

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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The National Foundation for Human Rights ... the Country's Conscience

The Bahraini Government voluntarily established the National Foundation for Human Rights (NFHR) last November and was fully aware of the consequences of founding such an establishment. The establishment of the foundation was not due to local or international pressure, but was the result of a strong political will to develop the state's apparatus and improve human rights.

The existence of the NFHR means that the Government will monitor all its apparatus in order to prevent the occurrence of any human rights violations, and will deal with them effectively if and when they take place. It also requires the Government to take important steps to reform its legislations, adhere to international human rights standards, become more transparent and reinforce human rights culture in the mind of legislators as well as the Executive and the Judicial Authorities.

Moreover, the existence of the NFHR will also mean that the Government believes in the necessity of radically changing its relationship with international human right organizations and local civil society institutions. This relation should be based on coordination, openness, communication, honesty and providing information. It also means that the Government should work more towards promoting a human rights culture through the official media and semi-official institutions.

The existence of the NFHR means that the Government is now more confident with its performance and policies and has the ability to withstand harsh criticism. Also, its officials have the capability to deal with the changes that the NFHR is expected to make. The establishment of a NFHR is an advanced step that requires officials to withstand criticisms, questioning and accountability. This is in order for the NFHR to be able to perform its functions without any big obstacles. On the other hand, the Government - based on the Royal Decree- should exert all efforts to make the NFHR successful including protecting its independence and impartiality, providing it with necessary information, cooperating with its investigations and providing it with financial and human resources.

Because the Government voluntarily established the NFHR, it is presumed that the Government and all its political and administrative departments are ready to deal openly with it. The NFHR is not a foreign body that can be accused of being biased towards one group over another or of aiming to weaken the regime and spread lies. It actually represents the conscious of the country that monitors and documents violations, protects victims and communicates with the world and local population. The NFHR represents the beating heart of the Government and its main objective is to serve the public, the Government and civil society, as well as improve their visions and performance. The NFHR is part of the State and the social fabric and will not be able to perform its role if it becomes biased or mistreats any group or even uses its reports for propaganda purposes.

Finally, we hope that the NFHR will be dealt with openly and transparently and that civil society institutions will support and cooperate with it. We also wish that the NFHR proves its professionalism and that it is a real defender of the public interest.

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Effects of Riots on Human Rights

The outbreak of riots in several Bahraini villages in November 2009, signalled the beginning of a crisis created by extremist movements, such as the Freeman of Bahrain Movement, Haq Movement and the Bahrain Centre for Human Rights. These extremists seem unable to live in a peaceful and tolerant atmosphere and can only thrive if the security situation is tense as this provides an ideal backdrop for political opportunism.

The extremists' strategy relies on creating strife in the country which begins with the issuing of a large number of inciting statements, speeches and handouts encouraging children and youths to confront the security forces, set ablaze rubbish bins and tyres and vandalize public properties such as electricity generators. This leads to violent confrontations with the riot police coupled with the use of tear gas and attacking police cars with fire bombs. We have witnessed this scenario for years and as soon as the security situation calms, it starts up again in the same way.

In November 2009, a policeman was seriously injured due to the use of fire bombs, and five youths have been accused of attempting to kill a security officer. On the other hand, a number of boys, teenagers and children were injured due the use of the '*shozin*' weapon by the security forces. As usual, extremists were quick to issue statements which suggest that they are just human rights defenders. They also spread

rumours in the foreign media that the detainees are merely a group of boys arrested during a 'peaceful' protest to demand democracy and respect for human rights, and they were victims of the state's excessive use of force.

As we have witnessed in the past, the human rights cause has been used as a cover for calls to violence, confrontation and extremism where detainees suddenly become abused 'human rights activists'. Human rights are in fact the real victim of the violence, which is likely to continue at least until mid December!



This coincides with extremists' celebration of Martyrs' Eid just one day before the National Day: the peak time for rioting. Human rights have repeatedly been violated by a group that waves the flag of human rights.

Freedom of expression is also a victim of violence. Although the freedom to assemble and protest is granted in Bahrain, advocates of violence are restricting it by engaging in street violence and breaching the law. In addition, residents of

villages are suffering from the effects of smoke inside their houses and cannot enter or leave their areas freely. These residents are also victims of violence.

These incidents came after a period of calm, and immediately after the Carzcan detainees were acquitted. However, as advocates of violence cannot live in an open, free and tolerant climate, they feel they must disturb it and continue with their violent activity. When people are killed, the Government and security forces are usually to

blame, and when some are arrested, tens of statements are issued against the state's alleged violation of human rights and its fabrication of accusations against them. If the Government pardons these rioters, extremists claim to have defeated the Government, and when one attempts to mediate in order to obtain a royal pardon for them, the response is that they want to be kept in prison and that it is none of our business, whilst at the same time they demand interference of

Arab and international organisations and the issuing of condemnation statements.

