

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



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## Sectarianism Violates Human Rights & Common Sense

There can be no real reform project or respect for human rights in any country if sectarianism is deeply rooted in its political, social, cultural and religious elites. Moreover, sectarianism also contradicts the notion of citizenship and equality as it legitimizes discrimination between citizens, whereby the religion or sect you belong to determines whether you are a first or second class citizen. Sectarian practices constitute an impediment to the enjoyment by citizens of their rights established by the Constitution and relevant international conventions.

Sectarianism denies the simple fact that people whatever their background are born free and have equal rights and dignity. It also ignores that cultural and sectarian diversity – as in Bahrain- is a source of enrichment, progress and prosperity for societies in general, and therefore such sectarian diversity should not only be accepted and appreciated, but also protected and defended. Diversity should not be seen as a source of schism, danger and instability. Sectarianism thus violates all human rights principles adopted by the Universal Declaration of Human Rights, which encourages the respect of basic rights for all and without discrimination on the basis of race, colour, gender, language, religion or political opinion.

It is in the nature of sectarianism to incite blind hatred, encourage schisms, insults and abuse, and dehumanize the 'other'. It not only prevents the establishment of good and sound relations between citizens, but causes many local disagreements. Sectarianism is an effective tool in destroying social peace and threatening the security of citizens, reflecting negatively on political stability and on people's daily lives.

Sectarianism contradicts all religious values, such as justice, forgiveness, freedom, brotherhood, moderation and equality. The claim that a particular sect possesses the religious 'truth' and that only its followers are the 'saved group' is unethical, scientifically unacceptable, unjust to its followers and to others and paves the way for social disagreement, schisms, extremism and instability.

It is obvious that the increase in sectarian language in political and religious discourse or in the general behaviour of individuals and institutions is extremely dangerous and narrow minded. Giving free reign to irrational sectarian feelings which contradict Islamic principles, the Constitution and the law, is an insult to the many achievements accomplished by reform project. It also proves that the available margin of freedom has been misused alongside the misuse of authority by some officials and MPs.

One cannot but commend the King's speech on the 10th anniversary to his accession of the throne, in which he stressed the importance of establishing harmonious relations between the various segments of Bahraini society, emphasizing that a harmonious society reflects national unity. He also noted that protecting harmony can only be achieved by joining forces and standing united as one hand does not clap alone.

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## Symposium Criticizing the Associations Bill

On 25 November 2009, the Bahraini Human Rights Society and the Kawakibi Democracy Transition Centre jointly organized a seminar on the freedom of societies in Bahrain, during which participants discussed a bill which the Government had recently presented to the Parliament. The participants saw this bill as a setback from Law No. 89 as it includes new restrictions, such as the random inspection of societies' headquarters without previous notice. They also concluded that it was necessary to make new proposals in order to develop this bill, which is still under discussion in the House of Representatives.

This seminar came in the context of a project conducted by Al Kawakibi Democracy Transition Centre to study



the adherence of members participating in the Forum for the Future Project. Mr. Amin Ghali, member of the Centre, said that the seminar aimed at assessing the performance of societies and the adherence of governments to the commitments outlined in the Sea Island Declaration.

Salah Al Jorshi presented his assessment of civil society organizations in the Arab World, and noticed a decline in their contribution to the Forum for the Future, explaining that the reason for this decline was the objection of some Arab regimes. Al Jorshi also criticized the performance of these societies saying that there are approximately 300 thousand Arab associations, but their effectiveness is very minimal when compared to their counterparts in Asian countries. Abdulnabi Al Ekri and Zainab Al Drazi presented a research study regarding the bill, and said that some of its articles are inconsistent with the Constitution which guarantees freedoms, and added that the bill was based on the provisions of the Anti-Terrorism Act.

The study showed the extent of concern within civil society institutions who are subjected to bad treatment by the Ministry of Social Development, which has sweeping powers in dissolving the management of associations, as when the

Ministry had administratively dissolved the management of the Nurses' Association and placed it under its direct supervision. According to the study, the most dangerous phenomena facing civil society organizations is sectarian polarization, which has penetrated political and social life and instead of promoting citizenship and national unity, has become a factor in weakening national identity and promoting other affiliations.

## Al Najjar: Denying Women's Rights is Unacceptable

The president of Awal Women's Society Latifa Al Najjar condemned denying women their human rights on the pretext of social habits and social norms, calling for a unified position against this. This came in a joint activity between the Bahrain Young Ladies' Association and Awal Society during the commemoration of the International Day for the Elimination of Violence against Women on 25 November, with the participation of members from both societies and a number



of figures concerned with women's issues. Al Najjar called upon officials to put into place fair legislations and introduce laws that protect women's rights and promote equality in all political, social, cultural, economic and civil fields.

## Demands for Anti-Harassment Law

Assistant Secretary-General of working women and children in the Bahrain Workers' Union Suad Al Mubarak raised the issue of sexual and physical harassment against women saying in an interview with Al Watan newspaper on 29 November 2009 that the Union receives many complaints from working women who have been subjected to harassment, and that these women have often been fired when they filed complaints against those responsible. Mubarak

demanded the passing of new legislations against the harassment of women, especially as there are presently no laws which criminalize violence against women and children in the family, public places or work meaning there is a lack in protection and safety procedures. It is noteworthy



here that Bahrain has signed several international agreements which commit it to undertake strict legal procedures towards these kinds of crimes. The Government is also required to harmonize its existing legislations to ensure that women and children are protected from all kinds of harassments.

Lawyer and political activists Fatima Al Hawajj explained that sexual harassment in the work place has become a phenomenon due to the negative perception of women from pre-Islamic culture and values. She added that the current law does contain some paragraphs within the Penal Code in the rape section, but the law does not even define the expression 'sexual harassment'.

