

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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What the Future Holds for the Reform Process?

Has the democratization process in Bahrain actually stopped, or has it only slowed down? And have traditional factions succeeded in not only halting the process but in also overturning it?

Some politicians and human rights activists believe that the strong surge of reforms, which began in the first years of the reform period, is now coming to a halt. Others say that traditional factions which oppose reform have succeeded in slowing down its pace. To what extent is this opinion true?

Up until now, there are no clear local standards that can be referred to in order to evaluate the democratization process, although there are international standards in this regard. Despite the fact that officials constantly stress that the reform process is still continuing, and both the public and political forces accept the idea of gradual reform, it must be admitted that the pace of the reform process has slowed down significantly throughout the past years.

Currently there is no time limit for the democratization process, for this issue is assessed by the higher authorities. Also, there is no clear agenda with regards to the steps that should be taken towards achieving a gradual transition. Therefore, ambiguities exist when analyzing the current situation and determining the outcome of the reform project.

Some desire a 'constitutional monarchy' in accordance with the Constitution and based on the principle of a peaceful transition of power. This includes allowing the opposition the opportunity to rule if it represents the majority. According to Tahir Hikmat – who is a member of the Board of Trustees of the Bahrain Institute for Political Development- this does not contradict the fact that the political system is a monarchy. Between the present situation and the final target is a long way filled with obstacles and uncertainties regarding the steps that need to be taken. This is despite the existence of an official document that is similar to a manifesto, which paints a picture of Bahrain in 2030.

It is worth mentioning here some of the reasons for the slowing-down of the political reform process and the modernization of the state's apparatus and laws. These are as follows:

- The continuing situation of fear and lack of trust between the Government and the opposition, for it seems that common grounds and dialogue between them are still very limited.
- The election of some anti-reform parties into the House of Representatives which has re-enforced the position of those opposing the reforms from within the Government.
- The continuation of the incitement of violence and riots for years which is regarded by some as a direct outcome of promoting public freedoms.
- The pressure exercised by undemocratic regional powers on the Bahraini experience in order to discourage reforms.
- The opposition's poor parliamentary performance and their inability to encourage Government's organs to accelerate the democratic transition process.

In his speech on 21 September 2009, the King stressed the continuation of his political reform project through the promotion of what he called 'the foundations and pillars of the civil and constitutional state'. He also affirmed the importance of respecting human rights and freedom of expression through the use of legitimate and peaceful means. In addition to this, he vowed to continue with the existing reform policies in a gradual manner. State organs should translate the King's words into actions in order to add more vitality to the political arena and restore momentum to the reform project as it was the case when the reform project first started.

Hasan Moosa Shafaei

President - Bahrain Human Rights Monitor

Foreign Workers Continue Their Strikes

Bahrain has witnessed continuous protests by hundreds of foreign workers from India and Bangladesh. The protests took place in front of the Labour Market Regulatory Authority in which the workers demanded that their construction company pay their three months overdue wages, and to give assurances that this delay would not happen again. The same workers had previously gone on strike for five consecutive days but the Ministry of Labour intervened and resolved the matter. The Assistant Under-Secretary Sabah Al Dosary said that the company had promised to pay the wages, which is what actually happened.



In addition, hundreds of foreign workers at three companies in the Sitra Industrial Estate demonstrated because of a 4-month delay in paying their wages. Also, workers in Isa City protested four times in three weeks and the staff of one of the hotels protested outside the Ministry of Labour demanding their rights. The Secretary General of the General Federation of Bahraini Trade Unions, Salman Jaffar Al Mahfouz, supported the demands of the protestors and urged the Government to take tough deterrent procedures against these companies who were violated the law. He also added that 'it is understandable to see foreign workers protest every day because their rights were denied, after all they are humans who suffer, feel pain and they have rights which should be respected by their employers', Al Wasat (10th September 2009).

Hikmat: It is Necessary to Assess the Reforms

Tahir Hikmat, member of the Board of Trustees of the Bahrain Institute for Political Development, described the

political arena in Bahrain as 'lively'. He also said that there is an increasingly positive political atmosphere that coincided with the period of political reform, which in his view needs careful assessment. Hikmat also believes that the activity of the opposition also needs to be reviewed. He also said that 'the future does not look gloomy in Bahrain since Bahrain is able to develop its democratic experience in the long-term and might surpass all other Arab countries'.



In a lecture entitled 'Opposition within Democracy' Hikmat added that there are numerous problems facing the opposition, including: inability to unite and agree on future strategies, the absence of a practical and intellectual approach, absence of a realistic assessment for development and reform, being affected by pre-judgmental methods, adopting classical slogans in order to skip stages and lastly confusion between political, sectarian, ethnic and tribal issues.

