

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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Effect of Democratization in Improving Living Standards

Democracy cannot exist without social justice, whereby citizens feel that all their social and economic rights are protected. The political dilemma in the Arab world, resulting from the absence of political freedoms, has left very clear negative effects on society. This dilemma has contributed significantly to the erosion of the economic infrastructure of the Arab world, or has at least resulted in a clear imbalance in the distribution of wealth and services. The absence of political freedoms has also led to a decline in the standard of living; increased poverty and unemployment rates; and has diminished productivity and widened the gap between the various social classes.

It could be argued that political oppression leads to social imbalance, the deterioration of the economy and the decay of the social fabric. Furthermore, political oppression distorts the meaning of good citizenship and its requirements as well as having a devastating effect on the concept of national identity. The latter does not seem able to withstand the consequences of political oppression or repair its damages.

The important question here is whether democratization is the solution to these problems?

In theory yes, but only if this transition is serious and clear. It is possible to measure the success of the implementation of democratic mechanisms in the extent to which these changes reflect positively on the lives of ordinary people. These ordinary citizens do not only seek political freedoms, but more importantly, the vast majority also aims to improve their standard of living. Democratization will become meaningless if unemployment and corruption continue and if the standard of public services does not improve. This reveals a serious problem underlying the political process itself and also indicates an absence of the principles of transparency and accountability, a weakness in the performance of the elected Legislative Authority and the lack of a political 'will' to start a clean political life, particularly by the Executive Authority.

When factional, sectarian and tribal conflicts continue, riots, incidents of violence and human rights violations also increase, which suggests that the culture of democracy and human rights is still not yet deeply embedded in the Bahraini public and official conscience. It also points to the fact that the Judiciary is weak and is unable to adequately perform its role. Furthermore, it means that civil society institutions have also failed in their attempt to make any changes or provide citizens with appropriate mechanisms in order to confront the challenges of daily life.

Bahrain is undergoing a transitional period towards achieving democracy and the signs of this are clear and need not be mentioned. To what extent however, has this transition affected the culture, values and the life of the citizens? To what extent have we come closer to achieving the values of social justice? And to what extent has democracy encouraged the Government to improve the performance of public services? And has the process of democratization provided us with new tools or weapons with which to confront poverty, unemployment, bribery and other symptoms of corruption?

We are convinced that improvements in public services and in combating unemployment and corruption have actually taken place. A change in Bahraini society's culture towards respecting different opinions which promotes human rights culture has also been noticed, and even at the legislative and legal levels a positive change has been detected, but is this enough? If the democratic transition has not changed our situation, culture and performance for the better, this means that there is a problem. And when democratization achieves successes at some levels, how can these be measured? And how can radical changes be achieved in the bureaucratic, judicial and legislative systems in order to promote the values of democracy and move us closer to it.

In this issue

4 **Amnesty & Reconciliation for Better Future**

6 **Who Needs Human Rights Culture?**

8 **Report: Decline of Press Freedom**

10 **Dangers of Sectarianism**

The Court Clears Karzacan detainees

On 13 October 2009, and after almost a year and a half in detention, the nineteen Karzacan detainees accused of killing a policeman during riots were acquitted by the Court. The decision by Judge Sheikh Mohammed bin Ali Al-Khalifa has triggered a positive response towards both the judge and the judicial system. According to all commentators, the trial proved the independence of the Bahrain's judiciary to the world and has rightfully earned the trust of citizens.



Lawyer Mohammad Al-Tajir, head of the defence team, commented on the verdict saying 'it addressed the heart of the matter and was an honest and professional decision as the judge was not influenced by any external political circumstances'. He pointed to the independence of the judiciary which led to a fair verdict after having carefully considered the merits of the case. On the other hand, the lawyer and former MP Fareed Ghazi stated: 'some might be surprised by the court's rulings, but they are based on the evidence presented to the court'.

Bahrain Ranks First in the Gulf for Empowering Women

Bahrain has achieved a high ranking in human development with regards to women's rights, education, health and income, according to the 2009 UN Human Development Report. Bahrain was ranked fourth out of 155 countries for exerting efforts to develop the capacity of women. The report stressed that despite the fact that Bahrain scored 39 out of 182 countries and fell one place due to the entry of 3 new countries in the report, it has still achieved a high score in the main indicators of human development which are health, education and income, thus gaining its first place among the Gulf states in the empowerment of women particularly for occupying leadership positions.

The report also affirms that there has been

a positive increase in human development in Bahrain since 1985. The report data ranks Bahrain first in spending on education among other Arab states (Bahrain spends 9.5% of its budget on education), and in the ratification of international agreements. The report also states that the percentage of people attending primary, secondary and university education has reached 90% which is the highest in the Gulf area and ranks 28th in the world. It also shows that 88% of the youth aged 15 and above were interested in reading and writing. The life expectancy of the Bahraini citizen has reached 77 years and the GDP per capita was US\$30,000 for 2007.



The King: Democracy Continues to Consolidate the Foundations of a Constitutional State

Bahrain's King Hamad bin Esa Al Khalifa affirmed his intention to continue the democratic path and to protect what has been so far accomplished such as the increase

in economic development, empowering those with low incomes and promoting the role of the middle class which



contributes to solving the problem of unemployment. He also added that the Government is working towards 'promoting the foundation of a modern constitutional and civil state in accordance with the Constitution, the rule of law, respect for human rights, freedom of expression and empowering Bahraini women'. The King also stressed the importance of 'achieving a political movement in line with our democratic political development and moving away from individual decisions to collective ones whilst also tackling administrative corruption'.

