



“The Entire Political Process is Fraudulent”

A Legal and Political Study of the 2022 Parliamentary Elections in Bahrain

BIRD
BAHRAIN INSTITUTE FOR
RIGHTS & DEMOCRACY



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Cover Photo Source: Wa'ad Political Association (19 September 2014) The march of the opposition forces, Bahrain is the land of dignity

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Executive Summary

Bahrain's 2022 parliamentary elections will be underpinned by heavy political repression, and a climate of renewed fear and intimidation. Through interviews with opposition activists and civil society representatives, this report documents the political and legal context in which these elections are set to take place, and analyses the repressive tools deployed by the Bahraini state in the run-up to these elections in order to unduly influence the electoral process and, ultimately, its outcome. Elections staged in such a climate can only be a sham, falling far short of any semblance of true democracy.

A political landscape so barren has left Bahrain unable to heal from the deep wounds that it sustained in 2011. Over 11 years after the 2011 popular pro-democracy uprising in Bahrain was met with a brutally violent crackdown from the government, those who led calls for democracy and voiced their dreams for a free Bahraini society remain imprisoned, having been horrifically abused and condemned to serve life sentences in sham trials that appalled the international community.

More than a decade on, political dissent continues to be ruthlessly criminalised and punished, as the iron fist of the Al-Khalifa dictatorship stifles what remains of the country's political and civic space, leaving little to no room for the safe exercise of political rights. True executive, legislative, and judicial power in Bahrain lies in the hands of the King, who has absolute discretion to appoint and dismiss Ministers, judges, and Shura Council members, introduce his own laws, and veto laws that have already been approved by both Houses of Parliament.

This report finds that the elections are devoid of legitimacy and cannot in any way be free, fair or democratic whilst repressive legislation remains in place, political opposition leaders continue to languish in prison and political opposition societies remain forcibly dissolved. Rather, they will serve to uphold the regime's repressive status quo and provide nothing more than a false veneer of democracy, whilst Bahraini people continue to be deprived of the ability to freely exercise their basic human rights and fundamental freedoms without fear of retaliation.

1. Key Findings

- **Bahrain’s 2022 elections will not be free, fair or democratic, but will be sham elections** which are devoid of legitimacy and serve the purpose of maintaining the status quo and preserving the position and political power of Bahrain’s ruling Al-Khalifa dictatorship, whose absolute power lies in the hands of the King. The elections will thus fail to respect democratic principles or processes.
- **The elections will be the most restricted in 20 years since the return of parliamentary elections to Bahrain in 2002, the state has deliberately weaponised its repressive legislation in order to obstruct the democratic process and actively disempower its citizens**, who are deprived of the ability to safely exercise their rights to vote, stand as electoral candidates and call for the elections to be boycotted. Until repressive legislation is repealed, a true democratic electoral process will not be possible in Bahrain.
- In the run up to Bahrain’s 2022 elections, **repression was explicitly targeted towards political dissidents and sections of civil society who oppose the government**. The application of Bahrain’s Political Isolation Law, Law No. (25) of 2018 targets members of dissolved opposition societies and former prisoners by preventing them from running for electoral office.
- According to data from political associations, an **estimated 80,000 individuals were barred from running for elections in 2022** due to the application of the Political Isolation Law.
- BIRD’s research reviewed official data from the government of Bahrain and found that an **estimated 71,467 individuals will be deliberately denied their right to vote in the 2022 elections** without going through an appeals process, due to implications of Legislative Decree No. (57) and the Political Isolation Law.
- Voters who chose to boycott elections in previous years have been targeted by Legislative Decree No. (57) which makes voters’ inclusion in the electoral roll contingent upon their previous participation in elections, or lack thereof. This allowed the government to remove the names of individuals who had not voted in previous elections from the electoral roll, in an apparent **concerted effort to manipulate the true percentage of voter turnout and deprive individuals of their right to vote** without first going through an appeals process.
- **Bahrain’s parliament lacks any real power to effectively scrutinise the government or hold government officials to account** due to members of the Shura Council being personally and exclusively appointed by the King, and heavy, heightened repression surrounding 2022 parliamentary elections to the Nuwab Council. The King has the power to veto legislation which has been approved by both Houses of parliament, which could only be overridden by opposition from two thirds of both Houses.

- **Ahead of the 2022 elections, Bahrain criminalised the peaceful exercise of individuals' right to freedom of expression** by calling on others to boycott these elections. Government bodies have made public threats of punishment by fines and imprisonment for those who call for the elections to be boycotted. International monitoring of the elections remains prohibited and local monitoring restricted. **Elections take place in a climate of sustained intensified repression, fear-mongering and intimidation**, with civic space and political freedoms heavily curtailed.
- **Elections lack any credible opposition** or free and independent press, and will take place in a context in which opposition leaders remain imprisoned serving life sentences and the major opposition parties, Al-Wefaq and Wa'ad, remain forcibly dissolved, with their former members prohibited from standing as electoral candidates. Al-Wasat, the country's only independent newspaper, was forcibly closed in 2017.
- **Whilst opposition leaders and human rights defenders remain imprisoned, Bahrain's elections will in no way be free, fair, or democratic.** In particular, these include Hassan Mushaima, Abdulwahab Husain, Sheikh Ali Salman, Sheikh Abduljalil Al-Muqdad, Dr Abduljalil Al-Singace and Abdulhadi Al-Khawaja who should be released immediately and unconditionally.
- The elections will provide nothing more than a **false veneer of democracy** in a transparent attempt to legitimise what continues to be an undemocratic state ruled by a dictatorial monarchy.

2. Recommendations

For the Government of Bahrain

- Repeal all repressive legislation including Law No. (36) of 2006, Legislative Decree No. (57) of 2014, Law No. (14) of 2016 and Law No. (25) of 2018 (The Political Isolation Law) and Law No. (36) of 2018 (The Civil Isolation Law) with immediate effect.
- Reinstate dissolved political opposition societies and lift all restrictions on the participation of their former or current members in standing for electoral candidacy.
- Publicly and permanently retract the threatening statements issued by the Head of the Public Prosecution Office of the Ministries and Public Entities on 13 October 2022, by the Office of Political Societies Affairs at the Ministry of Justice Islamic Affairs on 17 August 2022 and by the Ministry of Social Development on 21 August 2022, which serve to incite fear and obstruct the democratic process.
- End all repression and criminalisation surrounding participation in parliamentary elections and the exercise of rights to freedom of expression, assembly and association.
- Allow independent and international election monitors unrestricted access to the country to witness the electoral process in full.
- Release immediately and unconditionally all imprisoned opposition figures, human rights defenders, political prisoners, and death row inmates who have alleged torture, including Hassan Mushaima, Abdulwahab Husain, Sheikh Ali Salman, Sheikh Abduljalil Al-Muqdad, Dr Abduljalil Al-Singace, Abdulhadi Al-Khawaja, Ali Al-Hajee and Naji Fateel.

For the Government of the UK

- Call publicly and privately upon the Bahraini government to implement the recommendations of this report in full, at a senior governmental level. Contest publicly that the UK will not recognise the outcome of Bahrain’s elections in light of repression which restricts fundamental freedoms and makes the democratic process impossible.
- Raise public concerns over the climate of repression, fear and intimidation in which Bahrain’s 2022 elections are set to take place and call upon the Bahraini state to respect democratic values and the rights of its citizens.
- Immediately suspend the provision of all programmes to Bahrain through the Gulf Strategy Fund, pending an independent inquiry into this fund’s implications in human rights violations, and until Bahrain demonstrates tangible human rights progress by

unconditionally releasing imprisoned opposition leaders, human rights defenders and death row inmates.

For the Governments of the EU

- Call publicly and privately upon the Bahraini government to implement the recommendations of this report in full, at a senior governmental level. Contest publicly that the EU will not recognise the outcome of Bahrain's elections in light of repression which restricts fundamental freedoms and makes the democratic process impossible.
- Raise public concerns over the climate of repression, fear and intimidation in which Bahrain's 2022 elections are set to take place and call upon the Bahraini state to respect democratic values and the rights of its citizens.

3. Methodology

The Bahrain Institute for Rights and Democracy (BIRD), established in 2013, investigates human rights abuses in Bahrain and advocates for the protection of human rights, effective accountability, and democratic reform in Bahrain. BIRD has had limited access to Bahrain due to reprisals against its director and limitations imposed by the Bahraini government on international organisations.

As such, BIRD has conducted remote interviews with leading actors and experts representing civil societies; the ex-Secretary General of the dissolved Wa’ad political association, Ebrahim Sharif; and the Media Representative of the dissolved Al-Wefaq political society, Sayed Taher Al-Moussawy. Two of our interviewees representing civil society organisations asked for their names not to be disclosed due to fear of reprisals from the government of Bahrain.

Three interviews were conducted through telephone calls. One interview was conducted through written questions. All interviews were conducted during October 2022 and have critically informed this report. The research of this report is also based on BIRD’s review and analysis of Bahraini laws, law amendments, and government statements and documents as well as BIRD’s monitoring of local media and social media outlets in relation to the elections.