Because the scene of violence and rioting has become frequent in Bahrain, we would like to convey three messages to three groups in Bahrain:

Firstly, to Arab and international human rights organizations: it is necessary to initially condemn all acts of violence and understand their background and political dimensions. Extremists have nothing to do with defending human rights, and their acts cannot be justified politically. This is especially true when a political process is currently in place and all political parties are preparing for the next parliamentary elections. Some foreign organizations have previously issued statements based

on wrong or inaccurate information. These organizations are required to reassess the situation, visit Bahrain and closely examine the situation and meet with all civil and political societies.

Secondly, to local civil society organizations as well as political societies: remaining silent and not publicly condemning violence encourages advocates of violence to continue their actions and does not serve the interests of any political societies. These societies prefer not to be involved hoping that the Government will do what is required without the need for them to interfere. On the other hand, other societies feel helpless because they are unable to convince advocates of violence to stop. However, it is very important at present time that

political societies issue a statement directed to the public, which openly condemns violence. This silence on the part of political parties prevents people from taking action against vandalism and destruction because they are waiting for direction from politically and religiously active parties.

Thirdly, to the Government itself: we call on the Government not to use excessive force, live ammunition or *shozin* weapon when confronting protestors. In addition, the Government should deal with riots and those responsible for them in accordance with the law and those involved in violence and riots should be guaranteed a fair and public trial, and should not be granted amnesty, which might encourage others to continue rioting.

Transitional Justice

The concept of transitional justice has several meanings and its philosophy is based on the precept that any state that wishes to move towards democracy should sever all ties with the mistakes and tragedies of the past. This means ensuring that those mistakes do not reoccur which necessitates revising past mistakes and holding those responsible accountable for their actions. In some countries this took the form of truth and reconciliation committees. These Committees do not aim to prosecute anyone, but ensure that crimes and mistakes be admitted. There are many experiences which concentrated on documenting the violations that took place. I believe

that it is necessary to ignore the past and concentrate on the future, although traces of past mistakes still exist and there has not been a consensus as to their solution. The Government attempted to compensate those who had suffered in the past, but some saw this as political opportunism and looked for political condemnation rather than a practical solution as a means of overcoming the heavy legacy of the past.

Moreover, the political climate during last few years has been tense, and this made implementing the detailed concept of transitional justice a difficult task. The tense political climate and tensions in the street, all make it very difficult (but not impossible) to implement transitional justice. It must be said that those

who believe in transitional justice had participated in creating this climate of tension.

What is important is that the Government should always be creative and take the initiative. Advocates of transitional justice should understand the political circumstances and keep in mind that justice has two faces, for not only does the Government make mistakes but so did the opposition. We are therefore in need of national reconciliation and we should rise above the wounds to admit the truth even if it is not in our best interest. All this requires a positive atmosphere for change, as no one seems to want to admit their own mistakes, and instead are determined to condemn the Government only.

Hasan Moosa Shafaei

Politicization, bureaucracy and lack of flexibility:

Obstacles Facing the National Foundation for Human Rights

The Bahrain Human Rights Monitor (BHRM) values the efforts made by officials in order to improve the human rights situation in Bahrain. At the same time we have been monitoring abuses and shortcomings and offer recommendations which serve the human rights issues in professional manner through objective analysis and commitment to the principles and values of human rights. Among the things that we advocated for and urged the Government to carry out is establishing an independent national human rights body. The Royal Decree dated 11 November 2009 on the establishment of the National Foundation for Human Rights (NFHR) is a qualitative leap in protecting and promoting human rights in Bahrain.

The establishment of such an institution places human rights at the top of the agenda of a number of interested parties (government and civil society) and strike a required balance needed to protect human rights by different actors including the State itself. The Government has placed itself in a position of the leading sponsor of human rights through a new mechanism, which called for by many relevant actors. The establishment of the NFHR is a step forward, which must be supported in order to carry out its duty properly.

The positive momentum created by the warm welcome to establish this institution, suggests that the aspirations of many human rights societies have been met. The challenge remains in how far the NFHR will demonstrate its credibility, neutrality and ability to perform effectively.

Advantages expected from the establishment of the NFHR are enormous, just to mention:

- Establishment of the NFHR creates a climate of trust between

the citizen and the State - which has always been the first suspect of human rights violations.

- Establishing the NFHR emphasizes that human rights are important and an integral part of the process of democratic change, therefore, principles and values of human rights must be included in the process.
- The establishment of the National NFHR for Human Rights will accelerate pace of the required changes in the human rights field within the legislative and executive organs of the State, as well as within the political societies and civil society organizations, in line with the NFHR's mission to protect and promote human rights.
- The NFHR will be a link between the regional and international human rights organizations, and thus would lift the burden of the shoulder of the various organs of the State, which deal with such organizations without coherence and harmony.

The fears that affecting the work of the NFHR, which must be avoided from now-on include:

- It is feared that the NFHR will be affected by political pressure and consequently put political interests of certain governmental body before the human rights that serve the interest of the citizens and raise the profile of the State at the international level. In other words, it is feared that the NFHR may deviate from the human rights course to the political debate and be influenced by it, so it loses courage and decisiveness in dealing with the human rights issues.
- It is feared that the NFHR be transformed to a bureaucratic

organ, governed by impractical procedures, which restrict its jurisdiction and effectiveness. Particularly, with regard to the slow procedures in dealing with individual complaints, lack of follow-up to such complaints and the speed of adjudication, this shed doubts about the relevance and credibility of the NFHR.

