

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



**Bahrain Human Rights Monitor**

مرصد البحرين لحقوق الإنسان

Issue 7 • August 2009

## Bahrain: The Need to Deal with International Reports

Governments in the Arab World do not feel comfortable towards international human rights reports, as they expect that each activity, report or statement will not be in their favour. The reason for this is that human rights reports are usually used politically and in the media against the regimes as they reveal secrets, issues and abuses that undermine the image of those regimes- an image that they desire to be kept clean and hidden from the rest of the world. And because political problems are deeply rooted in the Arab World and the majority of the regimes are authoritarian and oppressive, local opposition uses the reports as a tool for political ends, a tactic used by some Western governments usually against rivals from the developing countries.

It is notable that whenever the political situation improves in a country, the human rights situation improves too and the apprehension and anger of the rulers and officials towards these reports decreases respectively. Occasionally oppressive regimes create their own human rights organizations, directly or indirectly, in order to use them as covers and facades for themselves and for confronting critics and opponents. As for the regimes moving towards democracy such as Bahrain and Morocco, their anxiety towards the activities and reports of human rights organizations is decreasing continually with the democratization process which increases confidence in the stability of the political system. Especially with the existence of local independent organizations that monitor and criticise the abuses that take place. This should be the case in such countries in line with the new orientation where the correlation between democracy and respect for human rights prevails.

In Bahrain we observed a positive attitude in dealing with international human rights organizations, which were allowed to visit the country and given an opportunity to perform their activities. The Government responded positively to some inquiries and answered some questions but there is still a great deal of resentment towards the international reports. This is due to the fact that most of the reports do not reflect the positive development on the ground and exaggerate the abuses that take place or depend on information with no credibility. Additionally, such reports do not take the official position into account.

We believe that it is necessary for the Government to:

1. Encourage the presence of international organizations in Bahrain for investigating, inspecting and seriously co-operate with them.
2. Deal with the reports positively, study them, identify its mistakes and rectify them.
3. Communicate with the organizations and point out any gaps in their published reports, most of the time these organizations welcome such clarifications.
4. Not to exaggerate the negative effects of the reports on its reputation and internal affairs as long as a real political process exists and freedom of expression is wide. It is no longer possible to invest negatively in such reports because the political manipulation has been weakened in the current atmosphere of openness, and in light of the availability of alternative means for expression and the existence of political stability.
5. To issue its human rights reports and note the mistakes, positive developments and challenges.

**Hasan Moosa Shafaei**

**President - Bahrain Human Rights Monitor**

### In this issue

**4** Al-Derazi: Concerns over Torture Dossier

**5** Discrimination and Imbalance

**6** Question of Freedom of Association

**8** Battle for Free Press or What?

**12** Towards a Conference for NGOs

## The Number of Civil Society Organizations Soars

In her speech during the opening of the Youth Societies Summit on 7 July 2009, the Minister of Social Development, Fatima Al Balushi, stated that the number of civil society organizations (CSOs) has increased



Fatima Al Balushi

significantly over the past years and reached over 474 in the current year compared to no more than 260 societies by the end of 2001.

The Minister

regarded this as 'an indicator of the vitality and activism of CSOs in Bahrain, and that it is thriving during a time that is characterized by an increase in freedom, transparency and political and economic development'.

However, the Minister regarded this increase in the number of societies as 'one of the biggest challenges facing the Ministry and made it re-assess the best way of providing the necessary support and services to them'. She noted the necessity of re-categorizing those societies in accordance to systematic foundations, as the case with the voluntary youth organizations which need to unite their efforts and be given an equal share of the Ministry's technical and financial support. Based on this, the Minister has announced that it will be providing permanent headquarters for all youth organizations, consisting of 12 apartments and shared utilities such as meeting halls. The cost of this project is 650 thousand Dinars (nearly 1.75 Million US Dollars).

## Third Summit for Youth Societies

On the 6-7th of last July, the third Bahrain Youth Organizations Summit was held. The Summit discussed various issues concerning the youth, including identifying their role, how to organize activities, and what prospect for future. At the end of the conference the seven participating societies decided to establish an Assembly to a Council that includes them all; designate a special day for the youth of Bahrain to be celebrated annually; and

launch an electronic newsletter with the aim of communicating with Bahrain's youth. The participants urged the Government's institutions, the private sector and other civil society organizations to cooperate with them. They also demanded that voting age be reduced to 18 years and the nomination age to 25; in addition to increasing the number of scholarships, and to set up a national fund to support youth organizations and projects, establishing a Ministry for the youth and launching radio and TV channels focusing on the youth and run by a team of them.

## (Bahrainis against Corruption): A Civil Movement to Combat it

The Bahrainis against Corruption Movement demanded the Government 'to develop, and adopt as a permanent policy, a serious plan

to combat corruption and to become more transparent in handling information'. The Movement, an affiliate of the Bahrain Society for Monitoring Human Rights, announced that



it established a civil coalition for the friends of the United Nations Convention against Corruption. This coincided with the release of

the World Bank's annual report regarding the indicators of Good Governance for 2009 which revealed a setback in Bahrain in all levels including: combating corruption, political representation, accountability and the quality of procedures.

The Movement stated that the civil coalition's strategy for combating corruption will be achieved by: promoting the democratic regime which is based on the separation of powers, promoting the rule of law, adopting

## Transparency Society Faces Management and Financial Crisis

The president of the Transparency Society, Abdulnabi Al- Ekri, affirmed that the Society's membership in Transparency International was nearly lost had it not been for the fact that they acted quickly to reform the poor management situation and lack of activities. This was stated in his speech before the General Assembly of the Society on 28 June 2009. He added that Transparency International threatened to suspend the Society's membership, and sent a representative to identify the reason behind the lack of activities of the Society. He added that the Society convinced the representative to allow the Society more time in order to sort out its situation, and that its membership in Transparency International has been reduced from a participatory membership to an active one.