4. Bahrain's Political Landscape

4.1. Police State and Institutionalised Repression

State institutions in Bahrain are dominated by the Al-Khalifa monarchy, which has continued to deny citizens their right to meaningful and independent political participation. After brutally suppressing pro-democracy protests in 2011, Bahraini authorities have systematically abolished a wide range of political rights and civil liberties, dismantled the country's political opposition, and repressed ongoing dissent among the Shia population.¹

Since 2011, the government has sustained its crackdown against civil society by imposing severe restrictions through repressive legislation, abolishing the free press, abusing and imprisoning dissidents and carrying out reprisals against their families.² Human rights watchdogs have been denied access to the country, independent media has been dissolved³ and protests have often been forcibly dispersed, sometimes with lethal consequences.⁴

Bahrain has one of the most repressed civil societies on the planet. The state scored a mere 2/40 for political rights and 10/60 for civil liberties in Freedom House's 2022 Freedom in the World Report,⁵ whilst ranking only 167/180 on Reporters Sans Frontières' 2022 "World Press Freedom Index,"⁶ and a dismal 144/167 on the Economist's 2021 Democracy Index.⁷ Figure 1 summarises Bahrain's freedom and democracy profile.

¹ Freedom House (2022) *Freedom in the World: Bahrain* [report] Available at: <https://freedomhouse.org/country/bahrain/freedom-world/2022>

² UN Report of the Secretary-General (14 September 2022) *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights - Report of the Secretary-General*. A/HRC/51/47, United Nations. Available at: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5147-cooperation-united-nations-its-representatives-and-mechanisms>

³ Law, B. (10 July 2017) *The Closure of Al Wasat is A Story That Cannot be Ignored*. Middle East Eye. Available at: <https://www.middleeasteye.net/opinion/closure-al-wasat-story-cannot-be-ignored>

⁴ BIRD (31 July 2019) *Young Protestor Dies Following Anti-Execution Protests*. BIRD. Available at: <https://birdbh.org/2019/07/bahrain-young-protestor-dies-following-anti-execution-protests/>

⁵ Freedom House (2022) *Freedom in the World: Bahrain* [report] Available at: <https://freedomhouse.org/country/bahrain/freedom-world/2022>

⁶ Reporters Sans Frontières' (4 April 2022) World Press Freedom Index. Available at: <https://www.inpublishing.co.uk/articles/rsfs-2022-world-press-freedom-index-a-new-era-of-polarisation-20713>

⁷ The Economist (2021) *Democracy Index*. The Economist. Available at: https://www.eiu.com/n/campaigns/democracy-index-2021/?utm_source=economist-daily-chart&utm_medium=anchor&utm_campaign=democracy-index-2020&utm_content=anchor-1

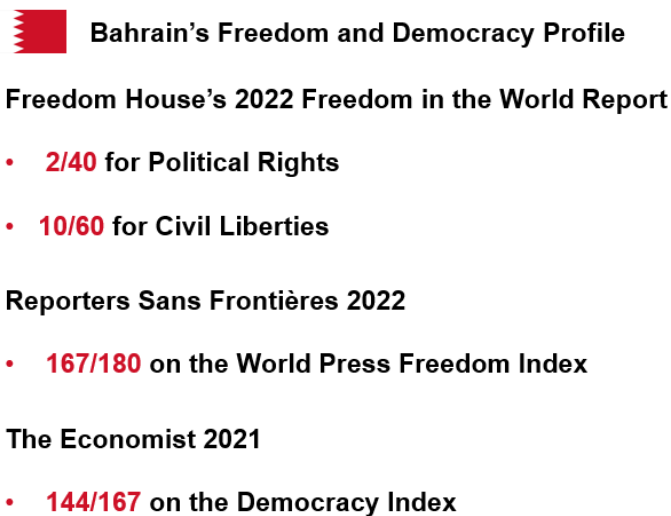


Figure 1: Bahrain's Freedom and Democracy Profile

Despite making up the majority of the population, Shia Muslims have been historically underrepresented in both Bahrain's cabinet and parliament. Authorities have systematically used security forces to isolate the Shia population, institutionalise repression against them and the wider civil society, and hamper their ability to organise politically. Since 2016, the government has dismantled almost all opposition political societies and imprisoned many of their key leaders.⁸

According to September 2021 research by BIRD, there are an estimated 1,400 political prisoners in Bahrain, around 500 of whom are serving prison sentences of more than 20 years, out of a total prison population of between 3,200 and 3,800.⁹ Indeed, in December 2021, the World Prison Brief reported that Bahrain imprisons its population at the highest rate of any country in the Middle East and North Africa (MENA) region.¹⁰

To date, hundreds of Bahrain's political dissidents remain imprisoned, with many serving life sentences and 26 languishing on death row having exhausted all legal remedies. This is despite 12 death row inmates being sentenced on political charges under anti-terrorism legislation, with all such cases marred by serious human rights violations, including unfair

⁸ Freedom House (2022) *Freedom in the World: Bahrain* [report] Available at: <https://freedomhouse.org/country/bahrain/freedom-world/2022>

⁹ Barrington, L. (15 September 2021) *Bahrain releases some political prisoners under new law*. Reuters. Available at:

<https://www.reuters.com/world/middle-east/bahrain-releases-some-political-prisoners-under-new-law-2021-09-15/>

¹⁰ World Prison Brief (December 2021) Institute for Crime and Policy Research at Birbeck, University of London. Available at:

https://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=21

trials, due process violations and the use of false confessions coerced through torture.¹¹ Later in 2018, individual members of dissolved political organisations were denied their right to run for candidacy in parliamentary elections in what is known as the Political Isolation Law (see section 5.2).¹²

4.2. Election History

“The people are not legislating, they have partial legislative power, and most comes from the King’s appointed Shura Council and his veto power enshrined in Article (35) of the Constitution. ” - Ebrahim Sharif, human rights defender, and ex-Secretary General of the forcibly dissolved political society Wa’ad¹³

In October 2002, Bahrain held its first parliamentary elections in 29 years, the previous one having taken place in 1973.¹⁴ However, despite this ostensibly positive move, several challenges remained for Bahrain’s nascent democratic reforms. The impetus for these elections came in the wake of the 1994-1999 uprising, which saw political and economic reform advocates unite against the ruling family’s long-retained status quo. In response to the unrest, then-Emir Hamad bin Isa Al-Khalifa submitted a diverse series of reforms, known as the National Action Charter, for approval by referendum in 2001.¹⁵

As the Emir assured the Bahraini people that subsequent reforms would be subject to public consultation, many expected that the path forward in Bahrain would be based on the framework of the 1973 constitution, which gave the elected parliament significant power. However, just a year later, he promulgated a new constitution in February 2002, which turned the Emirate into a Kingdom. King Hamad then called for early municipal and parliamentary elections. Both actions were done without consulting any of the key political societies, leading to huge disappointment among political activists.¹⁶

Their disappointment was only furthered by the new constitution, which gave the King full power and established an unelected upper chamber, the Shura Council, which exclusively consists of individuals personally appointed by the King, alongside the elected chamber, known as the Council of Representatives or the Nuwab Council. From this point on, both

¹¹ Human Rights Watch & BIRD (10 October 2022) *“The Court is Satisfied with the Confession” Bahrain Death sentences Follow Torture, Sham Trials*. Human Rights Watch. Available at: <https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials>

¹² Freedom House (2022) *Freedom in the World: Bahrain* [report] Available at: <https://freedomhouse.org/country/bahrain/freedom-world/2022>

¹³ Interview with BIRD and Ebrahim Sharif, 18 October 2022

¹⁴ Ulrichsen, K. (29 May 2013) *Bahrain’s Uprising: Regional Dimensions and International Consequences. Stability*. International Journal of Security and Development, 2(1), p. Art. 14. DOI: Available at: <https://www.stabilityjournal.org/articles/10.5334/sta.be/>

¹⁵ Ibid.

¹⁶ National Democratic Institute for International Affairs (NDI) (2002) Report: Bahrain’s October 24 and 31, 2002 Legislative Elections, pg. 2 Available at: <https://constitutionnet.org>

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parliamentary chambers would share an equal number of parliamentarians and ostensibly equal levels of power.¹⁷

According to Ebrahim Sharif, human rights defender, and ex-Secretary General of the forcibly dissolved political society Wa’ad, this constitution gave the Bahraini executive the power to hinder or veto any legislation by utilising the second chamber appointed by the King.¹⁸ “The people are, therefore, not legislating as they only possess partial legislative power. The executive’s veto power also means that legislative and oversight powers rest within its hands. This makes it very difficult to vote any Minister out of their position,” said Sharif. He added, “I think the reason is that the executive does not want to be seen as the one who opposes people’s will so it appointed the Shura Council to do this job.”¹⁹

Indeed, under the current constitution, the King maintains broad powers including granting pardons and appointing and dismissing the Prime Minister, Ministers, judges, civil, and military officials, ambassadors, and the Shura Council. He also possesses significant legislative powers whereby he is capable of ratifying constitutional amendments, proposing legislation, and vetoing laws.²⁰ The King’s veto power over a law can only be overridden by a two-thirds majority vote by the Shura and Nuwab Councils,²¹ which is highly unlikely given the King’s control over the Shura Council. This means that the King is effectively in control of the executive, legislative, and judicial powers in the country.

