Briefing Paper: Digital Rights in Bahrain

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1. Introduction

When we refer to digital rights—in this example, Bahraini rights—we refer to a wide set of human rights that are exercised and defended in the digital sphere. These include liberties like privacy, information access, and freedom of speech. As digital platforms are becoming increasingly important in social, political, and economic life, these rights have become crucial. Although the relevance of this has increased over time, Bahrain's digital rights situation remains highly restrictive. This is mainly because of three things; government censorship, surveillance and legal repression. In a globalised world where digital infrastructures are critical to social and economic progress, Bahrain must strike a balance between protecting human rights and advancing technology. This briefing paper examines the present status of digital rights in Bahrain.

In the Middle East, Bahrain, a small island of 1.5 million people, has been a scenario of both government persecution and digital activism. This briefing paper examines the intricate dynamics surrounding digital rights in Bahrain, emphasizing the country's past, and current policies, and wider ramifications for both the advancement of digital activism and human rights. Several measures, such as sophisticated surveillance, internet censorship, and legal repression, have been put in place by the Bahraini government to restrict and control digital expression. The report explores how the state monitors activists and dissidents, intercepts conversations, and gathers personal data. Censorship is another element to highlight a common practice that affects websites and online platforms with a critical stance towards the government, which are frequently blocked. We highlight the role of laws such as the Press Law of 2002 and the Cybercrime Law of 2014, which have become tools used to criminalize online dissent.

This report provides a comprehensive overview of the current digital rights situation in Bahrain, assessing governmental actions, the effects of censorship and monitoring, and the reactions of civil society. By bringing these concerns to light, it hopes to foster a deeper understanding of Bahrain's digital rights possibilities and difficulties as well as offer recommendations for improving the situation. This will facilitate the development of

informed and effective strategies to protect and promote human rights in the country's digital environment.

2. Historical Context of Digital Activism in Bahrain

Digital rights evolution in Bahrain is closely linked to the country's political and social history. Over the past decades, Bahrain has experienced a series of events that have significantly shaped its digital landscape and its policies around human rights in the digital realm.

Bahrain's digital rights landscape has been significantly shaped by the events of the 2011 uprising. During this period, social media platforms like Twitter and Facebook became crucial tools for organising protests and disseminating information about government actions. The government's harsh response to these digital activities highlighted the contentious nature of digital rights in the country.

2.1. The Arab Spring and the 2011 Uprising

The turning point for digital rights in Bahrain was the 2011 uprising, in the context of the Arab Spring. This period is characterized by the leading role assumed by social media platforms, such as Twitter and Facebook, as they played a key role in terms of organizing protests and disseminating information about the government's actions domestically and internationally. Activists used these platforms to organize and mobilize citizens while capturing and documenting state repression, seeking to leave everything collected and gaining direct contact inside and outside their countries. The government responded aggressively to these practices, applying massive censorship and surveillance measures to control the narrative and attempt to repress dissent. This period highlighted for the first time the duality of the digital sphere, as a place for both freedom of expression and repression.

These early days marked by the Arab Spring were characterised by a sense of technological utopia. Social and Web 2.0 technologies were seen as new tools for

challenging power and claiming rights. It was hoped that cell phones, Twitter and Facebook would be key to exposing state brutality, facilitating opposition organising and connecting disparate members of society. Citizens felt empowered with these tools at their disposal.

2.2. Legal response

The uprising dazzled this new arena for dissent and over the following years the Bahraini government has intensified its efforts to control the digital space. Amendments to the 2002 Press Law were introduced in 2012, and in 2014 the Cybercrimes Law was enacted, which included broader and more vague provisions allowing the government to criminalize cyber dissent. These laws have been instrumentalized to prosecute individuals for activities such as defamation, dissemination of fake news and hate speech, severely restricting citizens' freedom of expression and online privacy.
Recently control over digital spaces has been strengthened. In 2018, the Bahraini government introduced amendments to the Penal Code that increased penalties for defamation and dissemination of fake news. These amendments have been used to persecute journalists, bloggers and social media users critical of the government.

National response to online dissent can be illustrated through the case of prominent human rights defender Nabeel Rajab. Rajab was sentenced to five years in prison in 2018 for tweets criticizing the Bahraini government's human rights record and its involvement in the Yemen conflict. Blown-up sentences with which the Bahraini government intends to placate digital dissident initiatives. Similarly, former Member of Parliament Ali Rashed AlAsheeri was arrested and later convicted for tweeting his intention to boycott the elections, demonstrating how the government uses legal means to silence opposition.

Such actions reflect a broader trend towards utilizing legal frameworks to suppress dissent in the hopes of controlling the narrative within Bahrain. The government's

amendments to existing laws and the introduction of new legislation all serve the effort to reinforce its control over freedom of expression, both online and offline.
And these legal responses emphasize a commitment by the Bahraini government to maintain its tight control over digital expression to suffocate the voices of opposition, further contributing to a highly repressive environment for digital rights in the country.