The Vice President of the Society, Yusif Zainal, pointed out the financial crisis that is facing the Society and added that 'the Society is facing a problem with regards to funding' and that it needs to 'look for alternative funding within Bahrain

instead of foreign support which creates complicated administrative problems'.

Regarding the integrity of the next legislative elections, Al-Ekri stressed the importance of providing the names and addresses of voters, as this is one of the basic requirements for maintaining the integrity of the elections. He also pointed out the necessity of publishing all of the information before the date of the election and added that there is



Abdulnabi Al-Ekri

a demand for establishing a special national committee for the supervision of the election- which is practiced in Kuwait. Al-Ekri added that 'the names of voters were available in previous elections; however, confidentiality was used as an excuse to block the contact numbers and addresses. What its surprising is that all the contact numbers are available in the phone directory, so why are they withheld from the candidates?'

transparency and accountability, promoting the independence of the judiciary and liberating it from all influences that could weaken its role, activating laws relating to combating corruption, establishing an independent national committee concerned with combating corruption. This is in addition to enforcing the legislative bodies' control and accountability role, expanding the margin of press freedom, allowing journalists to have access to information, spreading public awareness about the harms of corruption, strengthening good religious intentions in society etc.

## Protest to Free Detainees in Saudi Arabia

A number of the supporters of the National Adalah Movement have organized a licensed protest on 8 July 2009, opposite the Foreign Ministry's building. They demanded that the Ministry interferes to release two Bahraini detainees in Saudi jails, namely: Abdulrahim Al-Murbati and Abdullah Al Noami. The participants objected to the presence of a photographer from the Foreign Ministry during the protest. Among the protesters was MP Mohammed Khalid who accused the Government of not doing enough for the detainees who were,



**Al- Murbati**

as he pointed out, subjected to physical and psychological torture. On his part the President of Ansur Akhah (Help your Brother) Movement, Mohammed Al

Janahi, placed the full responsibility on the Government and the Foreign Ministry for their inaction and for not seriously attempting to secure their release. He also expressed his frustration regarding the Government's inadequate effort which has not had any effect on the Saudi Government. Al Janahi also explained that the two were detained for a long time without any charges against them and without a verdict on their case. Janahi urged international, local and regional human rights organizations to interfere. At the end of the protest a memorandum was delivered to the Foreign Ministry in this regard.

## Another Protest to Free the Detainees in Bahrain

On 24 July 2009, the families of detainees, detained against the events that took place three months ago, organized a peaceful protest demanding their release. Three months ago riots took place in Bahrain and resulted in the death of a foreign worker. Prominent human rights defenders and politicians participated in the protest and the families released balloons carrying banners saying 'Release our Detainees'.

The president of Bahrain Human Rights Society, Dr Abdullah Al-Derazi, delivered a speech in which he pointed out that the accused had refuted all charges made against them, stressing that confessing under physical and psychological pressure is illegal and is not admissible as evidence. He also pointed to some evidence that proves the innocence of the detainees and demanded the judicial authorities to release them.

## Third Protest against Unemployment

On 27 July 2009, Social Science graduates organized the fifth peaceful and licensed protest outside the gates of the Ministry of Education demanding to be employed in the education sector. They pointed out that they were not included in the job vacancies of the Ministry. They also demanded both chambers of the Parliament (the House of Representatives and Shura and NGOs) to support them.

On the other hand, female graduates in the multimedia field, who were sent to Britain on scholarships, complained about the lack of jobs two years after their graduation and wondered why they were sent on scholarships in the first place. On 12 July 2009, the Crown Prince, Sheikh Salman Bin Hamad Al- Khalifa, in his quest to solve the problem ordered the formation of the Committee for Training and Employment of Graduates.



The Committee is headed by the Minister of Labour and includes six members from other governmental institutions. The task of the Committee is to train the unemployed and find appropriate jobs for them.

## Transparency Society: the Need to Reward the Press Instead of Suffocating it!

The President of the Transparency Society, Abdunabi Al-Ekri, criticized the law suits filed against Al-Ayam newspaper and was astonished regarding this. He stated that 'Al Ayam should have been praised for its coverage, but it seems that this praise was turned into a law suit. We find that the press is being suffocated and restricted instead of being thanked'. Al Ekri called for the ratification of the (pending) press law including the amendments suggested by the Bahrain Journalists' Society in order to have a clear document that can be referred to. He also called upon officials to be more patient and to tackle mistakes wisely.

## Constant Protests by Fishermen

The Fishermen Society organized a chain of five protests. The last protest took place on 20 July 2009 demanding: the removal of government's taxes: termination of the random digging and burying of beaches and marine traps; compensating the fishermen for the harm inflicted on them and the set up of a governmental fund for supporting the families of fishermen. The Society also organized a strike on 15-22 February 2009 for the same reason. The Secretary-General of the Society Abdulameer Al Mughni threatened to call for a general strike if the Government continued to ignore their demands. On 19 July 2009, MP Haider Al Sitri stated that the House of Representatives has ratified a bill regarding the establishment of a fund for supporting fishermen and that the Government has agreed on it. Sitri regarded the delay in the implementation of the law as unjustifiable and could force the fishermen to go ahead with the strike which will harm the public.