As a result, the main Shia Islamic Society, Al-Wefaq, and the Secular Liberal Society, Wa’ad, along with two of their partners, decided to boycott the 2002 parliamentary elections due to a lack of movement on the constitution and the constraints imposed by the electoral law. In response, the government attempted reconciliation by meeting with political societies and revoking the enforcement of certain parts of the electoral law. However, these endeavours proved unsuccessful amidst wide recognition by the opposition of the regime’s lack of genuine intention to effect real reform. They further felt that there was a constitutional crisis as the King had abandoned his promise to base the new 2002 constitution upon the 1973 constitution.²²

As many of the prominent political actors on Bahrain’s political stage decided not to run for candidacy due to their disillusionment with the new system enforced by the King, and their rejection of the new 2002 constitution's legitimacy, the 2002 election became a referendum on the King's political reform plan rather than a vote for specific candidates. According to the National Democratic Institute (NDI) Election day was met with very poor levels of voter

¹⁷ Ibid.

¹⁸ Interview with BIRD and Ebrahim Sharif, 18 October 2022

¹⁹ Ibid.

²⁰ Constitutionnet (2011) Constitutional history of Bahrain. Available at:

<https://constitutionnet.org/country/bahrain>

²¹ Ibid.

²² National Democratic Institute for International Affairs (NDI) (2002) *Bahrain's October 24 and 31, 2002 Legislative Elections*. [report] pg. 3. Available at: <https://constitutionnet.org>

turnout, with more than half of the Bahraini population staying at home and not going to the polls.²³

The country's Minister of Information confirmed that 52% of the population has voted in support of the King's democratic path; however, the opposition responded with accusations of coercion. According to opposition groups, the government scared Bahrainis into voting by requiring their passports to be stamped.²⁴ Freedom House later reported that there is widespread belief that people who do not have stamps on their passports are at a higher risk of being prevented from travelling.²⁵

4.3. Bahrain's 2018 General Election

On 24 November 2018, Bahrain held its most recent parliamentary elections amid a political climate of heightened tensions and worsening repression described as 'not conducive to free elections.'²⁶ In the interim period since the 2014 elections, the opposition's freedom to operate was significantly reduced. In 2016, the main Shia opposition group Al-Wefaq was forcibly suspended,²⁷ the National Democratic Action Society (Wa'ad) was dissolved by the courts in 2017,²⁸ and the only independent newspaper Al-Wasat, was forcibly closed in 2017.²⁹ Three high-profile Al-Wefaq activists, including the leader Sheikh Ali Salman, were handed life sentences in the weeks before the elections took place, though the other two activists were tried in absentia,³⁰ and Bahrain ended a *de facto* moratorium on the death penalty in 2017 by executing three individuals, all of whom were sentenced to death on political charges related to an alleged homicide. Their executions were condemned as extrajudicial killings by the then-United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions.³¹

²³ Ibid.

²⁴ Sengupta, S. (25 October 2022) *Bahrain Says 52% Turnout Meets Democratic Goals*. New York Times. Available at:

<https://www.nytimes.com/2002/10/25/world/bahrain-says-52-vote-turnout-meets-democratic-goals.html>

²⁵ Freedom House (2022) *Freedom in the World: Bahrain* [report] Available at:

<https://freedomhouse.org/country/bahrain/freedom-world/2022>

²⁶ Human Rights Watch (20 November 2022) *Bahrain: No Free Elections in Current Environment*. Human Rights Watch. Available at:

<https://www.hrw.org/news/2018/11/20/bahrain-no-free-elections-current-environment>

²⁷ Aboudi, S. (14 June 2016) *Bahrain Court Shuts Down Main Shi'ite Muslim Opposition Group*.

Reuters. Available at: <https://www.reuters.com/article/us-bahrain-rights-alwefaq-idUSKCN0Z01DU>

²⁸ BIRD (31 May 2017) *Secular Opposition Society Waad Dissolved Assets Confiscated*. BIRD.

Available at: <https://birdbh.org/2017/05/secular-opposition-society-waad-dissolved-assets-confiscated/>

²⁹ Deutsche Welle (4 June 2017) *Bahrain Shuts Down Independent Newspaper Amid Opposition Crackdown*. DW. Available at:

<https://www.dw.com/en/bahrain-shuts-down-independent-newspaper-amid-opposition-crackdown/a-39113313#>

³⁰ Wintour, P. (4 November 2018) *Bahrain Court Gives Opposition Figures Life Sentences for Spying*. The Guardian. Available at:

<https://www.theguardian.com/world/2018/nov/04/bahrain-court-gives-opposition-figures-life-sentences-for-spying>

³¹ Callamard, A. (2017) [Tweet] 15 January. Available at: <https://twitter.com/AgnesCallamard>

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On 11 June 2018, King Hamad signed an amendment to the Law on the Exercise of Political Rights that banned anyone who belonged to a dissolved political organisation or who was previously convicted and sentenced to more than six months in prison from running for political office. This legislation, now known as the ‘Political Isolation Law,’ effectively disqualifies opposition candidates from participating in the upcoming 2022 elections. The election also took place with senior opposition leaders and hundreds of other political prisoners still behind bars. In the weeks before the election, a former member of parliament, Ali Rashed Al-Sheeri, was detained after he tweeted about boycotting the elections.³² The repressive climate of the elections was condemned by lawmakers from the UK,³³ the US,³⁴ and the EU.³⁵

The 2018 parliamentary election for Bahrain’s Nuwab Council took place in two rounds on 24 November and 1 December, with 31 of 40 seats decided in the second round. Only three incumbents were re-elected as 37 new MPs took their seats. The government claimed turnout figures were a historic high of 67%, representing a 13% increase from the previous elections in 2014.³⁶ However, the banned opposition party Al-Wefaq claimed that the real turnout figure was around 30%, demonstrating that the clear will of the Bahraini people was to reject these elections.³⁷

³² Human Rights Watch (20 November 2018) *Bahrain: No Free Elections in Current Environment*. Available at: <https://www.hrw.org/news/2018/11/20/bahrain-no-free-elections-current-environment>

³³ BIRD (20 November 2018) *Cross Party Parliamentarians Condemn Upcoming Elections in Bahrain and Urge FCO to Act*. BIRD. Available at: <https://birdbh.org/2018/11/20-cross-party-parliamentarians-condemn-upcoming-elections-in-bahrain-and-urge-fco-to-act/>

³⁴ Human Rights Commission (6 November 2018) *Co Chairs Urge King of Bahrain to Ensure Free and Fair Elections* [Press Release]. HRC. Available at: <https://humanrightscommission.house.gov/news/press-releases/co-chairs-urge-king-bahrain-ensure-free-and-fair-elections>

³⁵ Members of European Parliament (16 November 2018) *MEPs Letter to King of Bahrain*. Available at: <https://www.adhrb.org/wp-content/uploads/2018/11/MEPs-letter-to-King-of-Bahrain.pdf>

³⁶ Naar, I. (24 November 2018) *Voter Turnout in Bahrain Election Estimated at Over 67%*. Alarabiya News. Available at: <https://english.alarabiya.net/News/gulf/2018/11/24/Bahrainis-head-to-polls-as-general-election-voting-begins>

³⁷ Bahrain Mirror (25 November 2018) *Al-Wefaq Announces Failure of Elections: 30% Turnout at Most*. Bahrain Mirror. Available at: <http://bahrainmirror.com/en/news/51115.html>

5. Repressive Legislation

5.1. Legislation Governing Elections

“The electoral law allows the king to decide the constituency which gives the executive branch full control over districting/gerrymandering. The regime can decide which neighbourhood goes where. We do not have a one-man-one-vote system. You can have one constituency which is much bigger than the second just because the first has a big opposition voting bloc while the second has a small loyalist voting bloc.” - Ebrahim Sharif³⁸

Electoral Framework

The original electoral law introduced before the 2002 parliamentary elections was highly restrictive. It contained elements of “The Law of the Shura Council and the Chamber of Deputies” and “Law by Decree No. 14 for Exercising Political Rights,” prohibiting political societies from running lists or supporting candidates, barred candidates from receiving financial support and made campaigning in public places illegal.³⁹

In mid-September 2002, amid discontent from political societies, King Hamad announced he was lifting the ban on public campaigning as well as political societies’ participation and support for candidates in the election process. However, by banning candidates from accepting money from outside sources, only candidates who could effectively self-fund could lead competitive campaigns. The lack of spending caps also meant that these same candidates could exploit their personal wealth in the interests of electoral success.⁴⁰

Similar to other laws in the country, the electoral law was very broad and loosely worded, with limited guidelines on key election procedures. The Bahraini government did not issue any supplementary election bylaws or regulations, resulting in the inconsistent application of the electoral law prior to, and during, the election day.⁴¹

Gerrymandering

Since the 2002 legislative election, the manipulation of electoral districts to favour pro-regime Sunni candidates has been a serious issue. According to the seat allocation system, in governorates heavily populated with a Shia majority, winning a seat could require thousands of votes, while a few hundred votes could secure a seat in a majority Sunni governorate.⁴² This design of electoral districts dilutes the voting power of the Shia majority

³⁸ Interview with BIRD and Ebrahim Sharif, 18 October 2022

³⁹ National Democratic Institute for International Affairs (NDI) (2002) *Bahrain’s October 24 and 31, 2002 Legislative Elections*. [report] pg. 3. Available at: <https://constitutionnet.org>

⁴⁰ *Ibid.*, pg. 4

⁴¹ *Ibid.*, pg. 4

⁴² *Ibid.*, pg. 4

and ensures that pro-regime Sunni candidates continue to be the dominant force in Bahrain’s newly elected bodies.⁴³

5.2. Repressive Amendments to the Electoral Law

“The legislative framework of the elections in Bahrain does not guarantee a fair and just election.” - Civil Society Activist⁴⁴

Legislative Decree No. (14) of 2002 concerning the Exercise of Political Rights sets out the legal framework for political rights and how these can be exercised, voters’ schedules (the electoral roll), the regulation of the referendum and election processes, and the referendum and elections offences in the Kingdom of Bahrain.⁴⁵

This legislation has been amended over the years by Legislative Decree No. (35) of 2002, Law No. (36) of 2006, Legislative Decree No. (57) of 2014, Law No. (14) of 2016, and Law No. (25) of 2018, which embedded further repressive measures within the electoral process.