## Lawyers Reject Clergymen Pleading in Courts

The Bahrain Bar Society has expressed its reservations regarding proposals presented by Al Wafaq parliamentary block to amend some provisions of the law promulgated by legislative Decree No. 26 of 1980, to allow those specialists in Sharia law to plead only before Islamic Courts.

The Bahrain Bar Society believes that this proposal does not serve public interest and harms the interests of litigants. The Society said that family disputes are not limited to the Islamic aspect but transcend it to other issues such as financial aspects which fall under the



authority of the Civil Court, in addition to following up the implementation of rulings of Islamic Courts and appeals before the Civil Appeal Court. The Society explained that one of the conditions of practicing law

in the country is having a law certificate from a recognized university which may include the subject of Islamic Sharia among its programs, in addition to other subjects such as civil, criminal and commercial law. As for those who have not studied Sharia law, they should pass a Sharia law exam as only those who have studied Sharia and passed an exam in it are allowed to practice law in the country.

### Bahrain Women's Union Supports New Legislations to Protect Women

On the occasion of the Bahraini Woman's Day, 20 December 2009, the Bahrain Women's Union issued a statement in which it vowed to strive towards the issuing of the second section of the Family Law concerning the Shia. The statement called for the amendment of the nationality law to allow Bahraini women married to non-Bahrainis the right to pass their nationality onto their children, based on the Constitution which treats citizens equally. The statement also stressed that it was important that Bahrain ratify the Optional Protocol of CEDAW and the speedy issuing of a law protecting against domestic violence as well as the ratification of the ILO Convention No. 183 on the respect of motherhood and the rights of working women in the private sector, ensuring a fair maternity leave for women in order to perform their familiar duties and protecting them from discrimination on the basis of pregnancy or breast feeding.



### High Hopes for Ratifying a Modern Press Law

The Service Committee in the House of Representatives responsible for studying a bill on Press Law has recommended that all articles concerning the imprisonment of journalists and others articles which

refer them to the criminal courts should be abolished.

The media welcomed this step and Rida Al Musawi from Al Waqt newspaper regarded it as 'an important one to expand the margin of freedom and particularly freedom of expression and will place Bahrain on the same track as those countries which respect and promote freedom of expression as an important part of comprehensive human development'. He added that 'the information we have from the Committee so far reveals substantial changes in the bill, hoping that it will be passed and that public

### MPs ratify the Convention against Corruption and the Interior Ministry vows to fight it

In November 2009, the House of Representatives approved Bahrain's joining the UN Convention against Corruption. After a lengthy discussion, MPs criticized



the spread of corruption in the State, especially the fact that revenues of sold lands were not included in the State's budget. The Convention aims to prevent and combat corruption, promote integrity and accountability and achieve correct administration for public properties. It also stresses the importance of basic values, respecting the rule of law, transparency and accountability. The Convention provides a new framework for active work and includes a number of standards and procedures which all countries can implement in order to promote their legal system.

On the same level, the Interior Minister Shaikh Rashid bin Abdulla Al Khalifa saw the spread of corruption as an obstacle facing development which leaves negative effects on all fields economically, socially as well as on the security of the country. He added that in order to protect Bahrain's reputation and public money and in order to achieve the principles of justice and equality, his Ministry will introduce a section for combating corruption by following legal means to detect, follow up and bring those responsible to justice, as well as establishing a hotline for complaints and comments on corruption issues and taking the necessary procedures.

freedoms will be promoted in line with the aspirations of voters and democratic activity'. He continued by saying: 'it is not in the benefit of MPs to restrict freedoms or for journalists to be dragged to the Public Prosecutor's Office whenever an attempt is made to reveal corruptions. MPs should push towards transparency and freedom of writing in order to develop the State's general performance'. On his part Adil Al Morzooq from Al Bilad newspaper regarded the Service Committee's decisions as a 'good initiative but we are concerned that it may be overturned during the vote and the final decision comes after the vote'. He added that 'the level of freedom of press has declined greatly in 2009 compared to previous years, which is something that cannot be ignored'. Journalist Mohammed Al Ahmad from Al Ayam newspaper he hoped that 'no connection will be made between the current press law and the Penal Code or any other law, and that we will not be surprised if we discover during the discussion of the bill that there are articles which are contrary to our beliefs as journalists striving for more freedoms and transparency'.



Rida Al Musawi

### Al Wefaq: refusing to discuss discrimination means it is continuing

In commemoration of the of World Day for Human Rights, Al Wefaq Society issued a statement in which it stated that the continuing discrimination policy, defending it and the refusal to admit it as a problem is one of the main reasons for the decline of human rights in the country. It added that 'denying the fact that discrimination exists in Bahrain will not help eliminate it, but rather confirms it and provides evidence for it. The reality confirms that abhorrent discrimination exists in the country'. Al Wefaq praised the UN Secretary General's speech on the occasion, and described it as 'very realistic because the talking about discrimination represents a starting point for dealing with one of the worst kinds of human rights violations'.

## United Nations Coordinator and UN Resident Representative in Bahrain:

### It is necessary to amend laws in order to fulfill international obligations

BHRM interviewed Mr. Sayed Agha, U.N. Resident Co-ordinator and UNDP Resident Representative, in which he highlighted many relevant issues such as the fulfilment by Bahrain of most of its obligations under the Universal Periodic Review (UPR) process and the obstacles facing the implementation of some recommendations related to the process, including the politicization of human rights and the need for legislative amendments. He also discussed the positive relationship between the UNDP and Bahrain, and UNDP's continuous support to national institutions and local NGOs. He further addressed the important role of citizens and private sector in promoting human rights, sustainable development and the empowerment of women politically and economically.

