

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



*Bahrain Human Rights Monitor*

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## “Investigation” as a Way Out of the ‘Allegations Crisis’

There are several allegations regarding the Government’s violation of the rights of its citizens. For as soon as an incident occurs or a controversial issue is stirred up, the Government is usually blamed for it. And in all these circumstances, international human rights organizations demand that the Government undertakes independent investigations in order to unravel the truth. The Government, from its part denies committing any violation and sometimes justifies its position or blames other parties. Occasionally, it also conducts investigations which remain unpublished or only published in part without any details keeping the rest of the information to itself.

Due to the numerous allegations and accusations filed against the Government, (despite the fact that some of them have been proven to be politicized or even false), and in addition to the constant complaints by human rights organizations regarding specific incidents, the Government has no choice but to confront the challenge of overcoming its fears and taking steps to convince both local and foreign human rights organizations of its position. The case of Jaffar Khazim Ibrahim demonstrates the above where we can see that the allegations against the Government were proven to be lies. However, the latter did not publish a great deal of information regarding the case due to the sensitivity associated with issues of honor and individual privacy. International human rights organizations have issued hasty statements and wrote to the Government demanding an investigation. However, due to the publishing of the victim’s pictures, which was one of the reasons for the issuing of the public statements, some of these organizations are still not convinced by the information provided by the Government, despite the fact that local public opinion is convinced of the honesty of the Government’s position. In other words, these international human rights organizations still demand an independent investigation regarding the allegations of the Ibrahim’s case; for they are still convinced that some violations have occurred in other cases. Due to all of this, there seems to be no other foreseeable solution but conducting the investigation as only this guarantees revealing the truth.

The constant problem facing the Government is that it does not possess any mechanism that can be relied on to conduct independent and impartial investigation. And there might not be any specific and independent or official body that can undertake the task of investigating the allegations which can gain the trust of both parties- the Government and the human rights organizations. These organizations see the necessity of the investigation being conducted by an independent body outside the state’s establishment, such as, the Lawyer’s Society, Human Rights Society or a group of civil society institutions. The question here is: why is the Government apprehensive of independent investigation?

There are various reasons for this, the most important of which are three. The first is related to the Government’s insistence that state institutions should be referred to in all cases. The second is linked to the Government’s distrust of unofficial and impartial institutions and perceives that at least some of these are politicized. The Government also questions the competence and expertise of these institutions in conducting investigations. The third relates to the feeling that institutions and state figures cannot be questioned by unofficial bodies. It is thus reasonable to ask: what would happen if civil society institutions were found to be incompetent for the task of conducting investigations? Would not this increase the gap in the relationship between the Government and civil society institutions? And would the Government accept such institutions to undertake this task in the future?

However, there is no other solution than the Government accepting to conduct investigations, agree with the concerned parties on strict guidelines for the investigations, take responsibility for any outcome, participate in developing trust in human rights organizations and support the latter in order to strengthen its local expertise.

**Hasan Moosa Shafaei**

**President - Bahrain Human Rights Monitor**

### In this issue

- 4 Family Law: Why Shia Section not Adopted?**
- 5 Human Rights NGOs Strategy with Government**
- 6 Isabelle Scherer: Ready to Support Arab Defenders**
- 8 Towards a Strategic Shift in the Human Rights Field**
- 10 Human Trafficking: Need to Protect Migrant Workers**

### Political Consensus is Needed to Pass the Shii Section of Family Law

On the occasion of the adoption of the Sunni section of Family Law, the Secretary General of the Supreme Council for Women, Lulwa Al Awady, hoped that the approval of the second section concerning the Shias will follow shortly. She explained that Bahraini families have suffered greatly due to many problems which could have



Lulwa Al Awady & Mariam Al-Ruay

been resolved in a better manner had a legislation, which better suited this modern day, existed. She also added that the 'State cannot impose a certain law on a whole sect in society'. The President of Bahrain Women's Union, Mariam Al-Ruay commented on this subject by saying that 'passing a law with one section only enhances the fragmentation of society, divides its people further and prolongs the suffering of a large section of women'. In the same line, Ms. Fawzeya Al-Saleh, member of the Shura Council, drew attention to the fact that the Family Law includes two sections - political and religious (the latter relates to Islamic jurisprudence). She stated that the State should agree with the opposition in order to resolve the political section of the law. As for the religious section which has not been agreed upon, this should remain under discussion. Among the controversial articles included in the Family Law, is the right of women to annul marriage and ask for divorce. In the case of divorce, the woman must remain in her house until the ex-husband provides her with another form of residence. In addition to this, the man has no right to force his ex-wife to relinquish the

custody of the children. The law also allows the testimony of women as proof of marriage or divorce.

### An MP: 'The Government does not respond to the proposals of the House of Representatives'

MP Jalal Fairuz reminded the Government of the need to expedite the return to the House of Representatives the draft laws or the amendment proposals that were sent to the Government for consideration and comment; so that the efforts of the MPs in preparation, formulation and approval of the proposals are not wasted. Fairuz said that the House of Representatives is waiting for the draft law of the National Human Rights Commission, which was approved a year ago. He added that 'this law is one the most important to be passed by the Kingdom of Bahrain and is at the top of priorities to be implemented by the country in the context of the Universal Periodic Review'. He pointed out that there is an amendment proposal for the Criminal Procedures Act which is still in the hands of the Government awaiting its approval or rejection.

