



TEXTS ADOPTED

P9_TA(2021)0086

The human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders

European Parliament resolution 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 (2021/2578(RSP))

The European Parliament,

- having regard to its previous resolutions on Bahrain, in particular those of 14 June 2018 on the human rights situation in Bahrain, notably the case of Nabeel Rajab¹, and of 16 February 2017 on executions in Kuwait and Bahrain²,
- having regard to the statements by the spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 13 July 2020 on upholding death sentences in Bahrain, 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 Bahraini citizens, and of 27 July 2019 on the executions of Ali al-Arab and Ahmed 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 joint statement of 10 October 2019 by VP/HR Federica Mogherini, on behalf of the EU, and the Secretary-General of the Council of Europe, Marija Pejčinović Burić, on the European and World Day Against the Death Penalty,
- 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,

¹ OJ C 28, 27.1.2020, p. 76.

² OJ C 252, 18.7.2018, p. 192.

- 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 conclusions of the 25th EU-Gulf Cooperation Council (GCC) Joint Council and Ministerial Meeting of 18 July 2016,
 - 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(5) and 132(4) of its Rules of Procedure,
- A. 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; whereas since 2011 the authorities have rejected all demands by the democratic opposition and human rights defenders for the freedoms of speech and assembly to be respected; whereas no political opposition is tolerated in Bahrain; whereas the authorities have arrested several children for joining protests in February 2021, and have reportedly subjected them to threats of rape and electrocution; whereas at least three of them remain in detention as of 4 March 2021, including a 16-year-old with a serious medical condition;
- B. 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 tenth 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’; whereas following Abdulhadi Al-Khawaja’s arrest, he was beaten, tortured and sentenced in an unfair trial that did not comply with Bahraini criminal law or international fair trial standards; whereas in July 2012, the UN Working Group on Arbitrary Detention concluded that 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 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;

- D. 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 27 persons are currently on death row in Bahrain, of whom 26 are 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 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;
- E. 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;
- F. 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 18 February 2014 Mohamed Ramadan was arrested by the Bahraini authorities for allegedly taking part – along with Hussein Ali Moosa – in a bomb attack in Al Dair on 14 February 2014; whereas, on appeal, on 13 July 2020 the Court of Cassation reaffirmed its final ruling and upheld the death sentences imposed on Mohamed Ramadan and Hussein Ali Moosa, despite an unfair trial with a verdict based on confessions allegedly coerced from defendants under torture, and the outcomes of the Special Investigation Unit's investigation into Moosa and Ramadan's torture allegations; whereas Agnes Callamard, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, warned that Moosa and Ramadan's conviction and death sentence would be arbitrary and a clear violation of their right to life and would amount to arbitrary killing; whereas UN human rights experts have called on Bahrain to prevent the execution of both men; whereas Mohamed Ramadan and Hussein Ali Moosa are at imminent risk of execution and have exhausted all legal remedies;
- G. whereas the Bahraini authorities dissolved al-Wefaq, the country's largest peaceful political opposition party, confiscated its assets and arrested its leaders; whereas the leader of the party, Shaikh Ali Salman, is currently serving a life term in jail on alleged espionage charges;
- H. whereas several public figures have been prosecuted merely for 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 health and hygiene conditions in Bahrain's overcrowded prisons remain extremely serious; whereas Bahrain released 1 486 prisoners in March 2020 owing to the health risk posed by the COVID-19 pandemic; whereas the releases have mostly excluded opposition leaders, activists, journalists and human rights defenders; 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;
- J. whereas the Bahraini courts continue to issue and uphold decisions to strip citizens of their nationality; whereas more than 300 people in 2018 and more than 100 people in 2019, including human rights defenders, politicians, journalists and senior religious authorities, among others, had their citizenship revoked by Bahraini Courts and in most cases remain stateless; whereas revocation of nationality is being used in contravention of Article 15 of the Universal Declaration of Human Rights;
- K. 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 Bahrain continues to be a place where migrant workers, especially women hired as domestic workers, are exploited due to the Kafala system which allows for exploitation;
- L. 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; whereas Article 353 of the criminal 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 criminal code reduces the penalties for perpetrators of so-called honour crimes and adultery, and whereas sexual relations outside marriage are still criminalised;
- M. whereas Bahrain is an important EU partner in the Persian Gulf, including in political and economic relations, energy and security; whereas the Kingdom of Bahrain has a rich history of long-standing openness to other cultures from around the world, and is an active player in creating momentum for building confidence and fostering dialogue and stability in the Gulf and wider Middle East region;
- N. whereas the change in leadership in November 2020 and the appointment of the new Prime Minister Prince Salman bin Hamad Al Khalifa presents Bahrain with an opportunity to move towards political reform and national inclusive reconciliation, including Sunni-Shia reconciliation; whereas the EU-Bahrain Human Rights Dialogue was held in February 2021; whereas Bahrain is the second country in the Gulf region with whom the EU has established a Human Rights Dialogue;
1. Is deeply concerned that ten 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;