**Human Rights Activist, Abdulla Al-Derazi:**

## **We have Good Relation with the Interior Ministry and are Concerned about Torture Dossier**

**In our efforts to keep local and international public opinion informed about the human rights situation in Bahrain, the Monitor interviewed the Secretary General of the very first human rights Society in Bahrain who is also an academic at the University of Bahrain. The Bahrain Human Rights Society was established in 2001 and is one of the most active Societies in Bahrain.**

**To what extent is the Bahrain Human Rights Society satisfied with the human rights situation? And what are your major concerns?**

Undoubtedly, there is an improvement in the situation in comparison with previous years, especially during the time of the State Security Law. Currently, the margin of freedom has increased, municipal and parliamentary elections have taken place, the Public Prosecutor's Office and Constitutional Court have been established and prisons have been cleared. As for the second part of the question, what really concerns us are the following:

1. Non-closure of the file of victims of torture, martyrs, the exiled and those harmed by the events of the previous era, i.e. since enforcing the State Security law and up to his Majesty's taking over the throne . We need to close this file and apply the principle of transitional justice and compensate the victims for the damage inflicted on them.
2. The recent allegations of return of systematic torture since the events of December 2007 until the case of the Al-Hujjaira. The families of the detainees and the released prisoners talked about the physical and psychological torture they were subjected to during their detention. The Public Prosecutor rejected repeated formal requests made by the Bahrain Human Rights Society to visit the detainees to verify these allegations by a professional and independent party.
3. The adoption of the Terrorism Act, Assembly Law and Law of Association will hinder freedom of expression.
4. The closure of the websites of some legally licensed political societies during

a time we are aiming to increase the freedom of electronic media and working towards referring media breaches to the Judiciary and not to the Ministry of Information.

**We read about your Society's visit to the women's prison, do you think that a new stage has started in your relation with the security authorities, and what is the future of this relationship? And what are the obstacles facing its development, if any?**

The Interior Ministry's permission for the Society to visit the Women Rehabilitation Centre is an excellent step, and shows that the Minister appreciates the importance of joint co-operation between civil and official institutions for providing better services for society (a detailed report of this visit will be published in the near future). This step is regarded as a positive development and a turning point in our relationship with the Interior Ministry. A joint committee between the Society and Ministry has been formed and it meets regularly for coordination and follow-ups. The Ministry has also solved all the issues presented by the Society, which including those raised by citizens and prison inmates. As for the obstacles, I do not think they exist, because the objective of both the Ministry and Society is to develop the human rights situation. However, we do need to deepen the trust between us so that the human rights situation in Bahrain improves. To add to this, the Society's role needs to be re-assessed, its independence respected, and a balanced and equal partnership between it and government institutions needs to be established.

Ultimately, what is of importance to us is respecting citizens' rights and putting an end to any violation. It is not our objective to confront the Government but we do stress the



*Abdulla Al-Derazi*

fact that we will not abandon our goals which are the bases of the Society, and will not ignore any abuses that occur, and we seek to address them with wisdom and prudence.

**With regards to civil human rights societies in Bahrain, we are witnessing a clear difference in their performances, what is your evaluation of their activities after the long years since their establishment? And how do you evaluate their relationship with one another? And what is the scope of their development at the professional and institutional level?**

The activity of human rights societies is good, and Bahraini organizations have proved themselves at the local, regional and international levels. These organizations have an important role to play in developing human rights and spreading awareness about it through issuing reports and conducting studies. As for our Society, the experience of our members in this field has grown and they have begun focusing on the professionalism of their work. We are also co-operating and co-coordinating with all human rights bodies that are active locally as much as we can. We do not compete with other societies and hope that we develop our relationship with them in the future in order to achieve a positive shift in the human rights situation in our country.

## Discrimination and Political Balance

Discrimination exists in all countries. It is an indisputable fact that is dealt with by human rights activists and politicians without excessive sensitivities. Due to the widespread existence of discrimination all over the world, the United Nations has arranged an international convention to combat all its forms and has also established a committee consisting of experts to supervise the implementation of the convention by the state parties. The U.N. also issued academic studies focused on discrimination, its causes and how to eliminate, or mitigate and contain its negative effect. The U.N. is still very much concerned with this issue regardless of the country, culture, tradition and religion in which it is taking place. What differentiates discrimination from one country to another is whether it is linked to race, sect, profession or gender, its size and the role of the ruling political institution.

Therefore, denying the existence of the problem is an incorrect and unconvincing approach that will not solve the issue. Moreover it will not prevent people from continually raising the subject, which is the case with sectarianism in the country. For instance, sectarianism is often talked about with a great amount of excessive sensitivity and even itself lacks a definition. This article is not discussing discrimination in its wider context, but specifically deals with sectarian discrimination. It is an issue that will always be brought up and hence answers must be found for the questions raised. To add to this, the problem needs to be tackled with a large amount of wisdom and transparency. The

sectarian discrimination taking place in Bahrain is not a result of a lack of religious freedom, as this already exists and is dealt with freely by the media and is supported by the Government. The problem is political and linked to political participation and the size of services provided for Shias. The issue was approached by some politicians and human rights activists but with intent to defame the Government and score points against it instead of solving the problem.

The Government affirms that it does not discriminate against any sect; rather, certain community groups discriminate against each other. Hence, it is important to distinguish between two phases: the pre-reform period which witnessed some sectarian discrimination and the subsequent attempts by the current Government to improve the situation, not only by initiating political reform, but also through 'affirmative actions' in the interest of Shias and attempting to get them more involved in the Government. This is in addition to exert efforts to improve services and establishing projects in areas neglected during the pre-reform period. However, this does not mean that there are no Sunni areas that are poor and neglected as well.

Fortunately, 'social integration' between Shias and Sunnis has increased. This is reflected by the increase in marriages between the two sects, mixed residential areas and mosques as well as the mutual participation in religious events etc. This is all a result of the political atmosphere and tolerance of Bahraini society. On the other hand, 'political integration' has also

witnessed a positive shift during the reform period as a result of the political process and the increased number of Shias employed in senior management positions. However, there is still an imbalance between certain social segments with regards to the distribution of senior positions in the Government, despite the fact that competency can be found in all of the segments of the society. Creating a balance between the various social blocs is essential for political stability and the success of reforms which will lead to greater social and national integration.

