

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



*Bahrain Human Rights Monitor*

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## The National Charter Represents a Comprehensive Human Rights Tool

February of each year coincides with the anniversary of the ratification of the National Action Charter, which was adopted in February 2001. The Charter gave birth to the Constitution and national reforms in various fields. The Charter contains seven chapters incorporating the most important principles of human rights in Bahrain including: the guarantee of personal freedoms; equality; prevention of torture and discrimination; freedom of religion; freedom of expression and publication; the freedom to establish civil society institutions; the Government's duty to provide job opportunities; affirming the rule of Law and the independence of the judiciary; granting the people the right to participate in public affairs and create a parliamentary system.

It is obvious that human rights issues in general are far-reaching and comprehensive and their practical application requires a radical change in the state's structure, legislations and institutions' performance. In other words, it is wrong to limit human rights to the mere prevention of blatant human rights violations such as torture and arbitrary arrest and providing just trials. All of these issues are part of a series of chains in a wider system in which respect for human rights can only be achieved through the development of the state's apparatus in its various aspects. For example, human rights violations cannot be stopped without appropriate legislations governed by the general principles mentioned in the National Charter. These laws are set by legislators who can only be active if they are elected. Moreover, these legislations need mechanisms and institutions which allow them to be implemented on the ground; the institutions themselves need to be run proficiently and officials need to be trained. They also need to be educated in order for their mentalities- as well as the mentality of society in general- to change through the media and other educational means. This change, however, requires a wide range of freedom of expression, assembly, organization and financing.

This indicates that there is a mutual and strong relationship between the issue of human rights and Government apparatus and any positive change in one of them will have an effect on the other. A change in human rights means a radical and continuous change in the Government apparatus including the executive, legislative and judicial authorities as well as in society itself. In short, the human rights situation in Bahrain cannot be developed in isolation from a comprehensive development in all related areas.

What took place after the National Charter was a development in the entire structure of the state but to varying degrees, including the issue of human rights, which can only flourish in the context of an entire system. In addition, human rights defenders should have a comprehensive view of all human rights aspects and should not limit themselves to one aspect only. They should understand the effect of the different yet interrelated chains in the state and society on human rights and vice versa. This will help to clarify the available resources that help achieving long-term objectives, as well as identifying the obstacles that await them. This approach will help them determine their priorities in the struggle for human rights. With this view in mind Bahrain might need more competent and specialized civil society institutions in order to cover all human rights aspects in their wider context.

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## Why Bahrain Sends Wrong Message to INGOs?

The recent visit of Front Line's delegation to Bahrain on 11-14 January 2010 has shed light on the relationship between the Government's apparatus and international organizations. The delegation was unable to meet the senior officials dealing with human right and complained that they were being neglected. The Executive Director of Front Line, Mr. Andrew Anderson, conducted an interview with Al Wasat newspaper on 18 January 2010, in which he expressed his resentment towards what he described as 'official neglect' towards himself and the delegation that accompanied him. The delegation was looking forward to meeting officials in the Ministry of Justice, the Ministry of Interior and the Public Prosecutor in addition to the Foreign Ministry and the Ministry of Social Development. However, the delegation was only able to meet one official from the Foreign Ministry. According to Anderson, during this meeting a positive discussion took place in which coordination and communication regarding future complaints were discussed. Anderson also stressed the necessity of conducting a periodic investigation regarding torture allegations.

The Front Line delegation also met officials in the Ministry of Social Development in charge of civil society organizations where they discussed various issues. Mr. Anderson said that: 'we are very much disappointed as we were hoping to meet officials in the Ministry of Justice and Ministry of Interior'. He continued saying: 'despite agreeing to the questions

and issues that would be discussed with the officials in the Justice Ministry –a condition that was imposed on the organization before the meeting- in the end, we were unable to get a positive response which is disappointing'. Anderson also added: 'unfortunately when we request information from the Government we do not receive a positive response or reaction'.

This is surprising, as the Government does not usually restrict international organizations or their activities. These organizations do not require a visa to enter the country as it can be obtained at the airport. In addition to this, the organizations are not even expected to obtain permission from the Government in order to conduct their activities whether they relate to Bahrain or any country in the region.

In fact, the Government invites Arab and international human rights organizations to visit Bahrain in order to meet officials to discuss human rights, participate in human rights related activities and share their experiences through seminars and workshops.

We believe that what happened to Front Line was a result of bad management. However, this is not the only issue that bothers the international organizations; for there is also the issue of failing to respond to their enquiries and letters and provide them with the information. This has been a persistent problem since the beginning of the reforms and until this day. With regards to the issues related to the allegations of human rights violations, the Government has its own information regarding specific cases. However,



it is not clear if the Government has decided to not communicate with these organizations due to its weak position, or, whether it wants to limit its contact with them.

In most cases we do not think that either are the case. The real problem is the fact that there is no specific governmental body in charge of human rights in Bahrain, except the Foreign Ministry which deals with the Universal Periodic Review. Despite the fact that there is a committee in the Foreign Ministry, which is concerned with human rights, it did not meet Front Line. It is not also clear if this committee is responsible for the relation with the international human rights organizations or for responding to their enquiries.

Therefore, what does the lack of response to Arab and international human rights institutions mean? It only affirms the allegations of human rights violations and harms Bahrain's reputation by portraying it as a country which does not respect human rights and human rights organizations.

Is this the message that Bahrain wants to send to human rights organizations?

The communications problem with the international human rights organization needs to be seriously addressed and a solution needs to be provided by the Government which has been long overdue.