5.2.1. Analysis of the Laws

“Tens of thousands are denied candidacy because of belonging to dissolved political societies.” - Civil Society Activist⁴⁶

Law No. (36) of 2006

This law made amendments to Article 3 of Legislative Decree No. (14) of 2002, which accordingly emphasises that the following shall be deprived of exercising their electoral rights:

1. “Any person who is sentenced in a felony or a crime breaching honour or integrity until rehabilitated.
2. Any person who is sentenced to imprisonment in any of the election offences provided for in this Law unless the sentence was suspended or the person was rehabilitated.”⁴⁷

The law further highlighted that the following shall be forbidden from standing for candidacy to the Nuwab Council:

1. “Any person who is sentenced in a felony; even if he was pardoned or rehabilitated.

⁴³ Freedom House (2022) *Freedom in the World: Bahrain* [report] Available at: <https://freedomhouse.org/country/bahrain/freedom-world/2022>

⁴⁴ Interview with BIRD and Civil Society Activist, 19 October 2022

⁴⁵ Legislation and Legal Opinion Commission (3 July 2002) *Legislative Decree No. (14) of 2002* Available at: <https://lloc.gov.bh/HTM/L1402.htm>

⁴⁶ Interview with BIRD and Civil Society Activist, 19 October 2022

⁴⁷ Legislation and Legal Opinion Commission (30 July 2006) *Law No. (36) of 2006* Available at: <https://lloc.gov.bh/HTM/K3606.htm>

2. Any person who is sentenced to imprisonment in misdemeanour crimes for a period of more than six months, even if the person was pardoned, for a period of ten years starting from the day following the date of execution of the penalty or its forfeiture or from the date on which the judgement becomes final if it is included in the suspended sentence.⁴⁸

The amendment introduced by this law marked the beginning of legislative discrimination against pardoned and rehabilitated individuals in Bahrain by stripping them of their right to run for the Nuwab Council. This means that victims of sham and unfair trials continue to be denied their rights even if they have been pardoned or rehabilitated.⁴⁹

Legislative Decree No. (57) of 2014

Legislative Decree No. (57) of 2014 made an amendment to Article 8 of Legislative Decree No. (14) of 2002 on the rules governing the preparation of voters' schedules for the constituencies. According to the newly amended Clause 2 of Article 8, the schedules shall include the names of voters according to conditions stipulated in Article (2) of Legislative Decree No. (14) of 2002, "taking into consideration the previous participation in the election based on the official records, provided that the voter shall not be deprived or exempt from exercising their political rights when preparing the schedules or during the specific period to correct them. The schedules shall include the voter's name, CPR number and usual residential address."⁵⁰

Commenting on this amendment, Ebrahim Sharif stated: "The purpose of this amendment is clear. If they can strike out tens of thousands of people who have not voted in previous elections, then the government does not have to worry about the percentage of people who vote. They can announce a higher percentage of voter turnout."⁵¹

He went on to add: "This amendment was introduced in September 2014. Two months later, there was an election. They did not apply this law to people who did not vote in 2010. For two elections now, this law has not been applied; however, all of a sudden, they are trying to apply it in 2022. If this was really the law of the Kingdom, why did they not apply it in the previous two elections? Why now? It is an emergency tool for them to use at any time. There was a political decision to interpret the law in a different way this year. At the end of the day, it is not the rule of law; it is the rule of decision makers."

⁴⁸ Ibid.

⁴⁹ Human Rights Watch & BIRD (10 October 2022) "*The Court is Satisfied with the Confession*" *Bahrain Death sentences Follow Torture, Sham Trials*. Human Rights Watch. Available at: <https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials>

⁵⁰ Legislation and Legal Opinion Commission (22 September 2014) *Legislative Decree No. (57) of 2014* Available at: <https://lloc.gov.bh/HTM/L5714.htm>

⁵¹ Interview with BIRD and Ebrahim Sharif, 18 October 2022

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Due to its loose wording, this decree gave decision-makers, particularly those at the elections committee and the Ministry of Justice, the authority to interpret its applications, allowing them to cross out the names of individuals who did not vote in previous elections in apparent order to manipulate the voter turnout rate and promote a high percentage of participation (See Section 5.2.2).

Law No. (14) of 2016

Law No. (14) of 2016 introduced an amendment to Article 30 of the Legislative Decree No. (14) of 2002. Clause 4 of Article 30 states that, “without prejudice to a more severe penalty provided for in the Penal Code or in any other law, anyone who violates the freedom of the referendum or election or its procedures by using force or threat or disturbance or taking part in demonstrations or gathering shall be sentenced for imprisonment for a period not exceeding two years and a fine not exceeding BD 2000 (Bahraini Dinars) or either penalty.”⁵²

This law provided the legal basis upon which to deny Bahraini people their right to publicly condemn or even, call for the elections to be boycotted. This contributes towards creating a climate of fear and intimidation by forcibly silencing large segments of the population under threat of judicial repercussions should they speak out, in stark contrast to authorities’ continued claims that the upcoming elections will be an emblem of democratic values, naming them a “democratic wedding.”⁵³

Law No. (25) of 2018 (The Political Isolation Law)

Law No. (25) of 2018, referred to as the Political Isolation Law, replaced Paragraph 2 of Article 3 of the Legislative Decree No. (14) of 2002. According to this amendment, the following shall be forbidden from standing for candidacy to the Nuwab Council:

1. “Any person who is sentenced in a felony; even if he was pardoned or rehabilitated.
2. Any person who is sentenced to imprisonment in misdemeanour crimes for a period more than six months, even if the person was pardoned.
3. The actual leaders and members of political associations which dissolved by final judgement for gross violation of the provisions of the Constitution or any of its Laws.
4. Any person who willfully harms or disrupts the course of constitutional or parliamentary life by terminating or leaving their work at the Council or have had their membership to the Council terminated for the same reasons.”⁵⁴

⁵² Legislation and Legal Opinion Commission (12 June 2016) *Law No. (14) of 2016* Available at: <https://iloc.gov.bh/HTM/K1416.htm>

⁵³ Akhbar Al-Khaleej (24 September 2022) الشباب.. الرقم الصعب في الانتخابات ٥٠ ألف شاب وشابة يصوتون للمرة الأولى Available at: <http://www.akhbar-alkhaleej.com/news/article/1309796>

⁵⁴ Legislation and Legal Opinion Commission (10 June 2018) *Law No. (25) of 2018* Available at: <https://iloc.gov.bh/HTM/K2518.htm>

This amendment further represses the political rights of individuals falling under these categories and denies them full participation in political life in Bahrain. In addition to prisoners previously excluded from political life under Law No. (36) of 2006, this law now excludes “leaders and members” of previously dissolved political associations. This means that Bahrainis who were members of dissolved opposition groups before the government tightened restrictions on political rights are being punished for previous acts that were legal at the time.

In addition, while Law No. (36) of 2006 excluded former prisoners from political life for a period of 10 years, the amendment introduced through this Law No. (25) of 2018 removed the time frame within which the law is applicable. This means that the political isolation of the individuals affected by the law is not subject to any expiry date, leaving them potentially marginalised for life.

Law No. (36) of 2018 (The Civil Isolation Law)

Later in August 2018, the Bahraini authorities issued Law No. (36) of 2018, referred to as the civil isolation law, which amended article 43 of Law No. (21) of 1989. The new law stated that any member of the Board of Directors of an association must enjoy all civil and political rights.⁵⁵ This implied that the rules outlined in Law No. (25) of 2018, which denies former prisoners and members of dissolved political associations their civil and political rights, was extended to anyone who wishes to become a member of the Board of Directors of any association.

One Civil Society Organisation representative, who requested anonymity in fear of reprisals and who is impacted by the law, commented: “We thought that the Political Isolation Law only implicated individuals who wish to run for parliamentary elections. However, the amendment was broader and extended beyond the general election. I am allowed to vote, but I cannot run for candidacy. This expanded law has a negative impact on members of previous political associations like Al-Wefaq, Wa’ad, or Amal which were licensed organisations working officially in the country. Imagine that members who joined these organisations are not allowed to run for elections for the board of human rights organisations, charities, or even sports clubs and other social clubs.”⁵⁶

5.2.2. Implications of the Laws

The application of Legislative Decree No. (14) of 2002 concerning the Exercise of Political Rights has had repressive implications on civil and political life in Bahrain, including on the general elections. Former prisoners and members of dissolved political associations include human rights defenders and opposition figures who participated in pro-democracy protests and were brutally targeted by Bahraini security forces since the 2011 peaceful uprising.