**Since your presence in Bahrain, how do you value the cooperation with the Kingdom of Bahrain to endorse sustainable human development strategies?**

The U.N. and Bahrain have always enjoyed strong partnership. Building on this, I have tried to further strengthen the UN's relations with the government of the Kingdom of Bahrain, the Civil Society Organizations and the business community. The Government has been particularly supportive in facilitating the UN's work. Being a high income oil producing country, Bahrain has specific characteristics as a Small Island State that has a large number of expatriate workforce. Bahrain requires careful development choices to remain sustainable. Sustainable human development is a basic human rights of the citizens. Instruments such as the reform agenda, Government's achievements in education and health care, and the launch of Economic Vision for 2030 provide enabling environment for sustainable human development. The U.N. has made major contributions in Bahrain's development. Most recent examples of our successful partnership are promotion of entrepreneurship, microfinance initiative, parliamentary development, economic and political empowerment of women, addressing environmental challenges, supporting the preparation and implementation of Bahrain's human rights commitment of the UPR process, NGOs capacity

development, and the list goes on. All these have had direct positive impact on human rights in the Kingdom. We owe it to the strong support of the Government and people of Bahrain.

**Many key national institutions have received your technical support, do you have any collaboration with the local NGOs?**

His Majesty the King stated during his meeting with the UN Secretary General in May this year in Bahrain, that we know Bahrain cannot prosper without contribution of the NGOs in our human development. Similarly, the U.N. believes that NGOs have important role in the socio-economic development of any society. We have, therefore, partnered with the Ministry of Social Development to implement a number of initiatives. These include the establishment of the national NGO centre, training and capacity development for NGOs, and a micro finance project, through two NGOs, that has now reached thousands of families. We have also directly supported women, youth, human rights, environmental and other NGOs through provision of funds, expertise, as well as moral support.

**Your core effort is to encourage respect of human rights and foster thriving civil society, what are the measures and instruments used by**



Mr. Sayed Agha

**your office to achieve this goal?**

Decent living standards, provision of basic services, rule of law through effective governance, and participation in decision making are basic human rights. We believe that while Government has a huge responsibility to ensure enabling environment by adopting and implementing legislation, human rights are not fully realized without actions by individual citizens. Citizens and the private sector should hold themselves responsible to respect, promote and

**Sayed Aqa: We have provided expertise and financial support to NGOs working in the fields of women, youth, human rights and the environment etc.**

protect human rights, especially those of their employees and domestic workers. The U.N. has a very successful project with the Ministry of Foreign Affairs to help Bahrain meet its UPR pledges and voluntary commitments. This project is implemented in collaboration with civil society as a number of NGOs are members of its Steering Committee. In addition, we have trained all our staff and most government counterparts on Human Rights Based Approach (HRBA) to development.

**According to the Arab Human**



**Development Report 2009, the Kingdom of Bahrain recorded a significant change in the institutional quality in the period from 1996 to 2007, in certain areas such as representation and accountability but has not progressed much on women's empowerment. What are your observations on this?**

The Human Development Report (HDR) is an independent report facilitated by UNDP. Its content does not necessarily reflect UNDP's views. For the sake of comprehension, I would say that in terms of independence, HDR is like the report of Audit Bureau or Human Rights Institution of a country. For calculation of Human Development Index (HDI) the report assess four key areas of human development— life expectancy, literacy rate, education and GDP. All figures included in the HDR are from official sources only.

Resulting from wise leadership and truthful development choices, particularly in the areas of education and health care, Bahrain has made steady progress as recorded by HDRs standing a par with OECD countries. The other significant achievement of Bahrain is that Bahrain's human development standard is equal for men and women. However, what you are referring to is women empowerment - that is number of seats occupied by women in senior government, and private sector organizations as well as in the parliament. We all know that political and economic empowerment of Bahraini women is a priority. The U.N. and government aim to address this through the project we signed in the presence of the U.N. Secretary General and HRH Princess Sabeka with the Supreme Council for Women. The programme has already started its activities. We hope to contribute to political and economic empowerment of Bahraini women in collaboration with other government institutions, the NGOs and the private sector.

**The follow-up report for the implementation of the Bahrain's Universal Periodic Review 2008-**

**2009 indicates that some of the recommendations are fully met while others are in progress and few are not yet completed, what is your explanation to this advancement?**

What you are referring to is voluntary progress report that Bahrain presented this year. It is not a required report like the formal UPR review, which occurs every four years. As noted in the progress report, a great deal has been achieved in the scope of one year. This undertaking is a four year process, and I am confident that Bahrain will meet most of its pledges and commitments by its next UPR review. The recent establishment of the national Human Rights Institution by His Majesty is another major step towards realization of all human rights for all in Bahrain.

**Were there any obstacles in implementing these recommendations on the ground?**

A major obstacle is lack of awareness of people about their rights and obligations. Most people look to the government to do it all. However, individuals can and should take responsibility to first make themselves aware of their right and then respect, promote and protect the

rights of others. Bahrain may also need to amend some of its existing laws to meet its international obligations under various conventions and treaties. A second major obstacle is that some try to advance political agendas under the pretext of human rights. This is simply wrong as it harms fulfilment of human rights. Credibility cannot be overemphasized, particularly when talking about human rights. Politics should, therefore, not be mixed with human rights.