### The Young Ladies Association in Bahrain Encourages Women to Use their Right to Vote

The President of the Young Ladies Association, Samira Abdullah, said that the Society will put forward a plan to encourage women to participate in elections and voting and to also have an active role in the next elections. Abdullah also noted that the Society is in the process of forming working groups and issuing posters and leaflets for the next campaign to enable women to enter the Parliament and Municipalities- which they failed to achieve in the last

elections.

### Debate on the Lack of Democracy within Political Societies

On 7 May 2009, the National Democratic Assembly organized a debate regarding democracy within political societies and its link to promoting the reform project. The President of the Society, Abdulrahman Al Bakar, stressed the need of the Bahrain democratic



Al Bakar

experience to bypass the lack of democracy phenomena inside most political parties and civil society organizations. He also called for strengthening the tradition of dialogue, accountability and internal democracy and elections. The participants mentioned that political societies should keep away from sectarianism and from completely close its doors for all citizens, as focusing on sectarianism hinders democracy.

### Human Right Activists and Journalists voice Reservations about Private Media Law

The Secretary General for Bahrain Human Rights Society, Abdulla Al - Drazy, expressed his reservation regarding a memorandum filed by the government to the Parliament on the Private Media Bill. He said that some of the articles in the proposed law hinder journalism especially those relating to authorising the Minister of Information to stop a broadcast immediately. He also added that such articles limit the scope of freedom, allow for malicious actions and put the decisions at the mercy of the moods of the Minister. This

can also lead to investors refraining from establishing private channels. According to Drazy the solution of this problem should be the responsibility of the judicial authorities as they should always be referred to regarding any breach. Drazy added that 'Bahrain is very behind with respect to establishing private channels, there must be a law which increases the scope of freedom if these channels want to be distinguished in their work'.



**Abdulla Al-Drazy**

On the other hand, the President of the Transparency Society, Abdul Nabi Al Ekri, stressed the need to be transparent in granting licenses to these channels. He criticised the article, which states that receiving no response for a channel license from the authority within two months is regarded as a rejection; stressing that in order to be transparent in the subject, reasons should be provided or an opportunity should be given to the applicant to resort to the court to look into the reasons for the rejection.

## **Banning 'Gulf News' for Anti-Iranian Article**

In an unprecedented move, the Ministry of Information banned the publication and distribution of Gulf News for a day, Monday 22 June 2009, for breaching the Press Law when it published an extremely aggressive and sarcastic article regarding the Iranian regime and its figures, including the Prime Minister and Supreme Leader. Analysts believed that the closure was politically motivated, especially as there are some allegations which state that Iran had protested against the article.

However, according to some human rights activists, the article did, in fact, breach the Press Law by sarcastically disrespecting the citizens' beliefs. The article also mocked the clothing

of Iranian clergymen as well as other religions; such as where it described the Iranian President as having a Jewish background. On the other hand, the editor-in-chief of the newspaper, Anwar Abdulrahman, said that he was informed of the ban without being given any reasons. Moreover, some international human rights organisations expressed their condemnation of the ban and regarded it as a violation of the freedom of the press and contrary to the existing laws. In a statement, the Journalists' Society expressed their deepest concern over the decision and regarded it as disturbing the atmosphere of freedom - which all journalists strive to promote. The Society considered the decision as 'a surprise, and breach of the law, especially as the Ministry of Information did not warn the newspaper

in accordance to article 84 of the Press Law'. It also called upon the Ministry to 'promote the atmosphere of freedom and democracy which is being witnessed in Bahrain'. In addition to this, the International Federation for Journalists (IFJ) issued a statement on 23 June 2009 welcoming the lift of the ban. However, it considered it as 'a serious violation of press freedom'. Moreover, according to the Deputy General Secretary of IFJ, Paco Audiji, the decision was a vindictive reaction, which is unacceptable.



**Samirah Rajab**

## **Al-Ekri: Combating Corruption is Ineffective**

Bahrain Transparency Society praised and valued the Council of Ministers' approval of Bahrain joining the UN Convention against Corruption last May and presenting the draft law to the legislative authority. The Society also praised the Public Persecutor's reassurance that 'corruption cases will be prioritised'.

The Society requested that the House of Representatives 'plays an active role in the monitoring process, quickly ratifies the UN Convention against Corruption and implements all the relevant requirements, including the establishment of a national committee for combating corruption, without ignoring its role of looking into the reports of the Financial Monitoring Council'.

The President of the Society, Abdulnabi Al-Ekri, criticized the reluctance of the Government regarding the establishment of a committee which monitors and follows up the implementation of the transparency and combating corruption commitments. He said that joining the agreement without establishing a specialized committee for the above minimises the impacts of the Government's step and renders combating corruption ineffective. Al-Ekri also called for the use of strict

measures for combating corruption and ratifying a law for disclosing the financial liability of officials.

Moreover, the Justice Minister, Sheikh Khalid Al-Khalifa, ruled out the establishment of a national committee for combating corruption because of the existence of several specialized committees in this field. Such as the Tender Board, the Office of Financial Supervision, the Public Persecutor's Office, the Judiciary, in addition to the Parliament.



**Abdulnabi Al-Ekri**

He explained that the existence of several bodies for combating corruption is better than confining all efforts to the establishment of one committee.