## A Public Role Needed to Confront Violence

**Hasan Moosa Shafaie**

December 2009 and January 2010, witnessed an escalation of violence and riots. Roads were blocked by burning tyres and rubbish bins, electric generators and street lamps were vandalized and civilians and human rights activists were assaulted including a Municipal Council member whose car and house were set ablaze. Usually these incidents take place during the night in villages and involved clashes between rioters and the security forces, who in turn resorted to the use of tear gas, rubber bullets and the detention of rioters.

It is notable that these incidents escalate whenever a delegation of international human rights organizations visits Bahrain. Some members of these delegations are taken to the sites where riots break out in order to promote the idea that youth violence is justified, since it represents a form of protest against governmental policies.

Public debate in the local media reveals three main reasons to explain the rioting phenomena in the country:

- Violence is primarily politically motivated, since advocates of violence aim to achieve political goals. They do not have any specific demands from the political system; on the contrary they wish to abolish the whole political process and the reform project. There are indications that some weak and unpopular political parties attempt (despite their condemnation of the violence) to take advantage of the situation by presenting irrelevant solutions in order to strengthen their positions in the existing political process.
- Most of those involved in the riots are unemployed youths with social problems as a result of family disintegration. Many did not have the opportunity to complete their

education as well as the failure to find a suitable role to channel the energy and enthusiasm of youth.

- Government mistakes and shortcomings in dealing with public services in villages where riots take place. Despite all efforts, these shortcomings are still obvious, which makes the youth feel that they are being treated unjustly, especially when their conditions are compared to other areas. Therefore, the development and speedy completion of public services will significantly contribute to the eradication of the rioting phenomena.

All human rights and political activists, without exception, agree on condemning rioting, violence and the financial and human losses they cause. They also agree that the Government bears some responsibility and that violence is not justified because of the available margin of peaceful freedom of expression. In addition, they agree that the security solution is important but is not a solution in stopping violence and vandalism. It seems that the official position also supports this idea, based on the Ministry of Interior's statement which was published on the 26th of January 2010. It stated that there are those who want to lure the security forces into clashes with rioters so that victims fall and then the incidents are exploited politically.

Sheikh Rashid bin Abdullah Al Khalifa proposed complementing the security solution when he said: 'numerous procedures are needed in order to contain anger of the street. What we have now is a group who openly tampers with national security. On the other hand, those who are concerned with the security of the country remain hesitant in condemning the violence. This hesitation leaves matters open and allows the free movement of



**Hasan Moosa Shafaie**

anyone who wants to tamper with the security of the country'.

The question which must be posed is why did affected villagers refrain from protesting against the violent youth?

Obviously, there are those who support the rioters; however, villagers feared retaliation from youth leaders who incite against anyone who opposes them. Hence confronting the rioters might cost the villagers both morally and financially. Secondly, any public initiative which confronts the youth requires support from both the Government and influential social forces. The Government's only initiative was to call upon the public to confront the rioters. As for the influential Al Wifaq Society, it did not wish to be seen as a cause for schism between the various social segments and preferred condemnation as opposed to direct confrontation.

Any public initiative to stop the rioting can only be achieved through both official actor, the Government, and unofficial actor represented by Al Wifaq Society. There is a price which has to be paid in order to eradicate violence and it seems that everyone is hesitant because they do not wish to lose any of their public popularity and morals.

## **President of BHRM to Al Ayam Newspaper: Our Goal is not to Please the Government and much of what we say is not Welcomed.**

**On 3 February 2010, and on the first anniversary of the establishment of the BHRM, Al Ayam newspaper interviewed its President Hasan Moosa Shafeai and discussed issues concerning the activities of the BHRM and the human rights future in Bahrain:**

The Bahrain Second Strategic Report for 2009 states that the BHRM is 'more understanding of the Government's position', and also described the BHRM newsletter of being more 'understanding of the circumstances of Bahraini society'. It can be understood from both statements that the BHRM is biased towards the Government's analysis and position. Is this accurate?

No. Initially we are not an opposition party aiming to expose the faults of the Government's apparatus. We are a human rights organization, which assesses the general situation of Bahrain comprehensively. The term 'human rights' is intertwined with many other complicated issues. In some aspects we have found the Government's performances correct and in others we have detected laziness, carelessness and deficiencies rather than deliberate shortcomings. No newsletter of the BHRM has been free from criticizing the Government. However criticism is not intended for criticism's sake, as much as it is aimed at drawing attention in order to correct the situation. After all, correction of mistakes and developing human rights in Bahrain is our important goal, and we choose the best method to express our opinions and positions. The human rights problem does not lie in the deliberate attempt to hide human rights violations or in failing to inform local and international public opinions about them. Our media enjoys a wide margin of freedom as well as active civil society organizations, so nothing can be kept hidden from the public. The real problem lies in how we deal, diagnose, highlight and solve problems. Sometimes the problem is the lack of legislations, mechanisms and the lack of experience and training, and not

because an official made a mistake here and there.

In other words the problem is not in the absence of a political will which pushes and publicly announces the importance of developing human rights, but rather it is in translating these statements and implementing them on the ground by those concerned in the state apparatus, particularly the executive and legislative ones.