**Your recent joint study with the Supreme Council for Women on empowerment of women have come up with many recommendations such as providing the best environment for women candidates and the reduction of the financial barriers faced in the elections. Has there been any effort by your team to assist in meeting these recommendations?**

As already mentioned, we have an ambitious programme with the Supreme Council for Women to address this and other recommendations of our study. Planning is underway to train and support women candidates for the 2010 national elections.

**In cooperation with the Ministry of Education, a Scientific and Cultural training workshop, entitled «Rights of the Child», was held on 26 October 2009, what was the purpose for this event ?**

As part of the UPR project implementation plan with the Ministry of Foreign Affairs, a number of capacity development activities have taken place targeting law enforcement, health care and education personnel. As part of series of these activities this workshop was organized to train teachers and workers of the Ministry of Education on how to adapt a human rights based approach to their work, as well as how to promote awareness of human rights among the students. The goal is to address the challenge of public awareness, I referred to earlier.

### **Sayed Aqa**

- Masters degree in Business Administration.
- 23 years in voluntary humanitarian work.
- Founder of two national organizations in Afghanistan: the Mine Clearance Planning Agency (MCPA) and the Afghan Campaign to Ban Landmines (ACBL)
- Worked in a number of countries such as Yemen, Chad and Thailand.
- Joined the United Nations in 2001 to work in Azerbaijan.
- Served as an advisor to a number of international and inter-governmental organizations.

## The Role of Government, Elites and Civil Society Institutions in Combating Sectarianism

The elimination of sectarianism is an impossible task that exceeds the capacity of any country. However, it is possible to reduce its tensions and control sectarian disagreements if the Bahraini Government and all other political and social parties work together. The following are some ideas and suggestions for the ideal roles of the concerned parties in containing sectarianism:

**The Government's role:** the Government is responsible for controlling sectarian disagreements in order to prevent them developing into a social conflict. In other words, the Government is required to intervene when appropriate to prevent society slipping into schism with unexpected consequences. The Government is also required to adopt legislation which criminalizes sectarian activities and introduce deterrent punishments. It should also adopt regulations to organize religious discourse and the media to prevent sectarian provocations. These proposals should be presented to Parliament for discussion and ratification. In addition, the Government is responsible for the impartiality of its own agencies during sectarian conflicts, otherwise it will become part of the conflict itself and lose its credibility as an impartial guardian and judge. Also, it should guard state institutions against sectarian practices and warn Government officials and employees of sectarian bias. Moreover, it is required at the same time to continue respecting religious freedom of expression and human rights. The Government should ensure that no violations of the general principles outlined in the Charter and the reform project take place during the process of organizing sectarianism. Freedom is an effective means of controlling sectarian discourse and its advocates, as extreme measures yield opposite results and

will only inflame sectarian troubles.

Finally, the Government should provide programs that bring together different views and put into place anti-sectarian national projects which promote stability and social and political integration. It is noteworthy that the King has made many efforts in this regard and has repeatedly brought together religious and political figures and MPs from both sects. Also, the Government has introduced a number of joint programs, but unfortunately these proved to be fruitless. We have great hope that the political and religious arena will mature, and that the main political and religious figures will strive to protect the national unity of the country.

**The role of political and religious elites:** it is noticeable that in recent years most sectarian problems have been instigated by the elites of the country and not by the public. These elites have failed to form joint social, political, religious and environmental institutions and have been penetrated by sectarianism whether or not they admit to this. Unfortunately, in a period characterized by pluralism, openness and freedom; issues like segregated housing and neighborhoods are increasing whilst the number of inter-sects marriages is decreasing. It is also unfortunate that charitable organizations limit their services to certain communities without any religious or humanitarian justification.

It is possible to say that Bahraini elites are not yet mature enough which makes them in constant need of advice and the undesirable interference by the State to lead them towards rationalizing the public and directing its actions, instead of sending inflammatory statements through Parliament, the media and the press to increase the social rifts. The



Parliament, whose members represent the elites of society, is responsible for controlling its own members. In fact, MPs have failed to rise above sectarian divisions and sectarian and factional interests have dominated the vision for the future of Bahrain and its people at the expense of strengthening national feelings and promoting unity among citizens.

**The role of civil society institutions:** sectarianism is a contagious condition in a connected chain of events, for example sectarian discourse in Parliament reflects on the media and on the street. Likewise, sectarianism in civil society and charitable institutions weakens the humanitarian spirit and sectarian religious discourse affects political discourse.

Civil society institutions are usually perceived to be free from sectarian and ethnic divisions and are assumed to be driven by humanitarian and national causes. However, there are some human rights institutions which adopt sectarian discourses as a constant strategy in their statements and literature.

Abandoning sectarian discourse is a reflection of the maturity of individuals, society, the state, civil organizations and the media. It is the minimum requirement at this stage and it is hoped to be followed by joint projects and institutions. We aspire to the day when political societies represent citizens of all different sects and when charitable organizations provide their humanitarian services to all citizens. We also look forward for civil society organizations, which serve everyone and in which all can participate.

On its way to decline:

## Sectarianism: Problem Not Crisis

Hasan Moosa Shafaie

An individual cannot be labeled 'sectarian' for merely practicing his own beliefs and expressing his opinion, but rather being sectarian involves insulting the followers of other sects using religious excuses, or believing that the creed of the 'other' is false and should be banned. A sectarian is not an individual who loves his own sect, rather it is he who hates other sects and religions claiming that what he is doing is a religious duty, social habit or that he does so on the basis of ethnic or linguistic grounds. It is not sectarian to help fellow members of the sect, but it is sectarian to favour them at the expense of others and deprive others of their rights. Sectarianism refuses equality of, and justice for, those who are not members of the same sect.