MPs: HR Societies have the Right to Visit the Prisons

On 21 October 2009, the Committee for Foreign Affairs, Defence and Security in the Parliament affirmed the need to allow registered human rights societies to visit rehabilitation centres in order to monitor the conditions of the inmates after obtaining the necessary permits. This affirmation came during a meeting the Committee held with representatives of Ministry of Interior to discuss the reform and rehabilitation bill. On the other hand, the Committee has reached a decision regarding the death penalty, specifically the removal of the sentence 'execution by firing squad' mentioned in the bill.

Workshops on Political Empowerment of Women

On 4-8 October 2009, the Supreme Council for Women organized a series of workshops on 'the Political Empowerment of Bahraini Women'. The workshops were organized within the context of preparations for the next local and parliamentary elections, and in an attempt to help women win parliamentary seats. The workshops served as a practical application of the study entitled: (Bahraini Women in 2006 Elections - Opportunities and Challenges) conducted by the Supreme Council for Women in cooperation with UNDP (see Bahrain Monitor, issue 9, October 2009). During the workshops, many issues were discussed including general reading of Bahrain's elections literature; how can the candidate deal with the media; community-based communication tools; public awareness and organizing campaigns; creating informal networks and collective decision-making. Lecturers in the workshops were diverse and a number of them were from Arab countries such as Kuwait and Egypt.

Al-Jishy and Al-Quood participate in Geneva Conference on Women

A parliamentary delegation participated

in an international seminar in Geneva at the end of September 2009. The conference was entitled 'are there available opportunities for women to participate in parliamentary elections?' The delegation included Dr. Bahiyah Al-Jishy (Shuraa MP) and MP Latifa Al-Quood who pointed to the continuous efforts in Bahrain since the Kingdom joined CEDAW to help women gain their full rights. The delegation added that the absence of family law represents one of the major challenges facing Bahrain in this regard as only the Sunni part of the law had been passed. However, the delegation expressed its optimism regarding the Shia section, hoping it would likewise be passed in the near future. Among the obstacles that were discussed during the conference was domestic violence against women and the importance of passing legislation to confront it.

Al-Ekri: Need to Confront Corruption and Nepotism

The President of the Bahrain Transparency Society Abdul Nabi Al-Ekri said that 'confronting corruption and favouritism and working towards attaining transparency and integrity is the core duty of all sincere citizens and residents of any country in the world as well as political, economic cultural and religious elites'. This came in a conference held on 7 October 2009 in which Transparency International's annual report was launched. He also added: 'during this new era the forces of good in society and in the Government are struggling to confront corruption and favouritism. This has led to the adoption of new steps including: the establishment of an office for financial control, Government's ratification of the United Nations Convention against Corruption, the establishment of the Supreme Council for Biding and some transparency and openness in the Government's administration of the country and its resources. The reference in the King's recent speech to passing a law, which establishes an office for administrative control, and the need to confront corruption through the 'Bahrain's Vision, 2030', which was launched by the Crown Prince, are all positive indicators which should be transformed into a strategy for the State and society and to effective policies and

legislations capable of gaining national consensus and support of the State and society'.

Dr Assaf: Women's Rights in Bahrain the Best in the Gulf

On 2-10 October 2009, a training course was organized by the Bahrain Society for Human Rights aimed at preparing male and

female trainees on women's rights issues. The workshop was attended by human rights activists from eight Arab countries. Dr Nizam Assaf, the General Director of Amman Centre for Human Rights Studies, said 'the condition of Bahraini women's rights are the best in the Gulf as women are able to participate in the Parliament and Shura Council, and have participated successfully in political and social activities. He added that Bahraini women also headed educational institutions, as well as undertaking important positions in many international organizations in the UN. Assaf also stressed that despite being the best in the Gulf, the status of women in Bahrain still lacked complete equality with men, and there is need for the allocation of parliamentary seats exclusively for women and contributing more to decision-making at the governmental and social levels.



Al-Mizel: Sectarianism is Abhorrent, and the Solution is 'Constitutional Monarchy'

MP Mohammed Al-Mizel denounced the call to join forces and societies on a sectarian basis. He regarded this call as 'abhorrent sectarianism which is unacceptable if made by an ordinary citizen let alone by the President of the House of Representatives'. He added that 'even if this call by the President of the House of Representatives was aimed at unifying Shia forces, we would have rejected it to the same degree or maybe more'. Al-Mizel demanded the President of the House of Representatives to push for unity on a national basis instead of adopting sectarian agenda which only benefit those aiming to inflict harm on Bahrain and its unity. He noted that such sectarian programmes contradict Royal's calls addressed to scholars from all sects for mutual respect and frustrate the Royal's attempts to direct the sectarian diversity of Bahrain for the benefit of Bahrain and its citizens. In this regard, Al-Mizel called for national unity from which a national front can be formed to promote the objective and principles of the constitutional monarchy stated in the National Action Charter and the Constitution.