⁵⁵ Legislation and Legal Opinion Commission (30 July 2018) *Law No. (36) of 2018* Available at: <https://loc.gov.bh/HTM/K3618.htm>

⁵⁶ Interview with BIRD and Civil Society Organisation Representative, 20 October 2022

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As these individuals are denied their right to run for general elections and excluded from being members of civil society organisations, they lack the platforms for both political and civic participation where they can be represented. Therefore, since the elections in Bahrain do not guarantee representation of the citizens, these elections are sham and do not uphold the values of democracy.

According to Ebrahim Sharif, in 2005, opposition groups submitted a petition to the King of Bahrain signed by members of political associations. The petition received more than 75,000 signatures, which the authorities were well aware of. The government objected to the petition and threatened that legal action would be taken against opposition groups as collecting signatures from the population as this was deemed illegal by government. These signatories who were members of dissolved political associations are currently barred from running for general elections.⁵⁷

Similarly, Sayed Taher Al-Moussawy, Al-Wefaq Media Representative, stated: “The people implicated by the Political Isolation Law are around 80,000 individuals on average. These are members of dissolved political associations like Al-Wefaq, Wa’ad, and Amal. These are people with political activity and political opinions. Keeping them out of the electoral scene also reflects the idea that the electoral process does not bring popular representation to the council. The parliament therefore cannot reflect the will of the people.”⁵⁸

On the number of former prisoners affected by the Political Isolation Law, Al-Moussawy added: “According to our data, the number of prisoners has reached approximately 20,000 since 2011. These include those who entered and exited the prison, but we do not have a record of who was sentenced and who was only arrested for a few days. However, it is important to note that sentencing individuals has been an ongoing dynamic since 2011 until now and that a big portion of these 20,000 are not members of political societies because they were not in the age of political engagement.”⁵⁹

The impact of Bahrain’s repressive laws can also be measured by examining official numbers published by Bahraini authorities. In 2018, the Executive Committee for the 2018 Elections revealed that the total voter bloc reached 365,467.⁶⁰ In 2022, the committee announced that 50,000 young men and women would be voting for the first time in the 2022 General Election.⁶¹ The total voter bloc this year is therefore expected to be around 415,467.

⁵⁷ Interview with BIRD and Ebrahim Sharif, 18 October 2022

⁵⁸ Interview with BIRD and Sayed Taher Al-Moussawy, 24 October 2022

⁵⁹ Ibid.

⁶⁰ Bahrain News Agency (16 October 2018) *عدا الأربعاء فتح باب الترشح.. اللجنة التنفيذية للانتخابات: حجم الكتلة الانتخابية النهائية 365467 ناخباً* Available at:

<https://www.bna.bh/news?cms=q8FmFJgiscL2fwIzON1%2BDrNqW69%2FR05hTDHrge52TEY%3D>

⁶¹ Akhbar Al-Khaleej (24 September 2022) *الشباب.. الرقم الصعب في الانتخابات ٥٠ ألف شاب وشابة يصوتون للمرة الأولى* Available at: <http://www.akhbar-alkhaleej.com/news/article/1309796>

However, the Executive Administration of Parliamentary and Municipal Elections for 2022 announced that the total voter bloc reached 344,713 voters only.⁶²

This implies that in addition to the 80,000 individuals barred from running for elections in 2022, there are approximately 71,467 individuals who have been denied their right to vote without having to go through an appeals process. As Bahraini authorities have not officially announced the number of people implicated by its repressive laws, it remains unclear why these individuals have been excluded from the voting process. This could be as a result of imprisonment as per Article 3 of the amended Legislative Decree No. (14) of 2002 or due to records of previous participation in the electoral process as per the conditions set out in Article 8.

⁶² Akhbar Al-Khaleej (6 October 2022) 344 2022 ألف ناخب في انتخابات Available at: <http://www.akhbar-alkhaleej.com/news/article/1311321>

6. The 2022 Electoral Scene

6.1. The Reaction of Political Opposition

*“I think that the entire political process is fraudulent; this is why Al-Wefaq has a position against the entire political process as a result of the existence of a crisis. The crisis is linked to the constitutional crisis, political crisis, and rights crisis in addition to the group of crises linked to the general crisis. The election is an expansion of the nature of the crisis.”*⁶³ - Sayed Taher Al-Moussawy, Al-Wefaq Media Representative

As a result of the Political Isolation Law, dissolved political associations have been forcibly excluded from the 2022 electoral race. However, members of the political opposition and families of political prisoners have decided to willingly and publicly boycott the election.⁶⁴

The calls for boycotting the election stem from the parliament’s failure to pass laws in the public’s interest. Instead, the parliament continues to push legislation that further complicates people’s livelihoods, economic situation, and civil and political rights.⁶⁵

Al-Moussawy described the entire political process, including the election, as fraudulent, which has pushed Al-Wefaq to call for a boycott of the election. He said: “The election is an expansion of the nature of the constitutional, political, and rights crisis in the country. In light of the political crisis, the parliament, given its powers and constituents, became incapable of solving anything. The parliament now legitimises violations, corruption, deteriorating services, and looting of public money. Accordingly, the idea of boycotting came to mind not because the parliament is not capable of doing anything but instead because the parliament has become a partner in all the deteriorating political, economic, and service conditions in Bahrain.”⁶⁶

He added: “There is also the issue of the management of the electoral process, whereby the regime manages the electoral process, tailors the electoral districts and sets the electoral lists. The regime is also capable of favouring those they want in the electoral process, so if the regime has the appointed chamber with a considerable portion of the elected chamber, the result is definitely that you cannot legislate anything that serves the people. Therefore, the parliament, after 2014, became a parliament that legislates in favour of the ruling power.”⁶⁷

One Civil Society Activist, interviewed by BIRD who requested anonymity in fear of reprisals, also raised concerns about the candidates and their electoral campaigns. He stated:

⁶³ Interview with BIRD and Sayed Taher Al-Moussawy, 24 October 2022

⁶⁴ AlJamri, Y. (2022) [Tweet] 4 November. Available at: <https://twitter.com/YusufAlJamri/status/1588537332256632835>

⁶⁵ Amwaj (19 October 2022) Bahrain set for elections amid calls for boycott, participation. *Amwaj*. Available at: <https://amwaj.media/article/bahrain-set-for-elections-amid-calls-for-boycott-participation>

⁶⁶ Interview with BIRD and Sayed Taher Al-Moussawy, 24 October 2022

⁶⁷ Ibid.

“The absolute majority of candidates are individuals (only 9 belong to political societies), where political and rights issues are absent from their agendas, which are limited to services issues.” He added: My concern is that the 2022 Election campaign will not address serious debates on the vital issues pertaining to getting out of the impasse and proceed to democratic transformation.”⁶⁸

6.2. Weaponisation of Legislation

Inducing Fear and Legitimising Repression

“The restrictions on assembly, meetings and expression limits much of the real contestation and knowledgeable choice of the voter” - Civil Society Activist⁶⁹

Public discontent ahead of the 2022 election was met by further restrictions by the Bahraini authorities who weaponised legislation to threaten the opposition and silence their demands.

On 17 August 2022 the Office of Political Societies Affairs at the Ministry of Justice and Islamic Affairs issued a circular stressing the implementation of the laws and amendments governing political societies. The circular reiterated that any communication between Bahraini political societies and foreign political societies and organisations should only be made in coordination with the Ministry of Foreign Affairs.⁷⁰

Similarly, on 21 August 2022 the Ministry of Social Development (MoSD) issued a circular to civil society organisations ahead of the parliamentary and municipal elections. The circular stressed that it is not permissible for organisations to engage in politics or financial speculation. It adds that civil society organisations should observe public order and morals and ensure that all their activities do not compromise the safety of the state, the form of government, or its social order.⁷¹

These circulars, which reflect the repressive nature and application of legislation in Bahrain, further restricted the role of political societies and civil society organisations in ensuring that the elections result in representation of diverse members of the society.

Later, on 13 October 2022, and building on Law No. (14) of 2016, the Head of the Public Prosecution Office of the Ministries and Public Entities stated that incitement not to participate in the elections will be considered as one of the electoral crimes that require

⁶⁸ Interview with BIRD and Civil Society Activist, 19 October 2022

⁶⁹ Ibid.

⁷⁰ Sharif, E. (2022) [Tweet] 17 August. Available at:

<https://twitter.com/ebrahimsharif/status/1560028854735065090?t=D0YYfIHWCByS-YHA57fdIg&s=08>

⁷¹ Check Figure 3 in Annex

punishment by the law.⁷² Authorities are calling for participation in the election by promoting slogans such as “performing national duties guaranteed by the constitution.”⁷³



Figure 2: Local newspaper frontpage headline featuring threats on calling for election boycott

One Civil Society Organisation Representative interviewed by BIRD commented: “The situation in the country now is very alarming because of the elections. The security situation is not regular. The direction they are taking to punish everyone who will boycott the elections is creating an environment of fear.”⁷⁴

On 9 November 2022, the Department of Sunni Endowments called on virtuous preachers and imams to urge people to participate in the elections.⁷⁵ This is in clear breach of the amendment introduced by the King in 2016 to the law regulating political societies in Bahrain forbidding any Muslim cleric from engaging in political activity.⁷⁶

On 16 October 2022, the Supreme Court of Appeals considered 17 appeals of candidates against the decisions of the Supervisory Committee on the Integrity of the Referendum and Elections and the Ministry of Justice, Islamic Affairs and Endowments. These cases included

⁷² Akhbar Al-Khaleej (13 October 2022) الحبس والغرامة عقوبة التحريض على عدم المشاركة في الانتخابات

Available at: <http://www.akhbar-alkhaleej.com/news/article/1311994>

⁷³ Amwaj (19 October 2022) Bahrain set for elections amid calls for boycott, participation. Amwaj.