The Women's Union Forms a Political Empowerment Committee

The leader in the Women's Union Fatima Rabi'a said that the Union will form a committee called 'Political empowerment', which aims to spread awareness amongst Bahraini Women about their political rights and empower them so that they can reach higher positions. She also said that the Union will partake in activities that will spread awareness, including organizing seminars and workshops. Also, the Union intends to benefit from the experience of the female members of the Kuwaiti National



Assembly who had gone through a unique experience by reaching Parliament after fierce competition. Rabi'a also believes that Bahraini women should follow in the footsteps of their Kuwaiti sisters in relation to political activism and that Bahraini women can be actively involved in politics, and stand side by side with their male counterparts in all positions. (Al Ayam Newspaper 29/09/2009)

Strong Criticism against the University of Bahrain

The University of Bahrain decided to suspend the student, Noor Hussain, for a term after passing her exams. Due to its decision, the University received a torrent of criticism from various civil society institutions (especially the youth). Noor's only crime was the distribution of a written statement to students critical of the University - which is porhipeted by the Universities regulations.

Noor has also received universal

Interior Minister: Reviewing Naturalization

The interior Minister, Sheikh Rashid bin Abdullah Al Khalifa, said that the honour of carrying the Bahraini nationality will only be given to those who deserve it. However, in the light of the current political, economic and security situation, we are revising the nationality policy. The issue of granting nationality and issuing passports is assessed by the Ministry and is governed by the Nationality Law.

The Al Wifaq society has welcomed the Interior Minister's decision which involved a full review of the naturalization policy, stressing that its credibility lies in its practical implementation. Al Wifaq also pointed out that citizens and political forces had demanded a review of the nationality policy.

support from most of the students, as well as a number of MPs, civil society institutions, writers and journalists who have criticised and viewed the decision as an un-justifiably severe reaction. Some believe that it is necessary to allow students within the University the opportunity to express themselves, taking into account that there are concerns that political societies might influence activities in intellectual centres. As a result of the decision, youth societies have expressed their solidarity with Noor on websites such as facebook, where they condemned the strict rules adopted by the University officials, and also threatened to take part in student strikes.



Protests Calling for the Release of Detainees

On the 26th of September 2009, tens of citizens participated in a peaceful demonstration in the village of Karazkan, attended by some MPs and religious figures, demanding the release of 19 detainees accused of killing a policeman during riots which took place in April last year.



On the 20th of September 2009, families of the detainees from the village of Ma'ameer also protested and demanded the release of their sons who were accused of being involved in riots, which resulted in the death of a Pakistani resident. On the 23rd of September 2009, the area of Malikiya and surrounding villages witnessed a confrontation between the security forces and protestors, following the authorities ban on an unauthorized march, demanding the release of some detainees accused of criminal offences.

News in Brief

- In commemoration of democracy day, the National Assembly issued a statement in which it stressed 'the necessity of enforcing democracy' and stated that 'the Democracy in Bahrain needs to be linked to education. This is in addition to creating a common culture which promotes relations between the various segments of society.' The statement added that 'the steps that were taken by Bahrain in order to develop its democratic experience and expand its political participation were aimed at giving the opportunity for all national talents to participate in building the country. As well as enforcing the foundations of this new democracy and respecting the basic freedoms and citizen's rights'.
- The president of the coordinating committee for political societies, Radwan Al Moosa, stressed the need of official financial support for political societies. He added that one of the most important roles of the State is to support civil society institutions in order to achieve political development. However, whenever political societies are dependent on State support, undoubtedly, they become less independent. However, during the early period of political development, societies need financial support in order for democracy and democratic mechanisms to take root. (*Al Watan* 22nd September 2009)
- The total number of domestic violence cases that have been received by the National Centre for Supporting Civil Society Institutions, since its establishment in 2007, is 369 involving women with their children. 177 cases of which were received during 2008 and a further 122 cases up until this September, which gives us, on average, 14 cases per month.
- The president of *Al Wifaq* Society Shiekh Ali Salman criticized all forms of discrimination in society and has explained its negative effects on both society and the State. He pointed to the fact that discrimination weakens competitiveness, decreases productivity and creativity. He also said that sectarian, religious and ethnic discrimination produces hatred in society.
- *Al Hiwar* Society suggested that the age of eligible voters be reduced from 20 to 19. This will make Bahrain a pioneer in this respect and will contribute greatly in increasing the number of eligible voters in decision making.
- During a seminar organized by the Bahraini Institute for Political Development, Dr. Baqir Al Najjar, lecturer in social science, said that political manipulation of religious discourse is a challenge facing the democratization process. He believes that diversity does not impede democratization and that the nature of any political system, as well as free press and an open educational system all play a major role in the formation of a democratic culture.

Position of the Bahraini Shias vis-à-vis the State

Hasan Moosa Shafaie

The state is a disrespected entity in Arab culture and unlike contemporary political culture, it is associated with 'change' and 'instability'. In the Arab public's mind the state contradicts freedom and especially amongst tribes who move around between borders without restrictions, passports and identities. Although Arabs respect private properties and refuse to abuse or violate them, State property, on the other hand, is disrespected and would probably be vandalized and plundered if an opportunity was available. Hence, Arabs face problems with regards to building a real and respected state that is viewed as a reflection of themselves and hence would refuse to belittle, weaken or assault it. On the contrary, the Arab citizen merely views the state as a monster that assaults his private quarters and restricts his freedom of movement and expression.