With regards to another related subject, Al Ekri stated that the Society is proud at the trust that it receives from abroad which led to receiving an invitation to supervise the Lebanese elections, and earlier time the elections of the Kuwaiti National Assembly. He noted that 'his Society is keen on participating in monitoring elections abroad, in order to benefit the Society when monitoring the next Bahraini Parliamentary elections in 2010'.

## Family Law: Why Just Adopting the Section Related to the Sunni Sect?

Historically, there has always been a great deal of sensitivity among Shia scholars regarding the interference of political authorities -whether positive or negative - in their religious affairs. Throughout their history, Shia scholars were eager to distance themselves and their sect's private affairs from the ruling authorities and preferred to retain complete independence even financially.

Perhaps this historical legacy can provide an explanation for the position that was adopted by Shia scholars in Bahrain when they rejected the draft personal law (now known as the family law) whether it dealt with both sects or applied exclusively to the Shia. The Government presented the draft law to both parties but was rejected by the Shia whereas the Sunni section was then passed onto Parliament for discussion and was recently endorsed.

The Shia's rejection of the draft law does not merely stem from their disagreement with some of its articles, but the root of the problem lies in their fear that regulating personal law would allow the political authority to interfere even more in their private religious affairs. This apprehension extends to issues far beyond those concerning the family and woman and could include all the religious affairs of the Shia. The Government recently gave up on its attempt to regulate religious rhetoric and institutions (mosques and husainiyat) in the hope that an agreement between the Government and religious scholars would be reached.

Any state is inclined to extend its domination to the private sphere and especially the religious one, and this is what worries some, for regulating religious rhetoric, institutions and activity in general is crucial for the development of the state and is also a necessity for the citizens themselves.

But how can this be achieved without the State's interference and an expansion of its control? And how can scholars be convinced that regulating and institutionalizing religious activities does not necessarily constitute 'negative' interference from the Government?

The Government tried to convince the Shia firstly that accepting the law is in the interest of religious work and secondly in the interest of the State and its citizens. The Government also presented some plausible safeguards that it will not and does not wish to interfere in private religious affairs, which will be in the hands of religious scholars presently and in the future. But all this was not enough and resulted in hindering the progress of the new law.

On 27 May 2009, the law No (19) was signed by the King regarding family law for the Sunni section after it was endorsed by the Parliament. Article (2) of the law states that the law is only to be amended after consulting a specialized committee in Sharia law formed by royal decree half of whom should be religious scholars and Sharia law judges.

Some scholars believe that in fact, this law only came about due to Western pressure on the Bahraini Government. We, however, do

not think that this is the case and believe that the introduction of the family law was a result of local and public demand. Regardless if this claim is correct, this is not a sufficient reason to reject the law as there are many families which have been subjected to cruelty and assault due to the absence of such a law and also due to the dominance of personal interpretations among judges who deal with family and woman-related issues. Until now, the safeguards of the Government have not calmed the fears of Shia scholars and further debate, discussion and understanding are needed between both parties in order to enable this law to materialize, which will hopefully take place soon, and will not be hindered by unfeasible demands such as changes in constitutional articles or the addition of new ones.

The Shia in Bahrain are partners in the three authorities of the State, and hence they are not strangers nor is the State a foreign entity to them. This should supposedly reduce the amount of sensitivity and mistrust even to a lower degree especially at this time. Some could see the rejection of the family law as indicating a lack of trust among Shia scholars themselves and their public, as though they are the weak link that can be easily broken even by trivial causes. The interests of the State do not contradict with the interest of its Shia citizens and the adoption of family law has advantages which all parties can easily see, whether it be those concerned with the issuing and implementation of the law or those affected by its implementation.

## Bahrain: Human Rights Organizations and the Relationship Strategy with the Government

**Hasan Moosa Shafaei**

It is customary for international human rights organizations, such as Amnesty International and Human Rights Watch, among others to differ in the way of dealing with various countries around the world. On one hand, they adopt a method based on co-operation and constructive criticism in their relationship with some countries. But on the other hand, they use a confrontational approach with others which includes escalation via the media, mobilization of public and political pressure as well as the use of blunt language.

The nature of the relationship between international organizations and various countries, as well as the differences in discourse is determined by the human rights record of each country. Two categories of countries can be identified in this area. With respect to authoritarian countries, and in order to create gradual change, it is necessary for international human rights organizations to adopt a strict approach which includes escalation in discourse, confrontation and strict scrutiny. In addition to this, it is also important to constantly follow up the events taking place and regularly issue public statements and reports etc; as in such countries oppression is widespread and unlikely to stop in the near future. Additionally, strict authoritarian policies prevail in such countries - as revealed by their human rights record.

The second category includes countries where human rights violations are limited, or those trying to reform their human rights record, develop their legislations, do not restrict the opposition and exert efforts to improve the human rights situation. Such countries can achieve these developments through inventing new mechanisms, filling-in legal gaps and committing to the minimum limits of their human rights obligations at both national and international levels. With regards to such countries, international organizations avoid any kind of confrontation and help them improve their human rights situation through encouragement without

undermining the importance of both private and public constructive criticism. It seems that this distinction in the treatment of countries has been resolved on by international human rights organizations and still represents a disagreement among human rights defenders in the Arab world, such as Egypt, Morocco, Tunisia, Algeria, Palestine, Jordan as well as Bahrain among others.