The imbalance in the distribution of senior position has created excessive sensitivity towards the subject of naturalization. On one hand, the change in the mentality of state officials has impacted positively on the political situation, and on the other hand, the conservative Shias, feels closer to the regime and see it as their real representative. The regime is no longer perceived as stranger or a representative of specific groups at the expense of others, and the King( head of the state), has become a father figure and has made both Sunnis and Shias feel that he is above sectarian classifications. To conclude, sectarian discrimination is a heavy legacy on the shoulders of officials and society. It is a problem that cannot be solved easily, and there is a need to recognise the existence of the problem or at least the existence of its effects before attempting to rectify it. This can be achieved by creating a balance in the distribution of official and public service positions, an issue that the reform project has initially come to solve.

## Bahrain: the Question of Freedom of Association

**“The last few years witnessed, as a direct result of the launch of the Charter that laid the foundations of reforms by the King, a big increase in the number of civil society organizations (CSOs). While not more than 260 societies were in place at the end of 2001, the number of societies exceeded 474 in the current year, an indication of the vitality and activity of civil work in Bahrain”. (Fatima Al Balushi, Minister of Social Development, 7 July 2009).**

According to a guide issued by the Ministry of Social Development, the total number of CSOs that have been recognized and registered in Bahrain in recent years is 456. Both above figures are significant in a country with a population of almost one million people (including foreigners) and shed light on freedom available to establish associations despite the fact that the effectiveness of many of them is questionable. Such entities represent a wide spectrum of the Bahraini matrix and include: 19 women’s societies, 90 social societies, 15 youth organizations, 27 Islamic societies, 16 charitable societies, 78 charitable funds, 59 professional societies, 20 cooperative societies, 18 private associations, 12 Gulf societies, 47 foreign societies, 36 foreign clubs, and 19 churches. It should be noted that there are about 16 political societies (political parties) in Bahrain.

Establishing CSOs, unions, societies and trade unions has been a struggle for a long period of time in Bahrain due to the lack of having a law in place organizing the establishment of such entities. For example, it took the Bahraini Women’s Union more than 30

years to materialize. The dream of establishing a women’s union started in the early 1970s and became true only in 2006. The real step to register the union started in 2001 but was met with a legal obstacle, which is the absence of an express provision governing the work of unions in the Law of Associations. In February 2006, a Bahraini court ruled in favour of establishing the Women’s Union, after 5 years of tension between the Union and the Ministry of Labour and Social Affairs, and latter-on between the Union and the Ministry of Social Development. This example shows the difficult road most of the Bahraini CSOs had gone through in the past. But is the situation nowadays is different from the past? What are the challenges faced by NGOs in Bahrain? What is the best approach to deal with these challenges? The question of freedom of association in Bahrain has drawn domestic and international attention at the same time. While CSOs in Bahrain resorted to address the challenges they face, legal and political, the relevant international organizations opted to deal with the issue in a broader context of the Gulf region with special focus

on Bahrain. In all cases, efforts focused on the legal challenges faced by CSOs including: the right to form associations and trade unions; the dilemma of registration; freedom of organizing activities; receiving funds; the closure, suspension and integration of organizations; joining regional and international organizations, etc.

At the local level, CSOs fought for the modification and development of the Law of Associations, 1989. CSOs expressed their displeasure at the delay of amending the Law, which limits their activity; gives the Government absolute power to refuse the formation of political societies, trade unions, and human rights societies; places CSOs under close control and scrutiny by the Government, even in internal matters that concern them. Most importantly, the Law gives the government wide powers to close and suspend any association that does not abide by the law.

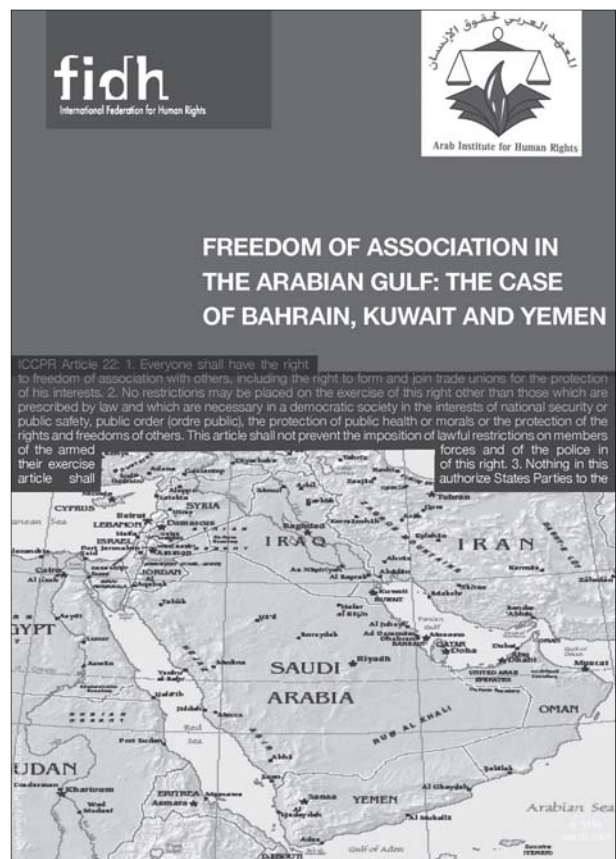
The Law of Associations was widely criticized by lawyers and human rights activists. In an article by the human rights activist Sabika Annajjar under the title: (The Law of Association and the return to square One), (al-Waqt, 12/4/2009), she described the law as a (true interpretation of the State Security Law, because it curbs the activities of the societies and stifles the freedom of associations). On the other hand, on 12 April 2007, the Parliament questioned the Minister of Social Development about: (the

