



Plenary sitting

B9-0191/2021

9.3.2021

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 144 of the Rules of Procedure

on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders
(2021/2578(RSP))

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European Parliament resolution on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders (2021/2578(RSP))

The European Parliament,

- having regard to its previous resolutions on Bahrain, in particular those of 13 June 2018 on the human rights situation in Bahrain, notably the case of Nabeel Rajab and of 16 February 2017 on executions in Kuwait and Bahrain,
 - having regard to the statements by the HR/VP Spokesperson of 13 July 2020 on Bahrain: upholding death sentences, of 10 June 2020 on the release of human rights defender Nabeel Rajab, of 9 January 2020 on the confirmation of the death sentence for two citizens in Bahrain, and of 27 July 2019 on the executions of Mr al-Arab and Mr al-Malali,
 - having regard to the statement of 12 February 2020 by Agnes Callamard, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Fionnuala Ni Aolain, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and Nils Melzer, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, urging Bahrain to quash the death sentences against Mohammed Ramadan and Husain Moosa,
 - having regard to the European Union Guidelines on Human Rights Defenders, on the Death Penalty, on Torture and on Freedom of Expression,
 - having regard to the International Covenant on Political and Civil Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, of which Bahrain is party,
 - having regard to the November 2011 report by the Bahrain Independent Commission of Inquiry (BICI),
 - having regard to the Universal Declaration of Human Rights,
 - having regard to Rules 144 of its Rules of Procedure,
- A. Whereas, since the 2011 uprising, the human rights situation in Bahrain has worsened considerably in recent years and remains worrying, with the country still applying the death penalty and with continued reports of arbitrary arrests, prosecution and harassment of human rights defenders;
- B. Whereas 27 persons are currently on death row in Bahrain, of whom 26 at imminent risk of execution; whereas on 15 January 2017 Bahrain ended a seven-year *de facto* moratorium on the death penalty by executing three civilians; whereas six people have been executed since; whereas these executions were declared extrajudicial killings by

the UN Special Rapporteur on extrajudicial, summary or arbitrary executions;

- C. Whereas Ali Al-Arab and Ahmed Al-Malili, both Bahraini citizens convicted of terrorism offences in a mass trial marred by allegations of torture and serious due process violations, were executed by firing squad on 27 July 2019; whereas, on appeal, on 13 July 2020, the Court of Cassation reaffirmed its final ruling and upheld the death sentences on Mohamed Ramadan and Hussein Ali Moosa, despite an unfair trial with a verdict based on confessions of the defendants allegedly coerced under torture, and findings by the Special Investigation Unit's (SIU)'s investigation into Moosa and Ramadan's torture allegations; whereas Agnes Callamard, the United Nations special rapporteur on extrajudicial, summary or arbitrary executions, warned that Moosa and Ramadan's conviction resulting in the death penalty would be arbitrary and a clear violation of their right to life and amount to arbitrary killing; whereas Mohamed Ramadan and Hussein Ali Moosa are at imminent risk of execution and have exhausted all legal remedies;
- D. Whereas the government of Bahrain continues to lead a heavy crackdown on the rights to freedom of expression, association and peaceful assembly; whereas human rights defenders, lawyers, journalists and political activists are severely prosecuted and suffer from arrest, threat of imprisonment or torture, intimidation, travel bans and revocation of citizenships; whereas Bahraini authorities arrested, detained, interrogated and prosecuted human rights defenders and political activists who expressed criticism of government policies, Saudi Arabia or the Saudi-led coalition in Yemen;
- E. Whereas between 7 and 15 February 2021, Bahraini police arrested at least 15 children on protest related charges; whereas at least three of them remain in detention as of 4 March 2021, including a 16-year-old with a serious medical condition; whereas, according to civil society sources, the Bahrain police has beaten these children and threatened them with rape and electric shocks and denied the right of the children to have their parents or guardians and lawyers present during their interrogations and to visit them in detention;
- F. Whereas the anti-terror and cybercrime laws have been used to criminalise political dissent and civil society activities and prosecutions for online activity considerably increased; whereas in May 2019 Bahraini's Minister of Interior declared that "those who follow inciting accounts that promote sedition and circulate their posts will be held legally accountable";
- G. Whereas prominent dissidents and journalists have been serving lengthy prison terms, including Abdulhadi al-Khawaja, founder of the Bahrain Center for Human Rights, Abduljalil al-Singace, leader in the unrecognized opposition group Al Haq, and Shaikh Ali Salman, leader of Al-Wifaq, all serving life terms;
- H. Whereas several public figures have been prosecuted merely due to their social media activity, including prominent lawyers Abdullah Al Shamlawi and Abdullah Hashim; whereas no independent media have operated in Bahrain since the Information Affairs Ministry suspended *Al Wasat*, the country's only independent newspaper, in 2017;
- I. Whereas CitizenLab identified significant usage of the Pegasus spyware of the Israel-based NSO Group in Bahrain, which has previously been linked to abusive use of