In some Arab countries, local human rights organizations have opted for the use of constructive criticism and co-operation for developing the country's human rights record. Morocco is an example of this where it is apparent that it has progressed a great deal in democratization and respect for human rights. However, other human rights organizations in other countries are still caught between choosing the approach which uses confrontation and escalation or the one based on co-operation and constructive criticism.

It is likely that the root of the problem stems from the fact that human rights organizations have different evaluations of the performance of the political system at all levels (politically, legally, socially and legislatively). Thus, it becomes important to answer the following question: is it possible to build on the regime's policies in order to promote reform, development and respect for human rights? Or is the regime uncompromising in its position and does not want change and reform? Therefore, it is not possible to depend on the use of moderate discourse as a means of changing the Government's position.

In Bahrain, human rights organizations differ, till this day, with respects to the evaluation of the situation. And hence, they differ in determining the nature of the relationship between them and the Government. In our evaluation, the dissolved Bahrain Centre for Human Rights believes that nothing important was accomplished with respects to the political, civil and social rights of the citizens. Therefore, there is no other away



*Hasan Moosa Shafaei*

than confronting the regime and escalating the political and human rights discourse and mobilizing the public towards confrontation. On the other hand, Bahrain Society for Human Rights evaluates the situation differently and feels that - despite its flaws and shortcomings - the current political regime is not the same system of the 80s and 90s. For it has clearly developed mentally, practically as well as in theory and practice. Thus, it is necessary to co-operate with the regime, criticize it in a constructive manner, encourage it, push it towards making bigger reforms and benefit from the available margin of freedoms in promoting a human rights culture in order to achieve more progress in the future.

We believe that it is necessary to discuss the disagreements between the Bahrain human rights organizations regarding this subject in order to unify their efforts when adopting the best suited approach for the situation in Bahrain. Of course, there are some human rights activists who believe that both ways are correct. However, the Bahrain Human Rights Monitor believes in adopting constructive dialogue with the authority and the use of developed, balanced and impartial human rights discourse. As this is the most effective approach to develop human rights and push it forward as well as develop the political system itself.

## Isabelle Scherer: We are Ready to Support Human Rights Defenders in the Arab World

The International Service for Human Rights (ISHR) is a 25-year old non-governmental organisation based in Geneva that supports human rights defenders in using the UN human rights and regional systems. It puts its decade-long expertise in the UN human rights mechanisms at the service of human rights defenders in the world by providing analytical and practical information, and by training them and national human rights institutions on these systems. The Bahrain Monitor met Isabelle Scherer, Director of the International Service for Human Rights, and interviewed her about a number of issues.

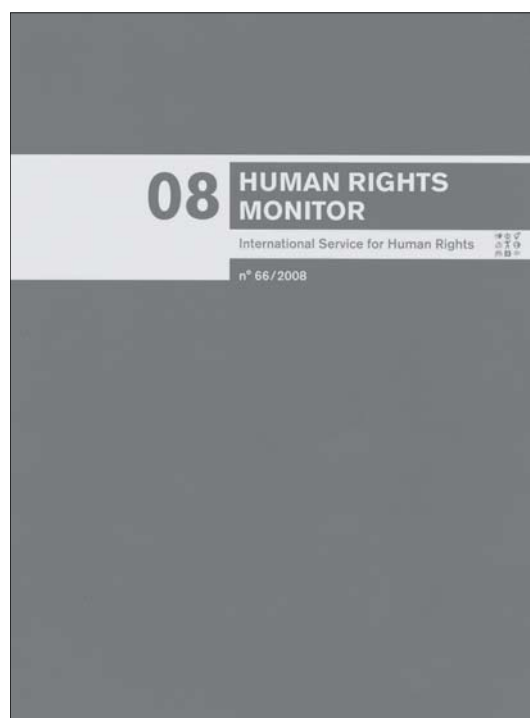
**Q. What is more concretely your work in Geneva?**

ISHR monitors all major human rights-related meetings of the UN in Geneva and produces reports and analysis of the debates, developments, and key issues. More specifically, ISHR monitors and reports on all sessions of the Human Rights Council, the Universal Periodic Review and the treaty bodies, namely the bodies that examine States' compliance with their obligations under human rights treaties. We also follow closely the work of the

special rapporteurs and working groups of the Human Rights Council. The UN human rights system may appear complex to outsiders and it is essential that human rights defenders, especially those in the global South, get a clear understanding of the existing standards, the different mechanisms and the key issues being debated at the UN. ISHR plays a major role in providing up-to-date, concise and objective information on all of these points.

**Q. You use the word “human rights defenders”, but who is a human rights defender?**

The UN Declaration on Human Rights Defenders gives a broad definition: everybody who, individually and in association with others, promotes and works to protect and implement human rights and fundamental freedoms at the national and international levels is considered a human rights defender. So what matters is the activity of defending and promoting human rights, and not the identity or the profession of the person. It also means that someone who works to



promote and protect the right to health, to development, the right of migrant workers, of persons with disabilities, for instance, is a human rights defender. This notion is not restricted to civil or political rights.

**Q. You say you facilitate the use of the UN system for human rights defenders: How do you do this?**

Very often, human rights defenders and national human rights institutions around the world would like to engage with the UN system but they don't know how: they have little information and most of the time little capacity. ISHR organises training courses on the UN human rights system two to three times a year in Geneva, in English or French, for participants from all over the world. The courses take place

during the Human Rights Council or treaty body sessions, so that participants can get first-hand exposure. All speakers are experts in their field: staff members of the Office of the High Commissioner, ambassadors, special rapporteurs, etc. The focus of the courses is on practical learning: it is action-oriented so that participants bring home skills and knowledge that they can use in their everyday work. Participants learn how to present information to the treaty bodies, to the special rapporteurs or to the newly created Universal Periodic Review that examines the situation of all countries in the world. Human rights defenders have a major role to play to make the UN system work and credible.