Available at: <https://amwaj.media/article/bahrain-set-for-elections-amid-calls-for-boycott-participation>

⁷⁴ Interview with BIRD and Civil Society Organisation Representative, 20 October 2022

⁷⁵ Al Watan (9 November 2022) السنية تدعو الخطباء والأئمة إلى ضرورة حث الناس على المشاركة في الانتخابات

Available at:

<https://alwatannews.net/Bahrain/article/1036319/%D8%A7%D9%84%D8%B3%D9%86%D9%8A%D8%A9-%D8%AA%D8%AF%D8%B9%D9%88-%D8%A7%D9%84%D8%AE%D8%B7%D8%A8%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D8%A3%D8%A6%D9%85%D8%A9-%D8%A5%D9%84%D9%89-%D8%B6%D8%B1%D9%88%D8%B1%D8%A9-%D8%AD%D8%AB-%D8%A7%D9%84%D9%86%D8%A7%D8%B3-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%83%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D8%AE%D8%A7%D8%A8%D8%A7%D8%AA>

⁷⁶ Binyon M (23 May 2016). Clerics barred from politics in Gulf state. *The Times*. Available at:

<https://www.thetimes.co.uk/article/clerics-barred-from-politics-in-gulf-state-r5bzfw5sd>

refusing candidacy over the provisions of gathering and rioting and joining dissolved political associations.⁷⁷

Some of the appeals came from individuals who denied their membership to dissolved political organisations, which raises serious concerns about the basis over which the government considers individuals to be affiliated with dissolved political associations. This concern remains valid until authorities publicly announce the names of those affected by the Political Isolation Law.

It is only until repressive laws, including the Political Isolation Law, are abolished that Bahrain will witness an inclusive participation in political life and a true democratic electoral process.

Political Naturalisation

According to Article 6 of the Bahraini Nationality Law of 1963, the Bahraini Citizenship may be granted by order from the King of Bahrain to any non-Bahraini of full legal capacity, if requested by the alien who should meet the following requirements:⁷⁸

- a. “They have made Bahrain their usual place of residence legally for at least twenty five consecutive years or fifteen years consecutively for Arab nationals, provided, however, that this period shall commence after the effective date of this act.
- b. Shall be of good conduct
- c. Must be conversant in Arabic.
- d. Shall have a real estate in Bahrain registered in his name at the Land Registry Office of the Government of Bahrain.”

Notwithstanding the above, Bahraini citizenship may be granted to anyone by order of the King. This includes any Arab person if that person has rendered Bahrain ‘great services.’ The law further stresses that an alien who has obtained the citizenship of Bahrain by virtues of Article 6, shall not be entitled to voting rights, representation, nomination or appointment in local councils (except clubs and private associations), except after the lapse of ten years from date of acquiring the citizenship.⁷⁹

Despite this, in 2006, the Supervisory Committee on the Integrity of the Referendum and Elections announced that those who have recently obtained Bahraini citizenship have the right to participate in the upcoming (parliamentary and municipal) elections later that year, noting that there is no legal text that prevents these naturalised persons from exercising their

⁷⁷ Al Bilad (16 October 2022) وهذه أسبابها Available at: <https://albiladpress.com/news/2022/5116/bahrain/779526.htm>

⁷⁸ Legislation and Legal Opinion Commission (16 September 1963) *Bahraini Nationality Law of 1963* Available at: <https://lloc.gov.bh/HTM/K0863.htm>

⁷⁹ Ibid.

political right as citizens. As a result, political associations accused the government of taking this step for political and electoral purposes.⁸⁰

On the issue of naturalisation, Al-Moussawy commented: “It is known that in Bahrain there is a significant political naturalisation wave. This naturalisation is based on illegal processes. First, the naturalised receive the citizenship in an illegal way and then as soon as they receive the citizenship, they can participate in the election the second day as a candidate or a voter. In both cases, there is a legal issue.” He added: “These naturalised affect the electoral process especially that according to our estimates, from 2006 to 2010, there was an unnatural increase in the electorate due to naturalisation and the naturalised formed 38,000 voters. Back then, the electorate was 295,000 so 38,000 out of 295,000 is more than 10% of the voters. Now, during our monitoring of the electorate, the cross-outs of voters from the voters’ schedule caused confusion. However, it is clear that in 2018, after the cross-outs, the electorate was still high in number so, where did those who were crossed out go? Of course, they were substituted by huge numbers that shifted the electoral scene.”⁸¹

Similarly, Ebrahim Sharif confirmed that 20% of the population in Bahrain consists of individuals who have been naturalised between 2001 and 2018 thus manipulating the electoral scene.⁸² Sharif built his statistics on analysis of official records including the census and the natural growth rate in Bahrain to calculate the numbers of those naturalised.

This shows how the government has once more weaponised legislation in Bahrain to favour pro-regime representation in the elections while continuing to dilute the votes of the remaining unexcluded opposition.

Military Personnel

Bahrain’s political opposition has long called for excluding the military from elections on grounds that the military institution should not be politicised; however, the supreme election commission called the opposition to refrain from making statements that question the credibility of this national institutions which constitutes the country’s protective shield.⁸³

Al-Moussawy noted that concerns about military personnel voting in the elections stem from the military’s affiliation to a political entity supporting the regime. He added: “the military receives direction on who to vote for in every district. So, this affects the electoral process significantly. They cannot boycott the election and they are forced to vote for particular candidates. The regime has a major role in influencing the votes of these people.”⁸⁴

⁸⁰ Alarabiya (8 October 2006) البحرين تؤكد حق المجنسين حديثاً في المشاركة بالاقتراع Available at: <https://www.alarabiya.net/articles/2006%2F10%2F08%2F28101>

⁸¹ Interview with BIRD and Sayed Taher Al-Moussawy, 24 October 2022

⁸² Interview with BIRD and Ebrahim Sharif, 18 October 2022

⁸³ Bahrain Center for Human Rights (11 April 2006) AFP: Bahrain rejects opposition demand to exclude military from elections Available at: <https://bahrainrights.net/?p=471>

⁸⁴ Interview with BIRD and Sayed Taher Al-Moussawy, 24 October 2022

This raises concern over the potential use of military personnel to favour specific candidates, which would resemble another manipulative and repressive tool by the Bahraini authorities to undermine the electoral process.

Monitoring the Election

Opposition groups have also expressed their concerns over the regime-managed electoral monitoring.⁸⁵ Civil society organisations note that their capacity to monitor the election is limited as their financial and human resources are restricted by repressive measures by the authorities.⁸⁶

On the financial side, Bahraini authorities make it extremely difficult for civil society organisations to collect any funding from any internal or external entity. Similarly, on the human resources side, a civil society organisation representative commented: “Because of the Political Isolation Law and the pressure on activists during the past 10 years, many people, even youth, have refrained from joining human rights organisations because of fear. Before, from 2004 to 2010, we used to have motivation to enter the field of human rights, but now the people, especially the youth, have started to have fears because the government turns human rights into a political matter.”⁸⁷

Therefore, the authorities’ restrictions over the work of civil society organisations continue to limit their capacity not only to raise awareness on the elections through electoral discussions, but also hinders their ability to monitor the electoral process. This raises further concerns about the entities participating in the monitoring process while international monitoring remains prohibited⁸⁸ and only Bahraini citizens with the following conditions allowed to monitor:

- “To be a Bahraini National of good reputation, enjoying his/her full civil and political rights
- Not a member of any political association
- Not a candidate, agent, legal representative or recommender of any candidate
- To Act in the name of a civil community institution (membership is not required).”⁸⁹

This again denies individuals implicated by the Political Isolation Law, whose political rights have been denied, the ability to monitor the elections. A Civil Society Activist interviewed by BIRD also highlighted the challenges facing observers in the monitoring process. He stated: “The challenges that face the observers are many. The list of electors of each electoral district is not available. The observer cannot know who voted as there is no call on the names upon

⁸⁵ Ibid.

⁸⁶ Interview with Civil Society Organisation Representative, 20 October 2022

⁸⁷ Ibid.

