

Writing in Chains: The Deteriorating State of Press Freedom in Bahrain

Bahrain Center for Human Rights, 2024

General and Historical Overview

A fully democratic society is characterized among other things by a free and independent press because it is an essential watchdog that holds those in positions of authority responsible and gives a forum to a range of voices and viewpoints. This is especially crucial and an urgent matter of concern when considering nations like Bahrain, where democratic freedoms and human rights have significantly declined over the last 20 years.¹

The media landscape in Bahrain has traditionally been meddled with to a significant degree by the government. With the creation of the first National Assembly in 1973 and the implementation of media reforms, Bahrain went through a phase of relative openness following its independence.² But this time frame wasn't long. Restrictions were tightened as a result of an uprising in the 1990s, and the National Action Charter's passage in 2001 only provided short-term respite.³ An important turning point was the pro-democracy revolt in 2011, when the government stepped up its crackdown on dissent, targeting media professionals and journalists who dared to question the official narrative.⁴

There was some hope when the Bahrain Independent Commission of Inquiry (BICI) was established to look into human rights abuses during the 2011 revolution. The BICI suggested a number of reforms, one of which was media liberalization.⁵ The government's "media reform program" that followed, however, turned out to be mainly cosmetic. Although the High Commission for Media and Communication (HCMC) was established to regulate the media industry, many have questioned its independence. Concerns have been raised over the government's genuine commitment to reform since the HCMC has imposed additional limitations rather than encouraging a free and open media environment.⁶

The ecosystem for journalism in Bahrain cannot be said by any metric to allow a free, independent, and impartial media. The problem stems from the way that the legal system has been manipulated in favor of restricting rights such as to free speech and other rights pertinent to the work of journalists. This is then enforced at a systematic level both through 'lawful' means such as closures and non-granting of licenses to clearly unlawful ones such as arbitrary arrests and torture. As time progresses, the methods employed in performing these acts have also evolved to include, among other things, spyware.

¹ Freedom House, "Freedom in the World 2024 – Bahrain," 2024, <https://freedomhouse.org/country/bahrain/freedom-world/2024>; United States Department of State, "Bahrain 2023 Human Rights Report," 2023, accessible at <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/bahrain/>.

² Marc Owen Jones, "Bahrain: Media-Assisted Authoritarianism," in Arab Media Systems, ed. Carola Richter and Claudia Kozman, 2021, 150-151, accessible at <https://www.openbookpublishers.com/books/10.11647/obp.0238>.

³ Ibid.

⁴ Ibid.

⁵ Report of the Bahrain Independent Commission of Inquiry, accessible at <https://www.bici.org.bh/BIClreportEN.pdf>.

⁶ Decree No. 47 of 2013 establishing the High Commission for Media and Communication, accessible at <https://www.lloc.gov.bh/HTM/D4713.htm>.

This report examines the current state of press freedom and journalist rights in Bahrain, where a combination of oppressive measures, restrictive laws, and a culture of impunity has created an environment that is unfriendly to independent journalism. It seeks to highlight the oppressive conditions that Bahraini journalists must endure and the pressing need for extensive reforms to guarantee the nation's free and independent press.

Weaponization of the Law

Although freedom of expression is protected by Article 23 of the 2002 Bahraini Constitution,⁷ this right is nevertheless compromised by restrictions. According to the Constitution, the right to free speech is protected "so long as the core principles of Islamic doctrine are not violated, the unity of the people is not harmed, and discord or sectarianism is not aroused." The government has plenty of opportunity to silence critics under the pretense of preserving social peace, unity, and religion thanks to these ambiguously stated requirements. This strategy of simultaneously protecting and limiting a fundamental right is a defining feature of the Bahraini government's information management and dissent suppression tactics.

The Bahraini government has built a legal framework to criminalize criticism and impede opposition, building on these legally imposed restrictions. This framework, which is made up of laws like the Press Law, the Bahrain Penal Code, and the Law of Information Technology Crimes, uses vague language and broadly worded provisions to give authorities the authority to target activists, journalists, and anyone else who dared to voice opinions that differ from the government's own.