In addition, ISHR keeps a close contact with participants once they are back in their home country and we provide them with all sorts of additional support and advice depending on the needs they express.

**Q. So, what about the Middle East: Do you provide information in Arabic, do you organise training courses in Arabic in Geneva or in the Arab world?**

We know that human rights defenders in the Middle East are very keen to receive information on the UN human rights system and on how to use it. However there is a crucial lack of information and capacity and we can see this in our everyday work here in Geneva. ISHR is very well placed to fill this gap. At the moment, most our

publications are in English, but we are currently seeking funding to translate key documents into Arabic.

As for training courses in Arabic, ISHR is currently seeking funding to implement its new MENA strategy. We wish to provide the same kind of high-quality information and training courses for Arabic-speaking defenders as we do for English or French speakers.

In the meantime, I want to encourage more English-speaking human rights defenders from the region to take part in our courses, as was the case recently with a few participants from the region. (To apply to the courses, please see our website: [www.ishr.ch/capacity\\_building](http://www.ishr.ch/capacity_building))

**Q. Does ISHR have a specific agenda and does it campaign on country situations?**

ISHR does not have a specific country agenda because it is essentially a service organisation that puts its expertise at the service of all human rights defenders in the world. ISHR played a major role in the process leading to the drafting of the UN Declaration on Human Rights Defenders in 1998 and in the creation of the mandate of the UN Special Rapporteur on Human Rights Defenders, and we have always continued to be very



*ISHR is planning to launch a new strategy for Middle East and well focus on empowering Arab human rights defenders*

active on this issue that is central to ISHR's mission. We also do advocacy work to ensure a strong and effective Human Rights Council, for instance, but we do not take positions on the situation of human rights in the world.

**Q. Do you have activities in the field?**

We carry out activities in many regions of the world, in particular in relation to regional human rights mechanisms when they exist, as is the case for the African Commission on Human Rights, the Asia Pacific Forum, and the Inter-American Commission. In the Middle East, we have been invited to carry out training courses in the past, for human rights defenders and national human rights institutions, and we are keen to have more opportunities to do this.

For more information please see:

[www.ishr.ch](http://www.ishr.ch)

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## The Future Mission of Bahrain Human Rights NGOs

### Towards a Strategic Shift in the Human Rights Field

There are two main tasks that face human rights organizations in Bahrain which represent the scope of their work. The first is to follow up the details of daily events, monitor violations, issue statements and resolve situations as needed. The second is related to create a radical change in the public attitudes and the society's culture and, most importantly, in the policies of the State. This can be achieved by working towards the adoption of binding human rights legislations, the harmonization of legislations with the international conventions, strengthening the relationship between the State and international human rights organizations, encouraging the ratification of relevant international human rights conventions and bringing about a major change in the culture of the society in favour of human rights. The outcome of all the above will improve the performance of the Government in the human rights field based on the implementation of its adopted legislations or signed conventions, in other words, through conviction and legal obligation and not necessarily by resorting to the media or local and international pressure.

Both of these tasks are needed, the first represents the organizations' daily work, and the second is the long term strategy. The daily field work pushes towards strategic change, and this, in turn, minimizes drastically daily violations which usually result from the existence of weak establishments, the lack of expertise and training, the absence of binding legislations and the fact that the human rights culture is not deeply rooted- and neither is the adherence to its standards.

This imposes on Bahrain's human rights organizations not only to occupy themselves with the daily field work- due to its importance – but also to focus more on thinking strategically regarding the way in which the state's apparatus

can be changed to work according to human rights mechanisms and adhere to their standards. As for being totally engaged in following up daily individual cases without noting the prospects for the future, this can result in losing an important opportunity for making the required shift at the national level. Thus, a balance between the two is needed so that human rights activists do not spend their lives pursuing endless breaches, and this requires that human rights organizations have a clear strategic plan or contribute to existing plans on the ground. Right now we have before us the plan of the Government which was presented to the UN Human Rights Council as part of the Universal Periodic Review mechanism in which the Government committed itself to undertake major steps over four years. These commitments were recognized by local human rights organizations, members of the Human Rights Council and the High Commissioner for human rights. A year has passed since the making of these commitments, and we fear that this opportunity will be lost by the end of the four years and that the Government alone will not be able to fulfill its commitments without the support and the active participation of Bahrain's human rights societies - who were requested by the Human Rights Council to become an essential part in the implementation process.

Let us have a look once again at the commitments made by the Government and think how the situation would be if they were indeed to be implemented.

1- The Government is committed to ratify international human rights agreements and the harmonization of national legislations with them. Such as, the Convention on the Protection of the Rights of Migrant Workers, the Convention on the Rights of Persons with Disabilities, International Convention for the Protection of All Persons from Enforced Disappearance,

United Nations Convention against Corruption (UNCAC) and various articles from the Convention Against Torture and the Convention on the Elimination of all Forms of Racial Discrimination.