**But does this mean that you are getting closer to the Government position?**

As a human rights organization, our main concern is civil society organizations, especially human rights ones. These organizations, which we ourselves are part of, are our primary concern and we do not really care whether the Government approves of this or not. Much of what we say is not accepted by some officials and they do not welcome many of our analysis. The most important thing, which could be the reason behind this misunderstanding, is that our vision of the political and social situation contains a considerable amount of precision in pointing out the roots of the problems from different aspects. The Government is just one of the parties involved, even if it bears the biggest responsibility. Thus you find us presenting some solutions and proposals. The politicization of human rights will only make the Government a target for criticism. Human rights activities require searching for political and social problems and a degree of self criticism which means the responsibility is shared in the development or decline of human rights activities. Therefore, our human rights discourse and analysis oblige us

to have a comprehensive and balanced vision, not against the Government even if we criticize it, and also not always in support of civil society institutions, even if we praise them. Professional and objective analysis determines whether we are close or far from the official position. Hence we criticize what we see wrong and we have no reservations in praising any steps we think are in the right direction and promote human rights.

**It is noticeable that the discourse of the BHRM, whether directly through its publications and sometimes from inference of its analysis, contains messages directed to the Government or to local civil society institutions and even international organizations. Have these messages been received as you had wished and how responsive did you find these parties?**

There are indeed messages, some of which are frank and others hidden. We live in an exposed political atmosphere which pushes us to deliver our messages clearly, professionally and without hurting anyone as much as possible. What we want is clear and in each subject we tackle there is a message to some party with the purpose of achieving our goals. We wanted the Government to be transparent and to cooperate with us in order to promote more trust with international organizations as well as local human rights organizations in order to enable them to carry out their mandate. Also, we did not want the Government to feel that any criticism against it was a conspiracy even if the information on which the criticism was built was wrong, and that the Government should deal with the roots of problems be they legislative, technical or related to public services. We want the officials to toughen up and become accustomed to criticism, to deal with it in a positive spirit and feel that they are standing on firm ground, and that the path they are taking despite all its difficulties is in fact the right one for the continuation of the reform project. We want the Government to be ruled by laws and legislations and to have the courage to admit its shortcomings, faults and mistakes. In this regard, the Government has understood our messages, some

of which have been delivered directly and not only through the media. The Government understands what is being said, but no practical or realistic action has yet been taken as we had hoped.

### **But what about other messages?**

Our message to international organizations in particular was well received and we have received encouraging responses in understanding the reality of the Bahrain human rights situation as well as the social and political situations. During our meetings and in our newsletters, we found that international organizations did not have a clear picture of the situation in Bahrain, and that their assessments were based on small details here and there. We explained this to them

new experience, lack of expertise and the short lifespan of the reform project, but this does not prevent us from criticizing ourselves and our colleagues with good intention and with the sole purpose of developing ourselves.

There are those who say that the BHRM is misleading international human rights organizations and hiding Government violations?

I hope this criticism is not politically motivated; 'misleading' and 'hiding information' are two unrealistic accusations and whoever made them should present evidence and tell us whom do they think we are misleading and when and how and in which subject? It is difficult to hide any information at present



and highlighted the needs of Bahrain in the field of human rights and expected contributions of these organization . Moreover, we encouraged them to share their expertise with Bahraini civil society , strengthen their ties with local organizations and verify their information in a professional and credible manner.

Finally, there are some important messages for Bahraini civil society institutions; it was important for us to make these known internationally through our publications or meetings with other international organizations. We have expressed our willingness to cooperate with these local institutions and tried to draw their attention to some shortcomings in order to develop our work. We understand the reasons for such mistakes such as the exposure to a

time - this is what I have said before and will repeat - Bahrain is an open country and international organizations are present most of the time. Furthermore, advances in technological communication e.g. mobile phones and internet as well as the prevailing margin of freedom of expression make it difficult to hide any incidents.

What is interpreted as 'misleading' is merely referring to our explanation of incidents. Is our analysis misleading and where exactly is the 'misleading' part? 'Misleading' comes into play when you present some information and hide the rest; thereby you can explain the issue as you want. On the other hand, the BHRM provides exclusive and often exposes 'hidden' information, presents explanations and analysis of any incidents

in their political and social contexts. What we do is exactly the opposite of 'misleading'. Our reading of events is in fact closer to reality, and this is what we hear from those who follow our activities.

According to the latest international reports there have been setbacks in human rights, transparency and public freedom levels. Do you think the future of human rights in Bahrain will improve?

I do not think that there are setbacks in public freedoms. We have to understand that the term 'human rights' is built on social and political reforms; it is a chain which can only develop through the general development of the state apparatus, both executive and legislative. The Government has acceded to a number of international agreements and established the National Foundation for Human Rights and mechanisms in each ministry concerned with human rights. The Government is adjusting these agreements practically with local legislations, indicating a turning point in the human rights field. For example, developing the performance of the House of Representatives in monitoring and accountability and the speedy ratification of new legislations will give a positive boost in other human rights issues. We have before us the Press Bill which has still not been ratified. The development of the performance of MPs in the use of the available constitutional mechanisms will also give a positive boost to many human rights issues, including transparency, monitoring and combating corruption. There is also the performance of public services ministries. The more they improve their services, the more having a better human rights situation. People have the right to enjoy a decent life in education, health, housing and employment among others. This reflects on the general political atmosphere and public freedoms and releases any existing tension in certain groups. This is in addition to the need to support civil society organizations, especially financially. The development of these institutions and supporting them financially will have a positive impact on the future of human rights.