There are numerous sections in the Penal Code that make a variety of behaviors pertaining to freedom of expression illegal.⁸ For example, Article 165 makes it illegal for "any person who incites with the use of one of the publication methods to develop hatred of the ruling regime or show contempt towards it," and Article 214 makes it illegal for "any person who offends the Amir of the country and the national flag emblem." These clauses are frequently used to quell genuine opposition and limit public discourse, along with others that make criticism of the government, the King, and state institutions illegal.

Originally designed to regulate the press, the Press Law of 2002 has been used to censor media and silence dissenting opinions.⁹ When media outlets publish content that is thought to be in violation of this law, the Ministry of Information and the courts have the authority to suspend or shut them down. The Press Law's Articles 68, 69, and 70 are frequently used to suppress dissent and make it illegal to criticize the King, incite others to overthrow the government, or disparage government officials. The law also punishes criticizing the leaders of governments that maintain diplomatic ties with Bahrain and disseminating false information that could disturb public order and undermine national interests.

Additionally, both domestic and foreign journalists must adhere to the Press Law's licensing criteria, which are subject to arbitrary denial or revocation. According to Articles 88

⁷ Bahrain's Constitution of 2002, accessible at https://www.constituteproject.org/constitution/Bahrain_2017.pdf?lang=en.

⁸ Bahrain Penal Code of 1976, accessible at https://menarights.org/sites/default/files/2016-12/BHR_PenalCode_1976.EN_.pdf.

⁹ Decree-by-Law No. 47 of 2002 on the Organization of the Press, Printing and Publishing, accessible at <https://cyrilla.org/en/entity/5psp90oa867dhziit4ldk4vx6r?page=1>.

and 89, foreign newspaper and news agency reporters must have a one-year renewable license, which the Minister of Information may revoke at any time without providing an appeal process. The government uses this licensing authority as a potent weapon to keep journalists who disagree with its views from working in Bahrain.

The Cybercrime Directorate of the Ministry of Interior has used the Law on Information Technology Crimes of 2014 to summon and prosecute people for their online activity,¹⁰ even though it does not specifically target content relating to freedom of expression. Article 11 expands the scope of the statute beyond pornography to include "crimes stipulated in any other law if they are committed using the information technology system." This clause essentially permits the Cybercrime Directorate to use provisions from other laws, such the Press Law or the Penal Code, to target people for online content pertaining to freedom of expression.

Decree No. 68 of 2016,¹¹ which governs how newspapers use electronic media, is an example of the government's efforts to control the online space. According to this decision, newspapers that want to post content on websites or social media platforms must first apply for a license from the Mass Media Directorate. These permits are only valid for a single year, and there is no way to challenge a decision that denies them. This Decree further requires that digital content be "a part of the printed content and a reflection of it, and it deals with the same topic." It also forbids live streaming and the publication of videos longer than 120 seconds. The government's commitment to control the flow of information is further demonstrated by these regulations, which significantly restrict publications' ability to report freely online.

Together, these laws and regulations have the effect of fostering a culture of fear and self-censorship in which media professionals and journalists are continuously threatened with legal action, jail time, or other types of retaliation for merely carrying out their duties. The judiciary has been transformed into a tool of repression by the government's readiness to use the legal system to suppress its opponents, weakening Bahrain's fundamental freedoms and the rule of law.

Means of Journalistic Suppression

The government of Bahrain, in their efforts to suppress freedom of the press and control the narrative at the national and international level, actively resorts to several methods which can be seen up to this day. The use of these expediencies varies depending on factors like the person or entity being targeted and are sometimes used in conjunction with one another

1. Accreditation and Licensing

Accreditation and licensing processes are intentionally used by the Bahraini government to regulate the media environment and restrict independent journalism. Journalists employed by international media outlets, including the Associated Press, Agence France-Presse, France 24, and Reuters, have encountered difficulties renewing their accreditations due to the Press Law, specifically Article 88, which deals with the granting and denying of one-year renewable

¹⁰ Law No. 60 of 2014 on Information Technology Crimes, accessible at <https://www.asianlaws.org/gclid/cyberlawdb/GCC/Law%20on%20Combating%20Cybercrime%20in%20the%20Kingdom%20of%20Bahrain.pdf>.