Even 'the rentier state' has not been able to escape the problems of vandalism and assault on state property by its own citizens. Such as: the vandalism of public parks and toilets, the plundering of public money and the increase of corruption. This leaves the state as easy target entity during times of peace and also in times of political tension as public property is the primary target for vandals. This is clear today as from the targeting of electricity generators, street lamps and traffic lights etc.

The legitimacy of the state, in other words, its sovereignty on its people and land, is an issue that is not deeply rooted in the public conscience. This is due to the authoritarian and undemocratic nature of the state and its failure to achieve the citizens'

objectives and fulfill their hopes. In Bahrain, when the relationship between the state and society was revised and the reform period began, it was expected that this would change the negative view towards the state. In fact, this negative perception has changed among many people, especially amongst the Shia. However, the Shia's problem, in particular, has a deeply rooted historical dimension.

The old Shia perception views all ruling regimes as illegitimate. During the 4th Century of (Higri), Shia jurists reduced the restrictions on working with an unjust ruler, as stated by Sharif Al Murtaza Alam Al Huda. Sheikh Karaki followed in the 10th Century AD and permitted participation in the state and working with the Sultan; he also rejected the idea of the state being illegitimate. During the end of the 20th Century, the views of the state and its legitimacy had developed; if the state is elected democratically and is accepted by the public, then it is permitted to work in its apparatus. Hence, the idea of the state being a strange entity and collaboration with it is a sin, no longer exists.

In Bahrain it is obvious that the Shia – except very few - do not see themselves as the states' enemies or far from ruling the country and are unable to resist the temptation of participating in the state and influencing its decisions to serve the public's interest as long as democratic opportunities exist. However, there is still a minority that believes in the legacy of the past - something that which most Shia have abandoned. This minority perceives the state in Bahrain as being as a whole illegitimate and therefore justify



Hasan Moosa Shafaie

disobeying its laws and disrespecting its properties. Thus, according to them it is permissible to vandalize and plunder public properties, as well as the use violence. Also, participating in the council and parliamentary elections, accepting a government official position and dealing with Government officials, should be rejected and shunned as stated in the statements of political extremists.

It is not possible to go back in time to change the position of the Shias in Bahrain intellectually or politically. The State in Bahrain is for everyone, and the Shias have contributed like everybody else in the building of the country. They voted for its independence in 1971 and for the Charter in 2001 and participated in the political process. Therefore, the gap that extremists want to create not only depends upon old and worn out ideas that are abandoned by the Shia, but will weaken and marginalize themselves. This is in addition to weakening their country and making their own lives difficult. Any individual who care about the interest of his/her people would not do such a thing.

HR Societies criticize the Government for minimizing their Participation: Few Meetings and cautious dialogue!

The report of four Bahraini human rights organizations, issued last September, praised the Minister of State for Foreign Affairs, Dr. Nazar Al Baharna, for his efforts to develop and protect human rights in Bahrain. He was also praised for his attempts to include civil society organizations in the Supervision Committee, which is headed by him and is concerned with the implementation of Bahrain's recommendations and commitments with regards to the Universal Periodic Review (UPR).

However, this report which was prepared by: Bahrain Human Rights Society, Bahrain Transparency Society, Bahrain Women's Union and the general Federation of Bahrain Trade Unions, criticized the Government's performance with regards to including human rights organizations in its efforts; pointing out that official bodies have not established a real partnership between them and the civil society.

The four societies complained that their participation in the preparation and discussion of the Government's annual report was small and limited saying that 'it is impossible to say that a meeting that mostly consists of government officials and meets for a few hours every three months, represents a correct framework for partnership between the Government and civil society. It cannot be said that the preparation of the report was based on equal efforts and consultations between officials and civil bodies. This is because the Committee, which wrote the report, is a governmental committee in the Foreign Ministry. It is true that the report was presented to the members of the Supervisory Committee, but this is inadequate. A joint committee should be formed by the Supervisory Committee'. The

report added that: 'with all respect to the mechanism of the Supervisory Committee for the UPR of Human Rights, it does not reach the stage of a committee with a real mandate and can only be described as meetings with cautious dialogue.

The four organizations said that their comments on the official report have been ignored including the comment that the House of Representatives' ratification of the Sunni section of the Family Law reinforces sectarianism. With regards to the establishment of the National Commission for Human Rights, which was approved by the Council of Ministers in 2007, the four organizations believe that its fate is still ambiguous and demanded the implementation of the recommendations of the seminar held by Foreign Ministry regarding its establishment. This is in addition to allowing the civil society organizations the opportunity to participate in the preparation of its draft law.

In the report, the organizations also pointed to the fact that Bahrain has not signed the following agreements: the International Convention for the Protection of Migrant Workers and Members of their Families, International Criminal Court, the Optional Protocol to the Convention against Torture, first Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Also, there are some agreements which have been signed but have not yet been translated into national legislations in order to be implemented. However, the report of the four human rights organization (which is parallel to the report of the government) did not deny the fact that 'the Bahraini Government, through

the Ministry of Foreign Affairs, deals positively with the correspondences of UN rapporteurs and participates actively in international conferences on human rights. But the Government at the same time does not hesitate to convert any reports issued by organizations or the press to their advantage and is quick to deny any negative report. Also, the Government has not started an independent investigation with regards to torture allegations, and the public prosecutor still has not seriously investigated the torture allegations of the detainees, and is not allowing Bahrain Human Rights Society to visit the detainees in order to verify these allegations.