2.3. Impact of COVID-19

The COVID-19 pandemic brought with it new dynamics in the digital rights arena, exacerbating many of the related problems in Bahrain. The government has introduced contact-tracking applications that track users' movements to monitor the spread of the virus, raising significant privacy concerns. Which raised significant privacy and surveillance concerns. These measures, while seemingly intended to control the pandemic, have expanded the surveillance capabilities of the state under the guise of public health and further limited the space for digital activism. COVID-19 further stifled digital activism by providing the government with additional tools to monitor and control the population. The COVID-19 pandemic introduced new dynamics to the digital rights environment in Bahrain. Through the government's "BeAware Bahrain" App, with which they could monitor the spread of the virus, significant privacy concerns were raised. "BeAware Bahrain" captured GPS location data and uploaded it to a central database, tracking users' movements in real time. This method allowed authorities to link personal information to individuals, as users must register with a national identification number.
Claudio Guarnieri, head of Amnesty's Security Lab, stated that the app "infringes on people's privacy, with highly invasive surveillance tools that go far beyond what is justifiable".

Mohammed al-Maskati, a Bahraini activist, expressed concern that information collected by the app could be shared with third parties. In countries where rights of expression are not fully respected, this breach of privacy poses a risk to activists. The pandemic provided the government with additional tools to monitor and control the population, making it increasingly difficult for activists to mobilize and organize without being

monitored or censored. The opportunity for government overreach further repressed digital activism and freedom of expression in the country.

3. Evolution of the concept of Digital Citizenship

3.1 The concept of digital citizenship

Digital citizenship in Bahrain has evolved significantly. Digital awareness develops through platforms such as Facebook and Twitter that allow, for the first time, Bahrainis to exercise their citizenship online, articulating new political visions and mobilizing resistance against the regime in the sphere. Over time, however, the space for digital activism has become increasingly restricted by government repression. Citizenship studies have evolved to consider citizenship not only as a form of legal membership with its rights and duties, but as a performative act that takes new forms in diverse sites, bothinside and outside the state-centred political realm. Social media offer a space in which people can create new transnational networks and de-spatialized communities.

3.2. The Rise of Independent and Alternative Media

The Bahraini community responds to government repression by organising itself, including by creating alternatives to the mainstream through independent media. Platforms such as Bahrain Mirror can offer critical perspectives on the government and assume the role of alternative sources of information. Bahrain Mirror in particular is an independent online newspaper, founded in 2011 by Bahraini journalists, to provide a free platform to address the situation in Bahrain and the Gulf Cooperation Council states. It focuses on freedoms, democratic transition, human rights and coexistence,based on credibility and objectivity. Its web platform, in English and Arabic, promotes free debate and reflects a plurality of opinions, especially censored ones.

However, these media face significant challenges, such as signal jamming and website blocking, which limits their reach within Bahrain. Alongside joint projects, in parallel, digital activists began promoting digital skills education, focusing on online safety, privacy and digital rights. Digital education is organised to raise citizens' awareness of the importance of protecting their data and exercising their rights in the digital environment.

4. Legal Framework and Digital Rights

As previously mentioned, Bahrain's legal framework does impose significant restrictions on digital rights. Adjustments made to laws regulating speech and online activities have been made to instrument the law to criminalise dissent and restrict freedom of expression.
Recent legal developments have further tightened these controls, with new cybercrime laws being used to monitor and repress opposition.

4.1. Media Regulation Act 2002

Media Regulation Law 47, enacted in 2002, contains broad and vague provisions on the regulation of the press, printing and publishing. The UN Human Rights Committee expressed concern during Bahrain's periodic review in 2018. Article 1 of the law protects the right to expression, as long as it respects *"the fundamentals of Islam"*. Under Article 68, journalists and activists can be sentenced to up to five years in prison for *"criticising the king"*, *"violating the country's official religion"* or *"instigating the overthrow of the regime or its change"*. It includes vague provisions, such as prohibitions on*"violating respect for individuals or private lives", "asserting imperfection against a king or head of an Arab or Islamic state, or any other country that has diplomatic relations with Bahrain", "disrespecting or humiliating"* government bodies, and publishing false news aimed at "*disrupting public security and affecting public interests".*

In April 2021, Bahrain amended the Media Regulation Law. Bahraini news agencies report that the amendments include an important section on the regulation of digital media and remove imprisonment as a punishment.

4.2. Information Technology Crime Law of 2014

In 2014, Bahrain enacted a law on Information Technology Crimes. Implemented in conjunction with other laws, it extends vague and broad restrictions on speech to the internet. Under its provisions, Bahraini authorities are empowered to prosecute individuals for online speech that violates vague and broad provisions in the Penal Code, the terrorism law, the media regulation law, the telecommunications law as well as other laws.

4.3. Developing Surveillance Capabilities

As surveillance technologies have spread, and in response to widespread activist use of the digital realm, the Bahraini government has adopted sophisticated surveillance technology tools to monitor its citizens. Amnesty International has documented the use of spyware like FinSpy and FinFisher to track activists' online activities. In 2020, it was revealed that several activists' devices had been hacked with Pegasus spyware which highlights the extent and complexity of the state's surveillance operations.