### Bahrain in the Human Rights Watch Annual Report 2010

#### Systematic Errors and Erroneous Conclusions

On Sunday 24 January 2010, Human Rights Watch (HRW) launched its report for 2010 from Dubai, and held a press conference during which HRW highlighted the human rights situation in the region. With regard to Bahrain, the report pointed to a decline in the human rights situation in a number of areas, including: subjecting freedom of expression, assembly, and association to arbitrary restrictions; use of excessive force against demonstrators protesting against discrimination; subjecting detained opposition activists to torture and ill-treatment; use the press law No. 47 of 2002 to restrict coverage of controversial issues; blocking more than 1000 internet sites, political forums, blogs, newspapers and human rights organizations such as the Arabic Network for Human Rights Information; harassment of a student at the University of Bahrain for distributing publications critical of the policy of the University; threat by the Ministry of Interior against political activists for participating in a meeting in Washington in November 2008 without permission, as required by law; denying legal status to the Bahrain Centre for Human Rights and other associations; violating due process including 11 televised confessions that appeared to have been coerced; adopting anti-terrorism law in 2006 that contains broad definitions of terrorism and terrorist acts, and the prosecution of opposition figures under this law in February 2009 but were released by royal pardon later.

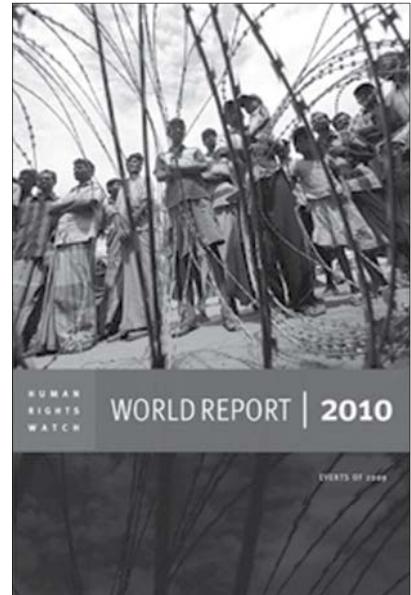
These issues have occurred and some of them were properly addressed. In this article we will expose some systematic errors that occurred in the report:

**Firstly;** the report did not put human rights in Bahrain in a socio-political context. This sort of analysis would have helped to know whether the overall assessment of the human rights situation in Bahrain is true. This lack

of socio-political analysis has made the human rights link either missing or incoherent in many cases, as well as making the report appears to be built on weak foundations, in addition to providing isolated cases without an overarching framework.

**Secondly;** the report was based on a number of individual cases, which do not represent a trend, and most cases have nothing to do with the Government. For example, the question of the adoption of a new press law is not the responsibility of government alone, as it is the responsibility of the legislature. Also the Government has nothing to do with the case of the student dismissed from the university for distributing publications against the University regulations. Eventually, the university backed down due to pressure from the media and human rights organizations. Another example where the Government was not involved is the case of the prosecution of three or four journalists sued by individuals on the basis of defamation. However, no one had been sentenced to imprisonment. It is noted here that the report repeats cases from previous years, such as the ratification of the Anti-Terrorism Act in 2006, a law passed by Parliament. This law is not satisfactory to the human rights activists because it is incompatible with international standards. There is also the old issue of denying legal status to the Bahrain Centre for Human Rights, which is officially dissolved in 2004, as well as the Bahrain Youth Society, which is another face of the Centre.

**Thirdly;** the HRW report is not neutral significantly this year. It did not recognize any development in Bahrain according to the Deputy Executive Director of the Middle East, Joe Stork. On 9/1/2010, Mr. Stork stated in Dubai that: (the leadership of Bahrain spent the last ten years reiterating its commitment to political reform and human rights but, excluding issues related to migrant



workers, the human rights record deteriorated in 2009). The report did not carry out any research in order to reach this conclusion on issues related to women's rights, freedom of expression and joining associations. Despite this, Mr. Stork requires the government to allow people to express themselves and to freely join organizations. The report also criticized denying legal status to the Bahrain Centre and the Bahrain Youth Society, which is another version of the Centre. By contrast, the report did not mention the tens of associations allowed to operate during the last year. The report also ignored highlighting the progress in freedom of expression and the role played by the local press in criticizing officials and ministers on some hottest issues. The report also did not mention the hundreds of demonstrations and marches held in the last year, nor to the hundreds of seminars and workshops, and dozens of forums and seminars held by international organizations in Bahrain each year. On the other hand, the report did not refer to international conventions ratified by Bahrain, or to measures taken by the government in response to international recommendations within the framework of UPR, nor to the government's relationship with local human rights organizations. The report did not reveal the extent of development in prison conditions and,

furthermore, ignored visits undertaken by the Bahraini Society for Human Rights to prisons, as well as ignoring reports by the Society on the prison conditions.

Such inadequate findings that appeared in the report are not convincing to anyone.

**Fourthly;** it is clear that the report lacked information on the human rights situation in Bahrain. The report comes with less substance, and clearly dependent on a single source of information, which is the Bahrain Centre for Human Rights. The Centre's name was repeated three times, while no mention to other human rights societies, trade unions, women's societies or press institutions. At the best, reference was made to 'some human rights organizations' without naming them. Furthermore, the report attached the description of 'independent' to the Bahrain Centre, a hint from HRW that the rest of human rights organizations in Bahrain do not enjoy the required independence.