It is not sectarian to wish the best for fellow members of your sect, rather it is wishing the worst for the 'other'; and it is not sectarian to defend your rights in accordance with the Law, Constitution and according to what citizenship provides you, but to deprive the 'other' from his constitutional rights. It is not sectarian to live secluded in your own environment, but rather it is to openly reject co-existence and prevent the promotion of mutual interests and inter-marriages, regarding this as a religious and political sin.

The Bahrain Strategic Report for the year 2009 addressed the sectarian issue adequately, highlighting its weaknesses. The report pointed to the existence of a sectarian 'problem' and not 'crisis' in the country, and stated that all parties and various social segments are participating in it. According to the report, sectarianism has affected institutions such as ministries, Parliament, clergymen, civil society, and political and charitable institutions. It also added that the problem is spreading amongst the elite as well as ordinary people and that some of its sources are from abroad.

It is surprising that the sectarian problem has surfaced during the on-going reform project. The reason for this - in addition

to the foreign influence- is the fact that the reform project has provided a suitable atmosphere for discussing the problem after a long period of silence. The reform project, especially in its political dimension, had for the first time provided political parties with the tools for national integration, which were instead exploited for sectarian purposes, as is the case of the Parliament and its activities.

In fact, the reform project has exposed what was previously kept hidden, and because the democratic experience is new in the country, some parties and figures rushed to exploit the sectarian issue politically; although this was not preferable, it was natural. Thus it is expected that the level and manifestation of sectarianism will decrease in the coming years. This was noted by the Strategic Report by comparing the years 2007 and 2008 with the year 2009.

Bahrain is not experiencing a sectarian 'crisis' even if it was recently struck by a sectarian spirit triggered by some old local problems as well as being influenced by regional events. In light of this, our hopes and expectations can be summarized in the following:

1) Political freedoms and the increase in freedom of expression can absorb excessive extremism on the one hand, and control political discourse on the other hand. As long as social forces join together in a political project, the danger seems less than what has been publicized and rumoured. The general attitude of the Government should be taken into account since its agencies and leadership, despite some sectarian violations, are moving towards sectarian tolerance.

2) One of the main reasons for sectarianism is underestimating its danger. However, after the previous years' experience, especially inside Parliament, all parties began to realize that sectarianism is not necessarily the best tool to serve their objectives, for even if sectarianism served some persons in obtaining a high position, it will not protect



Hasan Moosa Shafaie

the position or provide it with stability. Anyone who aspires to achieve a higher political position, including the opposition which aims to participate in the building of the state, will find the use of a sectarian discourse useless and will damage their credibility.

3) What has led us to anticipate a decrease in the problem is the expansion in the margin of freedom of religious expression, particularly among the Shia. It is evident in many countries that the lack of freedom of expression has provided the raw materials for political conflicts. Bahrain is enjoying a wider margin of freedom and the Government has displayed a great deal of respect by providing financial support to Shia religious gatherings. Some officials and members of the royal family have even attended these gatherings which were broadcast on State television. This kind of attitude distances the State and its leadership from the sectarian conflict and serves to ease any sectarian tension.

4) Finally, the increase in sectarian tensions does not concern Bahrain only but involves the whole region; and if it were not for the positive political changes as well as the efforts of the Government and the active leaders in society, Bahrain would have faced many problems with unexpected consequences. The sectarian tendency has become out of control in the region, and the Strategic Report pointed to its local effects; and because it is declining in neighboring countries for the past two years, it is conceivable that this will contribute to the decline of sectarian discourse in Bahrain itself.

## Bahrain in Report of Cairo Institute for Human Rights: Inaccurate Information and Results

The Cairo Institute for Human Rights has released its second annual report on the state of human rights in the Arab Region in 2009, entitled 'Bastion of Impunity, Mirage of Reform'. The report concluded that the state of human rights in the Arab region has deteriorated throughout the year in comparison with the year 2008. Most international human rights organizations seem to share the same impression and observed that the state of human rights has deteriorated all over the world.

The reason for this can be attributed to the failure of Western countries- especially the United States- to fulfill their commitment to promote human rights principles and democracy in the Third World. Western countries themselves have noticeably failed to comply with international human rights standards especially with regard to wars, prisoners of wars, combating terrorism and supporting dictatorships. This encouraged other regimes to feel free to commit human rights violations.

The Cairo Institute's report on Bahrain for the year 2009 was mostly negative, contained inaccurate information and used very harsh vocabulary such as the title 'Bahrain: systematic discrimination against the Shia majority to consolidate the rule of the minority Sunnis'. The Bahrain section of the report was revised and edited by the President of the Bahrain Centre for Human Rights as it is stated on page (6). Almost all the basic information, their background and analysis are derived from one source only, which is the Bahrain Centre for Human Rights, for out of 40 references there are 29 were attributed to the Centre and two were attributed to the Bahrain Youth Society for Human Rights, which is another face of the Centre. Other nine references were either obtained from sources which were funded by the Centre or were impartial sources. The Bahrain Human Rights Society was only mentioned twice and in the context of some joint statements.

So it is not surprising that the report was harsh and biased; the title itself is problematic as it talks about 'systematic' discrimination against the Shia. Although, no one can deny the existence of discrimination, but to say that it is systematic is incorrect, unrealistic and falls into sectarian language. What made matters even worse is the use of inaccurate information such as saying that

the percentage of Shia employees in the Ministry of Defense, Ministry of Interior and the Royal Court is zero. Also, to say that some Shia born to Bahraini parents are denied their rights to citizenship is not true. The truth is that there were hundreds of families called 'Bidoun' who were granted the Bahraini citizenship at the beginning of the reform period, with the exception of a few remaining individual cases.