Workshop on Children's Rights

In cooperation with the Ministry of Education and UNESCO, the Ministry of Foreign Affairs organized a workshop on the rights of the child in which many civil society organizations and a large number of teachers participated. Dr. Nazar Al-Baharna, the State Minister for Foreign Affairs, opened the workshop and praised the Ministry of Education's step towards incorporating human rights culture into schools curriculums. On the other hand, Dr. Majid Al Niaimi the Minister of Education said that 'the culture and values of children's rights were enforced by the reform project', adding that the workshop came within the context of cooperation and communication between Bahrain and UNESCO in order to affirm Bahrain's commitment to the Universal Declaration of Human Rights and other international conventions. The Minister also pointed to the human rights values which have already been reinforced practically through education.

Transitional Justice:

Remedying the Past; Looking to the Future

As is the case when radical political changes take place in countries which have moved towards a middle political ground or a transitional period towards democracy, the Bahraini Government and society naturally face many questions with regards to the legacy of the past, in order to move forward and ensure that mistakes are not repeated. In general, the political atmosphere during times of democratic transformation permits serious questions to be posed and allows for the establishment of organizations and societies which deal with the heavy legacy of the past. Most countries have not been able to completely solve the difficult issues concerning this complicated subject. There are three main issues concerning this problem:

Firstly, how can we deal with the legacy of the past without it becoming an obstacle in building the future? In other words, how can we guarantee that dealing with the past will be correct and appropriate without causing political and social upheaval? Accountability should not undermine national reconciliation, and at the same time forgiveness should not contradict justice. Hence, the concept of 'transitional justice' was introduced meaning that justice should not be applied retrospectively if this is to cause tension and result in political chaos and the return to dictatorship. Rather, justice relates to the uncovering of the truths behind what had happened before the democratic transition which includes genocide, crimes against humanity, war crimes, torture, unlawful detention and extrajudicial executions.

Secondly, concerning financial and moral compensation of victims and their families and helping them to rebuild their

shattered lives, whereby they can return to their properties and resume their previous jobs. In general, compensating victims and providing physical and mental treatment as well as paying their expenses.

Thirdly, how can we guarantee that previous violations will not reoccur? And what are the necessary steps that should be taken in order to secure this? The answer to this question includes: promoting the independence of the judiciary, training the security forces on human rights standards and human rights culture, enacting legislations which cannot be used by the violators (i.e. legislations different from the ones that led to all kinds of violations in the past), and creating a social, political and media climate which exposes, and does not tolerate, any new violations.

In more than 35 countries national commissions were formed, most of which adopted the name 'truth and reconciliation' or similarly 'fairness and reconciliation' or 'justice and reconciliation'. According to Amnesty International, these commissions have only partially succeeded in their goal to achieve truth through reconciliation due to different reasons including: the lack of political will, amnesty and protection of perpetrators, the collapse of the legal system, the absence of effective national laws to criminalize certain practices, and the existence of other legal obstacles which hinder the course of justice. With regards to Bahrain's torture file, it was put forward as soon as political change started in 2001. The following are some of the issues which cause the subject to be both ambiguous and problematic:

Democratic change in Bahrain came primarily from the highest political

authority, which indicates the intention to depart from the ways of the past. This has coincided with the expansion of public participation, reforming the judiciary, ratification of international human rights conventions, expansion of margin of freedom of expression and establishment of civil society organizations etc.

Most countries where commissions were established had suffered from many social divisions and some experienced civil wars. Others endured genocide, crimes against humanity, war crimes, extrajudicial executions, and enforced disappearances. These countries needed 'truth and reconciliation' commissions in order to heal national wounds. In Bahrain, however previous violations were limited to torture in prisons, which was officially acknowledged but not declared, and therefore there seems to be no urgent need for such a commission.

In general the Bahraini Government's policies, which came directly after the announcement of reforms, included quick and radical corrective measures. These included the release of all political prisoners, the return of all exiles where a special plane was sent by the King to bring them home, and the re-employment of unlawfully sacked employees and compensating them, amongst other measures.

Some have suggested that Bahrain should compensate victims of torture, and hold those responsible accountable. The Government attempted to tackle the first problem through creating a focal point in both the Office of the Ombudsman and the Ministry of Social Development. However, this step has only partially succeeded in meeting its

goal because the idea of separating 'compensation' from 'accountability' was rejected. In general, accountability was considered a political matter which has nothing to do with either 'reconciliation' or uncovering the 'truth'. In this regard, the concept 'truth' has two sides: the first is the Government's violations of detainees' rights (through torture), the second is violations committed by the opposition or its affiliations which have affected the lives of tens of civilians, some of whom lost their lives, whilst others lost their properties in arson attacks. In many countries it became evident that 'accountability' will snowball into endless 'accountabilities', and instead of providing a positive atmosphere which helps to overcome the legacy of the past and encourages looking forward to the future, it could lead to the opposite: i.e. living in the past and politicizing the issue of past violations from both parties, the authority and some members of the opposition, in order to serve the interest of each party. This could result in overturning the democratization process and abolishing the spirit of forgiveness altogether.

Conclusion:

*Forgiveness at both the official and personal level plays a primary role in overcoming the legacy of the past, not by denying justice but by relinquishing resort to it, especially if the breaches in question had caused problems which are almost impossible to solve, or may lead to the trial of several parties and not only Government institutions. Hence it can be said that the option of dropping a quest for trial is embedded in the very idea of 'truth commissions', for uncovering the truth through revision and self-criticism by both the authority and the opposition provides a middle ground, and allows both parties to adequately learn from the past without causing new wounds. It may also be

sufficient to compensate the victims morally and contribute in preventing the recurrence of human rights violations in the future.