**Fifthly;** the report correctly pointed to human rights violations, which had been condemned locally and internationally in a timely manner, such as: TV broadcast of confessions of detainees before trial, and blocking many websites. We believe that the Government lacks transparency with regard to allegations of torture and ill-treatment of detainees, and we have demanded the formation of independent commissions to investigate the matter. However, all this does not paint a bleak picture like the one portrayed by the Human Rights Watch report. Some of the information is controversial, for example, the report says that there are 1000 internet sites were blocked. But the important question to ask in this regard is whether any of these sites has to do with freedom of expression. Most of these sites were pornographic, and others had gone beyond the limit in inciting sectarian violence, according to the government. This closure may not be sufficiently justified, electronic newspapers and forums should be given a wider margin of freedom and should not be closed

by an administrative decision but by a court ruling. Things must be put in their normal size with respect to the reaction of the Minister of Interior in 2008 over the participation of political activists in meetings in Washington without prior notification. Although the issue is old, but in practice the political and human rights activists and opponents are overstepping the law and do what they want to do. This means that the law is outdated and needed to be reviewed, especially as it is inconsistent with human rights standards.

In general, there are many issues against the report, including that the report did not highlight the obstacles facing the reform process and institutions reform. Additionally, the report did not make recommendations to assist Bahrain to continue in the reform path. This is evident in the issue of foreign workers and lack of knowledge of the authors of the report of legal developments that have occurred, and the obstacles on the ground facing the implementation of new policies, especially on the question of the sponsor. The report is also flawed in not referring to economic, social and cultural rights. Bahrain has recorded major developments in this area, particularly with regard to the provision of work for the graduates; the provision of adequate housing for families or the provision of housing allowances; the development of educational curricula; as well as other areas related to easing the burden of living for every citizen.

On the other hand, the HRW report was not objective or professional when the offender or violator of human rights is not governmental personnel. For example, the report said, "In March and April the clashes resulted in the killing of a Pakistani worker (his car hit by a Molotov cocktail) and a member of the Pakistani security forces." But the report did not mention those who caused the deaths, nor alluded to those responsible for violence, which is instigated by people who claim to be human rights activists.

Human Rights Watch was not accurate when referring to the proposal

of the Minister of Labour 'to review the sponsorship system in Bahrain'. In fact, the 'sponsorship system' has been cancelled in Bahrain sometime ago. And in line with the same inaccurate method, the report pointed to "the death of domestic workers" in 2009 without specifying the number, the date and how the authorities dealt with the issue. And in a complete absence of information, HRW said in the report regarding the establishment of the National Foundation for Human Rights, that: "Bahrain established a National Institution for Human Rights, a government body charged with reviewing and developing legislation to comply with international human rights instruments." In fact, the mandate of the national institution is not only limited to what appeared in the report, but includes: the development of an integrated strategy to promote and protect human rights; addressing human rights issues; policy development related to human rights; dealing with regional and international organizations and NGOs; preparation of reports; recommendations to the Government on human rights issues, including the adoption or amendment of national legislation and reporting on human rights violations; cooperation with partners at home as well as regional and international partners and human rights bodies of the United Nations, through contributions to the drafting of national reports to the Human Rights Council and the respective committees.

The Bahrain Human Rights Monitor welcomes any reports dealing with the human rights violations in Bahrain, and hopes that there will be cooperation between international organizations and local organizations as well as with the Bahraini government in order to improve the human rights situation in Bahrain. Such efforts are appreciated. Just as there are advantages in the reports, which can be built on, they also contain in many cases an amount of errors and flaws that Human Rights Watch and other organizations should pay attention to in order to address them in the future.

**The SG of the General Federation of Bahrain Trade Unions:****Workers' Rights is a Red line that cannot be Crossed**

**The General Federation of Bahrain Trade Unions (GFBTU) is the main body concerned with defending the rights of workers in the country. It was born after a long struggle that lasted for decades. The GFBT operated under different names, the last of which was the General Committee for Bahraini Workers (GCBW). After the announcement of the reform project and on 28 May 2002, this Committee became the General Federation for Bahrain workers, and on 23 September 2002, a Royal Decree No. 33 of the Trade Unions Law was issued. In 2003 an elected Committee was formed to draft the internal law of the GFBT. In January 2004, founding conference of the GFBTU was held and attended by 40 Unions from the private and public sectors with the participation of the representatives of Arab Labour Organization (ALO), the International Confederation of Arab Trade Unions, the Secretary General of the International Union, the Norwegian Confederation and the International Labour Organization (ILO), among others. This was in order to discuss the conditions of trade unions and workers' rights in the country. The BHRM interviewed the SG of the Union, Salman Al Mahfoodh, and asked him the following questions:**

**In the beginning could you please explain the objectives of the GFBTU, and to what extent can one say that the Union has achieved its goals?**

Objectives of the Union are summed up in its message, which is to create a working environment where social justice and social dialogue flourish, and without exploitation of any kind. Of course we cannot say that we have achieved all our goals, but we are still striving to do so. In some places we have succeeded in making big changes in issues related to workers' rights, wages and allowances. In other issues however, there is still a long way to go.

**In what way has the reform project affected the situation of workers in Bahrain?**

Before the reform project, workers were organized in 'the General Committee for Bahraini Workers' (GCBW). Despite the legal restrictions which limited its role to an advisory body, and despite the restrictions of the State Security Law which limited the

movement of civil society, the GCBW had maintained its struggle at the local, regional and international levels to free the work of trade unions and make the voices of workers heard in conferences and among Arab and international communities. Law No. 33 of 2002 (known as the Trade Union Law) is the culmination of this long struggle and is the most important outcome of HRH the King's reform project. This is because the Law was subjected to lengthy discussions between workers and the Government in which each party defended its own points of view. Unfortunately, some articles of this law were amended which was considered a setback such as article No. 21 concerning strikes. We disagree with the Government regarding the right to form unions in the public sector. While we stand by this right, the Government insists on depriving nearly 50 thousand workers from this right without any justification.