- It is also feared that the NFHR to become an arena for conflict with civil society organizations, or between civil society organizations themselves, or between the latter and the government, this will transform the energies in the direction of destruction and obstruction instead of development and cooperation.
- It is also feared that the NFHR becomes structurally ineffective; thereby hindering its work, therefore there is need for an institutional and organizational structure that is flexible and effective at the same time.
- It is also feared the lack of cooperation from civil society organizations with the NFHR, or the latter's inflexibility in order to absorb and benefit from the energies and creativity of civil society in this area. The NFHR should not operate in isolation from the human rights community, and this necessitates constant communication and consultation with human rights societies and activists.

Hopes and expectations for the NFHR are large; and the challenges are enormous, which require more efforts and wisdom in dealing with them as well as the cooperation of all parties concerned in order for the NFHR to realize its objectives and becomes successful.

Two Reports: Stress the Need to Eliminate Violence against Women



Last month witnessed the publication of two reports on the human rights situation in Bahrain; one was issued by a local organization and the other was issued by an international institution. The first report was published on 25th November 2009 by the Bahrain Human Rights Society (BHRS). The report called for confronting discrimination, promoting citizenship, encouraging dialogue and interaction between all ethnic groups and cultures in the Kingdom of Bahrain. It also called for the promotion of personal, social and cultural freedoms, as well as protecting them by passing clear legislation.

On other hand, the report criticised the Universal Periodic Review Steering Committee for lacking competency in assessing and monitoring Bahrain's performance in improving human rights. The BHRS also criticised the Government's performance regarding the implementation of its voluntary commitments, whilst also pointing to the fact that Government agencies have failed to adapt effectively with civil society organizations. The BHRS believes that the Steering Committee's report only reflects the Government's point of view and not the opinion of civil society organizations.

The BHRS's report also criticised the passing of the Family Law (Sunni section) as this will reinforce sectarianism, and demanded a unified Family Law for all Bahraini families. The report also criticised the Government for its refusal to ratify four international agreements, which were proposed by the House of Representatives regarding employment.

The BHRS hoped that joining International agreements by Bahrain will be reflected in the national legislation.

The report also criticised the Government for failing to take any practical steps to pass laws that criminalise all forms of violence against women including domestic violence. It also criticised the Government for not taking concrete measures to protect the rights of domestic workers based on the recommendations of the UN Committee on the Elimination of Racial Discrimination. This Committee calls on Bahrain to take effective measures in order to combat the problems associated with female domestic workers.

which eliminates domestic violence, introduces deterrent punishments, and trains both the police force and the public prosecutor in implementing these legislations. In addition the report proposed an increase in NGOs' budget, which will increase the capacity of shelters for abused women and help monitor the conditions of the poor, including housemaids. Also, the Government should set up specialized units that are primarily concerned with implementing laws regarding human trafficking trails, whereby the victims are given immunity from charges of prostitution and illegal immigration. The victims should also be given enough protection, rehabilitation



The second report was issued by Freedom House, which assesses the condition of women's rights in Bahrain. The report recommended that the Bahraini Government should treat both genders equally during court procedures and should pass a unified Personal Status Law. The report also recommended the setting up of specialized committees, which are primarily concerned with monitoring and implementing the CEDAW agreement. It also recommended that the Bahraini Women's Union cooperate with international organizations in order to remove all Governmental reservations, as long as these reservations do not contradict the Islamic Sharia law. Moreover, the report recommended that the Bahraini government withdraw all its reservations on the CEDAW and to make Bahraini law compatible with international agreements by granting women equal rights in nationality, housing, marriage and custody.

In addition, the report recommended that the Government passes legislation,

and encouraged to testify against their captives or abusers.

With regards to women's political representation, the report recommended the training of women candidates on how to successfully manage political campaigns, gain public support, and effectively make use of the media. Moreover, the report recommended that Article 123 of the Penal Code be annulled so that everyone can participate in the meetings and discussions with foreign organizations regarding Bahraini issues without fear from legal prosecution.

Also, the report recommended that the Bahraini Government appoints more women in the Shura Council, the Judiciary, Sharia Courts and in decision-making positions. The Government should also fund cultural awareness programs associated with domestic violence and human trafficking. Finally, it recommended that the Women's Union sets up a website on women's issues in Bahrain in order to promote greater awareness about women's rights.

Challenges facing the National Foundation for Human Rights

Hasan Moosa Shafaei

On 11 November 2009, the National Foundation for Human Rights (NFHR) was established by a Royal Order. The NFHR aims to promote and protect human rights in Bahrain in accordance with the UN Paris Principles. Bodies of this type are usually established through constitutional institutions. This means that such established institutions are protected by a strong political will and are financed by Governments to enable them to perform the activities that many NGOs cannot do.