In addition, some of the obvious mistakes in the report include the claim that 'Shia freedom to practice their religious rituals is tied to the Government's decision which restricts freedom of creed'. This statement is untrue as the margin of religious freedom for the Shia and others is very wide. Observers must have seen the level of freedom during the Ashura Day on 26 December 2009. State TV had broadcast programs in the days leading up to Ashura to commemorate the event. However, the evidence which led to the above conclusions relates to the case of al-Sadiq Mosque, which has political dimensions and has nothing to do with freedom of expression, but rather with inciting violence. This case only lasted for a few days.

In most cases, the information which the report is based on contains inaccurate information and generalized conclusions which are out of context, for example the conflict that took place in Ashura of last year between security men and some youths as a result of being incited to violence by a provocative speech by the President of the unregistered Haq movement Hassan Mushaima. With regards to the issue of freedom of expression, the report mentioned the position of the Ministry of Information on websites and the blockage of some of them, an issue which was criticized by the media and human rights institutions at the time despite the fact that some of these websites incited violence and had nothing to do with peaceful political expression, for example al-Sarh al-Watani website.

The report also mentioned Government interrogation of a number of journalists which was discussed in the media at the time and in which the Ministry of Information was criticized for adopting a press law unsupported by human rights organizations such as the Bahraini Journalists' Federation and the Parliament itself which is considering another bill and has delayed its issuing. This



law is expected to respond to the demands of authors and journalists and expand the margin of freedom. The report also made a huge mistake when it described a number of detainees as human rights defenders, which is a description constantly used by the Bahrain Center of Human Rights for any detainee accused of setting fires, vandalizing public properties and throwing Molotov cocktails on the security forces.

With regards to peaceful assembly, it is evident that hundreds of protests and marches take place in Bahrain, most of which are legal. However, extremist parties refuse to obtain permission for their activities as well as refusing to refrain from using violence such as vandalizing properties and setting fires. For this reason, clashes take place and crowds are dispersed. Besides this, anyone can provide many counter examples to prove the existence of a wide margin of freedom.

Many political parties, including al-Wafaq Society and its President have attempted to convince extremists to obtain permission and ensure the peacefulness of their protests. He promised them that if this was the case and the Government still failed to give them permission, he would side with them. But the Bahrain Center for Human Rights and other extremist organizations believe that citizens have the right to protest at any time, and do not need a permit and this represents a clear rejection of the state's assembly law.

Generally, in documenting a number of human rights violations in Bahrain, authors of the report did not verify information and the analysis did not place events in their real contexts. Hence, conclusions of the report are negative, especially as the report did not provide a balanced assessment of the areas in which Bahrain has progressed or regressed.



## Bahrain in the Strategic Report (2009)

The Bahrain Centre of Research and Studies has released its second strategic report, which contains frank discussions of internal problems facing Bahrain at the local and international levels. In its report, the Centre presented its comments on the general situation as follows:

- With regards to foreign workers and the abolishment of the 'sponsor system', the report states that the abolished law represents an insult to human rights and that abolishing it is a progressive and humanitarian step in line with human rights principles. However, the abolishment of the system has led to many problems such as an increase in unemployment, which in turn has increased crime rates and the level of unemployment among Bahrainis.

- The report discusses freedom of press, and most importantly the call for issuing a new law, which allows more freedom and prevents the imprisonment of journalists. The report emphasized that the issuing of such a law is a solution to most problems in this regard.

- Concerning human rights, the report pointed to the cases that had been raised during the last two years in relation to women, children, human trafficking and torture, among others. The report explained that there are some reports, which concluded that the state of human rights is deteriorating, and highlighted the Bahrain's fulfillment of its commitments to the Human Rights Council. Regarding torture, the report recalled the pre-reform situation and the clashes and violations that took place, asserting that political societies are demanding the punishment of perpetrators of torture during that period. Also, the report pointed to the establishment of some human rights institutions, some of which visited Bahraini prisons and some others called to implement transitional justice. The report stated that arrests were made during clashes in demonstrations and concluded that human rights issues and political ones have been confused. This phenomenon is common among many human rights organizations in the third world because they are newly established institutions with little experience, in addition to the fact that the state itself is emerging.

- The report observes that Bahrain is experiencing a dynamic condition and a positive movement, and pointed to the wide margin of freedom of assembly and protest which has become a prominent feature of political life in Bahraini society. By analyzing cultural, political and economic activities in the country, which included seminars, lectures, protests, strikes and workshops among others, the report considers this a reflection of a dynamic society despite its shortcomings.

- The report also points to the fact that political societies, despite occasionally engaging in sectarianism, have shown improvement and maturity in their activities in the last two years. It notes the existence of sectarian alignments between political societies in the House of Representatives with or against ministers belonging to other sects.

- The report allocates a large space for the issue of sectarianism, including the hitherto unexplored role of the House of Representatives. It states that sectarianism in Bahrain is increasing and has foreign roots and that the gap between the two main social components, Shia and Sunni, is widening. The report also notes that a great deal of issues are being politicized and interpreted in a sectarian manner such as the issues of housing, naturalization and employment, among others.

- The report notes that protests, which demand improvements in basic living needs, were organized according to sectarian lines, Sunni and Shia, including private majalis or gatherings. It also points to a limited sectarian dispute which took place in Muharraq due to a Shia religious occasion. It adds that sectarianism is also a factor in employment prospects in some governmental, quasi-governmental and even private agencies although this was not official, and was not done in a systematic manner. The report stresses that this unofficial favoritism, which dominates the social and political situation, has resulted in weakening society's progress, including the political field.