¹¹ Decree No. 68 of 2016 Regulating the Use of Newspapers for Electronic Media, available (in Arabic) at <https://cyrilla.org/en/entity/szid4nc8pp29pweomkpi5rk9?searchTerm=bahrain>.

licenses.¹² Additionally, it has become more challenging for foreign journalists to obtain press visas.

The story of Bahraini journalist Nazeera Saeed, who spent 12 years as a correspondent for France 24 and Radio Monte-Carlo Doualiya, demonstrates the arbitrary nature of the procedure in addition to its lack of openness. She was accused of working illegally and penalised for continuing to work while awaiting official notification when the information ministry refused to renew her press accreditation in 2017 without providing an explanation.¹³

The government can effectively manage who is permitted to practise journalism both online and offline and can reshape the media environment to serve its interests thanks to this system of accreditation and licensing controls legitimized by a stack of different instruments comprehensively limiting room for anyone critical of the state. Journalists are discouraged from critical reporting and independent voices because of the opaqueness of the processes, the absence of due process, and the capriciousness of the decisions.

2. Censorship

A number of overt and covert censoring techniques have been employed to silence critics and uphold a strictly regulated narrative. Evidence shows a multifaceted strategy that includes strict rules on online material, website blocking, and direct pressure on editors. Government officials regularly get in touch with editors to specify which subjects are off-limits in order to make sure that coverage supports the government's agenda, according to journalists for Bahraini media outlets.

The 2017 indefinite suspension of Bahrain's sole independent daily, Al-Wasat, is among the most glaring instances of government censorship.¹⁴ After publishing an opinion piece about a popular uprising in Morocco, the Ministry of Informational Affairs accused the publication of trying to harm Bahrain's relations with neighboring nations. One of four closures since the newspaper's inception in 2002, this one essentially shut down an important forum for critical voices and independent reporting.¹⁵ This was a component of a larger effort to eradicate independent reporting from the nation. A member of the opposition Al-Wefaq party was interviewed by Al-Arab TV, which was shut down in 2015.¹⁶ Mainstream media channels are now practically closed to the opposition.

By using technological tools to ban websites and limit access to content deemed unfavorable, the government further tightens its hold on information. The government has increased internet censorship since 2011, prohibiting many websites, including those of political opposition groups, human rights organizations, and independent news outlets. Reporters Without Borders claims that in 2011 alone, more than 1,000 websites—including

¹² Committee to Protect Journalists, 4 May 2017, available at <https://cpj.org/2017/05/bahrain-denies-accreditation-to-journalists/>.

¹³ Reporters Without Borders, "RSF calls for Bahraini journalist's conviction to be overturned," 2017, <https://rsf.org/en/rsf-calls-bahraini-journalist-s-conviction-be-overturned>.

¹⁴ Bahrain Center for Human Rights, "The Closure of Alwasat and the Decline of Human Rights in Bahrain," 2021, <https://bahrainrights.net/?p=136068>.

¹⁵ Human Rights Watch, "Bahrain: Only Independent Newspaper Shut Down", 18 June 2017, <https://www.hrw.org/news/2017/06/18/bahrain-only-independent-newspaper-shut-down>.

¹⁶ Bahrain Institute for Rights and Democracy, "NGOs Strongly Condemn Bahrain's Government Closure of Al-Wefaq," 2016, <https://birdbh.org/2016/06/ngos-strongly-condemn-bahrains-government-suspending-al-wefaq/>.

blogs, online forums, and websites pertaining to human rights—were blocked.¹⁷ It became much simpler to filter internet information in 2016 when the government put in place a centralized mechanism for blocking websites, run by the Telecommunication Regulatory Authority. An atmosphere that encourages arbitrary censorship is created by the lack of clarity surrounding the standards used for blocking and the absence of a defined procedure for contesting judgements.¹⁸

The government effectively restricts the flow of information, limits online freedom of expression, and denies individuals access to a variety of viewpoints through its control over internet service providers and readiness to ban websites that criticize its policies. These actions, along with direct pressure on editors and stringent rules governing internet material, effectively silence dissent and stamp out opposing views by fostering an atmosphere in which only information that benefits the government can be shared.