These institutions exist in many countries, some of which are Arab such as Egypt, Morocco, Palestine, Algeria, Tunisia, Qatar and Saudi Arabia. The international human rights community assesses these institutions based on their independence and adherence to human rights. The UN established the International Coordinating Committee of NHRIs (ICC) in order to assess their adherence to the Paris Principles and only grants full membership to those that are competent. Consequently, the Committee rejected a number of Arab institutions, which raises many questions and doubts about their credibility and the objectives behind their establishment.

The Bahraini Government voluntarily committed itself to the UN Human Rights Council and set up the NFHR. The NFHR faces many challenges that need to be confronted in order to gain credibility at both the national and international level. The mere establishment of the NFHR is not enough to gain credibility, but only through active and independent work, and fulfilling the objectives set out in the Royal Order can credibility be attained.

During my recent visit to Egypt I met with the President of the National Council for Human Rights (NCHR) Dr. Boutros Boutros Ghali, the Secretary General of the Council Mukhlis Qutb and Presidents of a number of Egyptian and regional organizations. During the meeting many issues were discussed including the establishment of the NFHR in Bahrain and the possible obstacles it might face. Dr. Ghali believes that the NFHR will face similar problems to that of the Egyptian experience. Dr. Ghali patted my shoulder and said: 'brother Hasan, I promise you will go through the same experience we did. The NFHR should prove itself through determination and hard work just as we did in the NCHR'. I believe that the NFHR will face four challenges:

The first Challenge: Independence

The Royal Order stressed on the independence and impartiality of the NFHR, however, there is some concern that the NFHR will be treated as a Government agency. All foreign and Arab institutions have struggled in order to remain independent from the state. What makes independency difficult to achieve is due to the fact that the government controls and allocates the budget, appoints staff members and Presidents of the institutions, which gives it the power to impose its will on national human rights institutions.

In Egypt when the NCHR issued its first Report on human rights violations, it came as a shock to some officials since it contained harsh criticism. Some officials attacked the report at first, but the NCHR stuck to its position and demanded that the Government



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respond to the report. When the second report was published, it included the Government's response to the first report and the Council's reaction to it. The NCHR was able to reaffirm its independency and impartiality by resisting Governmental pressure and refusing to be treated like a Government department. The Secretary General Mukhlis Qutb believes that the Finance Minister should sign the cheque and leave; he has no right to interfere with how the cheque is spent. Even if the NCHR has a financial surplus, the Minister has no right to ask about it. In the end, the Egyptian Government respects the NCHR and is proud to cooperate with it in correcting Governmental policies concerning human rights.

The second challenge: civil society doubts

Civil society organizations doubt the role of national human rights institutions because they are set up and funded by the government, hence trust is not given to them easily because of the fact that they are newly established governmental

entities. This attitude towards national human rights institutions will only change if these institutions do not conceal Government violations and prove themselves to be serious, honest, impartial, and independent.

Civil society doubts the credibility of any national human rights institutions, and believes that they are tools that polish the image of governments, which aim to contain civil action, and that they are competitors to human rights organizations. This indifference to the national human rights institutions was evident in Egypt. The same applies to Bahrain where initially the civil society organizations welcomed the establishment of the NFHR, but expressed their concern that it might become part of the Government propaganda.

In Egypt most of the civil and human rights organizations openly expressed their reservations on the NCHR when it was established, to the extent that they refused to cooperate or participate in its management. These organizations issued numerous statements that reflect their doubts towards the NCHR, and criticized the Government's intentions. The first report by the NCHR came as a surprise to many when it included many detailed violations, which took place inside Government institutions. Subsequently, the report became the subject of the media and this helped in changing the views towards the NCHR. The report also proved that the NCHR was independent, impartial and credible, which encouraged human rights organizations to cooperate and contribute towards its success and achieving its goals.

The third challenge: Gaining public trust

Generally, Arab public opinion does not trust the performance of the government agencies and tends to

believe any rumours regarding the extent of human rights violations. The reason for this mistrust is not relevant here. However, this mistrust makes gaining the trust and cooperation of the public a very difficult task. Failure in gaining the public trust will undermine the real purpose behind setting up national institutions for human rights, since they are meant to interact with the public, understand its problems and highlight possible solutions.

The public tends to overlook national institutions and accuses them of being inactive, biased and hopeless similar to any other government department with its weak productivity and ineffective bureaucracy. The lack of public awareness has resulted in the public not interacting positively with them. Therefore the real challenge lies in the way in which the public could be persuaded to interact with such institutions and how the latter can benefit the public.

In Egypt the NCHR started its activity through contacting the weakest segments of society and sending delegations to remote villages in order to spread awareness. It also set up branches in various Provinces as well as setting up a permanent committee to: receive, respond and follow up complaints, acquire data and provide statistics and inform the public with the relevant outcomes and developments. The NCHR was successful in gaining the public trust after it accomplished its objectives on the ground, spread awareness and proved its independence and impartiality.