2. Strongly condemns the sentencing to death of Mohammed Ramadan and Husain Ali Moosa; urges the Bahraini authorities, and in particular His Majesty Sheikh Hamad bin Isa Al Khalifa, to halt their execution immediately, commute their sentences, order a retrial that fully complies with international fair trial standards and excludes evidence obtained under torture, and allow an independent investigation into the torture allegations; calls on Bahrain to review the independence and effectiveness of internal bodies monitoring governmental abuses such as the Ombudsman, the Special Investigations Unit (SIU) and the Prisoners and Detainees Rights Commission (PDRC) that are conducting inadequate investigations and whitewashing the Bahraini court's reliance on forced confessions to secure convictions, including in the investigation into the allegations of Mr Ramadhan and Mr Moosa;
3. 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;
4. Highlights that the change in leadership since November 2020 presents an opportunity for the EU to refocus its foreign policy towards Bahrain, including in the light of the new National Action Plan for Human Rights; calls on the new Prime Minister, Prince Salman bin Hamad Al Khalifa, to use his authority to move Bahrain towards political reform, and respect for human rights and fundamental freedoms;
5. Calls for the immediate and unconditional release of all human rights defenders and prisoners of conscience, including Abdulhadi al-Khawaja, Dr Abduljalil al-Singace, Naji Fateel, Abdulwahab Hussain, Ali Hajee, Sheikh Ali Salman and Hassan Mshaima, who have been detained and sentenced for merely exercising their right to freedom of expression, and to drop all charges against them; calls on the VP/HR and the Member States to champion and pursue a vigorous campaign to secure the immediate release of the imprisoned human rights defenders, as a key element 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; 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 those dissolved;
6. Welcomes the release of Nabeel Rajab under the alternative sanctions law, but urges the Bahraini authorities to lift his travel ban;
7. Calls on the Bahraini Government to stop the harassment of human rights defenders and to immediately lift the travel ban on them, 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. 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; asks the authorities of Bahrain to promptly amend its Act No. 58 (2006) on protecting society from acts of terrorism and all other laws that limit freedom of expression and political freedoms, and which are not fully compliant with international obligations and standards;
9. 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; urges the Bahraini authorities to protect all detainees from the danger of COVID-19;
10. 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;
11. Calls 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;
12. 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;
13. Notes the Government of Bahrain's ongoing efforts to reform the country's criminal code and legal procedures, and encourages them to continue this process; calls for the full implementation of the recommendations of the BICI and the Universal Periodic Review (UPR); continues to support the Government of Bahrain's reform agenda, and encourages the Kingdom of Bahrain to aim for stability through further reforms and inclusive reconciliation in an environment where peaceful political grievances can be expressed freely, in line with its international obligations;
14. Calls on the EU Delegation to fully implement the EU Guidelines on Human Rights Defenders, to provide all appropriate support to the human rights defenders detained,

including through arranging prison visits, trial monitoring and public statements, and to offer support to civil society and access to protection for people at risk of persecution;

15. Calls on the VP/HR, the European External Action Service (EEAS), the Council and Member States to systematically raise concerns about human rights violations in Bahrain, as well as the lack of political space for expressing legitimate and peaceful dissent, and to consider targeted measures against those responsible for serious human rights violations;
16. Notes the human rights dialogue between the EU and Bahrain; calls for reinforcement of the 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; supports further dialogue, engagement and the sharing of best practices on human rights and judicial procedures between the EU, its Member States and the Kingdom of Bahrain;
17. Urges the EU to ensure that human rights are mainstreamed across all areas of cooperation with Bahrain, including in the EU-Bahrain Cooperation Agreement, which was recently concluded and did not include references to human rights;
18. Is disturbed at the reports of the use of surveillance technology against Bahraini human rights defenders; 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;
19. Stresses that the EU Delegation's Chaillot Prize for the Promotion of Human Rights in the Gulf Cooperation Council Region should not be awarded to those justifying human rights violations;
20. Expresses its alarm at the fact that the Kafala system enables violations of labour rights and restrictions against social and trade union movements in the country; urges the Bahraini Government to amend labour legislation to ensure that domestic workers are able to benefit from the same rights as other workers, including limits on their working hours, weekly rest days and a minimum wage;
21. 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, to repeal Articles 353 and 334 of the Criminal Code which condone violence against women, and to repeal provisions that criminalise consensual adult sexual relations;

22. Urges the EEAS, the Commission and Member States to remain vigilant with regard to developments in the country and in the Gulf region in general, and to use all means of influence at their disposal; deplores foreign interference in Bahrain's domestic politics aimed at destabilising the country;
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.