2- The Government has pledged to apply the obligations of various human rights conventions that have been ratified by Bahrain. This task will be assigned to the proposed National Human Rights Commission, which the Government has also pledged to establish. The implementation of the Government's commitments will be through the development of certain activities, strengthening capabilities, increasing training programs for police, law enforcement officials and employees of different embassies.

3- Following up the campaign against human trafficking.

4- The Government has pledged to follow up the draft law for civil societies until its adoption by the legislative authority, and to monitor its implementation through official bodies and local civil society institutions.

5- Adopting a human rights approach in the development process.

6- Organizing workshops and seminars on human rights issues in order to increase public awareness.

7- Publish an annual assessment report to measure the progress on the ground and the application of the above-mentioned commitments.

It is clear that the Government has committed itself to many issues, to the extent that the Secretary General of Bahrain Human Rights Society, Dr. Abdullah Al- Drazi, was quoted to say that the commitments made have 'raised the bar beyond Bahrain's capability to fulfill the above-mentioned obligations. And that Bahrain is still not ready for these self-imposed commitments'. What can be understood is that the Government is, to an extent, serious about cooperating



with the Human Rights Council and that it wants to change the human rights situation in Bahrain. The amount of commitments put forward by the Government came as a surprise to some human rights activists. This then implies that local organizations should actively participate as major partners in the human rights process in order to successfully carry out the Government's commitments at the national and international levels.

So far, the Government has formed a national committee which includes representatives of civil society institutions in order to discuss and put forward a plan for implementing these commitments. In the Government's

annual report, which was presented to the Human Rights Council in June 2009, some accomplishments were pointed out such as the organization of several workshops for training, increasing the competence and capabilities of official employees, the establishment of a data base on human rights, the discussion of forming national human rights institutions according to Paris Principles, the development of the work system through abolishing the 'sponsor' system and the ratification of the Sunni section of family law. In addition to this, there are, at the moment, some international human rights conventions which are being studied and others which have already been passed to the

House of Representatives for adoption such as Convention against Corruption.

Despite all of this, it must be admitted that everything that has been achieved so far is inadequate after one whole year and raises doubts concerning the Government's ability to fulfill the commitments mentioned earlier. However, three years still remain before us in which the competent authorities and relevant parties can accelerate the process. This also requires effective participation of human rights organizations in the implementation plan; and also if these organizations prioritize this work and consider it as being strategic and worth all efforts to enable it to succeed.

## Draft Law on the Right of access to Information

The parliamentary block of the Islamic Platform Society presented the House of Representatives with a draft law which gives citizens the right to obtain public information. It comprises of 20 articles which includes questioning any employee who does not comply with this law. The draft law also states that a council for information should be established under the authority of the Prime Minister and headed by the Minister of Information. The draft also provides for the exceptions which would allow the Government to withhold information from its citizens, especially those related to national security and individual cases - among others.

Bahrain Transparency and Journalists' Societies organized a workshop with IREX to discuss the draft law on 6 June 2009, with the presence of a number of MPs, journalists, unions, in addition to representatives of political and human rights societies. During the workshop, a number of the participants opposed article 12 which authorizes the Minister of Information to head the body in charge of protecting the right to access information. The Director of the National Democratic Action Society, Ibrahim Sharif, justifies his opposition by saying that 'the Ministry

of Information is the body which imposes censorship and was, in fact, responsible for closing websites and prohibiting the publication of several books and leaflets, so how can it be the guardian of the right of access to information?'

The Vice President of the Transparency Society, Yusuf Zainil, pointed to the importance of the law and regards it as the foundation for 'enabling citizens and the media to hold the administration and officials accountable for their actions'. He also sees an impartial judicial system as 'the backbone for the protection of fundamental rights such as the right to access to information, and the effective application of laws which is the strongest guarantee for the state of institutions and the rule of law'.

On the other hand, the representative of the International Senior Lawyers, Richard Winfield, demanded keeping the exceptions in this law to a minimum; arguing that a large number of exceptions will only hinder its application and benefits. This law had specified 11 exceptions which can be used to withhold a large

amount of information.

The board member of the Journalists' Society, Muhammad Al-Ahmad, presented a paper in which he strongly criticized the House of Representatives for delaying the discussion and adoption of the Press and Publication Law. He also stressed the need for passing this law alongside the law for



access to information, and added that 'the problem of obtaining information is not merely a law related issue. It is true that the existence of such a law is a big step forward, but the real problem lies in the culture of freely flowing information. Indeed, there exists a large amount of information that is protected by these bodies in order to ensure that it remains confidential and that none of it is leaked to the public. This is done under the assumption that this information truly deserves this high level of caution'.

## Human Trafficking:

### Further Steps Needed to Protect Migrant Workers

On 16 June 2009, the US Department of State published its 2009 annual report on 'Trafficking in Persons' throughout the world. The report placed Bahrain on 'Tier 2 Watch List' regarding trafficking in persons for being "a destination country for men and women trafficked for the purposes of forced labor and commercial sexual exploitation". The report criticized the Government of Bahrain for "not fully comply with the minimum standards for the elimination of trafficking". The report identified nationals of 20 countries who migrate to Bahrain either voluntarily, to work as formal sector laborers or domestic workers, or being trafficked to Bahrain for the purpose of commercial sexual exploitation. The report has also criticized the confiscation of workers' passports thereby placing migrant workers under employers' mercy. Additionally, the report criticized the government for not prosecuting "any employers or labor agents for forced labor of migrant laborers, including domestic workers, under its new anti-trafficking law."