3. Judicial Harassment and Arbitrary Detention

The Bahraini government has a demonstrated practice of using arbitrary detention and judicial harassment to dominate the narrative, intimidate journalists, and crush opposition. These strategies, which are frequently used in combination with restrictive legislation and censorship as mentioned prior, effectively discourage independent voices and critical reporting by fostering a climate of fear and self-censorship.

Reports of journalists and media professionals being arrested, detained, and prosecuted for their employment or internet activity are also unfortunately commonplace. According to Reporters Without Borders, in 2017, Bahrain jailed at least 14 journalists and citizen-journalists for merely covering difficult topics—a number which only keeps on being added throughout the years.¹⁹ The Bahrain Press Association recorded more than 1,700 violations of freedom of expression and media between 2011 and 2020, most of which had to do with online activity. These numbers demonstrate how the Bahraini government has been systematically working to stifle dissenting opinions and impede the free exchange of ideas.²⁰

A journalist with the independent publication Al-Wasat named Mahmoud al-Jaziri was arrested in 2015 and accused of "supporting terrorism, inciting hatred of the regime, having contacts with a foreign country, and seeking to overthrow the regime." He received a 15-year prison sentence and lost his citizenship, underscoring the harshness of the penalties meted out to anybody who disagree with the government's narrative.²¹ Despite the lack of hard evidence, blogger and internet activist Ali Maaraj was arrested in 2016 and given a life sentence on terrorism-related accusations.²² Similar to al-Jaziri's case, his illustrates the government's

¹⁷ Reporters Without Borders, "Internet Enemies 2011: Countries Under Surveillance – Bahrain", 2011, <https://www.refworld.org/docid/4d82268a21.html>.

¹⁸ Freedom House, "Freedom in the World 2024 – Bahrain," 2024, <https://freedomhouse.org/country/bahrain/freedom-world/2024>

¹⁹ Reporters Without Borders, "Barometer", accessible at https://rsf.org/fr/barometre?year=2017&type_id=237#list-barometre.

²⁰ Bahrain Press Association, "Bahrain 2020: Freedom in Quarantine", 2020, available at http://www.bahrainpa.org/wp/wp-content/uploads/2021/04/BPA_2020R_Eng.pdf.

²¹ Committee to Protect Journalists, "Mahmoud al-Jaziri", <https://cpj.org/data/people/mahmoud-al-jaziri/>.

²² Reporters Without Borders, "Bahrain urged to release 12 detained news providers", 21 August 2014, <https://rsf.org/en/news/bahrain-urged-release-12-detained-news-providers>.

readiness to use nebulously worded accusations and courtroom manipulation to quell opposition.

People are frequently detained without a warrant, denied access to legal representation, and tortured and mistreated while being questioned. Award-winning photographer Ahmed al-Mousawi was arrested in 2014, detained incommunicado for 10 months, and then tried for allegedly joining a terrorist organisation.²³ He received a ten-year prison sentence and lost his citizenship after his family claimed he was tortured while in custody. Before being arrested in 2018 and given a 55-year prison sentence on a variety of charges pertaining to his work, Hassan Mohammad Qambar, another photographer who worked as a freelancer for foreign media outlets, endured years of harassment from the National Security Agency, including 60 raids on his home over a six-year period.²⁴

4. Travel Bans

Travel restrictions have also been used to restrict access to foreign audiences and human rights platforms. Journalists, activists, and human rights defenders are routinely prohibited from travelling overseas to attend conferences, advocacy activities, or meetings with international organizations due to these limitations.²⁵ Many times, people are only made aware of the travel ban when they try to leave the country; they are not given an explanation or details about the government agency that issued the ban.

