



Plenary sitting

7.7.2015

B8-0710/2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Bahrain, in particular the case of Nabeel Rajab
(2015/2758(RSP))

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on behalf of the ALDE Group

European Parliament resolution on Bahrain, in particular the case of Nabeel Rajab (2015/2758(RSP))

The European Parliament,

- having regard to its previous resolution on Bahrain, notably the one of 6 February 2014 on Bahrain, in particular the cases of Nabeel Rajab, Abdulhadi al-Khawaja and Ibrahim Sharif,
- having regard to the statement by the Spokesperson of HR/VP for Foreign Affairs and Security Policy Federica Mogherini of 17 June 2015, on the sentencing of al-Wefaq Secretary General Ali Salman to four years of imprisonment in Bahrain,
- having regard to the statement of the Ministry of Foreign Affairs of the Kingdom of Bahrain on 17 June 2015 on the freedom of expression protected in Bahrain,
- having regard to the 24th EU-GCC Joint Council and Ministerial Meeting in Doha, Qatar, on 24 May 2015,
- having regard to art. 6 and art. 10 of the European Convention on Human Rights,
- having regard to UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the European Union Human Rights Guidelines on Freedom of Expression Online and Offline, adopted in 2014,
- having regard to art. 11 of the Charter of Fundamental Rights of the European Union which declares everyone's right to freedom of expression, and art. 4 which prohibits torture,
- having regard to the European Union Guidelines on Human Rights Defenders, adopted in June 2004, and reviewed in 2008,
- having regard to the UN Standard Minimum Rules for the Treatment of Prisoners,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to the United Nations Convention on the Reduction of Statelessness,
- having regard to the new EU Strategic Framework and Action Plan on Human Rights, which aims at placing the protection and surveillance of Human Rights at the heart of all EU policies, and which includes a specific section about the protection of Human Rights Defenders,
- having regard to art. 5 and 19 of the Universal Declaration of Human Rights,

- having regard to Rule 135 of its Rules of Procedure.

- A. Whereas Bahrain is undergoing a severe deterioration in human rights since the beginning of the 2011 the 'Arab Spring' uprising; whereas during the last months, the government has been intensifying the use of repressive measures against civil society activists, Human Rights defenders and peaceful opposition, with a succession of repeated detentions, beatings and police abuses, death sentences, torture practices and revocations of nationality to its citizen;
- B. whereas many recent actions by the Bahraini authorities continue to violate and restrict the rights and freedoms of segments of the population, in particular the right of individuals to peaceful protest, freedom of expression and digital freedom both online and offline;
- C. whereas Nabeel Rajab, Bahraini Human Rights Defender and President of the Bahrain Center for Human Rights (BCHR), Deputy Secretary-General of the International Federation for Human Rights (FIDH) and member of the Advisory Committee of Human Rights Watch's Middle East Division, was sentenced to six months imprisonment on charges that relate to the peaceful exercise of his right to freedom of expression; whereas Nabeel Rajab was arrested on 1 October after his visit to the Subcommittee on Human Rights of the European Parliament, on charges of insulting state institutions in relation to comments on social media that members of Bahrain's security services had defected to fight for IS/Daesh and that the security services served as an "ideological incubator" for the terrorist group;
- D. whereas Nabeel Rajab has served several prison sentences since setting up the Bahrain Centre for Human Rights in 2002; whereas Nabeel Rajab is facing further charges related to his freedom of expression and is currently risking up to 10 years imprisonment for allegedly "insulting a statutory body" and "spreading rumours at a time of war";
- E. whereas freedom of expression both online and offline is an indispensable pillar of a democratic and pluralist society; whereas freedom of the press and media is a vital element for democracy and an open society;
- F. whereas in November 2013 the United Nations Working Group on Arbitrary Detention has described the detention of Mr Nabeel Rajab as arbitrary;
- G. whereas Nabeel Rajab is only one of the many other Human Rights Defenders such as Naji Fateel and Adbulhadi Al-Khawaja, and the ones of Bahrain 13, a group of peaceful political activists and human rights defenders detained as a follow-up of the February 2011 protests that are imprisoned and serving long or life-long sentences as a direct reprisal for their work defending human rights; whereas most of them have been reportedly subjected to violence, ill treatment and physical or psychological torture;
- H. whereas the Observatory for the Protection of Human Rights Defenders documents the judicial harassment of almost 11 human rights defenders including lawyers, teachers, doctors or bloggers in 2015; whereas all have suffered or been threatened with imprisonment, torture or statelessness as a consequence of their activities in defence of

human rights;