On the other hand, the report praised the efforts of the Foreign Ministry regarding the introduction of human rights awareness in the curriculums of all university and school stages. It also called for the ratification of a unified family law and unified Islamic courts which would promote unity between citizens and eradicate sectarianism. The report also praised the Ministry of Employment and its Minister for his attempt to improve the working conditions of foreign workers such as the freedom to change employers, the prohibition of working in midday heat during the summer and the inspection of foreign workers' lodgings. The report added that 'we need many laws which regulate the lodgings, health and salaries of foreign workers. We also need a special law for housemaids in order to bring justice to this group which is subjected to a great deal of oppression due to the lack of a law that regulates their work in houses'. The report also criticized the fact that employees of the public sector do not have the right to establish unions just like workers in the private sector, and the harassment of trade unionists.

Regarding the Issuing of the Family Law (Shia Section): Constitutional Guarantees are One Thing and Codifying the Law is Another

Statements made by the Vice-President of Al Wifaq, Khalil Almarzooq, regarding the Shia section of the Family Law, have aroused a lot of controversies and objections, particularly his statement that the law 'will never see the light of day as long as the demands of the Shia scholars, regarding constitutional guarantees, are not met'. He added that: 'the nation can live with or without Family Law. It has managed without it for more than 1400 years and can continue to do so for another 1400 years'.

The problem lies in the issue of codifying Islamic rulings, which has become a demand in many countries and even in those that don't have laws such as Saudi Arabia. Hence, it was surprising to see an influential MP, serving in the legislative authority, belittle the importance of codifying Islamic rulings.

Indeed, Almarzooq has the right to ask for

any guarantee he sees fit. This is the real problem we face today and should be solved through dialogue between the Government and Shia scholars. However, the very existence of a family law which judges, legislators and the Executive Authority abide by should not be undervalued.

There are those who say that the constitutional guarantees which the Al Wifaq MPs demand are not only hard but impossible to achieve. In our opinion there is a solution to this problem, since both Shia scholars and Al Wifaq MPs accept the very existence of a Family Law, but their concerns center around possible changes in the future to the law instigated by the Legislative Authority. From this basis a compromise can be achieved. However, Almarzooq appeared nervous in his statement when he said that the Government did not offer a solution to this



MP Almarzooq

matter and also said that 'we are ready to wait for another 2800 years'.

King Hamad bin Isa Al Khalifa had stressed that any law which contradicts the Islamic Sharia will not be authorized. This was regarded by some MPs as a positive sign for Shia scholars and a new beginning for solving the problem.

Bahrain Joins Anti-Corruption Agreement

In a courageous step, the Government agreed to join the UN Convention against Corruption and passed the bill to the House of Representatives for ratification. According to the agreement, Bahrain must establish an independent anti-corruption committee, promote integrity, honesty and responsibility amongst its employees and take the necessary procedures to promote transparency and accountability in the administration of public money. This includes procedures relating to the adoption of a national budget, reporting on income and spending and establishing a system that includes standards for accountability and account control.

Also, the agreement commits the Government to take procedures which allow the public to obtain information regarding the organisation of Government administration, decision-making, legal contracts which affect the general public; this is taking into consideration their confidentiality and respecting their privacy and their personal

information.

The agreement also obliges the Government to publicize periodic reports regarding the danger of corruption in its departments, the judicial system and Public Prosecutor's Office. It should also take procedures which prevent the private sector from getting involved in corruption and impose when necessary civil, administrative and criminal deterrent punishments.

Also, in order to spread awareness with regards to corruption and its causes and dangers. The agreement obliges the Government to promote transparency in the decision-making process and encourage the participation of citizens in it and the organization of media related events/activities which help spread awareness about the seriousness of this issue. This is in addition to respecting and protecting the freedom of receiving, publishing and publicizing information relating to corruption.

The signing of the Convention against Corruption fits the demands of the Bahraini

civil society which repeatedly called for the ratification of the Convention. Many political and human rights figures have expressed their satisfaction. Al Wifaq MP, Jalal Fairouz, praised the Government's attitude towards joining the Convention. He said that: "although overdue, the signing was a step in the right direction and Bahrain needs such conventions". In addition to this, the Secretary General of Al Wasat Al Arabi Al Islami Society, Dr. Jasim Almihzaa, commented on the issue by stating that Government's approval fulfills an important demand for all political and public parties. He also added that the issue of corruption should never be abandoned. Moreover, Abdul Nabi Salman, member of the Democratic Progressive Society, said that the call for the final ratification of this Convention is for the benefit of Bahrain and that this step is very pleasing; adding that the ratification of the Convention will reflect positively on Bahrain's reputation, legislations and on the general development of the country.