Journalists and activists were prohibited from travelling for the Formula 1 Grand Prix. Many foreign journalists, including those from The Los Angeles Times, The New York Times, BBC Radio, and Al Jazeera, were refused visas by Bahraini officials in 2012 as they attempted to cover the event.²⁶ Due to the government's activities, these journalists were unable to cover the event, and the demonstrations and the race's human rights issues received little worldwide media attention.

More recently, in 2023, four people were detained and threatened for peacefully protesting outside the Bahrain International Circuit. They were then made to accept a plea deal that limited their future ability to demonstrate.²⁷ The government's attempts to control the Grand Prix's narrative and to silence critics of its human rights record are demonstrated by these incidents.

5. Revocation of Citizenship

Revocation of citizenship is a tactic used by the Bahraini government to punish those who voice disapproval or criticism of the government. At least seven journalists and citizen-

²³ ADHRB, "Bahrain backs 10-year prison sentence for photojournalist Sayed Ahmed Al-Moussawi in ongoing attack on press freedom," 13 April 2018, <https://www.adhrb.org/ar/?p=2481>.

²⁴ ADHRB, "Profiles in Persecution: Hasan Mohamed Qambar," 13 July 2018, <https://www.adhrb.org/2018/07/profiles-in-persecution-hasan-mohamed-qambar/>

²⁵ Human Rights Watch, "Bahrain: Journalist Faces Prosecution, Travel Ban," 24 July 2016, <https://www.hrw.org/news/2016/07/24/bahrain-journalist-faces-prosecution-travel-ban>.

²⁶ Mark Sweney, "F1 grand prix: Bahrain denies entry to journalists," The Guardian, 20 April 2012, <https://www.theguardian.com/media/2012/apr/20/f1-grand-prix-bahrain-journalists>.

²⁷ Middle East Democratic Center, "Joint Letter to F1 CEO Ahead of Bahrain Grand Prix: 20 Years of Sportswashing," 27 February 2024, <https://mideastdc.org/publication/joint-letter-to-f1-ceo-ahead-of-bahrain-grand-prix-20-years-of-sportswashing/>.

journalists have had their Bahraini citizenship revoked since 2011.²⁸ In addition to leaving people stateless, this action deprives them of basic rights and safeguards, leaving them open to additional persecution.

Ali Maaraj and Mahmoud al-Jaziri, who were previously discussed in relation to arbitrary imprisonment, were both given significant prison sentences and had their citizenship revoked. Ali Abdel Imam, the creator of the Bahrain Online news website; Ali al-dairy, the founder and editor of the Bahrain Mirror daily; Abbas Busafwan, an al-Nabaa TV presenter; and blogger Hussein Yousef are among the other journalists who have lost their citizenship.²⁹ These documented instances show the length that the government is prepared to go vis-à-vis their own citizens when it comes to choosing between them and the state's interests.

6. Violence and Torture

Beyond legal and administrative procedures, the Bahraini government employs cruel tactics like torture and assault to stifle dissent and suppress journalists. When the sources are examined, a pattern of arbitrary arrests, physical torture, and a culture of impunity that exposes journalists to state-sanctioned brutality is revealed.

A terrifying reminder of the severe brutality Bahraini journalists must endure is the murder of Karim Fakhrawi, co-founder of the independent newspaper Al-Wasat.³⁰ In April 2011, Fakhrawi was arrested during a crackdown on independent reporting and protests. Ten days later, he passed away while in government custody. Although the authorities first stated that kidney failure was the cause of his death, photographic evidence showed that he had numerous wounds and bruises on his body.³¹ The government-appointed Bahrain Independent Commission of Inquiry, which looked into human rights violations during the 2011 unrest, came to the conclusion that Fakhrawi was tortured to death while in the National Security Agency's custody.³²

This instance is not a singular occurrence. In Bahrain, journalists and activists are often subjected to torture and other cruel abuses. After documenting pro-democracy protests in 2011, Bahraini journalist Nazeera Saeed—previously cited in relation to accreditation issues—was subjected to 13 hours of abuse and humiliation by police personnel.³³ The acclaimed photojournalist Ahmed al-Mousawi, who was previously mentioned, was also tortured while in custody in 2014.³⁴ These incidents demonstrate the harsh reality that confronts reporters who dare to question the government's story or reveal its violations of human rights.