*During the post-reform stage one should not be lenient towards any human rights violations committed by the Government or some radical elements in the opposition. Most of the attention is directed at the Government's security institutions, which have announced on more than one occasion that some of their employees were questioned on the grounds of breaches of human rights. Another justification for not digging up the past or reopening old wounds is to



ensure that the current political process remains on the right track and that we are not distracted from scrutinizing the breaches that are taking place now. This would encourage perpetrators to escape from punishment, weaken the state's institutions and make democratization meaningless. It is necessary to put in place clear and suitable legislations, which criminalize torture and any attempts to conceal it. These legislations should also be strictly adhered to and implemented. It is also

necessary to strive for the formation of national institutions with the aim of enforcing the legal accountability against perpetrators, and the judiciary should also be given the power to investigate torture crimes and prosecute those responsible.

* There are those who aim to take advantage of torture cases to serve their own political agenda, whereas this issue should be completely detached from any political agenda whose aim is merely to defame rather than to provide constructive criticism. Bahraini political and civil societies now have an opportunity to work

towards guiding the leadership's course, holding it accountable for its actions and preventing any potential excesses by the security institutions through monitoring as well as legal and legislative frameworks. It is also time to pass more laws which will make it impossible to repeat past mistakes. Furthermore, we are able to build upon what has already been achieved in terms of reforms and to expand the margin of freedom by allowing society to partake in the building of its future.

Human Rights Culture in Bahrain: its Importance and Challenges

The protection of human rights depends on various mechanisms. This includes spreading human rights culture in society, especially among the new generation and teaching them how to practice this culture on the ground. Despite the difficulties that some societies face in accepting human rights culture, the latter has become an international culture whereby no society is able to free itself from its effects. Also, no country is at present able to openly disregard this issue whether at the national, regional or international level.

Arab societies in general are some of the least able societies in terms of absorbing or even accepting human rights culture. One reason for this could be attributed to the oppressive political legacy which still dominates Arabic culture. Another reason may be attributed to the perception that human rights- despite their international appeal- are perceived as a foreign product coming from an environment which is perceived as hostile in the eyes of Arab societies. They are, therefore, challenged because the source of this product is hostile to their specific culture, the way they live and the nature of their political system. In addition, the Arab mentality is of a suspicious nature and tends to blow conspiracy theories out of proportion, constantly connecting human rights culture with political conspiracy.

One of the most serious challenges relates to double-standards in dealing with human rights and exploiting them as a political tool particularly by some countries that are regarded as the producers and protectors of such rights. We have seen examples of this unfortunate application by some countries which claim to defend human

rights and democracy. Apparently, the West's involvement and support to Israel in the Arab-Israeli conflict has created a climate of suspicion in which Arabs and Muslims have felt the need to return to their own history and culture in order to protect themselves from the perceived external threats and injustice.

In addition, the dominance of a conservative religious spirit, which positions all or some religious texts in opposition to international human rights values, has led Arabs to believe that some human rights standards are at odds with their religious culture. This so-called clash, despite its limitations, has been highly exaggerated. In fact, most international human rights standards are very much in line with the spirit of Islam, but religious scholars and especially those concerned with tafseer have not made any efforts to provide new interpretations of religious texts and to adapt them to human rights standards. This is due to a weakness of religious ijihad and the fact that current interpretations of religious texts are outdated.

For all these reasons, religious culture has been posited as an opponent of international human rights culture, either as a result of ignorance or as a means of escaping political accountability, just as some regimes have done by pointing to religion as the ultimate reference point in order to get away with abuses, which are unacceptable internationally and religiously. Thus spreading human rights culture in the Arab world faces many challenges that need to be addressed. At the religious level there are very few human rights standards which contradict religion or society's traditions. In this case it is possible

to find ways of adjusting traditions in accordance with modern human rights standards (without imposing such adjustments) considering that culture –regardless of the religious aspect- is characterised by rapid change and is by no means sacred.

In order to succeed in spreading human rights culture, we should initially solve the problem of it being perceived as a western product. This culture should instead be regarded as a civilised human product to which all religions and cultures have contributed. Secondly, the culture of democracy and human rights should be valued as a tool for the development of all countries and nations, regardless of whether it has been politicised by an international body for example, or whether the concept has been misused to undermine a particular country. The fact that human rights have been misused does not change the fact that they are universal principles. Nor should it deny the intrinsic value of democracy or justify dictatorship and human rights violations under the cover of religion, for no religion condones injustice, oppression and backwardness.

Thirdly, human rights and democracy should be integrated in local cultures, for as Arabs and Muslims we do not perceive any contradiction between our religious culture and the human rights. There are even some among us who have issued human rights conventions based on religious culture itself, and in accordance with international standards. This assimilation requires an effort in order to reconcile what is being presented internationally and what can be adopted religiously and culturally, so that both can be presented together. It is possible to produce a democratic culture based on Islamic standards and in line with international human rights culture, even with the existence of minor differences between the two.