The fourth challenge: gaining the trust of the international human rights community

Governments can claim that their national human rights institutions are

impartial and independent but they cannot fool the specialized parties in the UN with their claims. These parties assess the credibility of national institution based on the Paris Principles, which categorizes national institutions into three groups (a,b,c). The first group (a) includes national institutions that honestly adhered to the Paris Principles with no UN reservation whatsoever, and thus deserves full membership. Four Arab countries are placed in this category, they are: Egypt, Algeria, Morocco and Jordan. The second group (b) includes institutions with some UN reservations who failed to gain full membership e.g. Qatar, whilst group (c) includes institutions that did not adhere to the Paris Principles and thus do not deserve membership e.g. Tunisia.

The Egyptian NCHR failed to get full membership during its first year of establishment, however, after it issued its first report and the UN evaluated its activities, it was granted full membership from the International Coordinating Committee of National Institutions for Human Rights. The NCHR then became worthy of respect and now has the right to play an important role in UN bodies concerned with human rights.

These are the four challenges that face the newly born project in Bahrain and we all hope that we do not face deep problems, which obstruct the activity of the NFHR, affect its position and undermine its role. Undoubtedly, the maturity of the Government, civil society institutions as well as the public will reduce any problem the NFHR may face. We hope that this experience will be successful and will raise the position of Bahrain as a country and the position of civil society institutions and the Bahraini public. In the end it is the public who will benefit from any development in the human rights situation.

Dr. Lolwa Al Awadi Praises the Role of Bahraini Women: The Quota System Violates the Constitution and has Many Disadvantages

In an interview with Bahrain Human Rights Monitor, the General Secretary of the Supreme Council for Women Dr. Al Awadi said that women's success in the next parliamentary election depends on many factors, most importantly the support of official and civil society institutions. She believes that the quota system commits the voters to a specific candidate, and that there is no harm that some or all the members of parliament are women or men as long as they reflect the public will.

The interview revolved around several important issues with regards to women's activism in Bahrain and the role of the Supreme Council for Women (SCW). Following is the text of the interview:

There is a constantly repeated question about why women don't elect their female counterparts? And what is your role in persuading women of their abilities and that they are fit to reach high governmental positions?

I'd like to point here to the findings of the research conducted by the SCW in cooperation with UNDP, which is the main partner in implementing the program of empowerment of Bahraini women in 2006. This scientific research was aiming at assessing the previous experience and coming up with a vision to what is required in the next phase specifically the participation in the 2010 elections. The results showed that 62% of the polled men and women affirmed that they will not vote for women, whilst 30.7% supported voting for women. This reveals an obvious gap between the values, attitudes and perception towards women from a theoretical point of view and the willingness to practically support her in the ballot boxes.

The same attitude was also expressed by 29% of youths aged (20-30), which reveals negative indications with regards to the attitudes of an important social segment towards the nomination of women.

The results of the survey showed that 34.3% of women will not vote for women

in the next elections compared to 21.9% of men. Whilst, 14.5% will vote for women in the next elections compared to 13.9% of men. We would like to stress that the SCW proposals with regards to the empowerment of women program will take into consideration the results of this study, hence the success of women during the forthcoming elections will depend on many factors, most importantly is the support from all the concerned institutions including official, civil society, political, religious and professional institutions with special emphasis on social awareness programmes. It is noteworthy that the Bahraini society, men and women alike, tends to take positions in line with the positions of the societies that they are affiliated with, whether they are religious or political; the first is more influential than the latter. Therefore, these societies bare a greater responsibility and they should coordinate more with the other civil or official societies concerning women (particularly women's societies).

With regards to the issue of the political empowerment of women, why do you propose the quota system?

Forgive me for saying that you have not been following what has been discussed in the media about the issue of political empowerment of women. The SCW has never supported the issue of female quota. The SCW was, and still is, opposing the ratification of such system and we believe in the need for women to win parliamentary seats through the electoral system already in place in the Kingdom of Bahrain. The SCW has a clear and final opinion, which is reaffirmed by the Constitution, which calls for equality. The quota system will commit the voters to specific candidates, and this will have a negative effect on the participation of women in the elections.

Bahraini women are considered as role models because of their active and positive contribution in all fields. Bahraini women were and still are self-made and the official support that they gained is a token of

appreciation highlighting their efforts and accomplishments. Thus the adoption of the quota system contradicts the nature of constitutional rules, which are stable and relatively static. In addition to what has already been said, the survey included a question to assess the experience of countries that adopted the quota system as a transitional phase but they dropped it. This is in order to show the effect of this system on the progress of women in the elected councils and the result was negative, therefore, in line with the essence of the democratic system we believe in leaving the door open so that the voters can choose whatever they see fit according to the proposed manifestos regardless of gender as long as this represents the will of the public which has the final say. We hope that women win parliamentary seats based on their strong will and efforts and the will of the Bahraini society, which we hope it will join forces with the Government for electing women for municipal councils and Parliament.

How do you assess the activities of civil societies concerned with Women and Children in Bahrain?