²⁸ Reporters Without Borders, "Seven Bahraini journalists rendered stateless since 2011," 14 February 2018, <https://rsf.org/en/news/seven-bahraini-journalists-rendered-stateless-2011>.

²⁹ Ibid.

³⁰ Committee to Protect Journalists, "Karim Fakhrawi," accessible at <https://cpj.org/data/people/karim-fakhrawi/>.

³¹ Ibid.

³² Report of the Bahrain Independent Commission of Inquiry, accessible at <https://www.bici.org.bh/BIClreportEN.pdf>.

³³ Reporters Without Borders, "RSF demands justice for Bahraini journalist tortured in 2011," 23 November 2015, available at <https://www.refworld.org/docid/5656d57940b.html>.

³⁴ Reporters Without Borders, "Seven Bahraini journalists rendered stateless since 2011," 14 February 2018, <https://rsf.org/en/news/seven-bahraini-journalists-rendered-stateless-2011>.

It is especially alarming that these violent crimes go unpunished. Due to their involvement in Fakhrawi's death, two police officers were originally given seven-year prison terms, but they were later lowered to three years.³⁵ Because of the lack of accountability for those responsible, security personnel are encouraged to continue torturing and employing violence against journalists and activists without worrying about the consequences.

7. Use of Spyware

Spyware has been employed more frequently by the Bahraini government to track and repress protestors and journalists. In 2021, Citizen Lab found that the NSO Group's Pegasus spyware had been used to infiltrate the phones of nine Bahraini activists, including those from the Bahrain Centre for Human Rights (BCHR).³⁶ Notably, even with robust phone security, some activists were exposed to "zero-click" attacks.³⁷ According to Citizen Lab's additional research, Pegasus was also used in 2021 to target a journalist, a psychotherapist, and a human rights attorney.

The Bahraini government may follow people's whereabouts and activities by using spyware like Pegasus to gather sensitive data, such as location information and private chats. Freedom of expression may be subdued by such invasive surveillance, which makes reporters reluctant to cover delicate subjects or speak with sources for fear of retaliation from the government which holds such sensitive data with high degree of prevision.

Violations from an International Perspective

The ways of working of the Bahrain government stands in direct contravention of a number of pertinent documents in international law which the state is itself a part of. From the case studies outlined in the directly preceding section, it is not hard to see how the fundamental rights of journalists, not only as a professional but also a human being as such, have been disregarded and so blatantly transgressed.

1. Universal Declaration of Human Rights

Bahrain's suppression of press freedom, in all its elaborated forms, directly contravenes Article 19 of the Universal Declaration of Human Rights, which guarantees everyone "the right to freedom of opinion and expression" including the freedom to "seek, receive and impart information and ideas through any media regardless of frontiers."

The silencing of journalists and media outlets through arrests, intimidation, and outlet closures represent clear violations of this fundamental right. Force closure of media outlets, non-issuance of licenses, and other actions causing the inability to perform journalistic work exemplify this suppression. The law, be it its instrumentalization through vague provisions or its arbitrary enforcement amounting to various serious actions including arrests and torture by authorities, aggravates the matter.

³⁵ AP News, "Bahrain reduces police sentences in torture death," 27 October 2013, <https://apnews.com/general-news-4fbfa08659f84b26a68e3d2676ef22cd>.

³⁶ The Citizen Lab, "From Pearl to Pegasus: Bahraini Government Hacks Activists with NSO Group Zero-Click iPhone Exploits", 24 August 2021, <https://citizenlab.ca/2021/08/bahrain-hacks-activists-with-nso-group-zero-click-iphone-exploits/>.