Fourthly, there are appropriate tools and methods which should be

followed when sowing the seeds of a human rights culture amongst the new generation. It is clear that we are not only distant from human rights culture but also from our own religious human rights culture as well. Spreading this awareness of human rights within an Islamic framework can only be achieved by incorporating human rights culture in all aspects of our daily life such as in the mosque, school, civil and official activities, politics, media, at home with one's spouse and children, and in social relations.

Fifthly, spreading human rights culture is the Governments' ultimate responsibility and it should therefore issue clear policies and give the subject special attention, as well as working towards applying it through training the police and security forces, teachers, clergymen, judges and public servants.

Exposing serious human rights violations and punishing perpetrators is not enough and cannot replace human rights education. Human rights education provides the best guarantee that violations would not occur in the first place. Therefore, education should come first and before punishment, or at least side by side with it, as 'prevention is better than cure'.

The dissemination of human rights culture has become a priority for international human rights organizations. This interest was developed during the United Nations Decade for Human Rights Education (January 1995 - December 2004).

Bahrain is going through a critical time in enforcing the rule of law and the desired democratic transition, which is why spreading human rights culture is crucial in order to develop the concept of participatory democracy on the ground. This can only be achieved by incorporating human rights culture in school and university curriculums on one hand, and on the other, encouraging individuals to be proactive in defending it as it is a guarantor of

public participation in political decision-making.

It is obvious that spreading human rights culture helps in establishing new social values which target the behaviour of individuals and become embedded in the public consciousness as well as reflecting practically on the ground. Therefore, human rights education should begin from the family, school, street, work place and public and private institutions. Spreading human rights culture amongst the security forces and law enforcement institutions is especially important, as many human rights violations are committed by such institutions. This would help in building public trust in these institutions.

What Bahrain needs at this stage is the promotion of the values and principles of human rights which centre

in their school curriculums. It is worth mentioning here the importance of the role of civil society organizations in building and creating a positive balance, which Bahrain requires, and presenting special programs on human rights culture.

In light of the relative openness in Bahrain, it is now possible to rely on various institutions in order to spread the culture of human rights. These include the media, theatre, conferences and seminars, posters and paintings, training courses, discussions, and educational leaflets.

Finally, there are several elements which help overcome the challenges facing the spreading human rights culture:

It is important that there is a genuine will from all the concerned parties even if they have different political positions.



on equality of rights and obligations on the basis of citizenship. This will ultimately lead to a citizen who is capable of confronting calls to violence as well as violations of his economic, social and cultural rights.

Spreading such a culture in Bahrain will help limit the political fluctuation which has characterized the reform period. In this sense, it is useful to draw upon and benefit from the experiences of other countries in spreading human rights education, in order to overcome past grievances. These countries achieved their desired goal mainly by integrating human rights principles

Schools should be the basic framework for spreading human rights culture as well as the family and society at large.

Incorporating human rights values in education, including school and university syllabuses, and providing training to the teachers will facilitate the process.

Allowing civil society organizations to participate in devising educational programs.

Ratification of the relevant international conventions, and the harmonization of national laws to conform with international conventions.

Why the Press Freedom Suffers Setbacks?

Reporters sans Frontiers (RSF) issued its annual report for 2009, which assesses the level of press freedom in the countries of the world between 1 September 2008 and 1 September 2009. Bahrain was ranked 119, going back 23 positions in contrast with 2008 when it was ranked 96. At the Arab level, Bahrain was ranked in 8th place, while it was ranked 5th in the Gulf after Kuwait, UAE, Qatar and Oman. The RSF index measures the level of press freedom enjoyed by journalists and news institutions in each country, in addition to the efforts of Governments to respect, ensure and promote this freedom. To what extent this report reflects the level of press freedom in Bahrain? Is it actually declining? What are the criteria adopted by the report? How to address this decline?

Ironically, the RSF reached a different result in March 2008 after a visit to Bahrain. During that visit RSF concluded that Bahrain enjoyed a relative press freedom compared to the rest of the Gulf States despite the hidden pressures on journalists and restrictive laws. And it also concluded that Bahrain had not imprisoned a single journalist since March 1999, i.e. for full ten years. In May 2009, Freedom House in its annual report for 2009 classified Bahrain in the list of (non-free) countries, which lack press freedom. Bahrain was ranked 156 in the world out of a total of 195 countries.

RSF index is based on a questionnaire containing 40 questions dealing with criteria for evaluating the state of press freedom in each country. The questionnaire includes violations that directly affect journalists, such as murder, imprisonment, physical attacks, threats and violations against the media such as censorship and the confiscation of newspapers, inspection and harassment, as well as the degree of immunity enjoyed by the perpetrators of such violations. This setback is alarming to monitors and concerned parties in Bahrain,

especially human rights activists, journalists and media people in Bahrain, at a time the general elections are looming and it is expected that the media would play a positive role. Causes of this decline vary. Some attributed this decline to the closure of a few websites on the Internet, but distinguished between the offending sites and sites that express dissenting opinion or criticism; to the government's position on some issues that are difficult to be addressed in the press; to the cases brought against journalists. (al-Wasat, 27 October 2009).

Abdulnabi Ekry, Secretary-General of the Bahrain Transparency Society, added another dimension to this decline represented in prior censorship on news, whether by editors or officials, or self-imposed censorship, and by taking journalists to the courts to face claims made by some government entities such as the civil service department and the Sharia (Islamic) Courts. Abdullah Derazi, Secretary-General of the Bahrain Human Rights Society, attributed the decline in the index of press freedom after 2002 to the passing of terrorism and gatherings laws, in addition to

not resolving the press law (al-Wasat, 23/10/2009).