Historically speaking the civil activism of Bahraini women cannot be ignored and must be praised since its beginning in the fifties of the last century. Women's activities in the past were solely charitable in nature, but thanks to the reform project of his Royal Highness, which expanded and transformed the process into diverse women's institutions that deal with many crucial issues in relation to Bahraini women and societal needs. We in the SCW strive to achieve more coordination and cooperation in order to support these institutions through the relevant official channels. Also a memorandum of understanding was signed with the Bahraini Women's Union which aims at cooperating in the planning programs that serve Bahraini women.

We were also able to setup a cooperative committee between the SCW and other

women's societies and committees in order activate the role of these societies and committees, the board of trustees of Islamic societies and women's committees in various societies.

We hope that through coordination and cooperation we will be able to remove any misunderstanding that appears in the media from time to time regarding this issue. The SCW and through its specific and clear program has proven its strong desire to cooperate with all official and civil institutions and that the SCW was not established to replace any party but to complement the work according to its speciality and mutual benefit of all parties



Dr. Al Awadi

considering that civil society institutions possess the mechanisms to act fast.

To what extent have you succeeded in putting in place legislation that serves women, and what are the obstacles that you face?

Initially, it must be clarified that the SCW does not specialize in putting in place legislations. The SCW was established by a Royal Decree which restricted its role to giving recommendations and proposals concerning amendments to current legislations regarding women, giving opinions on bills before they're being presented to the concerned authority, to recommend the proposal of draft laws and decisions necessary for the advancement of women. Despite the fact that the first article of the Royal Decree defined the jurisdiction of the SCW, which is giving opinions on women's issues directly or

indirectly and that all official parties should take into consideration the opinion of the SCW before taking any decision, but there are some legislations and proposals that are not presented to the SCW despite the existence of formal mechanisms that govern the relation between the SCW and the concerned parties, this represented in cooperation agreements which are adopted by the SCW as a practical means to execute national strategies in order to elevate the stature of Bahraini Women.

Through the guidance of Her Royal Highness, the President of the SCW and with the determination of the SCW members and the executive committee, the SCW was

able to fill some of the gaps by proposing bills or activating existing ones. For example: the executive order No. (12) for 2004 on women's rights to use housing services, and Act No. 35 for 2009 on the equal treatment of children of Bahraini women who are married to foreigners in government transactions, as well as, Alimony Fund Act; amendments to the Sharia court procedures;

amendments to the Code of Civil Procedure and Trade. Some of the main recommendations made by the SCW include: the swift determination of Islamic related cases; and increase the number of Islamic courts; amending the marriage document, as well as the joint effort between the SCW and civil society institutions concerned with women's issues with regards pushing towards the issuing of the first section of Family Law.

There are some rumours about disagreements between the Women's Union and the SCW, is it true?

What's between the SCW and Women's Union cannot be called a disagreement but a difference in points of view in determining the priorities of women's action in the Kingdom of Bahrain. The SCW is an official institution concerned with women's issues in Bahrain and the Women's Union is an

umbrella for civil organizations for several women's organizations. I would like to stress here that there are common grounds between the SCW and the Union with regards to many important women's issues. For example the nationality laws, family law and the reservations on the CEDAW. However, differences exist on how to deal with these issues, their details and priorities. For this reason the SCW strives to sign a memorandum of understanding with the Women's Union on the 30th of August 2007, which aims at cooperation between the two sides in drawing plans and programs that would serve Bahraini women.

Your previous study regarding the 2006 elections blamed religious parties and the big political societies for preventing women from winning seats in Parliament. Has the SCW made an effort to convince the political societies to nominate women? And why instead of this you suggested in the study the idea of equality between the Governmental support to political societies and between the latter efforts to achieve political empowerment for women?

First, we must read the result of the study correctly and objectively, the final recommendations of the study were directed to all official and civil parties. The study did not blame any particular party, but stressed that the participation of women in the elections is a joint responsibility. The study shows that 77.8% see an increase in the chances of success of independent female candidates if supported by political societies. This indicates that it is necessary to include women in the political societies; hence the study recommendations were directed to all parties. It is noteworthy that in the last elections the Bahraini women proved to be strong competitors and close to winning in some constituencies. Also, the SCW is in the process of studying the literature of political empowerment programme in light of the previous experiences and the possibility to introduce a new concept to this programme.

There are many women organizations, but not all of them are active, what are the reasons for this? And what is the SCW role in activating the political societies?

Women's action in Bahrain has long history, and women's societies adopted and introduced many important issues concerning women, for example the role of the Committee of Personal Status in the 1980s. The SCW looks forward to achieve integration between the SCW and women's societies and committees through the implementation of programs and projects of the national strategy to promote Bahraini women. From this comes the importance of the memorandum which was signed by the SCW and Bahraini Women's Union. As well as the establishment of a cooperation committee between the SCW and women's societies as a suitable tool to achieve the ambitions of Bahraini women. This committee specializes in monitoring the programs directed to women and the compatibility of such programs with the Bahraini women's needs and with the national plan to implement the strategy in order to elevate women's status. The

committee should propose an annual work plan according to its terms of reference, as well as suggesting areas and the appropriate means to cooperate with other civil society institutions in order to provide the necessary support for the advancement of Bahraini women and enhance their role in public life as well to exchange experiences, and the optimum utilization of resources provided by international and regional organizations to serve the implementation of programs adopted in the annual plan.