Next Elections: Women Doomed to Failure Unless Supported by Political Societies

A research study about women's experience in the 2006 elections and the probable outcome of the 2010 elections was conducted by the Supreme Council for Women with the co-operation of UNDP. The study recommends an increase in the financial support for societies, committees and national councils concerned with women-related issues. The Government's financial support to political societies should be linked to the amount of support given to female candidates. The study also recommended (an increase in the proportion of female representation in the Shura Council, taking into account the selection of men and women who are faithful supporters of empowering women in general, and political empowerment in particular, if possible, and to take interim measures to support women and increase their chances of success in the elections, according to CEDAW).

The study polled 500 voters about the nomination of women in elections. The results of the survey showed that 74.1% supported women nominating themselves, 24.1% objected to this idea. It also revealed that 62% of pollsters would not vote for a woman and only 30.7% said that they would.

This sample reveals that the chances of women succeeding the next election are very slim. This is the reason why some female activists demand the adoption of the quota system. Others however, believe that the number of women appointed in the Shura Council should be increased. The Supreme Council for Women recommends that the number of appointed women in the

Shura Council should be increased. It also recommends the application of pressure on political societies to nominate women and change this patriarchal culture.

The study observed that women were not nominated by the main political societies during the 2006 elections which lowered their chances of winning. There are unofficial promises from the Al Wifaq Society that two women will be on their candidates list, and if this happens, it is most likely that they will win.

According to the same study, most female candidates in the previous parliamentary elections were not associated with any political society. There were 21 female nominees in the previous elections, 19 of which ran independently (90.5%), while only two ran as part of political societies (9.5%). With regards to the candidates' level of education, the study revealed that 'all had received a suitable amount of education. The percentage of female candidates with post graduates degrees was 47.6%, and those with university degrees was 28.4% and only 23.8% were at GCSE level'

The study pointed to a number of obstacles facing female candidates, including 'their inability to build alliances, the lack of financial support, the lack of an affordable specialized administrative team and technical expertise'. Other obstacles include the tension in the political atmosphere and the media and newspapers' lack of cooperation as they demanded a great amount of money for covering women's elections activities.

The study also shows that 28.8% of

the candidates felt that the reason for their failure in the elections was 'due to the attitude of religious leaders who have spiritual and social influence.' These leaders believe that the nomination of women for the legislative council is not permissible. The study also showed that 19% of female candidates attribute their failure to the influence of political societies and other problems associated with elections. On the other hand, 9.6% believe that mismanagement of the campaign was the problem, and 4.8% thought that weak funding was behind their failure.



In order to help women in the next elections, the study recommends that the Government put forward regulations that would organize the campaign and would guarantee equal opportunities and limit the financial obstacles facing women in the elections. The study also recommends the introduction of a media policy based on principles that are accepted by all media and information institutions. This is in order to unify the coverage of the elections, limit the candidates' financial influence in the media and reinforce its independence. The media should also contribute in changing the perception of female candidates in society.

The President of Bahrain Women's Union, Mariam Al-Rowaie: We Support the Quota System to Help Women Win Seats in Parliament

The Bahrain Human Rights Monitor met the human rights activist and President of Bahrain Women's Union, Mariam Al Rowaie. During this lengthy interview many human rights issues were discussed, especially the political role of women in Parliament and the Executive Authority. Rowaie called for half of the Shura members to be women. She also demanded that the Beijing Recommendations be implemented which would increase the percentage of female representation involved in decision-making to 30%. She also called for the Government to implement more of the recommendations of the CEDAW Committee and to remove all social barriers and cultural discrimination against women so that they can become a true partner in public life and equal to men.

There is continual talk regarding the possibility of a Bahraini woman reaching the House of Representatives in the next parliamentary elections. There are also some calls to adopt the quota system. Do you think women are going to succeed in the next election? And what is your opinion regarding the quota system?

Women will never succeed in the next election unless all parties within the Parliament are convinced that their participation in the legislative institution would be beneficial. Al Asala parliamentary bloc has already announced that this is impossible, claiming that Parliament is part of (presidency) and that women are not permitted to take on such responsibility. On the other hand, Al Menbar Al Islami bloc has kept quiet, and the Alwifaq bloc has been discussing the possibility of giving the opportunity to two women to stand as candidates. The Government, from its part, may continue supporting its previous position in this election also.

With regards to the quota system, the Union relies on the principles stated in the Bahraini Constitution, which guarantees equal rights to all citizens, men and women alike, as well as the Universal Declaration of Human Rights and the Beijing Recommendation No. 182 which demands that the governments of the world increase the participation of women in decision-making to a minimum of 30%. This is in addition to the Convention on the Elimination of All Forms of Discrimination

(CEDAW) and especially Article 4 as this calls for state parties to adopt the principle of positive discrimination towards women. After discussing the official and unofficial Bahraini reports in Geneva in October 2008, two articles were allocated to this subject in the final recommendations issued by the International Committee on the Elimination of Discrimination against Women. According to the two articles:

- The Committee notes that the State party's understanding of the purpose of temporary special measures, necessary in accordance with paragraph 1 of Article 4 of the Convention, is insufficient and expresses concern about such measures as unconstitutional and discriminatory. It is also concerned at the lack of any temporary special measures to accelerate de facto equality or substantive equality between men and women, in particular with regard to the participation of women in politics and in the workplace.