³⁷ Ibid.

In this regard, other Articles are also being violated depending on the circumstances which vary from case to case. Arbitrary arrest and detention as seen for example in the cases of Mahmoud al-Jaziri and Ali Maaraj are violations toward Article 9, while censorship of sites and journalistic outlets broadly contravenes Article 27 guaranteeing the right to participate in cultural life and share in scientific advancement. These systematic restrictions create a chilling effect that undermines the entire spirit of the UDHR's commitment to human dignity and free expression in a democratic society.

2. International Convention on Civil and Political Rights

More specific protections than the UDHR are offered by Article 19 of the ICCPR, which expressly protects press freedom in addition to ensuring freedom of expression. According to the article, limitations must be mandated by law and required to preserve public order or national security. However, the necessity and proportionality requirements of the ICCPR are not met by Bahrain's extensive use of national security regulations to stifle reputable media.

Journalists are firstly protected from illegal interference with their privacy and correspondence by Article 17 of the ICCPR. This protection is violated by Bahrain's monitoring of journalists' conversations and interception of their work materials. This right is especially violated when journalists' digital communications and social media profiles are being tampered with for monitoring purposes. When journalists appear before courts without due process, the guarantees of a fair trial under Article 14 are frequently broken. The prohibitions against arbitrary detention in Article 9 are also broken when pre-trial detention is used to muzzle journalists.

Restrictions on press organizations and journalist unions compromise the freedom of association guaranteed by Article 22. Journalists' freedom to professional association is violated by the government's control over media licenses and forced dissolution of media outlets. Furthermore, preventing journalists from reporting on political rallies and protests violates or even other types of events done in congregation (including F1 Grand Prix) Article 21's right to peaceful assembly, so restricting press freedom and the public's access to information about civic events.

3. Arab Charter on Human Rights

Human rights provisions found in the two mentioned international legal instruments are also reflected in the regional convention, further reinforcing their cruciality to be respected and enforced by states in the Arab world. The Charter's nature of being akin to the UDHR in the sense that it covers both economic, social, and cultural rights as well as civil and political rights within the same document makes it a strong means of tying the nations in a collective move towards the abolishment of practices that contradict the values humanity stands for. In this sense, violations directed against journalistic freedom are conspicuous attempts to undermine this commitment in the running a conducive society.

It is especially important to note that the way that freedom from discrimination is set in Article 3. Among other attributes, the Article provides that discriminations on the basis of opinions or thoughts are prohibited. This is exceptionally important as it correlates directly to the substance of Article 32 on the right to information and freedom of expression. A free press requires respect of these rights in order to then feed into the fulfillment of the same rights at

the societal level through the reports produced. This also, of course, amounts to the right to participate in public life for both the journalists and the people that benefit from the information they obtain from journalists.

When it comes to the enforcement of these rights, the Bahraini government's actions are notably in violation of two articles within the Charter. For one, actions contradictory to the provisions outlined above are an indication that the state does not commit to giving effect to the rights set forth as stipulated in Article 44. Furthermore, the fact that the government of Bahrain have failed to provide effective remedy in accordance with due process of the law— notwithstanding the law's clear mischievous uses in many cases as seen previously— but have in fact been the very party acting without regard to the same is proof that it does not comply with Article 23 of the Charter.

4. UN Security Council Resolution 2222

This 2015 resolution resembles to a great degree Security Council Resolution 1738 of 2006. Both of these documents, despite being passed largely for the purpose of reinforcing protection for journalists in conflict situations, reaffirm crucial elements of the rights enjoyed by press members. Among other things, the 2015 Resolution stress the importance of media freedom, independence, and impartiality as a pillar of democracy. It consequently “strongly condemns the prevailing impunity for violations and abuses committed against journalists, media professionals, and associated personnel,” and calls for cooperation by states in ensuring that due process of the law is done against those committing.