legal reason which led the Ministry of Social Development requesting the charitable funds to shift to charitable societies, after they were registered under the umbrella of the Ministry of Labour and Social Affairs and after being active in collecting funds from citizens for many years). On 4 April 2007, the Minister for Social Development Fatima Al Balushi said in a workshop dealt with the Law of Association: (the amended Law of Association will be issued after a few months, where we seek to develop the legal framework for associations). This activism emphasizes the need and importance of amending the Law of Associations swiftly to meet the needs of associations and release their energy in different areas in line with the reforms that began in 2000. However, after more than two years of this statement no amendment has been made in respect to the said Law. On 9 July 2009, an important amendment was made to the Law of Associations, where a new article was added by Decree No. 42, allowing private associations to become societies provided that all the requirements of establishing societies are met before the desired transformation takes place. This amendment has apparently resolved the debate, which lasted for a period of time, over the needed conversion of private associations to societies under the pretext that private associations should not have access to donations and fund-raising (the Minister of Social Affairs was questioned in Parliament about

this issue as mentioned above). At the international level, the International Federation for Human Rights (FIDH) had issued a report in September 2008 on: (Freedom of Association in Bahrain, Kuwait and Yemen), which dealt with several issues related to Bahrain including: the legal and policy framework relating to freedom of association; the formation, functioning and dissolution of associations ; the right to establish an association or a union; the right of associations to freely carry out their statutory activities (the right to be free of control, interference and supervision, the right to seek and receive funds, the right to join regional and international organizations); the right to protection from suspension, closure and dissolution; the right of members to protection from prosecution and discrimination.

Although a year has passed since publishing the report, and although some matters raised in the report are no longer relevant (such as the question of the sponsor system, which was abolished by Bahrain), but the report remains useful for addressing the challenges that continue to hamper CSOs in

Bahrain. Special attention should be given to the recommendations contained in the report, especially with regard to freedom of association, the establishment of societies and access to fund. It could have been useful if the report looked into the internal



deficiency experienced by CSOs in Bahrain, especially human rights societies. This sort of qualitative analysis could have added a useful impetus to the study in order to address the shortcomings and crisis of CSOs in Bahrain given that despite the huge number of CSOs in Bahrain, but few are effective and distinguished. For the report and recommendations, please visit:

<http://www.fidh.org/article6476,6476>

## Sabt: The Journalists' Society is not a Policeman!

### Is It a Battle for the Freedom of the Press?

The last month witnessed two controversial cases relating to the freedom of the press which involved many parties including the press, Government and judiciary - all of which are part of the problem. It is unlikely that the problem in Bahrain is a result of a lack or decrease in the margin of press freedom, nor can it be attributed to the Government's intention to curb the freedom of journalists. However, this does not hide the fact that the Bahraini journalists are aware of the possibility of any decrease in the margin of freedom and any increase in the Government's pressure on journalists, especially in the absence of a law that regulates journalism. This law is still waiting to be discussed, amended and adopted by the House of Representatives.

The problem can be determined by looking at three factors that have contributed in creating it:

**Firstly:** The absence of any regulatory law for the press and private media whether it is electronic, published or broadcasted. Two parties are responsible for the delay: the Government on one hand, which delayed forwarding the bill to the Parliament in due time, and the House of Representatives which failed to prioritize the new bill.

**Secondly:** This relates to the relationship between the Government and the media - both sides are also responsible for the current situation. Clearly there is a small minority within the Government that cannot bear the media criticism against ministries, institutions and public figures. Moreover, there are three parties within the Government, although their sizes are unknown yet, with different views on the bill. These include a party that is inclined to decrease the freedom of the press; one can argue that this party represents a minority, which is unlikely to succeed or have any effect in the foreseeable future on the passing of the new bill. There is also another party which leans towards maintaining the status quo of press freedom. This represents a pragmatic approach because the current situation gives journalists freedoms in certain areas and restricts them in others. There is also a third party which represents a minority as well. This

party supports the expansion of the margin of press freedom beyond its current level. However, the will of the Government will face that of the House of Representatives, which leans towards increasing the margin of freedom- according to public statements by some MPs.

As for journalists in general, there is a strong inclination – especially with the delay of passing the bill - towards bypassing the current law as it includes a fair amount of limitations and obstacles and is therefore the basis for the restrictions that take place currently. It is as though these journalists have had enough of the current situation and want to push aside what is perceived to be the red lines. This is in order to expand the margin of freedom on the ground before the law becomes a reality and binding. On the other hand, there are some officials who would like to enforce the current law in order to hold back the journalists or to stop what they perceive as an attack against them that needs to be stopped. The attempt to stop such attacks has manifested in the form of a recent increase in filing legal suits against some journalists - an action which is considered to be legitimate by the officials.

**Thirdly:** This relates to the legal and judicial procedures regarding cases of media breaches. Until now, there is a wide and comprehensive protest from journalists against the trial of journalists under the Criminal Law. Moreover, there are some ambiguities regarding the nature of the legal procedures of the breaches as demonstrated by the case of the journalist Hussain Al Sabt, which caused an obvious problem. The new press law is supposed to solve this problem by determining the mechanisms needed and/or through the application of the rules of the Media Ethics Charter - whose articles are being discussed by the Journalists' Society.

#### Between the Public Prosecutor and Al-Waqt Newspaper

Al-Waqt newspaper has started a legal battle with the Public Prosecutor on the ground of summoning one of its journalists (Hussain Al Sabt) for an interrogation regarding a published piece of news and

referring the case to the court. On 28 June, Al-Waqt stated that the Public Prosecutor's Office is attempting to restrict the freedom of the press and described its actions as 'surprising' adding that it 'resorted to making strange allegations regarding legal norms and behaviours that should be adhered to by the Public Prosecutor's Office itself more than anyone else. The newspaper also described the performance of the Public Prosecutor's Office as 'unprofessional'.