- The Committee urges the State party to adopt and implement paragraph 1 of Article 4 of the Convention and general recommendation No. 25, of temporary special measures, issued by the Committee in particular in the field of women's participation in public life and in the employment of women. The Committee recommends that the State party to disseminate awareness among the general public of the importance of temporary special measures to accelerate the process of

achieving equality between men and women.

We in the Bahraini Women's Union believe that the application of the quota system must coincide with modifying the current voting system to the list system and modifying the system of distribution of geographic constituencies. We also demand the State to increase the percentage of women to half in the Shura Council in order to adjust the low representation of women in the elected council (House of Representatives).

What are the main obstacles facing women in acquiring high positions in the State especially as members of the House of Representatives?

The main obstacle which Bahraini women encounter is the weak political will, which sometimes does not conform to the standards of society. The State could adopt a quota system in the Executive Authority in order to demonstrate their commitments to the Beijing work plan. Today, it is necessary to look into dividing the numbers of ministers and under-secretaries, ambassadors as well as memberships within the Shura Council equally between men and women. By doing this the State is able to enforce the constitutional right of women as citizens who contribute in the building and development of the country alongside their male counterparts. As for membership in the House of Representatives the main obstacles are:

- The historic legacy of marginalization and exclusion of women. This has created a stereotyped image that politics and leadership are exclusive to men.
- Confusion between traditions and true Islamic values and the use of this as an excuse for maintaining the status quo with regards to women's position in society
- Women's inability to move freely, spontaneously and on a regular basis amongst the electorate due to social circumstances and cultural legacy.
- The lack of independence of female voters as they usually follow their fathers, husbands and brothers.
- The influence of religious political societies which dominate the elected

House of Representatives as they do not view women's empowerment as a priority.

What's new about the Shia section of Family Law? Has the road been paved for its ratification? And what is the role and opinion of the Women's Union in this matter?

The Shia section of Family Law has been ignored indefinitely due to the agreement between the Government and the Al Wifaq parliamentary block. The Law was withdrawn from the House of Representatives last year and the main problem is that this law has become part of the political game and is used as a bargaining chip between the Government and the opposing party.

The Women's Union has continued its demands with regards to this law and has strived to create a societal consensus around the law. Some Sheikhs and Sunni religious figures have revised and commented on the draft, which later led to the ratification of the Sunni section; however the Shia parties have refused to do so with their section. The Union is trying to meet and discuss the issue, as well as open dialogue with some Shia figures.

To what extent women have benefited from the political reforms that took place in the country?

Women have benefited from the political reforms in the country in many ways:

- 1- Obtaining the full and equal right to participate in elections as candidates and voters in accordance to the Constitution. And also the right to the same employment opportunities, as well as representing the country in international arenas. What's left is for the constitutional articles to be implemented.
- 2- The appointment of two female ministers, a number of public prosecutors and three Judges, one of which is a member of the Constitutional Court. Such positions were never available to women before the reform.

Is there any practical co-operation between the Women's Union, Women's societies and the Supreme Council for Women?

The Women's Union represents 12 societies and aims to include more. As for the issue of co-operation with the Supreme Council for Women, both parties have signed a memorandum for cooperation. There also exists a coordinating committee between the

Union and the Supreme Council.

To what extent has the Union succeeded in achieving its objectives and what are the obstacles that it faces?

The Union was newly established in September 2006. During its short life span, it has succeeded in realizing its goals through the implementation of many programs.

The obstacles which the Union faces include: the lack of funding, lack of owned headquarters and lack of full-time devoted board members.

To what extent does the Government implement international agreements relating to women, children and especially CEDAW?

Of course, there has been some progress in the position of women since Bahrain's ratification of the CEDAW which includes:

- Increasing women's participation in decision-making positions.
- Presenting periodic reports regarding the Government's performance in relation to the implementation of international conventions.
- Giving women some privileges in civil service law such as maternity leave, breast-feeding hours and bereavement leave.
- The issuing of the Sunni Section of the Family Law.

However, numerous articles have yet to be implemented, such as:

- Bahrain's reservations to CEDAW and its negative impact on the use of the substance of the Convention.
- Not amending discriminatory laws against women including the nationality law (the right of Bahraini women married to foreigners to transfer their nationality to their children just like men).
- The absence of essential legislations which help develop women's position in society e.g. Family Law/Shia section, an anti-violence law, anti-discriminatory law and sexual harassment law.
- Bahrain, by not signing the Optional Protocols of CEDAW, deprives women of an important international mechanism. This

is in addition to not exerting enough effort to introduce the mentioned Convention and publicize it in society.

- The absence of a legal framework in the Labour Bill regarding those who work in the private sector to cover new categories of workers, such as nursery teachers (3000 teachers) and household workers .



There are some who criticize the Women's Union saying that its role is unclear and its social activities are insufficient, what do you think?