In 2020, by Decree No. 65 of 2020, the government created a new agency under the Ministry of Interior: the National Cyber Security Centre, which also includes the Cyber Policy and Cyber Security directorates. These agencies have been adapted to target online activity targeted by Bahraini authorities. The restrictive legal framework and surveillance capabilities in Bahrain reflect a concerted government effort to control the digital space and stifle dissent, severely undermining digital rights and freedom of expression in the country.

In 2021 and 2022, analysis by Amnesty International and Citizen Lab confirmed that the phones of three Bahraini activists were hacked using Pegasus spyware. These activists included a lawyer and a mental health counsellor, all known for their critical stance against the Bahraini authorities.

- Mohammed Al-Tajer: Al-Tajer is a lawyer known for representing political prisoners and activists in Bahrain and his phone was tapped and hacked several times in September 2021.

  Despite his long history of human rights advocacy, which has exposed him to various dangers, the Pegasus spyware intrusion left him vulnerable by exposing all his personal and professional information. Al-Tajer exposed the serious violation of privacy and the state's ability to monitor and intimidate its critics without direct contact.
- Dr. Sharifa Siwar: As a mental health consultant she had published complaints against the Ministry of Health, which exposed and targeted her. Her phone was intercepted with Pegasus spyware in June 2021, a month after she had been pardoned by the King of Bahrain on previous charges. The hack forced her to flee Bahrain and seek asylum in the UK. Her case underscores the wide reach and impact of state surveillance on personal freedom and security..

Disclosure of these hackings highlighted the urgent need for regulatory frameworks to prevent the misuse of such surveillance technologies. Amnesty International has called on the Bahraini authorities to stop the use of these invasive tools. Cases involving the use of advanced surveillance technologies for digital repression highlight the Bahraini government's extensive efforts to control and suppress dissent. The use of the Pegasus spyware program, in particular, reveals the significant threats to digital rights and the broader implications for privacy and freedom of expression in Bahrain.

5. Case Studies of Digital Repression

5.1. Pegasus spyware: In 2022 Amnesty International reported that the devices of several Bahraini activists were hacked. This included three different individuals whose devices were hacked through the use of Pegasus spyware. According to Amnesty International, this is part of a larger campaign of digital repression which also includes targeted malware attacks to surveil and intimidate activists.

5.2. Political and religious expression: Several social media users were arrested between June 1, 2022, and May 31, 2023, for their political or religious speech. Among them was well-known attorney Ebrahim al-Mannai. The aforementioned arrests emphasize the ongoing risks faced by activists who advocate through digital platforms.

5.3. Government website hacking: A few hours before parliamentary elections in November 2022 proved that state news agencies and government websites could be compromised thus showing how cyberattacks can exploit weak digital infrastructures.

6. Government response and repression

There have been various strategies and measures put in place by the Bahraini government to control and repress digital expression, including the following:

6.1. Surveillance: For example, the government has advanced surveillance tools like FinSpy and FinFisher to monitor dissidents and activists closely online. This allows the state to track online activities, intercept communications and collect personal information.

6.2. Censorship: Bahrain has employed censorship as a recurrent tool to control digital mobilisation. Websites and online platforms that criticise the government or promote opposition views are frequently blocked.

6. 3. Legal repression: This scheme has been discussed in greater depth previously, but laws such as the 2002 Press Act and the 2014 Cybercrime Act have been used to

criminalise online dissent. These laws include broad and vague provisions that allow the government to prosecute individuals for defamation, spreading false news or inciting hatred.

7. Future Directions and Recommendations

Despite the challenges enumerated, there is room for improvement regarding digital rights in Bahrain as the digital sphere never changes. This indicates that it is possible to create new ways of protecting and promoting these rights when it is backed up by strong advocates who are also supported by the international community. This implies that digital security should be reinforced while at the same time developing secure communication platforms as well as advocating for legal reforms which will guard against infringement on online freedoms.

7.1 Recommendations

1. *Strengthening Digital Security:* Activists need all-inclusive training to learn how they can protect their communications and data from being monitored by the governments.
2. *International Advocacy:* International bodies and foreign nations must continue standing firm for Bahrain's digital rights while reminding people about these rights to enable them to push for reformation through diplomatic means.
3. *Secure Platform Development:* It is necessary to invest in creating safe communication networks that put the privacy of users first thus preventing any form of government infiltration.
4. *Legal Reforms:* Recommend legal reforms based on EU law.

8. Conclusion

Digital rights in Bahrain remain a contentious and challenging issue. The government's extensive surveillance and censorship measures have significantly restricted these rights, however, activists are still finding ways by which they can resist these restrictions and advocate for greater freedoms. International support and continued efforts to develop secure technologies and legal protections are critical to ensuring that digital spaces can serve as platforms for positive political change in Bahrain.

By shining a light on the digital rights situation in Bahrain and supporting efforts to protect these rights, the international community can contribute to the broader struggle for human rights and democratic governance in the region.

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