**How do you assess the relationship between the Union and the Government apparatus, and how responsive are they to the issues you have raised, and is**

**there any dialogue with them?**

We do not have permanent friendships or enmities, for we support whoever gives workers their rights as workers' rights is a red line that cannot be crossed. We have met with Government officials from the top of the political hierarchy represented by HM the King and their Royal Highnesses the Prime Minister and the Crown Prince, in addition to Ministers such as the Labour Minister. During our debates, we do not flatter anyone, nor do we make enemies. However positive these meetings are, they are not a substitute for the establishment of institutions that enable real negotiations between the two parties to take place with regards to planning of the economic policies of the country, including wages, prices, privatization and restructuring among others.

**With regards to laws and legislations, how do you read the current Trade Unions Law in comparison with international standards and agreements on work and labour?**

As mentioned before, the Trade Unions Law was one of the best when it was first issued, but unfortunately the Government has amended some articles without referring to us. Decree 49 of 2006 has assigned the task of identifying the vital sectors in which strikes are prohibited to the government alone. Consequently, this resulted in a decision issued by the Council of Ministers (Decree No. 62 of 2006) prohibiting strikes in 12 sectors under the pretext that they are vital activities, despite the fact that this is not the case according to the ILO which limits the word 'vital' to things that if they stop from running such stoppage will endanger human life. With regards to the right to form trade unions in the public sector, the Government says that it is limited to 'joining' an existing union and not to 'forming' a new one. Of course we do not agree with these legislations and believe they are unjust to a fundamental part of Bahraini

workers. We have filed complaints against the Government to the (ILO), the (ALO), the International Confederation for Trade Unions and the International Confederation of Arab Trade Union, demanding that the infamous civil service circular No.1 for 2003 be abolished because it is not in line with the National Action Charter, the Constitution and international labour standards. This subject was raised during the discussion of the Committee for Trade Union Freedoms in the ILO which demanded that the Government respond to the complaints which it indeed did. We are still following up our complaint to the end and until civil servants have the right to freedom of organizing trade unions.



**Salman Al Mahfoodh**

**To what extent has the union reacted to the repercussions of the current global financial crisis and its effect on labour?**

We were the first to demand the formation of a national committee for combating the repercussions of the financial crisis and determining the real claimed losses, for example whether an employer who makes his workers redundant is really suffering from the effects of the crisis or is just taking advantage of the situation? And how do we support those badly affected? The Committee has already been formed but has not started working yet and unfortunately, making workers redundant is still continuing

using the international crisis as an excuse. We have organized a conference on the financial crisis and its impact on the GCC countries with the participation of Arab and international trade unions, and we passed our recommendations onto the Government, concerned parties and even to the Supreme Council of the GCC.

**Attempts to abolish the guarantor system faced many difficulties in terms of practical application. What is your position and if possible, what are your plans to overcome these difficulties?**

From a human rights point of view, we are against forcing workers to work with a specific employer, especially that the Government has ratified two agreements on the prohibition of forced labour, namely conventions 29 and 105. However, with regards to the impact of the decision to abolish the guarantor system, we are dealing with this with our partners, but there is no going back on the decision to ban the system. Our position is subject to revision in light of assessing the application of freedom of movement on the ground. If we perceive any harm on Bahraini labour we will reassess this position, and suggest a solution which does not impose employment on foreign workers and at the same time does not cause foreigners to compete with the local workforce.

**The talk about the Bahrainization is endless, despite the fact that some reports indicate a decrease in Bahrainization levels. What are the obstacles and what is the role of the Union in this regard?**

Although we greatly appreciate the national project for the employment and employing the graduates, we believe that

the problem of unemployment is not in the job market itself. The problem in our opinion lies in the fact that our economy does not provide sufficient jobs for Bahrainis. The real problem is that the big companies, such as BAPCO and ALBA, which every Bahraini aspires to work in, are unable to provide many jobs as well as the privatization of many public sector institutions, which has led to increased foreign workforce in such institutions. Among the obstacles is also the fact that the Economic Development Council (EDC) is currently imposing individual polices without involving any community partnership. These policies weaken the Bahrainization through privatization programs and restructuring. We have addressed the EDC, the Legislative Authority and requested to meet His Royal Highness the Crown Prince, the highest official responsible for the economy in the Kingdom, to discuss these matters.

**The rights of working women and combating human trafficking are two issues raised which represent the core of the Union's work, what has the General Federation for Bahraini Workers done in this regard?**

We have organized a number of workshops and activities on migrant workers and human trafficking with the cooperation of international trade union organizations and local civil society organizations. The last of these workshops took place in November 2009 with the cooperation of the International Confederation for Trade Unions. We are pleased with the Royal Decree No. 1 for 2008 on human trafficking, but what is more important is confronting the shameful sex trade. We believe that establishing a national committee for combating human trafficking and sex trade is essential, as innocent women are brought into the country to make a decent living, and instead find themselves involved in the sex trade. We, in cooperation with international trade unions and local civil society organizations, will strongly confront this phenomenon. We have supported the inclusion of household servants in the new Trade Union Law in order to protect them from exploitation. This step has already been undertaken by the Legislative Authority.

### Human Rights Watch Visits Bahrain

On 2 February, the Minister of State for Foreign Affairs Nazar Al Baharna met with a delegation from Human Rights Watch (HRW) led by the Deputy Director of the Middle East and North Africa division of, Joe Stork. The visit came as part of several visits by HRW to a number of official and public bodies in Bahrain. During the meeting, discussions revolved around issues such as: the law concerning freedom of movement for foreign workers, the National Foundation for Human Rights, which has recently been established, and the participation of HRW in training programs.