What is the role of the SCW in supporting the second section of the law?

The efforts and demands to issuing family law started since the 1980s from local initiatives through Personal Status Committee established at that time and carried out some activities and programs to

spread awareness in society regarding the importance of this law. The Committee was run by successive figures amid increased demands emphasizing the importance of issuing this law. The demands are still continuing from the civil society institutions concerned with women's issues (particularly women's societies) and from officials through the SCW, which conducted a survey resulted in the need to codify the personal status as a necessity for the society. The SCW organized awareness campaigns to introduce and explain the concept of 'personal status' legislation, this is in addition to the official support, which ended in issuing the first part of Family Law through the constitutional channels. We hope that the second section of the law will be issued in the near future and that official and non-official forces will meet in achieving this important demand which can lead to security and stability for Bahraini families.

Economic, Social and Cultural Rights

Bahrain and the (Right to Work)

Despite the issuance of the Covenants on Civil and Political Rights (CPR) and on Economic, Social and Cultural Rights (ESCR) at the same time (1966), the implementation of the latter has drawn less attention in the human rights system, due to several reasons including:

- Predominance of CPR over ESCR. Human rights abuses such as torture and cruel and inhumane treatment; extrajudicial killings; arbitrary arrest and detention; unfair trials, etc. still dominate the human rights arena while countries of the world are still grappling in the search for the appropriate political system. During the Cold War, Western countries focused on CPR and not on ESCR in their struggle with the socialist camp.
- Developing countries have been providing excuses after excuses about the difficulty of the realization of ESCR claiming the high cost required to fulfill such rights, while Western countries insist on not providing technical and financial support to developing countries in

absence of progress in the political and democratization process.

- Corruption in many countries has led to the non-fulfillment of economic, social and cultural rights.
- Weak culture of human rights in general, and on Economic, Social and Cultural Rights in particular.
- Lack of qualified staff in the international organizations in the field of ESCR.

We will focus in each future Newsletter on one of the ESCR with a view to introduce, promote and protect these rights. In this Newsletter we will deal with the right to work in Bahrain.

The right to work is at the forefront of rights that should be attained to and highlighted, it is an inherent right provided for in Article 23 of the Universal Declaration of Human Rights (UDHR), Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Bahrain had acceded to the ICESCR in 2008, which made it a legal, ethical and political responsibility for Bahrain to fulfill its provisions, notably the

right to work for its citizens.

In line with this international obligation, the National Action Charter of Bahrain provides for employment and training:

(The State of Bahrain takes into consideration that the greatest wealth owned by Bahrain is the Bahraini citizen himself, who proved his outstanding ability in the educational and cultural field. Therefore, supporting the citizen on ongoing training would provide the labour market with the expertise and renewed blood, thereby paving the way for job opportunities for the citizen).

Article 13 of the Constitution of the Kingdom of Bahrain came as a natural translation to the National Action Charter, which stipulates:

1. Work is the duty of every citizen, necessitated by personal dignity and is dictated by the public good. Every citizen has the right to work and to choose the type of work within the bounds of public order and decency.
2. The State guarantees the provision of job opportunities for its citizens and the fairness of work conditions.

3. Compulsory work cannot be imposed on any person except in the cases specified by law for national exigency and for a fair consideration, or pursuant to a judicial ruling.

4. The law regulates the relationship between employees and employers on economic basis while observing social justice.

Bahrain has made great strides in the provision of suitable job opportunities to meet the right of the citizen to work, with notable decrease in the rate of unemployment, but there are still other problems related to the labour market. In this regard, it was reported that the (Ministry of Labour was able to hire around 5 thousand women since the launch of the Insurance against Unemployment Project in December 2007), (Alwaqt, 22.09.2009).

It seems that the file of university graduates is a challenge at present for the right to work. The most recent effort made by the State in fulfilling this commitment was affirmed by the Minister of Labour Dr. Majeed Al Alawi on the (recruitment of 4500 university graduates targeting the private sector vacancies, retraining and rehabilitation of unemployed university graduates in line with the requirements of the labour market), (Alwaqt, 13/11/2009). The State Minister for Foreign Affairs Dr. Nizar Al-Baharna had announced in October 2009 the completion of recruitment of 1377 graduates out of 1912. Al-Baharna chairs the Governing Council of the Labour Fund (Tamkeen), which works in partnership with the Ministry of Labour in order to reduce unemployment.