spyware to target civil society, journalists, lawyers and opposition politicians; whereas a legal action was brought in front of Israeli Courts demanding the Ministry of Defence to revoke NSO Group's export licence;

- J. Whereas health and hygiene conditions in Bahrain's overcrowded prisons remain extremely serious; whereas Bahrain released 1,486 prisoners in March 2020 due to the health risk posed by the COVID-19 pandemic; whether the releases have excluded opposition leaders, activists, journalists, and human rights defenders; whereas Bahraini authorities are denying high-profile human rights defenders urgent medical attention, risking their health and wellbeing;
- K. Whereas, the health of Dr. Abduljalil al-Singace, a leading opposition figure serving a life sentence for his role in the 2011 protests, is deprived of adequate medical treatment despite his vulnerability as a patient of sickle-cell disease and post-polio syndrome;
- L. Whereas the former President of the Bahrain Centre for Human Rights, Abdulhadi Al-Khawaja, also serving life sentence, and imprisoned for over 10 years, is being deprived of access to medical care and is seeing his health quickly deteriorating;
- M. Whereas Hassan Mushaima, leader of the political opposition in Bahrain, and former cancer patient, is being denied adequate access to family visits (last visit in January 2020) as well as vital medical attention;
- N. Whereas Nabeel Rajab, one of the most prominent Bahraini human rights defenders, was released from prison on 9 June 2020 to serve the rest of his five-year sentence under the alternative sanctions law and is obliged to self-censor and refrain from participating in human rights activities at the risk of being imposed an additional sentence and re-imprisoned;
- O. Whereas the UN Committee against Torture has stressed the lack of independence and effectiveness of Bahrain's state-affiliated human rights institutions, including the Ombudsman and the Special Investigation Unit (SIU), established with the help of the United Kingdom, fostering the culture of impunity in the country; whereas the most recent UN Special Procedures visits to Bahrain took place only in 2007 and in 1999
- P. Whereas the Bahraini courts continue to issue and uphold decisions to denaturalize citizens; whereas more than 300 people in 2018 and more than 100 people in 2019, including human rights defenders, had their citizenship revoked by Bahraini Courts and in most cases remain stateless; whereas revocation of nationality is used as a means of political repression in contravention of Article 15 of the Universal Declaration of Human Rights;
- Q. Whereas in December 2018, Bahrain amended its labor law to prohibit employers from discriminating against workers on the basis of sex, origin, language or creed, and it instituted sanctions against sexual harassment at work; whereas the around 92,000 domestic workers in the country are included in the labor law, but excluded from provisions that offer the vast protections of the labor law including in relation to weekly rest days, a minimum wage, and limits on working hours;
- R. Whereas Bahraini law continues to discriminate against women in relation to family law

such as the right to divorce and transmission of Bahraini nationality to their children on an equal basis to men; whereas Bahrain has acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2002 but maintains reservations to several articles which contain provisions that are central to the purpose of the convention and the CEDAW Committee has indicated that reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible and that article 2 is central to the purpose and objective of the convention; whereas Article 353 of the penal code exempts perpetrators of rape from prosecution and punishment if they marry their victims; whereas Bahrain's parliament proposed a full repeal of that article in 2016, but the cabinet rejected the proposal; whereas Article 334 of the penal code reduces the penalties for perpetrators of so-called honor crimes and adultery and sexual relations outside marriage are still criminalised;

