all persons solely convicted or detained for offences connected to peaceful assembly and free speech ( Germany );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 5(d)</p>	Supported	<p>13.3 Arbitrary arrest and detention</p> <p>14.4 Right to peaceful assembly</p> <p><b>Affected persons:</b></p> <p>- persons deprived of their liberty</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.1 – 5.7</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.122. Release unconditionally the individuals who were convicted by special courts, or are awaiting trial, for merely exercising their fundamental rights of expression and assembly ( Norway );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 5(d)</p>	Supported	<p>13.3 Arbitrary arrest and detention</p> <p>14.3 Freedom of opinion and expression</p> <p>14.4 Right to peaceful assembly</p> <p>15.1 Administration of justice &amp; fair trial</p> <p>36 Human rights defenders</p> <p><b>Affected persons:</b></p> <p>- persons deprived of their liberty</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.1 – 5.7</p>
<p>115.146. Release all political prisoners and bring its national legislation into compliance with article 19 of the International Covenant on Civil and Political Rights which guarantees freedom of expression ( France );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 23(b)</p>	Supported	<p>13.3 Arbitrary arrest and detention</p> <p>5.1 Constitutional and legislative framework</p> <p>12.6 Conditions of detention</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- persons deprived of their liberty</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.1 – 4.11</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.159. Release persons imprisoned as required by freedom of expression and repeal all legislation that criminalizes the exercise of this right ( Switzerland );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 5(d)</p>	Supported	<p>13.3 Arbitrary arrest and detention</p> <p>5.1 Constitutional and legislative framework</p> <p>13 Right to liberty and security</p> <p>15.1 Administration of justice &amp; fair trial</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.1 – 4.11</p>
<b><i>Right or area: 14.3. Freedom of opinion and expression</i></b>			
<p>115.148. Strengthen the right to freedom of expression in its new Press Law, as well as allowing foreign media to enter the country and report freely ( Norway );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 13</p>	Supported	<p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 – 4.11</p>
<p>115.149. With respect to the draft law on the press currently under exam, repeal restrictions to freedom of expression and ensure that it comply with international norms ( Chile );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 13</p>	Supported	<p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 – 4.11</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.155. Undertake all efforts to relax censorship and to grant oppositional groups the possibility to establish their own media outlets ( Germany );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 13</p>	Supported	<p>14.3 Freedom of opinion and expression</p> <p>14.5 Freedom of association</p> <p><b>Affected persons:</b></p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 4.1 – 4.11</p>
<p>115.156. Lift all restrictions on movements of foreign journalists and international organizations defending human rights ( Belgium );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 29</p>	Supported	<p>36 Human rights defenders</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- human rights defenders</p> <p>- media</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.4 and 3.10</p>
<p>115.161. Respect the legitimate rights of all its citizens to freedom of assembly and expression, and maintain its commitment to achieving concrete political reform based on respect for the legitimate rights and aspirations of all its citizens ( Australia );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 27</p>	Supported	<p>14.4 Right to peaceful assembly</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 1.1 – 5.7</p>
<p><b>Right or area: 14.4. Right to peaceful assembly</b></p>			



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.99. Reinstate all employees and students dismissed following the events of February and March 2011 whose political activities were consistent with the right to freedom of peaceful assembly and of association, and amend Law 21/1989 and Law 32/2006 on public gathering to bring their provisions into compliance with article 21 and 22 of ICCPR, and develop an enabling legal environment for civil society to flourish (Canada);</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 11</p>	Supported	<p>14.4 Right to peaceful assembly</p> <p>5.3 Political framework &amp; good governance</p> <p>11 Civil &amp; political rights - general measures of implementation</p> <p>5.1 Constitutional and legislative framework</p> <p>14.4 Right to peaceful assembly</p> <p>14.5 Freedom of association</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status first part of recommendation: Partially Implemented.</p> <p>Source: see paragraph 2.8</p> <p>Status of remaining part of recommendations: Not Implemented.</p> <p>Source: see paragraph 1.1 - 5.7</p>
<p>115.163. That the necessary measures are implemented to guarantee freedoms of expression, association and peaceful assembly ( Japan );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 16(d)</p>	Supported	<p>14.4 Right to peaceful assembly</p> <p><b>Affected persons:</b></p> <p>- general</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 1.1 - 5.7</p>
<p><b>Right or area: 15.1. Administration of justice &amp; fair trial</b></p>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.98. Review convictions, commute sentences, or drop charges for all persons who engaged in non-violent political expression ( United States of America );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 5(b)</p>	Supported	<p>15.1 Administration of justice &amp; fair trial</p> <p>16 Right to an effective remedy, impunity</p> <p>14.3 Freedom of opinion and expression</p> <p>14.4 Right to peaceful assembly</p> <p>15.1 Administration of justice &amp; fair trial</p> <p><b>Affected persons:</b></p> <p>- persons deprived of their liberty</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.1 – 4.11</p>
<b>Right or area: 16. Right to an effective remedy, impunity</b>			
<p>115.87. Investigate and prosecute all those responsible for torture and ill-treatment, unlawful killings and widespread arbitrary arrests ( Czech Republic );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 5(a)</p>	Supported	<p>16 Right to an effective remedy, impunity</p> <p>12.5 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p><b>Affected persons:</b></p> <p>- persons deprived of their liberty</p>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 1.1 – 5.7</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.110. Implement fully all recommendations made to Bahrain by the United Nations mandate holders including the immediate end of violence and release of all political prisoners and ending impunity thus bringing perpetrators to justice (Iran (Islamic Republic of) );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 30</p>	Noted	<p>16 Right to an effective remedy, impunity</p> <p>12.6 Conditions of detention</p> <p>15.1 Administration of justice &amp; fair trial</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- persons deprived of their liberty</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 1.1 – 5.7</p>
<b>Right or area: 36. Human rights defenders</b>			
<p>115.126. A speedy conclusion to these cases (of human rights violations against peaceful protestors), such as the ongoing case of Abdulhadi Al-Khawaja ( Australia );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 5(d)</p>	Supported	<p>36 Human rights defenders</p> <p>15.1 Administration of justice &amp; fair trial</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- persons deprived of their liberty</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 3.1 - 3.12 and 5.1 - 5.7</p>
<p>115.147. That human rights defenders must be protected and allowed to conduct their work without hindrance, intimidation or harassment ( Norway );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 29</p>	Supported	<p>36 Human rights defenders</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 1.1 – 5.9 in particular 3.1 – 3.9</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>115.150. Abandon any restriction or obstacle to the work of persons and institutions engaged in the protection and promotion of human rights ( Switzerland );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 29</p>	Supported	<p>36 Human rights defenders</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> </ul>	<p>Status: Not Implemented.</p> <p>Source: see paragraph 1.1 – 5.9 in particular 2.1 – 3.9</p>
<p>115.158. Cease all intimidation or repression against human rights defenders, journalists and Non-Governmental Organizations ( Spain );</p> <p><b>Source of position:</b> A/HRC/21/6/Add.1/Rev.1 - Para. 29</p>	Supported	<p>36 Human rights defenders</p> <p>14.3 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> <li>- media</li> </ul>	<p>Source: see paragraph 1.1 – 5.9 in particular 2.1 – 3.12</p>