⁸⁸ Interview with BIRD and Sayed Taher Al-Moussawy, 24 October 2022

⁸⁹ Vote Bahrain (2022) *Civil Oversight*. Available at: <https://www.newsofbahrain.com/bahrain/84640.html>

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casting votes. The observer is 3 metres away from the table of sorting the ballots thus cannot check the authenticity of the ballot sorting.”⁹⁰

⁹⁰ Interview with BIRD and Civil Society Activist, 19 October 2022

7. Notable Cases of Imprisoned Political Leaders

“My concern is that the 2022 Election campaign will not address serious debates on the vital issues pertaining to getting out of the impasse and proceed to democratic transformation” - Civil Society Activist⁹¹

Several high-profile opposition leaders and activists remain imprisoned ahead of the 2022 elections, including Hassan Mushaima, Sheikh Ali Salman and Abdulwahab Husain, amongst others. With the exception of of Sheikh Ali Salman, these political opposition leaders were tried among a group of 21 activists (seven in absentia), including leading activists Dr Abduljalil Al-Singace and Abdulhadi Al-Khawaja, in a military court in June 2011 and given life sentences on charges linked to attempts to overthrow the government.⁹²

Hassan Mushaima

Hassan Mushaima, 74-years-old, is Secretary-General of the banned Haq Movement. During his time in prison, the Bahraini authorities have consistently subjected him to mistreatment and deliberate denial of medical care.⁹³

In September 2021, Hassan Mushaima was offered ‘alternative sentencing’, which involved a ‘conditional’ royal pardon,⁹⁴ with the conditions including ongoing electronic monitoring and home detention. Mushaima refused, describing it as “humiliating” and reiterating his right to freedom without restriction.⁹⁵ The European Parliament has called for Hassan Mushaima’s release.⁹⁶ Hassan Mushaima was named in a September 2022 report by the UN Secretary General on reprisals against those who engage with the UN.⁹⁷

⁹¹ Ibid.

⁹² Human Rights Watch. (28 May 2014) *Criminalizing Dissent, Entrenching Impunity*. Available at: <https://www.hrw.org/report/2014/05/28/criminalizing-dissent-entrenching-impunity/persistent-failures-bahraini-justice>

⁹³ ADHRB (12 May 2022) *Updated Profile in Persecution: Hassan Mushaima*. ADHRB. Available at: <https://www.adhrb.org/2022/05/updated-profile-in-persecution-hassan-mushaima/>

⁹⁴ Barrington, L (1 September 2021) *Bahrain releases some political prisoners under new law*. Reuters. Available at: <https://www.reuters.com/world/middle-east/bahrain-releases-some-political-prisoners-under-new-law-2021-09-15/>

⁹⁵ Middle East Monitor (15 September 2021) *Bahrain Opposition Leader Rejects Humiliating Royal Pardon*. Middle East Monitor. Available at: <https://www.middleeastmonitor.com/20210915-bahrain-opposition-leader-rejects-humiliating-royal-pardon/>

⁹⁶ Crespo, M. (9 March 2021) *MOTION FOR A RESOLUTION on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders* [motion]. (2021/2578(RSP)), European Parliament. Available at: https://www.europarl.europa.eu/doceo/document/B-9-2021-0190_EN.html

⁹⁷ United Nations Human Rights (14 September 2022) *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights - Report of the Secretary-General*. United Nations Office of the High Commissioner, A/HRC/51/47: Available at: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5147-cooperation-united-nations-its-representatives-and-mechanisms>

Dr Abduljalil Al-Singace

Dr Abduljalil Al-Singace is a respected academic, blogger and University of Manchester alumni. Dr Al-Singace suffers from post-polio syndrome and other health conditions made worse by neglect⁹⁸ during his imprisonment and brutal torture⁹⁹ during his arrest.¹⁰⁰

Since 8 July 2021, Dr Al-Singace has refused to consume solid food as part of a hunger strike, relying only on Ensure (a nutritional drink) and mineral supplements. His action was triggered by persistent ill-treatment at the hands of authorities in Jau Prison, the main prison in Bahrain. This included the limitations imposed during the COVID-19 pandemic restricting prisoners' contact to only five numbers and the arbitrary confiscation of a book he wrote in prison, which he demands be immediately returned to his family.¹⁰¹ In June 2021, UN Special Rapporteur on the situation of human rights defenders issued a statement¹⁰² calling for his release; similar calls have been made by members of the UK Parliament¹⁰³ on multiple occasions,¹⁰⁴ the EU Parliament,¹⁰⁵ 27 leading international NGOs¹⁰⁶ and 100 global academics.¹⁰⁷ In October 2022, Dr Al-Singace was named as the 'International Writer of Courage' and chosen to be co-recipient of the prestigious PEN Pinter Prize 2022.¹⁰⁸

⁹⁸ Human Rights Watch (13 August 2022) *Joint Letter: Free Abduljalil al-Singace* [joint letter]. Human Rights Watch. Available at:

<https://www.hrw.org/news/2022/08/13/joint-letter-free-abduljalil-al-singace>

⁹⁹ British Embassy Manama (30 November 2014) *British Ambassador welcomes the Elections Held in Bahrain*. UK GOV World News Story. Available at:

<https://www.gov.uk/government/news/british-ambassador-welcomes-the-elections-held-in-bahrain>

¹⁰⁰ Bahrain Independent Commission of Inquiry (23 November 2011) *REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY* [report]. Available at:

<https://www.bici.org.bh/BICReportEN.pdf>

¹⁰¹ BIRD. (8 August 2022) *Timeline: Dr Abduljalil AlSingace's Hunger Strike*. Available at:

<https://birdbh.org/2022/08/timeline-dr-abduljalil-alsingaces-hunger-strike/>

¹⁰² United Nations (22 June 2021) *Bahrain: UN expert alarmed by prolonged detention of human rights defenders*. [Press release] United Nations Office of the High Commissioner. Available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27190&LangID=E>

¹⁰³ UK Parliament (25 October 2021) *Over 100 days of Dr AlSingace's hunger strike in Bahrain EDM* (Early Day Motion) 578: Available at: <https://edm.parliament.uk/early-day-motion/59062>

¹⁰⁴ UK Parliament (26 May 2022) *Dr Al-Singace's hunger strike and political prisoners in Bahrain EDM* (Early Day Motion) 107: Available at: <https://edm.parliament.uk/early-day-motion/59810>

¹⁰⁵ EU Parliament (11 March 2021) *European Parliament Resolution, P9_TA(2021)0086*. Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0086_EN.pdf

¹⁰⁶ BIRD (17 January 2022) *Bahrain: Request for support to free imprisoned human rights defender Dr Abduljalil AlSingace, on hunger strike since July 2021*. BIRD. Available at:

<https://birdbh.org/2022/01/bahrain-request-for-support-to-free-imprisoned-human-rights-defender-dr-abduljalil-alsingace-on-hunger-strike-since-july-2021/>

¹⁰⁷Harwood, A. (7 August 2021) *Scots University Lecturers Join Fight For Jailed Ex-Students Book*. The Herald Digital. Available at:

http://theherald.newspaperdirect.com/epaper/iphone/homepage.aspx#_article983968cf-5521-4747-a593-032a57c81ec5/waarticle983968cf-5521-4747-a593-032a57c81ec5/983968cf-5521-4747-a593-032a57c81ec5//true/Bahrain

¹⁰⁸Knight, L. (10 October 2022) 'Immensely brave': Abduljalil al-Singace named international writer of courage. *The Guardian*. Available at:

Sheikh Ali Salman

Sheikh Ali Salman was arrested in 2014 after leading the campaign to boycott the 2014 election. He was convicted in 2015 and as he approached the end of his four year sentence, he was sentenced to life imprisonment under new charges of allegedly spying for Qatar.¹⁰⁹

Amnesty International described his 2018 conviction as “a travesty of justice.”¹¹⁰ The timing and political nature of his 2018 sentencing was criticised by Americans for Democracy and Human Rights in Bahrain (ADHRB).¹¹¹

In 2015, the UN Working Group on Arbitrary Detention (UNWGAD) declared Ali Salman’s detention as arbitrary.¹¹² The Working Group took particular note of the timing of Sheikh Ali Salman’s arrest, which occurred only two days after his re-election as the Secretary General of Al-Wefaq, and after he had made public statements calling for pro-democracy reforms and greater governmental accountability.¹¹³

Abdulahdi Al-Khawaja

Abdulahdi Al-Khawaja is a prominent human rights defender and the former president of the Bahrain Centre for Human Rights and was one of the first high-profile arrests following the pro-democracy protests in 2011. In May 2012, The UNGWAD ruled that Al-Khawaja’s was arbitrary as it resulted from his exercise of the rights to freedom of expression, association and peaceful assembly and that the “adequate remedy would be immediate release and enforceable right to compensation.”¹¹⁴

<https://www.theguardian.com/books/2022/oct/10/immensely-brave-abduljalil-al-singace-named-international-writer-of-courage-pen>

¹⁰⁹ Wintour, P. (4 November 2018) *Bahrain Court Gives Opposition Figures Life Sentences for Spying*. The Guardian. Available at:

<https://www.theguardian.com/world/2018/nov/04/bahrain-court-gives-opposition-figures-life-sentences-for-spying>

¹¹⁰ Amnesty (4 November 2018) *Bahrain: Opposition leader Sheikh Ali Salman Unlawfully Convicted*. Amnesty International. Available at:

<https://www.amnesty.org/en/latest/press-release/2018/11/bahrain-opposition-leader-sheikh-ali-salman-unlawfully-convicted/>

¹¹¹ ADHRB (5 November 2018) *Prominent Bahraini Political Leader Sentenced to Life in Prison Weeks Before Election*. ADHRB:

<https://www.adhrb.org/2018/11/prominent-bahraini-political-leader-sentenced-to-life-in-prison-weeks-before-election/>

¹¹² United Nations HRC (17 November 2011) United Nations Human Rights, A/HRC/WGAD/2015/23. Available at:

https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/WGAD/2015/23

¹¹³ Ibid.