- The report also notes that some civil society institutions have been affected by sectarian favoritism, which has led to



the loss of human resources. This is due to the dominance of the sectarian mindset in political and social activities to the extent that political societies and civil society organizations have been classified according to sectarian affiliation. This means that these institutions serve certain groups as is the case with some charitable trusts.

- Parliament has also been affected by the constant disagreements between Shia and Sunni members, most of whom belong to religious political societies. According to the report, Parliament has not progressed much in terms of proposals and in its supposed monitoring role. The report explains that requests for the questioning of some ministers in the House of Representatives, the ensuing discussions as well as the final results, were all dominated by a sectarian spirit, and exchanged accusations between MPs of different sects. The report states that if this polarization should continue it will hinder the development process and will have a negative effect on the reform project, as well as slowing down improvements to the standard of living of citizens. However, the report also points to some positive aspects during the last two years, including the fact that the House of Representatives has become more realistic in practicing its legislative role and that MPs have become more experienced in parliamentary activities, in addition to an increase in requests for Ministers' questioning compared to the first parliamentary stage in which some MPs attempted to prove their role, independence and ability to challenge the Executive Authority.

## Economic, Social and Cultural Rights

### Bahrain and the Right to Housing

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.**

The right to adequate housing is one of the important ESCR given the rapid rise in population growth across the globe. It is provided for in Article 25 (1) of the Universal Declaration of Human Rights (UDHR), Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both instruments referred to it as part of the 'right to an adequate standard of living'. Bahrain 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 housing for its citizens. This right has bearing on a number of important issues related to its enjoyment including protection against forced evictions, tenant protection, discrimination in the housing allocation or access to basic housing-related services. In this case national courts adjudicate cases related to these issues in order to ensure enjoyment of the right.

In line with this international obligation, the National Action Charter of Bahrain provides for social security for Bahrainis under Chapter 1 (6):

(The State ensures necessary social security for citizens in cases of aging, invalidity, orphanage, widowhood and unemployment. The state also secures social insurance services for citizens in such cases).

Article 5 (c) of the Constitution of the Kingdom of Bahrain echoed the above statement of the National Action Charter as follows:

The State guarantees the requisite social security for its citizens in old age, sickness, disability, orphanhood, widowhood or unemployment, and also provides them with social insurance and healthcare services. It strives to safeguard them against ignorance, fear and poverty.

However, Article 9 (f) of the Constitution explicitly provides for the State's obligation to provide housing,

particularly to those with 'limited income'. The Article reads: 'the State shall endeavour to provide housing for citizens with limited income'. To translate all these articles into action, Bahrain has made great efforts to provide suitable houses or allowances to cover house rent for the growing number of population. For example, between 2005 and 2009 Bahrain allocated 17,500 housing units to Bahrainis and provided housing benefits to 24,000 families, according to the Housing Minister Sheikh Ibrahim bin Khalifa Al Khalifa. The Minister said that the Ministry of Housing is proceeding with the implementation of strategic plans to provide adequate housing for citizens and promote sustainable development



in Bahrain to implement the directives of the King. (Al-Ayam, 14/10/2009). These plans, which were approved by the Economic Development Board and adopted by the Council of Ministers, come within the framework of the economic vision of the Kingdom of Bahrain. Having this in mind, Bahrain is accelerating its efforts to build more than 10 thousand housing units across the country by 2011, of which 1500 units will be allocated for the people of Riffa in the southern province. (Albilad, 19/10/09).

Despite all these efforts, the problem seems to be far from being resolved. Still more than 35,000 housing applications are yet to be considered. There is also the problem of long waiting lists. On 13 September 2009, the Council of Ministers adopted the Housing Future

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Plan for 2009 – 2014, which aims at reducing waiting times and that all applications should be considered by 2011 to clear all housing applications on waiting lists since 2002. Generally, the Ministry is also looking at reducing the waiting time for housing to only 5 years.

On the other hand, Government, private sectors and people should join forces to deal with this chronic problem. In this regard, the Government should increase allocation of fund to the Ministry of Housing, and to raise the

ceiling of housing loans provided by the Government, and this is what Parliament is trying to regulate. Furthermore, all lands that have recently been allocated for commercial investments, and which were mainly dedicated for housing, should be returned to the housing projects once again. Also there is need to respond promptly to urgent housing needs by providing temporarily accommodation. Above all it is important to review the age necessary for considering applications

by allowing people above 50 years to apply for housing. By excluding people who exceed 50 years, we discriminate against the elderly.

Finally, the housing crisis in Bahrain has created negative reaction vis-à-vis Government's response, and has caused political and sectarian tensions as happened in some cases recently amid allegations that the Government did not comply with the regulations in the distribution of houses to citizens according to the positions in the queue.

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## **BHRM: Khawaja's Accusations are Unfounded**

A report was issued by the Bahrain Centre for Human Rights last November entitled 'Fake Organizations and Human Rights Activists' by Abdulhadi Al-Khawaja, in which he accused the Bahrain Human Rights Monitor (BHRM) of misleading public opinion and attempting to monopolize human rights organizations and human rights defenders. The report considered the BHRM a fake institution which conducts fake human rights activities in an attempt to mislead public opinion and international human rights organizations. It was published in both English and Arabic on two human rights websites, which makes it incumbent upon the BHRM to respond to these claims.

The BHRM has previously clarified its position and activities, and both the Monitor and its staff are above being a government product as the report claimed, and BHRM also refuses these cheap insults and accusations. The activities of the BHRM are always aimed at developing human rights in Bahrain, and strive to promote and encourage the presence of international organizations in Bahrain so that they are better informed of the reality of human rights in the country. BHRM also works hard to constantly urge officials to fulfill all their local and international human rights commitments through the implementation of signed agreements.