The report has called for the protection of migrant workers, particularly domestic workers who cannot change their employers. In June 2009, the government abolished the 'sponsor' system and replaced it by a new regime that allows workers to change employers. This privilege has not extended to domestic workers. "As a result, potential trafficking victims may have been charged with employment or immigration violations, detained, and deported without adequate protection. Most migrant workers who were able to flee their abusive employers were frequently charged as "runaways," sentenced to two weeks' detention, and deported", said the report. The report has also criticised the legal system for being perceived as 'bias' against migrant

workers, which discourages workers from taking criminal proceedings against their traffickers.

The report alluded to the government's, and other parties', preventive measures to tackle the problem including producing a brochure describing Bahrain's anti-trafficking law and soliciting complaints to its hotline for investigations; producing a pamphlet explaining how to legally obtain a work visa, workers' rights, and how to report violations; organizing press conferences to highlight illegal practices, particularly withholding of passports, relating to human trafficking.

The report recommended a number of preventive and protective measures for Bahrain:

To increase the investigation and prosecution of trafficking offenses and conviction and punishment of trafficking offenders;

To institute and apply formal procedures to identify victims of trafficking among vulnerable groups, such as domestic workers who have fled from abusive employers and prostituted women, and refer identified victims to protective services;

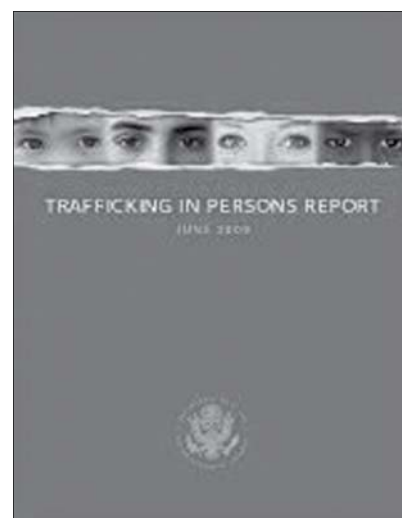
To ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked, such as illegal migration or prostitution.

The report was widely covered in the Bahraini media. On 21 June, Abdulah al-Merza of al-Wasat daily newspaper criticized the government for not officially responding to the report. He called for having a realistic look at the report since it came from a major and friendly state.

On the other hand, al-Sheikh Adel al-Mowa'ouda, chair of the Parliamentary Committee on External Affairs and Defense and National Security, pointed to the minimum impact of the report at the national level. By contrast,

Abdulah Al Darazi, Secretary-General of Bahrain Human Rights Organization, while acknowledging progress made in combating human trafficking, has called for the establishment of a fund for the protection of victims of human trafficking (al-Wasat newspaper, 21 June 09).

Ms. Marietta Dias, spokesperson of Migrant Workers Protection Society, stated that the conditions of migrant workers in Bahrain need to be improved in order to improve the workers' working situation (al-Wasat, 19 June 09).



It is worth to mention that Bahrain has adopted in 2008 an Anti-Trafficking in Persons Act, which provides for a maximum of 15 years' imprisonment in case of conviction. Bahraini Ministry of Interior has established a 'Human Trafficking Unit' in its efforts to combat trafficking in persons. Furthermore, Bahrain hosted an international conference in March 2009 aiming at combating trafficking in persons, finding solution to the problem, and strengthening regional and international cooperation against trafficking (see March 2009 Bahrain Monitor Newsletter).

Abdulah Al Darazi has called for the implementation of the Anti-Trafficking in

Persons Act on the ground as the Act was applied in only one case since its adoption. He has also emphasized the need to train prosecutors and judges on how to apply and interpret the Act provisions in a way that protect victims of human trafficking.

As a final remark, a month before the US State Department released its report, and more precisely on 13 May 2009, The Assistant of Undersecretary

of the Ministry of Foreign Affairs Shaikh Abdul Aziz Bin Mubarak Al-Khalifa had identified the problem as an international one. Addressing the United Nations Thematic Dialogue in New York, he called for collective action to end human trafficking. “[It] is clear that trafficking cannot be tackled unilaterally. International cooperation is essential, and can be effective at a number of levels”, he said. He also drew a vision to

tackle the problem by saying: “We must work in destination countries to improve detection, enforcement and victim protection, as well as to raise awareness among both public and business of the suffering caused by trafficking, and to show that any business reasons for employing apparently cheap, trafficked labour are nothing more than false economies built on the inhumane exploitation of the weak.”

## SG of IFJ, Aidan White:

### Bahraini Press faces the Challenges of Politicization and Sectarianism

Bahrain, a country that is taking its first calculated steps towards democracy, is still witnessing a wide and transparent debate regarding various subjects relating to the freedom of the press and its legislations. In this context, the International Federation for Journalists (IFJ) organized a workshop in Manama, Bahrain, on 17 June 2009 in cooperation with the Bahrain Journalists’ Society regarding press ethics. In addressing the workshop, the Secretary-General of IFJ, Aidan White, called for the formation of a supreme council for the press which: ensures the independence of the press and its role in building democracy, initiates dialogue with the civil society and deals with press related complaints.

White added that the problem in some countries is that they regard the press as their enemy and fight it in many ways. He also noted that in Bahrain the Press Law is still being discussed inside one of the committees in the House of Representatives. White also criticized the Bahraini Government for delaying the passing of the Press Law for a long period of time; pointing to the importance of creating a balanced relationship between the press and the Government.