According to local newspapers, the delegation praised the steps taken by Bahrain regarding human rights. It also commended the Universal Periodic Review for Human Rights' annual report. The delegation referred to the cooperation they received from all concerned parties at both the Government and public levels during their visit. Mr. Stork and delegation also met with the Undersecretary of the Ministry of Foreign Affairs, Ambassador Abdullah Abdulatif, and discussed Bahrain's efforts in combating human trafficking.

### Protest against Naturalization

The Bahraini police estimated the number of protestors participated in an anti- naturalization demonstration on 30 December 2009 by nearly 12 thousand. The protest was organized by some political societies who issued a statement in which they called for the promotion of the foundations of stability in Bahrain at the political, social and security levels. The security forces reported some clashes and riots, which occurred straight after the end of the protest and spread to the neighboring villages.



### Girl Wounded in Rioting

On 3 January 2010, and during confrontations

between the security forces and rioting youth, a 13-year-old girl (Fatima Mirza from Al Dayr) sustained serious injuries as a result of a sound-bomb which was arbitrarily fired into her room by rioting police. The girl fell unconscious after shattered glass entered her mouth



and other parts of her body and her brother was also exposed to a large amount of tear gas whilst trying to negotiate with the police in order to move her to hospital. The girl was then taken to hospital for treatment and her family filed a complaint to the police demanding a full investigation and for those responsible to be held accountable, in addition to compensation. The Minister of Interior met with the family of the girl and expressed his apologies for this unintentional mistake, promising to investigate the matter and compensate the family financially.

### Seminar on Citizenship

On 29 December 2009, the Bahrain Human Rights Society organized a seminar entitled 'Citizenship and Human Rights'. During the seminar human rights activist Dr. Haythim Al Manna presented a paper discussing the idea and principles of citizenship. Human rights activists Magdi Abo Gazala and Soaad Al Qodsi also presented papers on the subject.

### Massive March against Rising Fuel Prices

On 9 January 2010, 11 political societies as well as the Federation of Bahrain Trade Unions participated in a licensed march against the Government's intention to raise fuel prices and to remove subsidies of basic commodities. The protestors, estimated at 3-4 thousand chanted the slogans: 'No to starvation' and 'more and more expenses'. Sheikh Ali Salman from Al Wifaq Society said 'the Bahraini people cannot bear this extra burden'. MP Ali Ahmad believes



the protest was necessary in order to send a message to the Government that raising prices is completely unacceptable. He noted that it was necessary that the Government discusses the matter with the Parliament. The Government from its part had announced before the march that it was studying raising fuel prices and reducing main commodities subsidies. However, it also said that it did not intend to remove food subsidies.

### Criminalizing Domestic Violence

The President of the Bahrain Young Ladies Society, Samira Abdulla called for the allocation of a special day to celebrate Bahraini women. She also called upon officials to hasten in passing a law which criminalizes domestic violence and to issue a unified Family Law, which include both Shias and Sunnis. Abdulla also supported a quota system in the elections, which guarantees the participation of women.

### (Salam) a New Human Rights Society

Approximately 30 Bahraini human rights activists have applied to the Ministry of Social Development requesting the establishment of a new human rights organization under the name of 'Salam Society for Human Rights'. The founders expressed their hopes to obtain the license registration so that the Society can start its activity.

### Media Freedom: a Reality that cannot be denied

The Journalists' Society organized a seminar for the researcher and Journalist Mohammed Asaei, in which he discussed a study on the Bahraini media with the participation of 130 journalists. The study concluded that:

- There have been notable setbacks in terms of integrity and professionalism compared to previous periods. Journalism has also suffered from the lack of expertise, let alone the existence of negative competition between the

daily newspapers.

- Instead of leading public opinion, it has become negatively led by it. The increase in the margin of freedom of local newspapers is a reality that cannot be denied despite an increase in government censorship of the internet.



- The political aspect of journalism is dominating the professional aspect, and many journalists working in newspapers lack sufficient expertise.

- The study revealed that 30.8% of staff working in journalism carry academic qualifications and 76.9% of journalists completed training courses after starting work. Also, 55.4% of those working in the journalism sector admitted that there are setbacks in the adherence to media ethics.

- Bahraini newspapers propagate ideologies and ideas, and 73.3% of journalists admitted that newspapers contribute to inflaming sectarianism.

## Seminar on Women's Issues

The Bahrain Women Society for Human Development organized a seminar on women's issues including: divorce, alimony, housing and custody. This came in an attempt to reform the Judiciary and legal system in order to guarantee the rights of couples after divorce as well as pushing forward to solve the problems of the Shia section of the Family Law.

## Civil Society Meets Representatives of the OHCHR

A number of civil society representatives met with the Coordinator of the Human Rights Conventions at the OHCHR, Ibrahim Salama and the Resident Representative of the Office of the High Commissioner in the Middle East in Beirut, Fatih Azzam who visited Bahrain in January 2010. Among those who attended the meeting are representatives of the Foreign and Interior Ministry, Public Prosecutor, Ministry of Justice, Ministry of Social Development and the Supreme Council for Women. Also, this meeting

included representatives of the Bahrain Human Rights Society, Women's Union, the Bahrain Bar Society, the Bahrain Society for Human Rights Watch, the General Federation for Bahrain Trade Unions and the Bahrain Society for the Defense of Expatriates. This meeting came as preparation for the expected visit of the UN High Commissioner for Human rights Navi Pillay next April.

expressed his resentment of the heavy presence of police cars and security men in these areas. He is also wondered about the way out. And why scholars, preachers and intellectuals of these areas remain silent instead of saying the truth and confronting these out laws, stressing that there must be a solution for every problem and the safest way out of this is through the dialogue.

