

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Briefing
on
BAHRAIN: 2022 ELECTIONS

Tuesday, November 1, 2022 – 10:00 a.m.
Virtual via Cisco WebEx

Statement of Joey Shea
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Thank you, Elizabeth, for your introduction, and thank you to the Tom Lantos Commission for inviting us here today.

Yesterday, Human Rights Watch released a 38-page report, which documents the political, civil and economic marginalization and isolation of opposition figures, human rights defenders and activists in Bahrain. As Sayed mentioned, the Bahraini government is using its political isolation laws and a series of other tactics to keep activists and opposition party members out of public office and other aspects of public life in Bahrain.

Our report found that Bahrain's 2018 political isolation laws are used to ban political opponents from running for parliament seats and from serving on the boards of governors of civic organizations. We found that the government's targeted marginalization of opposition figures from social, political, civil, and economic life in Bahrain resulted in a spectrum of other human rights abuses.

To begin, in June 2018, the Bahraini government issued Law 25/2018 explicitly barring individuals from running for election in Bahrain's House of Representatives if they have been:

- Leaders and members of dissolved political societies
- Convicted of a serious crime
- Or willfully harmed or disrupted the functioning of constitutional or parliamentary life

We found that this law severely restricts the political rights of any individual who falls under these categories and effectively excludes thousands of Bahrainis from full participation in the political life of the country.

Bahrain's judiciary dissolved the country's two major opposition parties, al-Wifaq and Wa'ad, in 2016 and 2017 respectively. The political isolation laws introduced new punitive consequences and further extended the repression by punishing individual members of these groups in perpetuity and by individually banning these members from fully participating in political life.

Al-Wifaq won 18 out of 40 seats in 2010, Bahrain's last parliamentary elections before the 2011 crackdown. Under these laws, none of these candidates are allowed to participate in the elections this year.

In addition to the blatant exclusion of members of previously dissolved political groups, the law also includes former prisoners, including those individuals convicted of speech, assembly, and association-related crimes. The law targets activists and human rights defenders who were arrested in the Bahraini government's large-scale crackdown during and in the aftermath of the peaceful 2011 pro-democracy and anti-government uprising.

The final clause of the political isolation laws, concerning individuals who have "disrupted" constitutional life in Bahrain, has been interpreted by Bahraini lawyers and civil society to target former lawmakers and others who resigned or boycotted their elected posts to protest repressive government policies. In February 2011, eighteen elected members of Bahrain's parliament and members of the al-Wifaq party submitted their resignation to protest the authorities' violent crackdown on protestors.

It's important to emphasize that this ban is retroactive. At the time that these individuals were members of al-Wifaq and Wa'ad and other dissolved political groups, it was not illegal to be part of these political societies; these societies were not banned. Also, this ban is in perpetuity – there is no time limit on this ban and there is no way for these individuals to effectively contest the ban.

November 2018 elections

During the November 2018 parliamentary elections, the first election during which the political isolation laws were in effect, we found that at least 12 former opposition figures were prohibited from running. Because many others believed they would be victims of the law, they boycotted the elections altogether.

Authorities even arrested Ali Rashed Al Asheeri, a former member of parliament, on November 13, 2018, after he tweeted about boycotting the elections because of the political isolation law.

November 2022 elections

The final list of candidates in the 2022 elections was only just released on October 26 and, so far, HRW has learned of possibly at least ten former opposition members and possible candidates who were prohibited from running in the upcoming election on the basis of their membership in previously dissolved political groups. This may not seem like many, but we must consider the boycott campaign still exists and many individuals are simply not participating.

As in 2018, many individuals have called for another boycott of the elections because the process can neither be free nor fair when you make any political opposition essentially illegal, by dissolving major political societies and by banning individual opposition figures.

Law 36/2018

In addition to political isolation, there is also civil isolation. In our report, we also documented cases of civil society organizations that struggled to form a board and carry on with their activities due to the impact of these laws.

In August 2018, authorities issued Law 36/2018 to require that "a member of the board of directors must enjoy full civil and political rights," thus extending the conditions outlined in Law 25/2018 to anyone wishing to become a member of the board of directors of an association.

We documented how civil society has been severely curtailed by these laws: the Bahrain Human Rights Society, the Bahrain Women's Union, a group of 13 groups that advocate for women's rights in Bahrain, struggled to form a board of directors and struggled to maintain their daily activities after law 36/2018 was implemented.

It may not seem that consequential to not be able to form a board but if you cant form a board, you cant access your bank accounts and run your day to day activities. For many of these organizations, about 80 percent of their membership were members of previously dissolved political societies, and it has been very challenging for them to form boards and carry on with their activities.

Recommendations

The report calls on the United States to pressure Bahraini authorities to end the repression of peaceful opposition and end the repression of civil society. Specifically, we are calling on the US not to congratulate Bahrain on the outcome of the elections if they fail to implement the recommendations outlined in our report. We are calling on the US government to reject the outcome of what will surely be unfree and unfair elections if the recommendations outlined in our report are not met.