1. Expresses its deepest concern at the dire human rights situation in Bahrain, in particular in relation to the sustained application of the death penalty and with continued reports of arbitrary arrests, prosecution and harassment of human rights defenders;
2. Strongly deplores the ending of the *de facto* moratorium on the use of the death penalty; calls on the Bahraini authorities to introduce an immediate moratorium on the use of the death penalty as a step towards abolition; calls for a comprehensive review of all death sentences to ensure that these trials adhered to international standards and that victims of human rights abuses unlawfully sentenced to death receive redress;
3. Strongly condemns the sentencing of Mohammed Ramadan and Husain Ali Moosa to death; urges the Bahraini authorities to overturn the death sentences, order a retrial that fully complies with international fair trial standards and excludes evidence obtained under torture and to allow an independent investigation into the torture allegations; condemns the failure of Bahrain's authorities, particularly the Special Investigation Unit, to conduct an investigation into the allegations of torture of Mr Ramadhan and Mr Moosa in accordance with the Istanbul Protocol on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; regrets the passivity of Bahrain's Ombudsman in this case;
4. Welcomes the release of Nabeel Rajab under the alternative sanctions law, while regretting the prohibition imposed on him to participating in human rights activities and urges the Bahrain authorities to immediately vacate Nabeel Rajab's unjust conviction and undertake a prompt, impartial, and independent investigation into Rajab's allegations of ill-treatment in detention;
5. Remembering the tenth anniversary of the Arab Spring movement in Bahrain, calls for the immediate and unconditional release of all human rights defenders and prisoners of conscience, including Dr. Abduljalil al-Singace, Abdulhadi al-Khawaja, Naji Fateel, Abdulwahab Hussain, Ali Hajee, Sheikh Ali Salman and Hassan Mshaima, detained and sentenced for merely expressing their right to freedom of expression, and to drop all charges against them; strongly commends the work of all human rights defenders, journalists and lawyers whose work is essential for the defence of human rights;
6. Welcomes the recent approval of Law No. 4/2021 on Child Restorative Justice and

Protection from Abuse, which raises the age of criminal responsibility from 7 to 15, defines a child as anyone under 18, and provides for special child courts and separate detention facilities for children, bringing Bahrain's legislation closer to international standards; urges the authorities of Bahrain to release all children when there are alternatives to detention, to drop abusive charges against them, and to seriously investigate and hold to account officials involved in the abuse of children;

7. Calls on the Bahraini government to stop the harassment and immediately lift the travel ban against human rights defenders and insists that authorities guarantee in all circumstances that human rights defenders in Bahrain are able to carry out their legitimate human rights activities, both inside and outside the country;
8. Urges the Bahraini authorities to uphold the right to freedom of expression and repeal the laws that criminalise the peaceful exercise to freedom of expression, association and assembly, including the amendment to the Law on the Exercise of Political Rights; urges them to implement the recommendations of the BICI and of the 2017 Universal Periodic Review, especially regarding to the criminal justice reform and respect for all civil, economic, political, social and cultural rights; urges the government of Bahrain to reinstate the country's single independent media outlet, Al-Wasat, and to allow independent political societies to operate in Bahrain, including the dissolved al-Waad and al-Wifaq; urges the government of Bahrain to allow foreign journalists and human rights organisations access to Bahrain, including for the purpose of gaining contact with detained human rights defenders;
9. Condemns the continuing use of torture and other cruel, degrading treatment or punishment against detainees, including peaceful protesters and civilians and calls for thorough and credible investigations into all torture allegations, with a view of holding those responsible to account;
10. Reminds the Bahraini authorities that Article 15 of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) prohibits the use of any statement made as a result of torture as evidence in any proceedings; calls for the immediate ratification of the Optional Protocol to the Convention Against Torture (OPCAT) and of the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty;
11. Calls on the government of Bahrain to fully cooperate with the UN bodies and to extend a standing invitation to the visit of all Special Procedures of the UN Human Rights Council and to cooperate in a proactive manner; calls on the Bahraini government to allow EU officials, independent monitors and human rights groups to visit Bahraini prisons, and urges the authorities of Bahrain to ensure particularly that the UN Special Rapporteurs on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on Human Rights Defenders, on Freedom of Expression and on Freedom of Assembly are allowed to enter the country;
12. Condemns the ongoing practice of arbitrarily stripping nationals of their citizenship, which has in many cases resulted in leaving people stateless in violation of the UN Convention on the Reduction of Statelessness; calls on the Bahraini authorities to amend the country's citizenship law and to restore Bahraini citizenship to those