The fact that journalistic rights are a matter of great importance to such a degree that the Security Council issues a resolution to ensure them in times of conflict clearly entails that they must be respected and enforced in peace times. Not only has the government of Bahrain failed to respect these rights through a multitude of actions starting with passing vague laws up to harassing journalists, but it also has taken matters a step further through the deliberate obstruction of justice through the employment of methods like torture in obtaining information from journalists; an act that is in character with other methods that have been resorted to including rendering journalists stateless.

5. Others

Aside from said texts providing clear, enforceable legal obligations which states like Bahrain have to abide by, there are a number of soft laws passed pertaining to the same. These documents reinforces the rights stipulated and provide supplementary understanding on the specific contextualization when it comes to journalists and their work. These include among others:

- [UNESCO Declaration on Fundamental Principles](#) concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War (1978);
- Human Rights Council Resolutions ([A/HRC/RES/21/12](#)) (2012); ([A/HRC/RES/27/5](#)) (2014); ([A/HRC/RES/33/2](#)) (2016); ([A/HRC/RES/39/6](#)) (2018); ([A/HRC/RES/45/18](#)) (2020); and ([A/HRC/RES/51/9](#)) (2022) on the Safety of Journalists;

- UN General Assembly Resolutions ([A/RES/68/163](#)) (2013); ([A/RES/69/185](#)) (2014); ([A/RES/70/162](#)) (2015); ([A/RES/72/175](#)) (2017); ([A/RES/74/157](#)) (2019); ([A/RES/76/173](#)) (2021); and ([A/RES/78/215](#)) (2023) on the Safety of Journalists and the Issue of Impunity;
- UN General Assembly Resolution ([A/RES/75/101](#)) Information in the Service of Humanity (2020);
- Human Rights Council Resolution ([A/HRC/RES/47/16](#)) on The promotion, protection and enjoyment of human rights on the Internet (2021); and
- UN Office on Drugs and Crime (UNODC), [Kyoto Declaration](#) on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development – adopted at the 14th United Nations Congress on Crime Prevention and Criminal Justice (2021); as well as
- Regional declarations, general conference resolutions, executive board decisions, and other texts adopted by the UNESCO.³⁸

Key Recommendations

The Bahrain Center for Human Rights, having acknowledged all of the above and reaffirming its position in the struggle to uphold human rights, calls upon the government of the Kingdom of Bahrain to:

- Put an immediate stop to its exercise of suppression of journalistic freedom in Bahrain in any form;
- Take direct measures to free all members of the press currently in detainment and subsequently measures to repair for the damages caused by such action;
- Issue a public statement recognizing the violations it has committed against the freedom, independence, and impartiality of the press and a commitment to improving the status quo through concrete measures including those put forth in this recommendation;
- Revoke all laws that contravene the state’s obligations to uphold human rights and especially the right of journalists protected under international legal instruments and to revise them sufficiently so that their provisions align with those of said instruments; and to
- Take all necessary steps to ensure that all layers of the government and the structure of authorities are aware of the need and commitment for change in favor of upholding the rights and freedoms of the press such that no violation should ever be committed again.

The BCHR also calls upon civil society organizations and the international community to:

- Remain steadfast in the advocacy for human rights in Bahrain, especially the rights and freedoms of member of the press;
- Keep watch of the conducts of the government of Bahrain on matters related to human rights, journalism, and the use of state authority in policing and public order to make

³⁸ UNESCO, “Basic Texts Related to the Safety of Journalists,” available at <https://www.unesco.org/en/safety-journalists/basic-texts>.

sure that they do not transgress the rights of individuals and especially in this regard journalists; and to

- Provide any assistance as necessary to the government of Bahrain in its efforts to uphold such rights.

“On this International Day to End Impunity for Crimes against Journalists, we call attention to the ongoing challenges journalists face in Bahrain. Many have been silenced, threatened, or imprisoned simply for pursuing the truth. A free press is essential to a just society, and we urge authorities to protect journalists and end the cycle of impunity that suppresses voices in Bahrain. Justice for these individuals is justice for all.”

Nedal Al Salman

President of the Bahrain Center for Human Rights