Unemployment cannot be defeated without providing the appropriate climate for work through education and training courses. And because the work has become linked to education, it became incumbent on the State to provide education up to primary level free of charge. And we will address the question of the right to education in a future Newsletter. In the context of the fight against unemployment, the Under-Minister at the Ministry of Labour Jamil Humaidan pointed to the establishment by the Ministry of Labour of an (excellent database on the labour market, specializations of the unemployed, their problems, interests and levels). He also pointed to a training course for 6 months

to provide the unemployed with basic skills in English and computer, which will enable them to compete in the labour market (Alwaqt, 13/11/2009).

The State's obligation extends beyond provision of job opportunities to provide protection against unemployment due to job loss. The Unemployment Insurance Act is one of the means by which Bahrain protects workers. The Ministry of Labour intervened at the end of September 2009 in the crisis of the workers in the private kindergartens, which exploded after the decision to postpone the opening of the kindergarten because of the swine flu. The decision of the Ministry of Labour was in favour of tens female workers by classifying them as unemployed women who are entitled to the benefits of Unemployment Insurance Act and payment of unemployment compensation and subsidies, which protect them from the consequences of interruption of income during the period of unemployment (Akhbar Al-Khaleej, 24/09/2009).

Accession by Bahrain to the conventions of the International Labour Organization (ILO) will help in protecting the rights of workers, especially women. For example, there are conventions which provide for maternity leave and nursery for mothers who give birth during the period of work. It is not necessarily for Bahrain to join the said Convention if it abides by its spirit. Such legislation will help in the empowerment of women and protect them from discrimination when private employers refuse to employ them. Bahrain has ratified many international conventions concerning the organization of work and trade unions, in general, or

relating to the organization of the work of women in particular, which represent the legal framework to protect female workers, and provide legal guarantees for women to be able to reconcile their family responsibilities vis-à-vis their professional duties and trade union obligations. The most important conventions ratified by Bahrain are:

Convention Concerning Forced or Compulsory Labour, 1930 (No. 29).
Labour Inspection Convention, 1947



(No. 81); the Convention concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Convention concerning Weekly Rest (Industry), 1921 (No. 14); the Night Work (Women) (Revised), 1948 (No. 89); Convention on Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159); the Abolition of Forced Labour Convention, 1957 (No. 105); Convention on the Worst Forms of Child Labour, and immediate measures to eliminate them, 1999 (No. 182).

Conference in the House of Lords

On 10 November 2009, the President of BHRM, Hasan Moosa Shafaei attended a seminar held in the House of Lords, London, to discuss the democratic transition in Bahrain and its effect on the human rights situation and women's status. During the conference, two members of the Bahraini Shura Council, namely, Dr. Bahiya Al Ghshi and Ales Samaan and the Editor of Akhbar Al Khaleej delivered speeches. The conference was attended by a number of Lords, journalists and Arab and British politicians interested in political issues in the Gulf in general and Bahrain in particular. During the same event Shafaei met with Lord Inge and Mr. Geoffrey Tantum.

BHRM Welcomes the Establishment of the National Foundation for Human Rights

The Bahrain Human Rights Monitor (BHRM) welcomed the establishment of the National Foundation for Human Rights (NFHR) and believes that it is a major step in this regard. It also stressed the importance of the NFHR's independence and impartiality and the need for it to be provided with all sufficient financial resources and human expertise in order to perform its tasks adequately. On 13 November 2009, the BHRM issued a statement in which it called on all human rights organizations and human rights activists in Bahrain to cooperate with the newly established NFHR. The statement explained that the NFHR is undergoing a real test related to performance and

dealings with the concerned parties inside and outside the country and stated that it was crucial for the NFHR to be effective and transparent.

President of BHRM Visits Cairo

On 15-25 November 2009, Mr. Shafaei visited Cairo and met with the President of the National Council for Human Rights Boutros Boutros Ghali Ambassador Mokhless Kotb, Secretary General of the National Council for Human Rights and Ahmed Alawi Hassan. He also met with a number of officials from Arab and Egyptian human rights organizations including the Secretary General of the Arab Organization for Human Rights Mohsen Awad; the General Director of the Arab Centre for the Independence of the Judiciary and Legal Profession, Nasser Amin; the President of research and studies in the Arabic Centre, Abdulmenem Masalam; Chairman of the Arab Program for Human Rights Activists, Haggag Nayel; Hatem Zakaria from the Federation of Arab Journalists; the Secretary General of the Egyptian Organization for Human Rights, Hafez Abo-Seada; the Executive Director of the Arab Network for Human Rights Information, Gamal Eid; the Executive Director of the Cairo Institute for Human Rights Studies, Moataz El Fegieri; and the President of the Cairo Institute for Human Rights Studies, Beheydeen Hassan. Mr. Shafaei related his interests and the activities of the BHRM to his counterparts and discussed with them the human rights situation in Bahrain; its political, cultural and social scope, in addition to its development, challenges and obstacles.



Mr. Shafaei with Boutros Boutros Ghali



With Ambassador Mokhless Kotb



With MP Jeshi, Samaan and Anwar Abdullaheem



With Hatem Zakaria



With Hafez Abo-Seada



With Gamal Eid



With Haggag Nayel



With Mr Moataz El Fegieri



With Abdulmenam Msalam



With Mohsen Awad