individuals who have been unfairly stripped of it;

13. Calls on the EEAS and Member States to systematically raise the concerns about the violation of human rights in Bahrain as well as the lack of political space for expressing legitimate and peaceful dissent, including as part of future human rights dialogues;; urges the EEAS to ensure that the informal human rights dialogue with Bahrain is geared around concrete deliverables and commitments, including with the consultation of civil society before and after the dialogue, and to consider its suspension if Bahraini authorities continue failing to meaningfully and genuinely engage in the process and treat it as a box-ticking exercise; regrets that despite the calls of the HR/VP and visits of high-levels officials, including former EUSR on Human Rights, to the country, no concrete progress on human rights has been achieved;
14. Calls on the EU Delegation to fully implement the EU Guidelines on human rights defenders and to provide all appropriate support to human rights defenders detained, including through arranging prison visits, trial monitoring and public statements; and offer support to civil society and access to protection of people at risk of persecution, including by providing safe haven at embassies, and facilitating entry for asylum or temporary protection, including by issuing emergency visas;
15. Calls on the EU and Member States to increase their protection and support for human rights defenders in Bahrain, including through emergency grants under the European Instrument for Democracy and Human Rights;
16. Is dismayed by the fact that the EU Delegation's Chaillot prize for the Promotion of Human Rights in the Gulf Cooperation Council Region was awarded in 2014 to the Bahrain National Institution for Human Rights, a state-mandated body which has repeatedly justified the human rights violations undertaken by the Bahrain government, including the imprisonment of Nabeel Rajab; calls on the European Court of Auditors to carry out an audit of the Chaillot Prize;
17. Urges the EU and its Member States to continue mentioning Bahrain in the EU's and Member States' statements under item 4 in the upcoming sessions of the UN Human Rights Council;
18. Highlights that the change in leadership since November 2020, presents an opportunity for the EU to refocus its foreign policy towards Bahrain, including in light of the new National Action Plan for Human Rights and demand from the new Prime Minister Prince Salman bin Hamad Al Khalifa that the Kingdom's international human rights obligations are met, including prospects of dialogue and reconciliation;
19. Is deeply disturbed at the reports regarding the use of surveillance technology against Bahraini human rights defenders; calls for an EU-wide ban on export, sale, update and maintenance of any form of security equipment to Bahrain which can be or is used for internal repression, including Internet surveillance technology; calls on the High Representative to report on the current state of military and security cooperation by EU Member States with Bahrain;
20. Urges the Bahraini government to amend the labour law to ensure that domestic workers are able to benefit from the same rights as other workers including limits to

their working hours, weekly rest days and a minimum wage;

21. Calls on the Bahraini government to amend laws as necessary to remove discrimination against women in relation to entering marriage, in marriage, during dissolution and in relation to children and inheritance and to allow women to pass nationality to their children on an equal basis with men; urges the Bahraini government to lift all reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to repeal articles 353 and 334 of the Penal Code which condone violence against women, and to repeal provisions that criminalise consensual adult sexual relations;
22. Calls on the EU and its Member States, in particular on participants and sponsors, in light of the persistent and serious human rights violations in Bahrain, not to attend and participate in the upcoming Formula 1 Gulf Air Bahrain Grand Prix 2021, scheduled for 26-28 March 2021;
23. 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, the government and Parliament of the Kingdom of Bahrain, and the members of the Gulf Cooperation Council;