



Plenary sitting

B9-0567/2022

13.12.2022

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 situation of human rights in Bahrain, in particular the case of Abdulhadi Al-Khawaja
(2022/2994(RSP))

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on behalf of the S&D Group

B9-0567/2022

European Parliament resolution on the situation of human rights in Bahrain, in particular the case of Abdulhadi Al-Khawaja (2022/2994(RSP))

The European Parliament,

- having regard to its previous resolutions on Bahrain, in particular those of 11 March 2021 on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders and of 14 June 2018 on the human rights situation in Bahrain, notably the case of Nabeel Rajab,
- having regard to the European Union Guidelines on Human Rights Defenders, on the Death Penalty, on Torture, on Human Rights Dialogues with third countries and on Freedom of Expression,
- having regard to the EU Strategic Framework and Action Plan on Human Rights, which aims to place the promotion, respect and fulfilment of human rights at the heart of all EU policies,
- having regard to the Joint Communication to the European Parliament and the Council on the strategic partnership with the Gulf,
- having regard to the EU-Bahrain Cooperation Arrangement,
- having regard to the International Covenant on Political and Civil Rights and to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to 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, in particular Article 3 thereof,
- having regard to the Arab Charter on Human Rights,
- having regard to Rule 144 of its Rules of Procedure,

A. Whereas human rights defender Abdulhadi Al-Khawaja, a Bahraini and Danish citizen, the co-founder of the Bahrain Center for Human Rights and the Gulf Center for Human Rights, is currently completing his twelfth year in prison while serving a life sentence on charges of ‘financing and participating in terrorism to overthrow the government and spying for a foreign country’, after an unfair trial that did not comply with Bahraini criminal law or international fair trial standards; whereas following Abdulhadi Al-Khawaja’s arrest, he was beaten, tortured and sexually assaulted;

- B. whereas in July 2012, the UN Working Group on Arbitrary Detention concluded that Abdulhadi Al-Khawaja's arrest was arbitrary, as it resulted from his exercise of the fundamental rights of freedom of expression, peaceful assembly and association, and called for his release;
- C. Whereas in November 2022, new criminal charges were brought against Abdulhadi Al-Khawaja; whereas on 28 November 2022, the Second Lower Criminal Court in Bahrain upheld two criminal charges against Abdulhadi Al-Khawaja; whereas Abdulhadi Al-Khawaja was not in attendance at the 28 November 2022 hearing, and was not facilitated to grant his lawyer power of attorney prior to the hearing despite a court order signed by the head of the Second Lower Criminal Court instructing the Secretary General of the administration of rehabilitation and reform centre to grant the defendant access to power of attorney; whereas this was a violation of the human rights defender's right to a fair trial and counsel;
- D. Whereas the timing of the new charges follow significant advocacy on Abdulhadi Al-Khawaja's case at both the UN and EU level, including the case being highlighted in (i) the UN Secretary General's annual report on reprisals (14 September 2022), (ii) the EU-Bahrain Human Rights Dialogue (27 October 2022), and (iii) the UN Universal Periodic Review of Bahrain (7 November 2022);
- E. Whereas as the result of the well-documented torture and mistreatment endured at the time of his arrest and subsequent detention, Abdulhadi Al-Khawaja suffers from a series of chronic and degenerative health problems and requires timely, expert medical treatment;
- F. Whereas the Danish government have relied on private diplomacy with the Bahraini government for over a decade to secure the release of Al-Khawaja's; whereas his longstanding unjust detention is a proof that this approach has not brought the expected results and the case of Al-Khawaja needs to be raised urgently and publicly;
- G. Whereas Abdulhadi Al-Khawaja is one of several human rights defenders experiencing long-term arbitrary imprisonment in Bahrain; whereas human rights defender Naji Fateel was arrested in May 2013, and sentenced to 15 years in prison in May 2014; whereas Naji Fateel was tortured, held in incommunicado detention, prohibited from receiving phone calls and visits from his family and lawyer and placed in solitary confinement; whereas human rights defender Dr. Abduljalil Al-Singace was arrested in August 2010, released briefly for 21 days in February-March 2011, and rearrested on 17 March 2011 and sentenced to life imprisonment in June 2011;
- H. Whereas in the aftermath of the 2011 popular uprising, the Bahraini authorities continue to violate and restrict the rights and freedoms of the population, in particular the right of individuals to peaceful protest, freedom of expression and digital freedom both online and offline; whereas human rights lawyers, journalists and political activists face ongoing systematic targeting, harassment, detention, torture, intimidation, travel bans and revocation of citizenship;

