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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2021]

* Issued as received, in the language(s) of submission only.



Violation of Political Rights

In Bahrain, when approaching the previously-mentioned political rights and the political and human rights situation, we notice the absence of many of these rights and the existence of broad violations that undermine political and human rights action, ending with political isolation against all members of opposition political societies in 2018.

Some of the reasons that caused the violation of political rights are the constitutional amendments in 2002 and the subsequent amendments, which led to the absence of important political principles and rights especially the principle of "the people are the source of powers", which led – in conjunction with government procedures and measures – to the violation of political rights in Bahrain, including: preventing political gatherings, dissolving and targeting political societies, especially opposition groups, prosecuting and targeting political activists because of their exercise of freedom of opinion and expression, and imposing political isolation on political associations and their members by the government in the 2018 elections.

Constitutional Amendments of 2012¹

The constitutional amendments that were approved on May 3, 2012, were extensive, under which the provisions of Articles (42, item c), (52), (53), (57, item a), (59), (65) and (67 items b, c, d), (68), (83), (85), (86), (88), (91, first paragraph), (92 item a), (102), (103) and (109 items b, c), (115) and (120 item a), were replaced.

However, upon reading the changed articles, we clearly note that the constitutional amendments did not undermine the legislative powers of the king, which the opposition was demanding to reduce, while giving the legislative authority wider powers. This led to the continuation of the political crisis in Bahrain. Despite the fact that these changes are apparently an attempt to convince the public opinion that these amendments came in response to the demands for constitutional amendments called for by the opposition groups, they do not achieve the minimum level of the exercise of political rights.

2017 Constitutional Amendment²

For more measures aimed at confiscating political and civil rights, and through the use of the Council of Representatives and other institutions to achieve its objectives, the Bahraini authorities made another constitutional amendment concerning the military judiciary, under which civilians are tried before military courts. The amendment was adopted in record time.

On Monday, April 3, 2017, the King of Bahrain ratified the constitutional amendment allowing the military judiciary vast authorities, including trying civilians before the military judiciary. The constitutional amendment stipulates replacing article (105/paragraph b) of the constitution, with the following, "The law regulates the military judiciary and shows competence in each of the Bahrain Defense Force, National Guards, and the Public Security Forces." This came to replace the paragraph currently in force, which stipulates, "The jurisdiction of military courts shall be confined to military offences committed by members of the Defense Force, the National Guard, and the Security Forces. It does not extend to other persons except when martial law is declared and within the bounds prescribed by law."

It is worth mentioning that the report of the BICI (Bassiouni report) criticized trying civilians before military courts, during the implementation of the National Safety Law (State of emergency), which was declared by the King in March 2011, to counter the protests. The Bassiouni report had recommended to repeat all the trials in civil courts.

With regard to the legislation that guarantees political rights in Bahrain, a set of laws were issued, the most important of which is Decree-Law No. 13 of 1972 on the Provisions for the Election of the Constituent Assembly, which was adopted for electing the House of

¹ 2012 Amendments to the Bahraini Constitution, <https://goo.gl/Jtg4jH>.

² 2017 Amendments to the Constitution of the Kingdom of Bahrain, <https://goo.gl/19tYmF>.

Representatives in 1973. The government repealed this law, and issued a number of laws after the constitutional amendments in 2002. Some of them are the following:

- The Law on Exercising Political Rights pursuant to Decree Law No. (14) of 2002, which is the law that regulates the processes of referendum and the election of members of Parliament. The Law on Exercising Political Rights consists of thirty-seven articles, distributed among five chapters, which deal successively with political rights and their practice, voter lists, the organization of the referendum and election processes, referendum and election offenses, and final provisions.
- Decree-Law No. (15) of 2002 on the Consultative Council and the Parliament, which regulates the appointment of members of the Consultative Council and running for Parliament.
- The Amended Decree-Law No. (3) of 2002 on the municipal councils election system.
- Decree-Law No. (6) of 2002, which regulates the election of members of municipal councils.
- Decree-Law No. (16) of 2002 promulgating the National Audit Office Law, which removed the financial and administrative supervision authority from the House of Representatives and granted it to the Royal Court.
- The internal regulations of the House of Representatives promulgated by Decree-Law No. 94 of 2002.

All of these laws – referred to above – were not issued by a legislative body, but rather by the authorities and by a royal will. These laws contradict some principles and legislations that guarantee the political rights of all citizens in accordance with what international laws indicate, and some of them even contradict the principles of Constitutional jurisprudence.

For example, it can be said that Decree-Law No. (15) of 2002 regarding the Consultative Council and the House of Representatives, which regulates the appointment of members of the Consultative Council and running for Parliament, has reduced the people's power in terms of political participation and the management of the country's public affairs – stipulated in Article 25 of the International Covenant on Civil and Political Rights – since this law caused half of the legislative authority to be appointed by the king.

With regard to the Law on Exercising Political Rights No. (14) of 2002, it can be said that Decree Law No. (13) of 1972 on the Provisions for the Election of the Constituent Assembly – which was adopted for the elections to the House of Representatives in 1973 – was ahead of the Law on Exercising Political Rights No. (14) of 2002. The new law gave the authorities the power to distribute electoral districts and control the voters' lists, according to Article 17 thereof, which stipulates, “[...] a decree shall be issued to specify regions and electoral districts and their boundaries, and the number of sub-committees needed to conduct the polling and counting processes [...]” This led to the unfair distribution of electoral districts, and the removal of many from the voters' list for political reasons.

It should be noted that this law was amended to prevent a large number of citizens from the right to vote and run in the 2018 elections.

Article 1 of the law stated that “the text of paragraph 2 of article 3 of Decree Law No. (14) of 2002 on Exercising Political Rights shall be replaced by the following text, and every one of the following shall be forbidden from running for parliament:”³

1. An individual convicted of committing a felony even if a special amnesty is granted or they have been rehabilitated.
2. An individual sentenced to imprisonment for intentional offenses for more than six months, even if a special amnesty has been granted.

³ Law No. (25) of 2018, amending Article 3 of Decree Law No. (14) of 2002, regarding the exercise of political rights, Bahrain.

3. Actual leaders and members of political societies, which have been dissolved by a final judgment for committing serious violations of the provisions of the constitution of the Kingdom or any of its laws.

4. Any individual who intentionally harms or disrupts the constitutional or parliamentary process by terminating or leaving parliamentary work in the Council of Representatives or their membership for the same reasons.

Therefore, in light of this, thousands of Bahraini citizens were excluded from the right to vote and run for office in the 2018 elections. They include those convicted in politically-motivated cases such as participation in marches and rallies and many cases that overlap with freedom of opinion and expression, as well as thousands of citizens belonging to political associations that have been dissolved because of their opposition to government policy, whether they were the leaders of political associations, employees or members, simply because they are members of these associations.

This is considered a clear violation of paragraph (e) of Article 1 of the Bahraini Constitution which stipulates, “Citizens, both men and women, are entitled to participate in public affairs and may enjoy political rights, including the right to vote and to stand for elections, in accordance with this Constitution and the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law.”

Bahrain Forum for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.