¹¹⁴ Working Group on Arbitrary Detention (13 July 2012) No. 6/2012 (Bahrain) General Assembly, United Nations. Available at:

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWGAD%2F2012%2F6&Language=E&DeviceType=Desktop&LangRequested=False>

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In April 2021, Al-Khawaja was denied medical treatment after taking part in a protest in solidarity with Palestinians in a prison yard. Amnesty International issued a statement stating he was at risk of blindness as a result of his medical treatment being withdrawn.¹¹⁵ In June 2021, Al-Khawaja applied for release under Alternative Sentencing.¹¹⁶ Al-Khawaja is a Danish-Bahraini citizen, and the Danish government called for his release at the UN Universal Periodic Review session on 7 November 2022.¹¹⁷

¹¹⁵ Amnesty (1 April 2022) *Bahrain: Human rights defender at risk of blindness due to denial of medical care*. Amnesty International. Available at: <https://www.amnesty.org.uk/press-releases/bahrain-jailed-human-rights-defender-risk-going-blind-after-denial-medical-care>

¹¹⁶ Bahrain Mirror (10 June 2021) *Imprisoned HR Activist Abdulhadi Al-Khawaja Applies for Alternative Penalty Code*. Bahrain Mirror. Available at: <http://bahrainmirror.com/en/news/60340.html>

¹¹⁷ United Nations Human Rights Council (7 November 2021) *Bahrain Review - 41st Session of Universal Periodic Review*. Available at: <https://media.un.org/index.php/en/asset/k1t/k1t1v7fuij>

8. International Reaction

The perceived success of these elections for the government will be heavily influenced by the international reaction as Bahrain seeks to present itself on the global stage as a country making progress towards democracy. The reaction of key allies, including western governments such as the United Kingdom and EU member states, will be highly significant.

2014 Bahrain General Election

After the 2014 elections, which were boycotted by the opposition bloc, the US State Department congratulated the Kingdom of Bahrain, noting the boycott but claiming that “the elections provided an important opportunity to address the legitimate aspirations of all Bahrainis.”¹¹⁸ Similarly, the British ambassador to Bahrain gave a mixed statement welcoming the elections and the turnout but noting both the opposition boycott and voter intimidation. “Whilst it is disappointing there was a boycott by the opposition, and despite worrying reports of intimidation of candidates and voters, the turnout figures were encouraging“, he said.¹¹⁹ Before the election, The EU Member States’ Ambassadors of Italy, France, Germany and the United Kingdom to Bahrain urged the National Democratic Opposition parties to reconsider their boycott of the elections.¹²⁰

2018 Bahrain General Election

The 2018 elections took place in the context of increased repression against the opposition. Prior to the vote, lawmakers from the US,¹²¹ the EU,¹²² and the UK¹²³ raised concerns regarding the political environment in Bahrain. However, in response to the elections, then-UK Minister of State for International Development Alistair Burt clearly endorsed the elections, commenting: “Welcome the successful conclusion of the first round of voting in

¹¹⁸ Jen Psaki (30 November 2014) Elections in Bahrain [Press Statement] Available at: <https://2009-2017.state.gov/r/pa/prs/ps/2014/11/234504.htm>

¹¹⁹ British Embassy Manama (30 November 2014) *British Ambassador welcomes the Elections Held in Bahrain*. UK GOV World News Story. Available at: <https://www.gov.uk/government/news/british-ambassador-welcomes-the-elections-held-in-bahrain>

¹²⁰ British Embassy Manama (16 October 2014) *Statement from EU Members in Bahrain*. UK GOV World News Story. Available at: <https://www.gov.uk/government/news/statement-from-the-eu-members-in-bahrain>

¹²¹ ADHRB (6 November 2018) *Tom Lantos Human Rights Commission Calls on Bahrain to Make Parliamentary Elections Free and Fair*. ADHRB. Available at: <https://www.adhrb.org/2018/11/tom-lantos-human-rights-commission-calls-on-bahrain-to-make-parliamentary-elections-free-and-fair/>

¹²² ADHRB (16 November 2018) *38 MEPs call on Bahrain to make parliamentary elections free and fair*. ADHRB. Available at: <https://www.adhrb.org/2018/11/38-meps-call-on-bahrain-to-make-parliamentary-elections-free-and-fair/>

¹²³ BIRD (9 November 2018) *20 Cross-Party Parliamentarians Condemn Upcoming Elections in Bahrain and Urge FCO to Act*. BIRD. Available at: <https://birdbh.org/2018/11/20-cross-party-parliamentarians-condemn-upcoming-elections-in-bahrain-and-urge-fco-to-act/>

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Bahraini elections. Bahrain is one of only two Gulf countries with a democratically elected parliament and the UK welcomes continuing progress and commitment to the democratic process”.¹²⁴ Similarly, a State Department spokesperson commented, “The U.S. welcomes a successful first round of voting in #Bahrain's parliamentary and municipal elections and encourages a continued commitment to an inclusive, peaceful, and democratic political process as voters return to the polls this Saturday.”¹²⁵

¹²⁴ Burt, A. (2018) [Tweet] 25 November. Available at:
<https://twitter.com/AlistairBurtUK/status/1066749574977634305>

¹²⁵ Price, N. (2018) [Tweet] 27 November. Available at:
<https://twitter.com/StateDeptSpox/status/1067206461183455232?s=20&t=eKsN13IIWQpqIQpoefLpnQ>

9. Concluding remarks & BIRD's calls on states ahead of Bahrain's 2022 Elections

As in previous elections, Bahrain's 2022 elections will be neither free nor fair and carry no democratic legitimacy; therefore, the international response should reflect this. Rather than welcoming or celebrating Bahrain's flawed elections, the international reaction must condemn the severe repression against the opposition, repressive legislation designed to manipulate the election outcome, and intimidation against those calling for a boycott of the elections. To create opportunities for genuine democracy, Bahrain's international partners must be honest about the ongoing crackdown since 2011 and put pressure on the country to pursue real democratic reform rather than sham elections. This must include reversals of bans on opposition parties, the reversal of repressive laws and the release of all political prisoners.

Annex



التاريخ: 2022/8/21

الرقم: 2022/ 807 / 731

تعميم للمنظمات الأهلية بمناسبة قرب الانتخابات النيابية والبلدية

بشأن عدم جواز الجمعية الاشتغال بالسياسة ولا الدخول في مضاربات مالية

تحية طيبة وبعد...

يسعدني أن أبعث لكم خالص التحيات وأطيب الأمنيات، نود أفادتكم بأنه استناداً إلى نص المادة رقم (18) من المرسوم بقانون رقم (21) لسنة 1989م بشأن إصدار قانون الجمعيات والأندية الاجتماعية والثقافية والهيئات الخاصة العاملة في ميدان الشباب والرياضة والمؤسسات الخاصة وتعديلاته والتي تنص على: (لا يجوز للجمعية الاشتغال بالسياسة، كما لا يجوز للجمعية الدخول في مضاربات مالية). والتي تقابلها نص المادة رقم (5) قرار رقم (4) لسنة 2007 بشأن اللائحة النموذجية للنظام الأساسي للجمعيات والأندية الاجتماعية والثقافية الخاضعة لإشراف وزارة التنمية الاجتماعية والتي تنص على: (لا يجوز للجمعية الاشتغال بالسياسة، كما لا يجوز للجمعية الدخول في مضاربات مالية وعليها مراعاة النظام العام والآداب والالتزام في جميع أنشطتها بعدم المساس بسلامة الدولة أو بشكل الحكومة أو نظامها الاجتماعي).

تؤكد وزارة التنمية الاجتماعية وذلك لقرب الانتخابات النيابية والبلدية للعام 2022 على جميع المنظمات الأهلية المرخصة تحت مظلة الوزارة بضرورة الالتزام بالقوانين والقرارات الوزارية المعمول بها بشأن عدم الاشتغال بالسياسة. كما تؤكد الوزارة على ضرورة التزام المنظمات الأهلية بالغرض الذي انشأت من أجله، وعليه يتوجب على تلك المنظمات الالتزام بتحقيق أغراضها وعدم الخروج عنها وفقاً لنظامها الأساسي. لذا نرجوا من المنظمات الأهلية ضرورة الالتزام بنص المادة المذكورة أعلاه، وعدم الاشتغال بالسياسة بأي شكل من الأشكال، لما يشكل ذلك خروجاً عن طبيعة عمل المنظمات الأهلية التي انشأت من أجلها، ومخالفة النظام الأساسي لها، كما يعد مخالفاً لأحد مواد المرسوم بقانون رقم (21) لسنة 1989م.

شاكرين لكم حسن تعاونكم معنا..



مديرة إدارة دعم المنظمات الأهلية

نجوى عبداللطيف جناحي

هاتف: 17101803 +973 البحرين ، فاكس: 17104977 +973 ، ص.ب: 32868، المنامة، مملكة البحرين
T +973 17101803, F +973 17104977, P.O. Box 32868, Manama, Kingdom of Bahrain www.misd.gov.bh

Figure 3: Ministry of Social Development Circular to Civil Society Organisations

Glossary

CPR: Central Population Registry card in Bahrain

BICI: Bahrain's Independent Commission of Inquiry

EU: European Union

MENA: Middle East and North Africa

MoI: Ministry of Interior

MoSD: Ministry of Social Development

NDI: National Democratic Institute

UK: United Kingdom

UN: United Nations

UN WGAD: United Nations Working Group on Arbitrary Detention

US: United States of America

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November 2022