- I. whereas between 2011 and 2020, Bahrain sentenced to death approximately 50 people, in contrast to the seven death sentences handed down between 2001 and 2010; whereas 26 persons are currently on death row in Bahrain; whereas on 15 January 2017 Bahrain ended a seven-year de facto moratorium on the death penalty; whereas six people have been executed since then; whereas these executions were declared extrajudicial killings by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions; whereas the death penalty is the ultimate cruel, inhuman and degrading punishment, and violates the right to life enshrined in the Universal Declaration of Human Rights; whereas the conditions on death row inflict extreme psychological suffering;
- J. whereas independent observers report that in the majority of recent executions, Bahraini authorities have extracted confessions through torture, and defendants have not been guaranteed fair trials; whereas since the 2011 protests and following the conclusions of the BICI report on government abuses, a number of internal bodies, such as the Office of the Ombudsman within the Ministry of the Interior, a Special Investigations Unit (SIU) within the Office of the General Prosecutor, and the Prisoners and Detainees Rights Commission (PDRC), have been set up, but are not effective and independent enough; whereas the lack of independence of these bodies has reportedly caused a lack of accountability within the Bahraini Government and security forces; whereas this has fostered a culture of impunity that undermines democratic reform attempts and serves to further destabilise the country;
- K. whereas health and hygiene conditions in Bahrain's overcrowded prisons remain extremely serious; whereas Bahraini authorities are denying prisoners urgent medical attention, risking their health and wellbeing, in violation of the UN Standard Minimum Rules for the Treatment of Prisoners; whereas numerous political prisoners have gone on strike to protest poor treatment in custody;
- L. whereas in December 2018, Bahrain amended its labour law to prohibit employers from discriminating against workers on the basis of sex, origin, language or creed; whereas it adopted sanctions against sexual harassment at work; whereas, despite these reforms, Bahrain continues to be a place where migrant workers, especially women hired as domestic workers, continue to be subject of exploitation and abuse;
- M. whereas Bahraini law continues to discriminate against women in family law, such as in the right to divorce and transmission of Bahraini nationality to their children on an equal basis to men; whereas Bahrain 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;
1. Calls on the Bahraini government to immediately and unconditionally release Abdulhadi al-Khawaja and all human rights defenders who have been imprisoned while peacefully exercising their right to freedom of expression, and right to peaceful assembly and association;

2. Calls on the Bahraini government to cease targeting all human rights defenders in Bahrain and guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment;
3. Calls on the Bahraini government to treat prisoners with the respect due to their inherent dignity and value as human beings, and to guarantee that all imprisoned human rights defenders have access to adequate, timely medical treatment; condemns the Bahraini government's reprisals against human rights defenders for their human rights work;
4. Calls on all EU officials visiting Bahrain, including senior Member State officials and Commissioners, to raise the case of Abdulhadi Al-Khawaja and other human rights defenders in the country both publicly and privately;
5. Urges all EU official visiting Bahrain to visit the prisons and meet with human rights defenders, and explicitly requesting to visit with Abdulhadi Al-Khawaja, Naji Fateel and Dr. Abduljalil Al-Singace;
6. Calls on the EU Delegation in Riyadh and all Member State diplomatic missions covering Bahrain to attend human rights defender Abdulhadi Al-Khawaja's future hearings and monitor developments in said hearings;
7. Insists that the release of political prisoners and respect for human rights are key elements for enhanced EU-Bahrain cooperation; calls on the Bahraini authorities to guarantee a safe space for civil society organisations and independent media; urges the Government of Bahrain to allow foreign journalists and human rights organisations access to Bahrain; strongly commends the work of all human rights defenders, journalists and lawyers whose work is essential for the defence of human rights
8. Is deeply concerned that eleven years after the Bahraini 'Arab Spring' uprising, the human rights situation in the country continues to worsen, with the application of the death penalty, arbitrary arrests, prosecution and harassment of human rights defenders, and denial of civil and political rights and freedoms of association, assembly, and expression both online and offline;
9. Strongly deplores the lifting 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 its 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; recalls that the EU opposes capital punishment and considers it to be a cruel and inhuman punishment which fails to act as a deterrent to criminal behaviour and is irreversible in the event of error;
10. Expresses particular concern about the misuse of anti-terrorism laws in Bahrain, and stresses the importance of the support given to Bahrain, in particular as regards its

judicial system, with a view to ensuring compliance with international human rights standards;

11. Condemns the continuing use of torture, including denial of medical care, and other cruel and degrading treatment or punishment of detainees, including peaceful protesters and civilians; calls for thorough and credible investigations into all torture allegations with a view to holding those responsible to account; deplores the dire prison conditions in the country;
12. Urges the Government of Bahrain to abide by its obligations and commitments under the UN Convention against Torture, including its Article 15, which prohibits the use of any statement made as a result of torture as evidence in any proceedings; calls for the ratification of the Optional Protocol to the Convention Against Torture (OPCAT) and of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty;
13. Reiterates its call on the Government of Bahrain to fully cooperate with UN bodies, to extend a standing invitation to visit Bahrain to 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 Bahraini authorities to ensure in particular 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;
14. Condemns the ongoing practice of arbitrarily stripping nationals of their citizenship, which has in many cases resulted in people being left 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;
15. Calls for reinforcement of the EU-Bahrain human rights dialogue in accordance with the EU Guidelines on Human Rights Dialogues; notes that an EU-Bahrain human rights dialogue is no substitute for a proper dialogue between government, opposition and civil society in Bahrain itself; urges the EEAS to ensure that the informal human rights dialogue with Bahrain is geared to concrete deliverables and commitments, including the consultation of civil society before and after the dialogue; emphasises that Bahraini authorities should meaningfully and genuinely engage in this process;
16. Reiterates that surveillance technologies exported by European companies to Bahrain could facilitate the repression of human right defenders; emphasises the need for the EU export control authorities to take human rights criteria into account before granting export licences to a third country; calls on all the Member States to strictly observe the EU Code of Conduct on Arms Exports, and in particular to halt all transfers of weapons, surveillance and intelligence equipment and material that can be used by Bahrain in its ongoing crackdown on human rights;
17. Calls on the Bahraini Government to amend legislation as necessary to eliminate discrimination against women related to entering marriage, within marriage, during the

dissolution of marriages, and in relation to children and inheritance, and to allow women to pass on nationality to their children on the same basis as men; urges the Bahraini Government to lift all reservations to the CEDAW;

18. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights, the government and parliament of the Kingdom of Bahrain.