The real challenge facing Bahrain now is the need to accelerate the legislative reforms in the field of press and publications. Press and Publications Act, Law No. 47, which came into effect in October 2002 is the framework governing the work of journalists and news institutions. This Act has not changed or amended despite the criticism it has received, and despite many promises of change. Abdullah al-'Ali, MP, has strongly criticized the government for keeping the current law on press and publications, and considered it as a continuation of the old law restricting freedoms, which was adopted in the era of state security. (Al Quds Al Arabi, 10/11 October 2009). Fadel al-Hilaiby, member of the Political Office of al-Taqaadomy (Progressive) and editor of its newsletter, pointed to the rejection of the political forces and institutions of the press law currently in place and described it as effectively restricts media freedom, and imposes sanctions on journalists including jail because of their positions and opinions. He called for the adoption of a modern law of Press and Publications, which does not contain provisions that restrict freedom of opinion and expression, or impose imprisonment of journalists for what they write.

For his part, Jamil Kazem, MP, considered the absence of a modern law for the press and publications that keeps pace with the rapid developments of information, especially in the area of electronic media and satellite channels, would eventually affect the level of freedom of expression in Bahrain (al-Wasat, 23/10/2009).

The BHRM has provided comprehensive analysis of the issue of freedom of the press in the 5th edition of the Newsletter of the BHRM, June 2009, under the title (What Future for Press Freedom in Bahrain?). In the light of the current decline of press freedom as indicated by RSF, the analysis we have presented served as a proactive and objective reading aimed to avoid such setbacks. In that article, we have pointed very clearly to that:

The current press law is clearly full of defects and disadvantages in that it provides for criminal sanctions against journalists. The licensing procedures are not flexible in terms of granting permit to issue daily newspapers. The authority that entitled to ban and block web sites in the internet remains unclear in relation to electronic newspapers. This power is being exercised by the Ministry of Culture and Information but it has been opposed by journalists and many MPs. Observers were unanimous in that more than ten articles of the current Press Law need to be deleted and not only amended because they are flawed and they detract from the freedom of the press. Observers also noted the slow pace of the legislative process in handling the amendments to the Press and Publication Law to the extent that suggestions made by the government several months ago are still at a standstill.

And we have made several important recommendations, including:

- The urgent need for laws to keep pace with the democratization process and build on the achievements of the reform project of the King. Such laws should prevent preventive detention of journalists and criminalizing them because of their journalistic activities. There is also a need to provide information or facilitate access to information and dissemination by

journalists. There also a need to ease licensing procedures in order to facilitate the issuance of daily newspapers, and, finally, to provide full protection and immunity for journalists

It is worth mentioning that the Council of Ministers referred to the legislative authority in March 2008 a draft Press Law, which provides for the abolition of imprisonment of journalists. The draft is still before the legislature for discussion and adoption. But unless the draft law carries with it all the requirements of press freedom and protects journalists, we will not see a real shift in the path of freedom of the press, but we may see more declines, and this is what we do not want to happen.

However, the report of RSF does not seem convincing to any observer journalist. Despite the level of press freedom available in Bahrain, it is questionable to rank it (119), which is lower than the Sultanate of Oman (106), Qatar (94) or even UAE (86)?! Any Arab journalist is aware of the fact that freedom of the

press in Bahrain is much larger than in many other countries including the countries mentioned above. This alone suffices to question the method and criteria of evaluation. Given this situation, it seems that the criteria are not quite good and hence the result is inaccurate.

We know that the level of freedom of expression in Bahrain has fallen relatively than in past years, but despite this the level of press freedom

in Bahrain can not be compared with a number of countries which were best-ranked by RSF. We do not say that the evaluation was political, but it contains a degree of arbitrariness, and perhaps based on erroneous information.

Until now the problem revolves around a new press law, which is still frozen in the House of Representatives; and around some discussion boards on the Internet, which have been closed. But nor can these two elements constitute a reason that made Bahrain retreating about 23 positions in the ranking than in the past year! We all know there are those who exercise high level of criticism, and there are those who

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World Press Freedom Index 2009 - The rankings

RANK	COUNTRY	NOTE	
1	Denmark	0,00	↑↑
-	Finland	0,00	↑
-	Ireland	0,00	↑
-	Norway	0,00	=
-	Sweden	0,00	↑
6	Estonia	0,50	↓
7	Netherlands	1,00	↑
-	Switzerland	1,00	=
9	Iceland	2,00	↓
10	Lithuania	2,25	↑
11	Belgium	2,50	↓
-	Malta	2,50	NC
13	Austria	3,00	↑
-	Latvia	3,00	↓
-	New Zealand	3,00	↓
16	Australia	3,13	↑↑
17	Japan	3,25	↑↑
18	Germany	3,50	↑
19	Canada	3,70	↓
20	Luxembourg	4,00	↓↓

widely express opinion in the street and in newspapers, in addition to that no one journalist has been imprisoned. All of this does not eliminate the need to expand the margin of freedom. But because the debate is shifted now towards the ranks, it can be said with a little caution that the level of freedom in Bahrain has already quite advanced than the countries that the RSF's report ranked them before Bahrain.