We accept any criticism with an open heart as we see it as a means for progress as long as it is objective. Despite its new establishment, and the unhelpful circumstances surrounding our work, we have nonetheless achieved a great deal. For example, we have pushed towards the issuing of the Family law, and currently we are striving towards opening channels for dialogue regarding the Shia section. We have also adopted a committee which provides legal support for women who were subjected to domestic violence. The Union has also set up essential projects such as eradicating of computer illiteracy and co-operating with both the House of Representatives and Shura Council in the revision of all laws relating to women. This is in addition to its role in the preparation of the unofficial report and its participation in the discussion session in Geneva on October 2008 for Bahrain's official and non-official reports. It is also following up Bahrain's adherence to the CEDAW recommendations and its membership in regional and international institutions, among others.

Towards a Mature Relation between the Government and the Opposition

The reform project has acknowledged the necessity of the existence of the opposition as part of the political game and paved the way for the establishment of political societies (parties). It has also encouraged political societies to compete for the Parliament. Although these are pioneering steps, after two elections, it appears that what has been accomplished so far is not enough to make the opposition a real partner in the decision-making. Even in the Parliament, the elected members found it extremely difficult to adopt laws, particularly those related to monitoring and accountability. Due to such difficulties it has become clear to the opposition that they will not be able to fulfill their election promises, which placed them in a very difficult position.

The problem does not relate to the very existence of a political opposition as part of the existing system, but to the role that is given to it. According to Tahir Hikmat, member of the Institute of Political Development, there are some players who accuse parties within the Government of wanting the opposition to become just a decorative name in order to complete the picture of the present democracy. On the other hand, there are those who accuse the opposition of attempting to take over the Government without going through the necessary stages.

It seems that the cold relationship between the active political parties and the Government has significantly affected the parliamentary experience. Many international reports have noticed the unstable relationship between the two parties which hinders the democratic development in Bahrain. Therefore, last June, the Ibn Khaldon Centre

called for a partnership and co-operation between the Government and the opposition in order to solve the problems facing the country. Based on this, the opposition parties demanded the Government to recognize their role and consider them as a partner in the decision-making process. In addition to this, the opposition feels it should be given the chance to rule.

However, the opposition is still fragmented as it does not have a unified program and ideological differences resulted in temporary alliances. Therefore, although the opposition has stressed that it does not view the Government as an enemy, and that it is ready for discussion and dialogue, but it has failed to convince the Government of this.

The failure of the opposition- which was part of the political process and participated in the Parliament- is also a failure to the reform project. Attempting to weaken or divide the opposition, will eventually weaken the political system itself. Moreover, hindering the work of the parliamentary opposition, in particular, and not allowing it to accomplish anything is a failure for the entire political process. The danger is that if political participation does not achieve its objective in promoting change and reflecting the hopes of the public through the official means -introduced by the reform project- extremists will gain more power and citizens will avoid participating in elections. Moreover, a weak opposition is also a weakness in the political mechanisms, which have been agreed upon, and casts doubts about their ability to achieve their objectives. Weakening the opposition

will result in the absence of a second opinion. Therefore, the possibility of correcting the performance of the political system and the Government's bureaucracy will drastically decrease.

For this reason, the existence of the opposition and a second opinion is a necessity for any democratic regime and for a country striving to become one. This is true even if the presence of the opposition is disturbing and even if it exceeds its limits. The fact that an opposition exists is a sign of political openness and reflects the maturity of any political system. The performance of the opposition also reflects how mature a society is.

Whatever the reasons for the estrangement between the Government and the opposition inside and outside Parliament, we conclude that:

- The development of the political forces in Bahrain strengthens the political system. During the democratization process the opposition must become a partner that is involved in decision-making. Thus, reaching agreements and initiating dialogue to discuss the future of the country is necessary.

- The failure of the opposition - within the democratic mechanism - to achieve some of its objectives and the failure to become a real partner reflects negatively onto the reform project and could cause instability in the country. It should be noted that this failure maybe due to the weakness of the opposition and its performance.

- The Government took the initiative in the reform process, and thus, can once again take the initiative to reach out to increase public participation in decision-making. In addition to this, whenever the number of political active forces increases, this is a bigger guarantee for the stability of the country and promotes the legitimacy of the political system.

Al Ayam Newspaper Interviews Hasan Shafaie: No Connection between Violence and Freedom of Expression

In an interview with Al Ayam newspaper on 30 September 2009, human rights activist Hasan Shafaie pointed out that there is a difference between freedom of expression, peaceful political performance and inciting violence. He added that inciting, encouraging or getting involved in violence violates human rights. This is so because violence directly threatens lives and also violates personal freedom and the right to live safely. In addition to this human rights requires a peaceful atmosphere away from violence which affects political stability and undermines the activity of civil society institutions. Harming the peace and stability of any country affects it economically, socially and even its development.

