

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
AL BHR 13/2017

19 December 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 34/18, 34/5 and 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of ongoing travel restrictions, in the form of a travel ban, imposed on woman human rights defender, **Ms. Nedal Al-Salman**.

Ms. Nedal Al-Salman is the Acting President and the head of International Relations and Women and Children's Rights Advocacy at the Bahrain Centre for Human Rights. She has been actively engaged in the promotion of women's rights in Bahrain.

In August 2016 Ms. Al-Salman was prevented from travelling to Geneva to participate in meetings during the thirty-third session of the United Nations Human Rights Council. This travel ban was the subject of an allegation letter sent to your Excellency's Government on 25 November 2016 by the independent experts of the Human Rights Council bearing the reference number BHR 7/2016. We regret not having received a reply from your Excellency's Government to this letter, which contained information about travel bans imposed on several Bahraini human rights defenders in an act of reprisal for their cooperation with the United Nations, and their human rights work through the exercise of their rights to freedom of expression and of association.

According to the new information received:

On 19 September 2017, Ms. Al-Salman was allegedly summoned and charged by the Public Prosecution of Bahrain for "illegal gatherings" under allegedly trumped-up charges stemming from the Anti-Terrorism Law, and placed under a formal travel ban.

On 26 November 2017, Ms. Al-Salman intended to board a flight to Toronto via Dubai at Manama International Airport. After having checked in for her flight, she was stopped at the immigration desk and her passport was seized by the police.

After one hour, Ms. Al-Salman was informed by the police that she was prevented from travelling because she was placed under a travel ban. She was not provided with any reasons for the travel ban and was advised to “check with the Public Prosecution Office”.

This travel ban has prevented Ms. Al-Salman from participating in the 19th EU-NGO Human Rights Forum “Human Rights under threat: exploring new approaches in a challenging global context” which took place in Brussels on 5-6 December 2017.

The travel ban imposed on Ms. Al-Salman is regrettably not an isolated example of similar allegations communicated to us through various information sources. In April 2017, a new wave of travel bans allegedly targeted at least 22 Bahraini human rights defenders, including members of prominent human rights organisations. These travel bans, inter alia, prevented some of them from attending Bahrain’s Universal Periodic Review which was held in Geneva in May 2017.

Serious concern is expressed at the ongoing travel ban imposed against Ms. Al-Salman. The imposition of the travel ban seems to be closely related to her work as woman human rights defender and produces an unavoidable detrimental impact on her human rights activities, including those that require travelling abroad. Of additional deep concern is the fact that this ongoing travel ban may constitute an act of reprisal against Ms. Al-Salman for her efforts seeking to cooperate and share information with international organisations.

We also wish to reiterate our general concerns expressed in our letter of 25 November 2016 to your Excellency’s Government documenting cases of previous travel restrictions against human rights defenders. We believe that the reported travel bans are repeatedly being used in what appears to be a politically motivated strategy to prevent human rights defenders from travelling abroad and participating in international events related to human rights, including those organized by the United Nations.

We reiterate our concerns about the broader effect of the increased and repeated imposition of travel bans as a means of preventing the legitimate human rights work and exercise of rights, which may have a chilling effect on human rights defenders and civil society as a whole in Bahrain.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency’s Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore appreciate your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the legal basis for the travel bans issued against Ms. Nedal Al-Salman, in view of Bahrain's international human rights obligations in particular, under articles 12, 19 and 22 of the ICCPR.
3. Please provide clarifications on the ongoing and increasing practice of the use of travel bans to prevent Bahraini human rights defenders from participating in activities held in connection to the conferences or events of the United Nations and its human rights mechanisms as well as other international organisations.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

Alda Facio
Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

The above mentioned allegations appear to be in contravention with articles 12, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Bahrain on 20 September 2006, which provides, respectively, that everyone has the rights to liberty of movement, to freedom of opinion and expression; and to freedom of association with others.

We would like to emphasize that any restriction to the right to liberty of movement and the freedom to leave any country, including his/her own must be compatible with paragraph 3 of article 12 of ICCPR, which establishes that restrictions are only acceptable if they are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the ICCPR. The imposition of travel ban as a means to limit the exercise of freedom of expression and of association is not compatible with article 19(3) of the ICCPR.

Furthermore, we wish to stress that the arbitrary use of travel bans against human rights defenders to prevent them from participating in activities outside their country of residence is contrary to the spirit of Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognize Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders.

In particular, the allegations appear to be in contradiction to articles 1 and 2 of the UN Declaration on Human Rights Defenders, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, we also refer to article 5, which provides for the right to form, join and participate in non-governmental organizations, associations or groups; and article 6, which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, as well as the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance on these rights.

We also refer to article 7 (c) of the International Convention on the Elimination of all forms of Discrimination against Women, on women's participation in political and public life, including the right to participate in non-governmental organizations. In this sense, we also make reference to article 4 (o & p) of the United Nations Declaration on the Elimination of Violence against Women, on the important role of the women's

movement and non-governmental organizations. We recall paragraph 65 of the thematic report of the Working Group on Discrimination against Women in Law and Practice on participation in public life (A/HRC/23/50), where the Working Group has stated that women defenders are often the target of gender-specific violence, such as intimidation, attacks and death threats, which are sometimes condoned or perpetrated by State actors. The Working Group has called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life (para. 97(i)).

Furthermore, we wish to refer to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights; and Human Rights Council resolution 22/6, which provides for the right to “unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms”.