MPs and Politicians:

Beware of the Sectarian Fire

Hasan Moosa Shafaei

A seminar was held in the house of Sheikh Jassim Al Saidi (MP) at the end of October entitled 'Challenges Face Sunnis in Bahrain', which raised many questions regarding the sectarian situation in the country. The importance of this seminar comes from the fact that the main speaker was Khalifa Al Zahrani, the President of the House of Representatives. Al Zahrani called for the unification of Sunni societies, hinting that their rights are being attacked whilst they remain patient. He also sees the need of the Sunni societies become well organized and coordinated in order to confront these challenges.

This call originated from Al Saidi, MP and traditional religious man (Salafi), who called on all Sunni Islamic political societies to coordinate and take strong positions with regards to 'loyalty to the country and leadership, the reality of sectarian discrimination in Bahrain, the truth of the demographic naturalization, the position towards terrorism, the loss of state security and pride, and finally conducting regular meetings between Islamic Sunni societies to discuss current issues'. Al Saidi accused some political forces, which were not mentioned by name, of 'attempting to destroy the Islamic movement in the kingdom and distort Islam's image by making baseless accusations and spreading rumours to mobilize the public against the Government without any legal or Islamic justification'. (Al Saidi was referring to the Shia political movements)

Fortunately, and in a commendable step, the Ministry of Justice and Islamic affairs was quick to respond to this illegal sectarian and political polarization by issuing a statement stressing that all political societies regardless of their name, are national and public organizations, which work to organize and represent the citizens, only as citizens, and not on the bases of gender, race, colour, ethnicity and class. These societies work to promote

culture and political activism within the framework of national unity, social peace and democracy. In addition they protect the independence and security of the national unity, through the use of legal political means, as stated in the Constitution, National Action Charter and the law. The Ministry added that Al Saidi's call was directed to political societies on the basis that they were Islamic societies involved in politics. The Ministry stressed that these societies are not solely Islamic, since the second article of the Societies' Act states that 'any society or group will not be considered a political society if it was established solely for religious purposes'. The Ministry also explained that the phrase 'Islamic' points to the common identity of this country and that it is an umbrella which covers all Muslims and non Muslims regardless of their religion and sect. The Ministry also emphasized the need to protect the national unity and social fabric of the nation.

The seminar drew considerable criticism of officials, media, political societies and NGOs, and prompting the President of the House of Representatives to have a u-turn, and forcing him to confirm the national values and parameters of political action which was approved in official documents, in particular the National



Hasan Moosa Shafaei

Action Charter and the Constitution.

The timing and the language used in Al Saidi's call for political polarization raises several issues that need to be explained:

Sectarianism and sectarian polarization is the main threat facing the social fabric of Bahraini society. Secondary sectarian affiliations in all multicultural societies can only be dealt with by strengthening the concept of citizenship and national identity, especially when the Government deals with the various social segments. However, what is surprising is that these sectarian calls did not only come from elected MPs but also from the President of the House of Representative. This illustrates that sectarianism is still deeply rooted in the mind of political and intellectual elites, who use sectarian rhetoric to reach their own political goals. This strategy has been widely used in many Arab, Islamic and non-Islamic countries. It is not important whether these elites are religious or not since sectarianism has no link to religion, let alone for being the basis for building nations.

It is difficult to understand the reasons

and justifications behind such calls, especially since forgiveness, equality and brotherhood constitute integral parts of the reform project, which every individual, sect and movements have benefitted from. A closer examination reveals that some likely reasons including: regional influences, especially the effects of the sectarian civil war in Iraq, which influenced nationalists, leftists and religious elites. Also, sectarian interferences from neighbouring countries, who want to settle old scores outside their borders has encouraged the growth of sectarianism.

More importantly, the reform project, which was meant to remove sectarian tension, succeeded in reducing the tension from the Shia segment and at the same time elevated the status of the Royal Family to that of a 'paternal figure' for all Bahrainis. The reforms, through democracy included all parties in the political machinery of the state, including the Sunni Islamic movement. However, in spite of its many achievements, the reform project has caused a great deal of resentment from both Sunni and Shia extremists, where each group believes that they were unfairly treated and blames the Government for siding with the opposite party.

We must not forget that one of the main obstacles confronting the democratic transition is the acceptance of new concepts. For example, not everyone accepts the idea of equality between all citizens, either because of an odd interpretation of a religious text or because of close links to the political system. At the end of the day, the democratic tools, the concept of equality and social justice exist to serve everyone without any exception.

When we say that sectarianism has no religion, we mean that what might seem as an ideological conflict may not necessarily be the case. Maybe in the mind of simple people but not in the mind of the elites, who use sectarianism as a tool and a cover for their political rivalry. When examining the issues raised by

Al Saidi, it becomes apparent that all the issues raised were of a political nature. From the Shia point of view, the issues of naturalization, discrimination and loyalty were also interpreted differently so as to serve a political purpose. The question here is what is the relation between sectarianism and religion? In truth all the issues raised by Al Saidi were used by both parties in order to gain their rights, which they believe were stripped away from them. In theory, equality should abolish the terms majority, minority, indigenous citizen, foreign citizen and the feeling of unfairness. All citizens should be treated equally regardless of their backgrounds.