The material published by the BHRM is not propaganda, and does not attempt to cover up human rights violations as is clear from our public statements and newsletters. This includes monitoring the development and analytical material of human rights issues which are intertwined with the political situation. The BHRM and its staff have never sided against a particular human rights group, for their mission is not to initiate confrontations or search out mistakes. This is despite the fact the BHRM has reservations regarding the activities of some groups, but prefers not to disclose them, and refuses to be drawn into arguments with the Centre about the waves of accusations and rumours. The BHRM always strives to present its points of view to the public with a great deal of respect and wisdom.

The President of the BHRM, who was for years subjected to constant attacks by the Centre and its officials, despite the fact that he is one of the Centre's founders, and for years and since 1990 worked with its former president Abdulhadi Khawaja, before his resignation in protest against the Centre's deviation from the objectives stated in its own bylaws. Hasan Moosa Shafaie did not want to respond to these accusations out of self-respect and his criticisms have been limited to three main issues: the politicization

of human rights activities, the blatant support for violence and the use of sectarian discourse. However, the Centre, particularly in its last report, has exceeded all ethical and humane limits, ignoring the fact that Mr. Shafaie is a human rights defender, and accused the BHRM of bribing others and trying to gain legitimacy from the way it presents its activities. We wish to add here that any human rights institution gains credibility from its publications, the goals it strives for, the verification of its information, being objective and adhering to human rights standards, and not from filing accusations and fabricating disputes with opponents. Ironically, the activities conducted by the BHRM are those which the Centre itself should have engaged in according to its bylaws. But unfortunately, the Centre did not commit itself to them, and instead involved itself in political agendas which have transformed the Centre into a political party with a fake human rights cover. Many international human rights organizations such as Amnesty International, the OMCT and the International Federation are well informed of all the activities of the BHRM and its founder and of the advisory role of some of his activities with regards to official human rights missions, which make the accusations leveled against him clearly unfounded.

## **BHRM Activities,**

■ The Bahrain Human Rights Monitor (BHRM) represented by its President participated in the International Day for Human Rights on 14th of December 2009, which took place in Manama, under the aegis of the UNDP and the Bahraini Foreign Ministry. During the occasion many speeches were made by Bahraini human rights organizations, including the Bahrain Society for Human Rights and the Bahrain Society for Human Rights Watch. In addition, speeches were also made by the UN High Commissioner for Human Rights Navi Pillay, the Minister of State for Foreign Affairs Dr. Nazar Al-Baharna and the Resident Representative of the UNDP in Bahrain Sayed Aqa.

At the fringe of this occasion, the President of BHRM Hasan Moosa Shafaei met with Dr. Baharna, Undersecretary of the Foreign Ministry Abdullah Abdullatif, UNDP Resident Representative Sayed Aqa, MP and Member of Al-Wefaq Society Jawad Fairouz, Advisor Amal al Dosari of the Bahrain General Organization for Youth and Sport, and finally from the Bahrain Human Rights Society Abdula Al Derazi and Abdulnabi Al Ekri.

■ The President of BHRM participated in the First Gathering of Leaders of Arab Media, which took place in Bahrain on 2-3 December 2009. The conference was jointly organized by the Ministry of Culture and Information and the Arab Media Forum headed by the Secretary-General of Arab Media Forum journalist Madi Al Khamees. Many Arab and foreign media representatives attended the conference as well as tens of well known Arab authors and journalists. The conference discussed three main topics: media and international developments, the effect of capital on the media and the future of Arab Media: crisis and obstacles. The Bahrain Minister of Culture and Information Sheikha Mai Al Khalifa spoke at the conference as well as the Secretary-General of the Arab League Amr Moussa and Madi Al Khamees. Also among the participants were the President of Asilah Festival of International Culture in Morocco Mohammad Isa, Undersecretary of the Saudi Information Ministry Abdullah Al Jaser, Syrian Information Minister Dr. Mohsin Bilal, Head of the BBC Arabic Network Hosam El Sokkari and the President of the International Federation of Journalists Jim Bonnelha. This is in addition to Journalist Abdulwahab Badrakhhan, Journalist Baria Allamuldeen, Jihad Alkhanan Editor-in-Chief of Al Hayat Newspaper, Ghassan Charbel and Dr. Mohamad Al Rumaihi Editor-in-Chief of Awan Newspaper, Journalist George Samaha and Nisreen Sadiq from Alaan TV in addition to many high profile journalists from Egypt. It is noteworthy that most Bahrain civil society institutions including Human Rights institutions as well as the media attended the conference and presented papers.



**Bahrain Human Rights Monitor**

**مرصد البحرين لحقوق الإنسان**

■ The President of the BHRM met last December with Dr. Mohamad Ali bin Mansoor Al Sitri Advisor to HM the King for Legislative Authority Affairs, Mr. Nabeel Al Hamer, Advisor to HM the King for Information Affairs & the President of the Bahrain Institute for Political Development, as well as the British Ambassador to Bahrain Mr. Jamie Bowden and Mr. Ludo Hood, in charge of human rights at the US Embassy in Manama. During these meetings, Mr. Shafaei discussed the human rights situation in Bahrain and the regional, social and political influences on the situation as well as possible means of cooperation in this issue.



*with Madi Al Khamees*



*with Mohamad Al Rumaihi, Awan*



*with Jihad Alkhanan, Alhayat*



*with Dr. Mohamad Ali bin Mansoor Al Sitri*



*with Mr. Nabeel Al Hamer*



*with Journalist Baria Allamuldeen*



*with Hosam El Sokkari (BBC)*



*with Nisreen Sadiq (Alaan TV)*