He added that the challenges which face the press in Bahrain include covering events independently far

from politicization for it is well known that newspapers have various political and ideological affiliations.

White reiterated some of the most important challenges facing journalists such as the lack of independent coverage of political events, the affiliation of some newspapers to certain political parties and leaning towards them and the existence of sectarian tendencies. He explained the initiative of the IFJ to promote press ethics that seek to achieve three objectives: developing media and press principles, initiating dialogue between the press and society, finding a framework that regulates the relationship between the press and the authority. He said that these objectives are derived from the following principles: honesty, independence, integrity, humanity and solidarity.

In addition to this, White pointed to six parameters that should be adhered to in this initiative: supporting the rights of all employees working in the media; granting journalists the right to work according to their own conscience; strengthening of reliable self-regulatory systems; building alliances within the media to maintain the quality of the press; encouraging discussion on the future of the press and media; working towards demonstrating the importance of the role of independent press and

the values of public service during the formation of media policies at all levels; lifting the restrictions on the freedom of the press; and supporting the right of people to knowledge.



White called upon Bahraini journalists to participate in the media campaign as well as the initiative to promote press ethics. He also did not rule out the interference of influential figures who may wish to hinder the process. According to his experience, newspaper owners are not always after financial gain but also after power and influence. Finally, White demanded that civil society institutions take action and establish institutions to oversee newspaper owners so that they do not distort the truth.

## Bahrain Monitor: It is High Time to Close the File of Victims of Torture

The Bahrain Human Rights Monitor has issued a public statement to mark the International Day of Solidarity with the victims of torture, which took place on 26 June 2009. The statement stated that after nine years since the beginning of the political and human rights reform period, Bahrain is still struggling to resolve the file of the victims of the pre-reform era. The statement added that this issue cannot be prolonged any further and that it is the duty of the Executive Authority, as well as local human rights organisations and political societies, to reach an acceptable settlement which ensure the closure of this file in a manner that prevents the re-occurrence of any systematic human rights abuses of the kind that occurred in the country during the pre-reform period. The statement continued to say that the reluctance to resolve the issue of victims of torture until today stems from the current political



situation that has been shadowed by political disagreements and the lack of trust between the Government and political societies as well as civil society institutions.

The statement called on the parties to agree on a specific mechanism to compensate the victims of torture and publicly admit that violations have occurred in the past. With regard to persecuting those accused of human rights violations, it is possible to find a solution if good intentions exist, the language of forgiveness prevails and if suitable settlements accepted in accordance with the country's circumstances and in line with the hopes to develop the political and human rights in the foreseen future.

## BHRM Meets Front Line

On 19 June 2009, the President of the Bahrain Human Rights Monitor, Hasan Moosa Shafaei, met the Deputy Director of Front line, Andrew Anderson and Khalid Ibrahim from the Middle East section of the organisation at the Front Line Head Office in Dublin.

The meeting discussed the human rights situation in Bahrain as well as the need to strengthen the relationship between Bahrain's civil society institutions and Frontline. In addition to this, the scope of future co operation was also discussed where Mr. Anderson stressed the need of creating a suitable atmosphere for the



work of human rights defenders, which is the mandate of the Organisation. Officials of the Organization confirmed that they are following up the situation in Bahrain closely and continuously and expressed the importance of their work in the country in order to develop the human situation. Mr. Shafaei also met with the Editor-in-Chief of Al-Hayat daily-Arabic newspaper Ghassan Charbel, where the human rights situation in Bahrain was discussed.

## Labour Minister : Bahrain is committed to International Standards

On 10 June 2009, the Minister of Labour, Dr. Majeed Al-Alawi, said in a meeting for the International Labour Organisation (ILO) in Geneva that Bahrain has recently put into practice article 25 of the law regulating labour market which gives migrant workers the right to move to another employer without the consent of the former one. He also stated that this has come about in the in the context of the Government's commitments to international labour standards and human rights conventions. Al Alawi added that work is, currently, taking place on the development of an insurance system for unemployment, improving wages, career incentives and union work.

## Praise by Human Rights Council

On 9 June 2009, the President of the International Human Rights Council, Martin Uhomofohi , praised in a statement read before the Council in Geneva the efforts and achievements of the Government of Bahrain for confronting various challenges in the human rights field. Mr. Uhomofohi expressed in his statement his satisfaction in his meeting with Bahraini officials and civil society organisations which took place during his visit to Bahrain last May; praising the vitality and effectiveness of the civil society.

## Monitoring Prison Conditions

During a seminar on "Detention and the Administration of the Prisons" held in Bahrain on 7-8 June 2009, Robert Mardini from the International Committee of the Red Cross (ICRC) stated that the Committee is concerned with the conditions of detention and prisons in order to respect the mental and physical integrity of detainees. He added that the ICRC is monitoring the condition of the prisons and the treatment of prisoners through reaching agreements with the concerned authorities and presenting regular and confidential evaluations.

## Employing the Handicapped

The Higher Committee for the Affairs of Disabled Persons discussed, with officials from the Bahrain Oil Company, the possibility of employing individuals with special needs and training them in programs that would aid them in acquiring skills and abilities that enable them to integrate into the working environment. The Executive Director of the Company noted that it employed several individuals with disabilities and expressed a willingness to integrate an additional number to work in the same company.