Al- Waqt explained the story - which was the root of the problem- and its repercussions in greater detail. Sabt published a piece of news on 11 March 2009 in which he spoke of the corruption



**Hussain Al Sabt**

in the Labour Market Regulatory Authority and stated that the Vice President of the operation presented his resignation quietly a few weeks ago over the discovery of manipulation of Bahrainization percentages for the interest of some influential figures. On 13 March 2009, the Newspaper published - in accordance to the Press Law- the response of the Regulatory Authority in which it corrected some facts, completely denied the allegations and demanded that the Newspaper to apologize. However, the publication of the denial did not satisfy the individual concerned, and he hence contacted the Newspaper demanding the publication of a personal apology and proceeded to file a complaint against the journalist.



On the Public Prosecutor's request, both the Newspaper and the journalist, Hussain Al Sabt, presented their statements at a police station. And on 10 June 2009, it was said that there was a letter sent from the Public Prosecutor to the journalist or the Newspaper which did not reach the concerned party. On 21 June 2009, the Newspaper was informed that there was a session before the Public Prosecutor the following day, but no letter was sent to anyone regarding this. On 26 June 2009, the Newspaper and the journalist were surprised by a statement from the Public Prosecutor which stated that the case had been referred to the Criminal Court and that 'the journalist, by failing to appear before the Public Prosecutor to present his statement, lost the opportunity to defend himself and refute the evidence against him'.

Al-Waqt saw that the lack of a written notice reveals that the Public Prosecutor had taken premeditated procedures against the concerned colleague and the newspaper. However, the Public Prosecutor's Office, as told by its President Ahmad Bujairy, stressed on 29 June 2009, the fact that it did not send a direct notice to the accused journalist and stated that 'the Public Prosecutor on 10 June 2009 informed the Ministry of Information of its request that the concerned journalist is wanted for questioning; and also informed the Journalists' Society on the same date of this request and of the specified session for his interrogation'.

In an interview with Al-Bilad on 29 June 2009, Sabt stressed that responding to the Public Prosecutor's request is unquestionable and in any case 'the idea of the police phoning a journalist in order to summon him regarding a complaint on a piece of news is an uncommon procedure when dealing with journalists' adding that 'after my visit to the police station, I did not receive any oral or written notification to attend the session; as for the justification of only informing the Journalists' Society, with all due respect to this procedure, it is still an uncommon practice. The Society had also clarified its position by saying that it is not a policeman responsible for notifying journalists and that the newspaper in which the journalist is working is the one who should be notified'. Sabt also added that it is essential to 'determine a clear mechanism for dealing with complaints against journalists'

## Four Cases against

### Al-Ayam Newspaper

Before Sabt's case settles down, a new one began between the Minister of Industry and Commerce and Al-Ayam Newspaper (Al-ayam regarded as a liberal newspaper) directly attacked the Minister on 15 July 2009 under this head line 'In his Campaign against the Freedom of the Press and His Attempt to muzzle it, Fakhro Files Four Legal Suits against Al-Ayam'. This was part of a report in which the paper stated that 'the gap between the Minister and media sector is expanding'. Al-Ayam stated that the reason behind this growing gap is linked to what was published by the Newspaper last May regarding the Ministry's disposal of thousands of papers and official records in the village of Barhama. This led engineer Saeed Al-Asbool, the President of the Civil Society for Supporting Education and Training, to contact the Ministry and inform it about the classified documents. Al-Ayam stated that the Minister threatened both Asbool and Hussain Al-Sabagh, a journalist in Al-Ayam and that he contacted Asbool threatening to refer him to the Public Prosecutor.

On 8 July 2009, Al-Ayam quoted Elaf in that some Bahraini journalists held a meeting on 9 July 2009 in which they discussed the choices available for confronting those they described as the enemies of the freedom of the press (as guaranteed by the reform project) through the court or by demanding the King's interference for the protection of journalists. This was a reaction against the attempt of a number of official bodies to target local newspapers and their editors by filing unnecessary lawsuits against them; in addition to insulting journalists and attacking their professionalism and nationalism.

Ahmad Al Mudawab, the President of the Freedom Committee in the Bahrain Journalists' Society, commented on the law suits against Al-Ayam's journalists stating they affect the freedom of the press which has recently flourished a great deal. He also demanded the concerned official bodies to undertake a comprehensive revision of their relationship with the local press and suggested initiating dialogue between them and the Journalists' Society.

Kaleel Al Morzooq, the President of the Legislative Committee in the House of Representatives, expressed his concern

with regards to pursuing the press and journalists in court merely because they published information regarding the deficiencies or negligence present in ministries and official institutions. On 10 July 2009, the Ministry of Commerce criticized in a public statement the unfair accusation filed against them for a week, which involved the Minister and the Ministry. It pointed out that the filing of law suits has nothing to do with the documents found in the rubbish bins. It added that filing a law suit is a right that is protected by the Constitution and is affirmed by the



**Minister of the Royal Court**

Press Law, stressing that 'the Ministry has never and will never go against any written or published criticism against any sector or any official as long as it is carried out constructively and with the intention of reforming. The Ministry's objection is against insults that are directed against it with the intention of unfairly accusing without any justification. The Ministry's statement stressed that the law suits filed concerns the defaming of the Ministry's image in public and insulting the Minister - which required the Ministry to resort to the law.

As a result of the back lashing between the Ministry and Al-Ayam, on 13 July 2009, the Minister of the Royal Court Shaikh Kalid bin Ahmad Al Khalifa took the initiative and gathered the two parties as a demand of the king in order to solve the problem in a friendly manner. After the meeting, the Court Minister announced that 'the problem between the Ministry and the Newspaper was solved in friendly way' and called for 'the promotion of the freedom of the press in order to provide an opportunity for enlightening the public at large.