- I. whereas prohibition of torture and cruel, inhuman or degrading treatment or punishment is included in all international and regional human rights instruments, and constitutes a rule of customary international law, which is thus binding on all states, independent of whether they have ratified the relevant instruments;
- J. whereas since 2012, Bahrain has been using vague anti-terrorism legislation to arbitrarily revoke the nationalities of activists and members of the opposition as a reprisal for dissent, including at least 9 minors; whereas since 2012 approximately 150 peaceful human rights activists, political activists, journalists and protesters have had their citizenship revoked rendering a larger number of them stateless, in contravention of the UN Convention on the Reduction of Statelessness;
- K. whereas the use of the death penalty in politically motivated cases has drastically expanded since 2011; whereas at least 7 individuals maintain death sentences in political cases since 2011 and four of these seven individuals were sentenced to death in 2015 evidencing a worrying increase of the use of death sentences; whereas at least 3 of these individuals sentenced to death in 2015 were subject to torture to coerce a confession; whereas there are concerns over the fairness of proceedings and allegations of torture;
- L. whereas the Bahraini penal system does not meet the UN Minimum Standards on Prisons; whereas the Bahraini penal system does not adequately protect the rights of children as underlined in the UN Convention on the Rights of the Child;
- M. whereas, following the Bahrain Independent Commission of Inquiry (BICI) report, the Bahraini authorities committed themselves to undertaking reforms; whereas the government has failed to fully implement the Commission's core recommendations, notably the release of protest leaders convicted for exercising their right to freedom of expression and peaceful assembly; whereas reforms are progressing slowly and reconciliation - The National Dialogue - talks have stalled; whereas some groups are still unrepresented in the political system and the security forces remain unaccountable; whereas in September 2014, the government of Bahrain presented an update on implementation of its UN Universal Periodic Review (UPR) recommendations at the UN Human Rights Council in Geneva;
- N. whereas majority of women in Bahrain are covered by Shia courts; whereas domestic violence is not specifically addressed in the penal code and marital rape is not considered a crime;
- O. Whereas on 10 June 2014, 47 States, including all 28 EU Member States, signed a joint statement at the 26th Session of the UN Human Rights Council noting serious concerns over the human rights situation in Bahrain; whereas the joint statement expressly noted areas of concern including long sentences for exercising rights to freedom of peaceful assembly and of association, the lack of sufficient guarantee of fair trial, the repression of demonstrations, the continued harassment and imprisonment of persons exercising their rights to freedom of opinion and expression, ill-treatment and torture in detention facilities, the arbitrary deprivation of nationality without due process and insufficient accountability for human rights violations.

1. Calls for the immediate and unconditional release of all imprisoned Human Rights Defenders in Bahrain, including Nabeel Rajab and the immediate and unconditional release of all political activists, including Sheikh Ali Salman and the “Bahrain 13”; Calls for the immediate and unconditional release of all those imprisoned in relation to their rights to free expression, assembly or association, including journalists, peaceful protesters and prisoners of conscience in Bahrain;
2. Condemns all human rights violations in Bahrain and urges the Bahraini government to swiftly implement all the recommendations in the BICI report and the Universal Periodic Review, to put an end to all human rights abuses and to respect human rights and fundamental freedoms, including the freedom of expression, both online and offline, and the freedom of assembly, in line with Bahrain’s international human rights obligations; lack of such implementation at the sole responsibility of the government of Bahrain could lead to an appropriate reaction of the EU;
3. Expresses its concern regarding the use of anti-terrorism laws in Bahrain to restrict human rights, notably through the arbitrary revocation of nationality;
4. Firmly condemns the continuing use of torture and other cruel, degrading treatment or punishment against prisoners, peaceful protesters and civilians by Bahraini authorities and urges the government of Bahrain to abide by its obligations and commitments under the UN Convention against Torture;
5. Strongly encourages the Government of Bahrain to allow visits by the five UN Special Rapporteurs including the Special Rapporteur’s on torture, on the independence of judges and lawyers, on the situation of human rights defenders, on freedom of opinion and expression and on the rights to freedom of peaceful assembly and association and makes the responsible ones accountable;
6. Recalls the total abolition of the death penalty remains a key policy objective of the European Union and urges the Bahraini government to introduce reforms to its penal system with a view to abolishing the death penalty;
7. Notes the Bahraini Government’s ongoing efforts to reform the penal code and legal procedures, and encourages the continuation and especially speeding up of this process; Urges the government of Bahrain to take all steps to guarantee an impartial and fair judicial system, guaranteeing due process, and to guarantee the impartiality of its Ombudsman, of the Special Investigations Unit and the National Institute for Human Rights;
8. Calls on the Bahraini government and opposition to strengthen the negotiation process and urges all parties to find sustainable political solutions for the crisis; recalls that the dialogue will pave the way for a long term national reconciliation and sustainable reform in Bahrain;
9. Notes that an EU-Bahrain human rights dialogue can in no way compensate a thorough dialogue between government and opposition in Bahrain itself;
10. Regrets the lack of response of the European Union to the on-going situation in Bahrain

and calls for a rapid collective EU effort to develop a comprehensive strategy on how the EU and the Commission can actively push for the release of the imprisoned activists and prisoners of conscience;

11. Instructs its President to forward this resolution to the Council, the Commission, the Vice- President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, and the Government and Parliament of the Kingdom of Bahrain and to the members of the GCC.