The aim of those that advocate sectarianism is to gain more Government's spending and services such as employment, housing and high ranking positions, even if it is at the expense of the other political parties. Public services have been frequently used in the political rhetoric by both sides, including elected MPs. The solution to this problem in the hands of the King, who intends to balance the interests of all the various parties involved. There are several points that can reduce sectarian tensions, which include the following:

1. It is evident that the religious elites are politically inexperienced, and although their sectarian rhetoric might serve their interests during a particular phase, it will have a devastating effect on society in the long- term. The Sunni and Shia divide will always remain and there is no other solution but to coexist, accept and respect one another, and refrain from using the sectarian language in the political discourse. Such a language contradicts democratic and human rights principles, the reform project and its institutions.

2. The violent and extremist tendency within the Shia community has caused much fear and apprehension. The problem was dealt with wisely by Government officials who took into

account the greater national interests, and the stability and unity of the country. Extremism should not be dealt with in a stereotypical manner since these violent groups do not represent the whole Shia community. Nor should it be the basis for any sectarian positions and speeches, which would divide society and encourage the Authority to use oppression. The sectarian response by some elected officials has undermined the current political process. The law should be left to deal with riots and violence, whilst officials should be left to deal wisely with the security issue. Additionally, politics, security and sectarianism should be separated from each other. We must stop importing foreign sectarian problems into our country, as we have enough problems to deal with ourselves.

3. Elected politicians should make sure that they do not drag the Government and its officials into a sectarian quagmire because the Government's services should serve all citizens regardless of their religious or tribal affiliations. The State belongs to everyone and should solve social disputes in order to guarantee stability and balance in the country. This can be done by learning from the experience of contemporary countries that have already dealt with civil, religious and ethnic conflicts. The sectarians and racists can only succeed when they manage to drag the government's apparatus into their conflict.

The sectarian divide will always remain with us, hence the religious leaders bear the responsibility of promoting and regulating discussion and dialogue. The law could also be of great help to them in this regard, since it criminalizes those who disrespect and demean sacred symbols. The solution to the current political problems does not lie in the 'street', or through sectarian polarization or through violence. Political problems should be discussed in Parliament so that possible solutions can be proposed and take the form of legislation.

Shafaei to Al-Hura TV Channel: Extremism Responsible for Slowing the Reform Process

On 10 October 2009, Al-Hura Satellite Channel interviewed Hasan Moosa Shafaei in the program 'Eye on Democracy'. Mohammed Al-Yahyai, the Presenter of the program, discussed with Mr. Shafaei a number of issues concerning human rights and democracy in Bahrain. In his assessment of the democratic process in Bahrain, Mr. Shafaei said that the country has passed the critical stage and is now able to continue and achieve some of its planned



objectives. He also added that there is currently a slowdown in the reform process itself in comparison to when it was first launched. He attributes this to the fact that some extremist groups within the opposition have tried to divert Bahrain's direction. This forced the Government to review the steps it had taken in the past, not with the intention of overturning the reform process, but in order to evaluate the development of the reforms. This reassessment will also close the doors in the face of the extremists and violent factions who are trying to take advantage of the climate of freedom in order to serve their own interests, which have nothing to do with human rights and democracy.

BHRM meets Dr. Lulwa Al-Awadi

On 25 October 2009, the President of the BHRM, Hasan Moosa Shafaei met the Secretary General of the Supreme Council for Women, Dr Lulwa Al-Awadi, at the headquarters of the Council. During the meeting, the human rights situation in general was discussed with particular attention to the plight of Bahraini women; specifically the possibility of them winning parliamentary seats in the upcoming elections. They also discussed the difficulties facing women and ways of overcoming them in order to be elected. Finally, both parties discussed future cooperation between the BHRM and the Council in order to serve human rights in Bahrain particularly women's rights.



BHRM President Meets Director of Al-Hiwar TV Channel

On 30 October 2009, Mr. Hasan Shafaei met with Dr. Azzam Al Tamimi, the President of Al Hiwar Satellite TV Channel, in London. The meeting falls within the BHRM media strategy to promote human rights in Bahrain and shed light on the BHRM's activities. In the meeting they discussed the development of human rights in the region in general and with special focus on Bahrain, as well as the media's role in promoting the values of freedom, democracy and the respect of human rights in Arab societies. Al-Tamimi was briefed on Bahrain's social, political and human rights situation. Dr. Al-Tamimi expressed his satisfaction with the positive development that Bahrain has witnessed, and hoped that it will continue to develop and become a mature experience and an exemplary model for other countries in the region.



Bahrain TV Conducts Lengthy Interview with BHRM

On 24 October 2009, the Bahrain TV conducted a lengthy interview which lasted for more than an hour with Hasan Moosa Shafaei, and was hosted by the journalist, Sowsan Al Shair. During the interview many political and human rights issues were discussed including the release of the Karazcan detainees. Mr. Shafaei said that the verdict reached by the Court, which cleared the accused, reveals that the margin of of the independence of the Judiciary in Bahrain is wide. He also explained that a calm security situation will reduce the amount of support to advocates of violence and extremists.

With regards to International Reports on Bahrain, Mr. Shafaei described them as important and stated that they should not be left to accumulate without any Governmental clarification or correction, because this would give a negative and unrealistic picture about the human rights situation in Bahrain. Mr. Shafaei called on the Government to assess these reports and answer any queries put forward by international human rights organisations. He added that the Government's efforts regarding this issue are inadequate due to the lack of a special governmental body that deals with this matter.