### Project to Develop the Judiciary

The Crown Prince and Chairman of the Economic Development Board, Sheikh Salman bin Hamad Al- Khalifa, issued a Decree No. 1 for 2009 to form a Coordinating Committee for the Development of the judiciary. The Committee will be headed by the Deputy Prime Minister, Mr. Jawad bin Salem, and the membership of some ministers and undersecretaries. Functions of the Committee include: undertaking licensing tests, providing ongoing training, evaluating the performance of all legal disciplines; adopting a new system for managing cases; reviewing the appeal system; creating specialized courts; supporting alternative methods for dispute resolution; in addition to having in place notaries and special agents to implement court decisions



**Crown Prince**

### International Praise of the Reforms and Bahrain Vows to Continue on the Same Path

The American President, Barak Obama, praised the reforms initiated by the King of Bahrain Sheikh Hamad bin Esa Al -Khalifa, and the modernization of the state institutions. He noted that Bahrain is being praised internationally for the reforms made. This was mentioned last June during his meeting with the Crown Prince Sheikh Salman bin Hamad Al- Khalifa.

On the other hand, the President of the UN Human Rights Council, Eric Tistounet, praised Bahrain's human rights file after being reviewed as part of the Universal Periodic Review mechanism. In order to achieve this success Bahrain was required to work with both national institutions and civil society organizations.

On another related subject, the Bahrain Prime Minister, Sheikh Khalifa bin Salman Al -Khalifa, affirmed Bahrain's commitment to promote human rights at the local and international levels. This was stated in a letter delivered to the former President of the UN Human rights Council, Dr. Martin Ihoeghian Uhomobhi, on 9 July 2009, in which he called for unifying efforts to ensure the realization of justice and that human rights principles are used for the benefit of the international community.

### New Law to Improve the Situation of Bahraini Women Married to Foreigners

After its adoption by the legislative authority, the King has approved Law 35 for 2009 which states that foreign wives married to Bahrainis and the children of Bahraini women married to foreign men are to be treated as Bahraini citizens with regards to service fees. This includes health, education and residence fees provided that they are permanent residents in Bahrain.

Women organizations, including the Supreme Council for Women, have repeatedly demanded the authorities to solve the problems of Bahraini women married to foreigners and granting their children the right to become Bahraini citizens. The issuing of this law was the first step in dealing with this file. On 9 July 2009, the Council also recommended that Bahrain removes its reservations regarding the Convention on the Elimination of all Forms of Discriminations against Women (CEDAW); especially Article 9 (2) which states that 'state parties shall grant women equal rights with men with respect to the nationality of their children'. As well as Article 15 (4) which states that 'state parties shall accord to men and women the same rights with regards to law relating to the movements of persons and the freedom to choose their residence and domicile'. This is based on women's right to move and reside which is granted by the Charter and Constitution. This recommendation by the Council was part of its proposal to amend the Bahraini Nationality Law.

### Religious Discourse: from 'Obligatory' to a 'Guideline'

Due to the objection of some religious figures to the decision of the Minister of Justice , No 2 for 2009, to regulate religious discourse ( the responsibility of the administration of Sunni and Shia endowments) the Justice Minister amended the decree describing it as a 'guideline' as opposed to being obligatory (Al-Ayam, 3 July 2009).

The former regulations, consisting of 14 articles, called for religious lectures, lessons and preaches to 'promote national identity and defend its principles' and 'respect the principle of good citizenship and co-existence' as well as 'be considerate of other religious sects and respect diversity and avoid anything that would incite sectarianism'. The regulations recommended adopting a moderate approach, avoiding being biased when dealing with controversial subjects and being tolerant of others. This is in addition to calling for forgiveness, communication, dialogue, respecting others; as well as respecting the sanctity of human life, the belongings of others and their honor. Moreover, the regulations also called for respecting the rights of our fellow human beings, in general, and especially the rights of non-Muslims.

The regulations also recommended interacting with other civilizations and to not 'insult present or past Islamic figures directly or indirectly' and 'incite people with religious rulings that consider others as infidels and lewd'. The regulations also stressed the necessity of 'respecting human rights as affirmed by Sharia law and international conventions and not 'manipulate religious discourse for the benefit of some political interests, parties or an election campaign'.



**Justice Minister**

## Establishing a Men-Network to Combat VAW in Bahrain

Violence against women is a global phenomenon that transcends countries, religions, sects and cultures. However, the continuous increase of this phenomenon in the Arab World can be attributed to many interconnected cultural, social, legal and political factors. For instance, religious interpretations and the patriarchal culture give men the right to use violence against their wives and daughters. In addition to this, the punishments and laws used are ineffective and hence cannot protect women from domestic violence; to the extent that, in some countries, honour-killing has become a common practice. Also, there is a lack of care and state services for the vulnerable groups in society, especially women.

Women in Bahrain, as in any other conservative country, are subjected to domestic violence due to various reasons: the obvious shortcomings in the Penal Law, the existence of a culture that encourages violence against women, the lack of awareness regarding women's rights, the absence of a mechanism for demanding their rights and defending themselves from physical and psychological harm at home or work; finally, the lack of care for women at both the state institutions and civil society organizations. The Supreme Council for Women published a study last month on violence against Bahraini women. The study concluded that most of cases are committed by husbands and that the lower the income of a family the higher the probability of violence in it.

According to the study, verbal insults are the most common form of abuse, with a percentage of 12.1%, followed by 11.6% for degradation, and 9.3% for snubbing. The percentages of women evicted of the house, beaten and denied their allowances were close; followed by desertion, ignoring, pushing, slapping and smacking. The lowest percentage is for voluntary and non-voluntary confinement, rape and

beating with an object. The study also noted that the desire for dominance is among the most common reasons for the violent behaviour of husbands against their wives, as well as social upbringing which aids in the production of violence. The study emphasized the role of cultural heritage as a factor that is responsible for the violence of men against women, especially within the family. This is in addition to some specific religious interpretations that justify the husband's right to beat his disobeying wife.