Mr. Shafaie also added that riots and the use of burning bombs are not correct methods of expressing opinion. Rather, freedom of speech, writing and assembly should be used to voice one's opinion, as well as demonstrations and protests etc. Mr. Shafaie also pointed out the fact that all the above are available and allowed in Bahrain, and that the Government should not prohibit such activities as long as they comply with the law. He also said that advocates of violence do not complain about the lack of freedom of expression as, initially, they are not interested in working within the law; especially as they do not believe in the legitimacy of state, in other words, they violate the law and then get involved in riots and violence which cannot be covered by any international human rights norms.

Replying to the question: who's

behind the incitement of violence? Mr. Shafaie stated that the instigators are known by their statements and actions. He said that Harkat Ahrar al-Bahrain (Bahrain Freedom Movement) and Harakat Khalas (Salvation Movement) are the main sources of inciting statements that come from abroad. According to Mr. Shafaie, public statements and leaflets issued by the two actors have contributed significantly to fuel violence and riots in the street. He stressed that society with all its civil society institutions are also responsible. Furthermore, the Government also bears responsibility

such procedures take place within the international human rights law so that these rights are not violated with the excuse of protecting them.

Mr. Shafaie criticized the Government's performance with regards to dealing with international human rights reports and said that a modest progress was achieved in this aspect. He also pointed out that many organizations are complaining that the Government does not respond to their letters and inquiries. Mr. Shafaie attributed this inadequate official response to misjudging the importance of the matter and also to some administrative problems including the lack of having one entity in place that organizations can refer to. Mr. Shafaie stressed that not responding to international human rights correspondences portrays a negative image about Bahrain.



for the protection of its people within the context of (the protection of the right to live). He explained that International law demands that countries take the necessary procedures to protect its citizens' rights in order to deter advocates of violence; and also investigate any human rights violation as well as ensure that those responsible are brought to justice. It is important that

With regard to the role of Bahraini civil society organizations and the impact of their activity abroad, Mr. Shafaie stated that their work has had a good response abroad, and that Bahrain is no longer a closed country. These organizations play the role of a mediator for sending views and information to foreign media which can be sometimes politicized or hasty.

Public Statement: the Trial of Hassan Salman and its Implications

Bahrain Human Rights Monitor (BHRM) expresses concern over the events that accompanied the trial and conviction of Hassan Salman, 26, former employee of the General Authority for Insurance and Pensions. Hassan Salman was accused of revealing secrets, which had been obtained during official duty, and endangering national security in Bahrain. At the same time the BHRM is of great concern over attempts by some Bahraini human rights organizations to exploit the criminal process against Hassan Salman for gains that have nothing to do with human rights. The BHRM condemn such action because it portrays criminal activities as human rights. Furthermore, this will affect the credibility of the human rights work, casts doubt on the professionalism of some human rights organizations and its adherence to the fundamentals and principles of human rights. Such developments came as a result of a decision by a Bahraini criminal court on 16 September 2009. The court sentenced Hassan Salman to 3 years' imprisonment on charges of divulging secrets concerning his work. The facts of the case related to the revelations made by Hassan Salman, who works as computer systems analyst at the General Authority for Social Insurance «retirement». Hassan published the names of all staff of the national security in a website in the Internet, in disregard of the confidentiality of information. The trial received wide coverage by the media and the Bahraini press published the details of the

trial, which was public. The court convicted Salman for his disclosure of information and secrets, which he obtained by virtue of his post, and thus contravening the principle of a public official in the confidentiality of information and lack of diversion. We do not want to go into the legal controversy to the court's ruling as long as the stages of appeal against the verdict are still open to Hassan Salman, and as long as the trial had matched the standards of a fair trial. After the verdict, the Bahrain Centre for Human Rights expressed concern about the trial of the accused for passing on information about the national security service, and expressed regret for the Public Prosecution Office in Bahrain to investigate Hassan Salman. The Centre said that there's no proof that Hassan Salman had leaked the information. The Centre called on regional and international organizations to take action to counter the court's decision, demanded the immediate release of Hassan Salman, and called on the authorities to refrain from targeting human rights defenders. According to information received by the BHRM, the defendant had confessed without pressure or coercion that he had leaked the information and posted it on the Internet, and that what he did came as a reaction to the arrest by the security authorities of Sheikh Habib Miqdad and political activist Hassan Mushaimie'. The BHRM

fears of a repeat of the politicization of criminal cases and turn them into political issues. This emerged and evident in some public statements that did not deal with the reasons that led to the trial of Hassan Salman, nor did they discuss the applicability of the Bahraini criminal law to such cases, and did not address whether Hassan Salman had received fair trial or not. It is not clear how leaking secret information by a public official means in the final analysis targeting human rights defenders? Are public servants entitled, under any justification, to leak information obtained by virtue of their job? Is such conduct falls under the right to exercise freedom of expression, or is it offense punishable under the provisions of national laws



in all countries of the world? The BHRM calls again on all human rights activists and defenders, and national and international human rights organizations for non-politicization of criminal cases and transforming them into human rights issues. Furthermore, BHRM calls upon them to distance human rights subjects from the political conflict because this does not serve human rights issues in Bahrain. The BHRM will continue to follow-up the developments of the case of Hassan Salman in a professional manner, and will ensure that fair trial standards were followed in this case.