## Ali Salman Supports Legislations which Criminalize Discrimination

Sheikh Ali Salman from Al Wefaq said that the success in dealing with all forms of political, tribal and sectarian discrimination will be regarded as a historic achievement in Bahrain. He added that the problem of discrimination is threatening the social and economic stability of Bahrain, stressing on the need to criminalize discrimination in order to eradicate the problem. He continued by saying that it was very important to have a law which protects the rights of citizens and grants them equal rights, in addition to correcting all the negative consequences, which the discrimination had caused.

## Magazine and Reports Defending Women

On 8 January 2010, the Women's Union launched Ishraqat Al Marah Magazine, the Women Monitor and a book of Amani Al Wadaee entitled 'Bahraini Women in Sharia Courts' at the Union headquarter. In this event, the Union's official spokesman Fatima Rabia said that the team of the Women Monitor will be trained in order to prepare reports, which follow up the progress of women's rights and the general situation of women in Bahrain. The team is also planning to present annual reports in this regard, which are expected to become a tool for putting pressure on the Government in order to improve any shortcomings in the situation of women. (Al Waqt, 10 January 2010)

## Drying up the Sources of Terrorism and Violence is a Necessity

On 9 January 2010, Sheikh Salah Al Jowder said that our historic responsibility requires drying up all sources of terrorism, extremism and violence. This is a human necessity in order to protect stability and security. Jowder questioned the reasons behind the spread of violence and the attempts to scare innocent women, children and the elderly. Who is benefitting from all this? And why we are remaining silent towards this kind of wrong behaviour? Jowder added that: 'this kind of behavior is not a form of protest or demonstration guaranteed by the Constitution and international law'. He also



## Jumaa Condemns Sectarian Arguments

The President of the Political Bureau of the National Work Charter Society Ahmad Jumaa condemned statements that inflame sectarianism, pointing to some negative practices which harm democracy. 'These statements by some politicians, newspapers and some MPs only add to escalating tensions in the country', said Jumaa. Jumaa called on each party to act more responsibly as these trivialities waste time and political efforts. He also pointed to the fact that 'some are eager to start arguments and conflicts for the sake of some narrow political interests which contradict democracy'.



### President of the BHRM on Official Trip to Bahrain

The President of BHRM Hasan Moosa Shafaie visited Bahrain in January 2010, met with a number of influential figures and engaged in many political and human rights activities at both the official and public levels:

- On 24 January 2010, the President met with His Royal Highness the Prime Minister Prince Khalifa bin Salman Al Khalifa, during the latter's weekly public meeting. Shafaie urged His Highness to direct officials to engage with the international human rights delegations when they visit Bahrain. Shafaie also conveyed the disappointment of the delegation of Front Line during their recent visit to Bahrain, as they were unable to meet with human rights officials. The Prime Minister appreciated Shafaie's comment and stressed the importance of protecting Bahrain's reputation and demanded that work meetings be conducted with all human rights organizations concerned with Bahrain.
- Shafaie also held a joint meeting with the Secretary General of the Bahrain Human Rights Society (BHRS) Abdullah Al Drazi and the President of the Bahrain Transparency Society Abdulknabi Al Ekri. The meeting took place in the headquarters of BHRS where human rights related issues were discussed. On another level, he also participated in an awards ceremony organized by the BHRS in honor of Dr. Haytham Manna', a distinguished human rights activist and the spokesperson for the Arab Commission for Human Rights. Manna' was granted the Ahmad Al Shamlan Shield, a prize which is granted to distinguished human rights activists.
- Shafaie also met with Mirza Al Qatari and Hadi Al Mousawi, the officials responsible for human rights issues in the Islamic Al Wefaq Society. A number of human rights issues and possibilities for

mutual cooperation were discussed. It is noteworthy that Al Qatari and Al Mousawi presented a proposal for establishing a new human rights organization under the name of 'Salam Society', which is at present in the process of being registered with the Ministry of Social Development.

■ At the building of the General Federation of Bahrain Trade Unions, the President of the BHRM met with the Secretary General of the Federation Salman Al Mahfoodh and Vice Secretary General Ebrahim Hamad Abdulla and Assistant Secretary General for media and publication Jaffar Khalil Ebrahim. Shafaie was briefed about the Federation's activities, accomplishments, plans and positions. He in turn explained the vision and activities of BHRM.

- The President of the BHRM met with the German Ambassador to the Kingdom of

Bahrain Dr. Hubert Lang at the German Embassy in Manama, where social and political aspects of human rights were discussed. He also met with the French Ambassador in Manama Mr. Yves Oudin in the presence of his advisor Mr. Christian Reignaud. Shafaie explained the activities of BHRM and the scope of possible human rights developments in Bahrain. Both Ambassadors praised the positive development which Bahrain has witnessed in recent years.

- The President also met with the member of the Shura Council Jamal Fakhro and MP Dr. Abdulaziz Abul, and discussed many various human rights related issues. He stressed the importance of communication and cooperation which will benefit human rights in Bahrain.
- Finally, the President met with the Chief Executive of Radio & TV Corporation Sheikh Rashid Bin Abdulrahman Al Khalifa at the Building of the Ministry of Information.



**Mr. Shafaie with the Prime Minister**



**Manna' between Shafaie and Al-Shamlan**



**Shafaie between Almahfoodh and Ebrahim Abdulla**



**With the German Ambassador**



**With Jamal Fakhro**