In the context of responding to violence against women, a campaign was launched on 15 July by the United Nation's Office in Bahrain entitled



'Bahraini Men's Network for Combating Violence against Women'. The coordinator of the UNDP, Sayed Agha, said that 'the network includes 20 members representing MPs, politicians, businessmen and journalists who were chosen for their active role in society in order to promote the role of the network in society'. He added that the Network is going to work through specific tools and mechanisms to raise awareness to eradicate violence against women. Agha stressed that violence causes poverty, social problems and decreases women's participation in development.

The Secretary General for the Supreme Council for Woman, Lolwa Al Awadi, explained that violence against Bahraini women is not exclusive to husbands, but includes fathers and brothers. She also stressed the need for studying violence at work as well. In addition to this, Al-Awadi stated

that spreading awareness through the press, conferences and teaching human rights as a subject, will act as preventative measures against violence. Moreover, she added that establishing a fund to ease the suffering of women in courts, amending the Code of Procedures in Islamic courts, as well as the Law of Evidence and revising the Penal Law are all steps that can be taken to resolve the problem of violence.

The State Minister for Foreign affairs, Nazar Al Baharna, stressed the importance of community participation in the combating violence programme and called for official and civil institutions to support the Network and

unify their efforts against all forms of violence.

Bahraini women organizations praised the establishing of the Network, and the President of Bahrain Young Ladies' Association, Samira Abdulla, expects that the Network will have an active role in fighting violence. Moreover, the Director General of the Batelco Centre for Combating Domestic Violence, Penh Bosbon, said that 'the set back in confronting violence against women is due to the fact that men are not involved in the matter'.

The Second Vice-President of the House of Representatives, Salah Ali, announced that a number of MPs have joined the Network, adding that men are able to interfere to put an end to violence against women and help in creating a culture that sees the use of violence against women as unacceptable.

## Activities and Meetings of the BHRM

The Bahrain Human Rights Monitor (BHRM) has carried out a number of activities during July aiming at introducing its objectives, actions, and current and future plans. The activities varied from face-to-face meetings to sending letters to some Arab and international human rights organizations, media and research bodies. In this regard, the President of the Monitor Hasan Moosa Shafaei has conducted various meetings with the following:



- Abdel Bari Atwan, Editor-in-Chief of *Al-Quds Al- Arabi*, at his office in London. In this meeting, the scope and objectives of the Monitor were discussed, as well as the human rights situation in Bahrain and the activities of the human rights societies and semi- official institutions working in this field.
- Jane Kinninmont, a researcher in Bahrain's issues from the Economist. During this meeting, the latest developments in the country were discussed and especially those concerning the future of the human rights situation.
- Hasan Muawad, a distinguished journalist working in the Arabic section of the BBC and Turki Aldakhil, a well known Saudi journalist and presenter of a popular programme called *Eda-at* on *Al- Arabiyah* TV Channel. During these meetings, Al- Shafaei updated the two journalists about the Monitor's activities and publications. The scope of the political, social, economic and human rights situation was also discussed.
- Mohammed Al-Mazal, an MP and Sameera Rajab, a Shura council member, and well known journalist in *Akbar Al- Khaleej* newspaper. In this meeting the developments in Bahrain's political and human rights situations were discussed.
- On the other hand, the President of the Monitor participated in a conference in Oxford city on: the Requirements of Building Historic Block on the Bases of Democracy in the Arab countries. The conference was organised by the 'Project for Democracy Studies in the Arab Countries' and chaired by Ali Al-Kuwari and Raghid El-Solh. During the conference, the President met with a number of researchers and human rights activists from various Arab countries.

## A Conference for Human Rights Societies is Needed

### Hasan Moosa Shafaei



Hasan Moosa Shafaei

Bahraini politicians are pragmatic! They have the opportunity to meet and debate political issues that concern them in the Parliament. And despite all their differences everyone is keen to be involved in the political process. The political game imposes on everyone, including the Government, to show a plausible degree of openness and cooperation despite the diversity of opinions and positions, the differences in points of views and approaches and the variety of ideologies and methods.

The seven youth societies have established their own framework in which they can discuss their issues and problems. Their last meeting took place last month. And the various women's societies are organized under the umbrella of the Women's Union and the Supreme Council for Women.

By contrast, human rights societies are still divided and weakened by rivalry, clashes, conflicting political positions and priorities. From this stems the need for an umbrella that includes all human rights defenders and initiates serious dialogue in periodical conferences which will ultimately serve all the defenders and improve the human rights situation to a greater extent.

By holding a national human rights conference, it is possible for activists to reach a shared vision and evaluation regarding the entire political as well as the human rights situations and discuss their common discourse and the best way of dealing with various subjects. This would lead to the unification of positions towards specific issues, and thus the formation of significant weight at the domestic arena, which can be used to influence decision-makers and legislators, . It would also be possible to benefit from the conference when proposing a project that aims to inform the community and activate its role.

During the proposed conference, the activists would be able to discuss co-operation between their societies and shared concerns such as training, media, international presence and financing etc. The conference can also discuss controversial issues, if any, and minimize competition between societies, and curtail the role of ideological and political differences, so that does not prevent agreement on the common issues.

The Bahrain Human Rights Monitor (BHRM) sees the need for dialogue and holding human rights conferences. BHRM also believes that the Bahrain Human Rights Society is best placed to take this initiative forward, removing unnecessary worries and bringing different points of views and ideologies closer together. This is because the Society is mature, wise in dealing with problematic issues and an expert in this field.