

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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More and More Freedom of Expression!

Since the beginning of the reform project in Bahrain, there has been an unprecedented margin of freedom of expression in all its forms. Ten years later however, it appears that there is a need for more. This was reflected in the continued criticism of the current Press Law and persisting demands to amend and ratify it by the Parliament. It is also noticeable that during the last two years, criticism of this law has escalated and complaints have increased by local and international human rights organizations. This indicates that the Law is currently unable to serve the interests of the present period, does not fulfil citizens' demands and needs for more freedoms, and contradicts recent global technological revolution.

The proof that the current Press Law is long outdated can be seen in the fact that journalists, authors, bloggers and internet websites refuse to adhere to it. The Government itself recognizes the difficulty of literally adhering to the current Press Law and, accordingly, obliging journalists to comply with its restrictions. For this reason, Government has intentionally turned a blind eye to any breaches and criticisms, or attempts at breaking the taboo on sensitive issues. This means that the negative points of the present Press Law, which always trigger criticism, have actually failed to change the reality on the ground, for despite the blocking of several internet websites, throughout the last ten years not a single journalist or author has been arrested for their opinions. However, the mere existence of such a law has given the Bahraini Government a bad reputation internationally.

The fact that should be acknowledged here is that even if the margin of freedom is wide -which is the case in Bahrain - this margin could only satisfy citizens for a limited period of time, as it is part of the human nature to aspire for more freedom. Therefore, saying that the amount of freedom, which currently exists, is enough or more than enough is not precise, for there is always a need for more, and what citizens see as enough today, will be considered insufficient tomorrow.

There is no surplus in relation to freedom of expression. On the contrary, there is always a continued need for more freedom of expression.

It is difficult to put limits on freedom of expression, but it is possible to establish red lines that should not be defied such as abusing the rights of others under the pretext of freedom of expression, or using it as a tool to incite violence, hatred and racism. Also, freedom of expression should not entail disrespecting recognized social values or contradicting the higher interests of the country and its citizens (these interests should, of course, be defined first).

It is very unfortunate that the new bill, which local and international organizations have kept pressing for, has yet to be passed. The allotted time of the present Parliament has passed and we are now waiting for the next parliamentary elections at the end of this year, meaning that a modern and desired Press Law will not see the light in the near future.

In his last speech on the occasion of International Press Day, the King was fully aware of the changes in citizens' need for more freedom of expression. He spoke of their demands to expand press freedom and that of websites, and not to subject journalists to detention and restrictions. On 2 May 2010, the King pledged not to punish journalists with imprisonment or close any media institution, based on their 'constitutional right to express their opinions'. He also added: 'we are proud that since the launch of our reform project, the Kingdom does not detain any political prisoners or prisoners of conscience. We always encourage any unique contribution in this era of freedom of the media'. He hoped that 'cooperation between the Legislative and the Executive Authorities will yield a modern and enlightened law for the press, printing and publication. This law should coincide with the present changes of the information period, knowledge and openness. We hope that the development in the media legislation will allow a wider scope for freedom of expression within a framework of transparency and the freedom to access information'.

We also hope that the new Press law will be on the same level as the King's recent ambitious speech.

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Al Jazeera TV Channel Temporarily Suspended

On 18 May 2010, the Ministry of Culture and Information decided to temporarily suspend the work of the Al Jazeera office in Bahrain. According to the Ministry, on 20 May 2010, the officials of the Channel were called in order to discuss a memorandum of understanding, outlining clear bases for cooperation between the Ministry and the Channel. The Ministry indicated that the reason for the suspension was Al Jazeera's broadcasting of a programme on poverty in Bahrain, which was described as unprofessional and inaccurate. In New York, the Committee to Protect Journalists issued a statement condemning the decision to freeze the Channel, and described it as an attempt to muzzle the press. The Organization of 'Reporters Without Borders' also expressed its concern, and called upon the Government to revoke its decision.



from near the headquarters of the General Federation of Bahrain Trade Unions and ended in front of the Parliament. The protestors called for a general strike as a protest against the current economic situation and the redundancy actions which they say are using the financial crisis as an excuse. They demanded the Government to interfere and put an end to this and provide adequate job opportunities for university graduates.



Bahrain Jurists Call for Amending the Press Law

The Bahrain Jurists Association demanded the speedy issue of a new Press Law, as they say the current law is outdated and is not compatible with the democratic transitions undergone by Bahrain, as well as restricting freedom of the press, a principle explicitly stated in the Constitution. In a statement, the Association expressed its surprise at the extent of journalistic restrictions 'in a law which begins most of chapters with the phrase "it is prohibited" and contains administrative restrictions which silence journalists in a clear negation of the freedom of the press guaranteed by the Constitution. This is something which contradicts the ethics of the journalistic profession and its message'. The Association stressed that the 'Constitution clearly states that freedom of discussion and dialogue should be present in all public affairs. It added that the freedom of the press should not be restricted or hindered, and should form the basis for a continued, active and open dialogue which is not limited to a special group or specific issues, unless these harm national unity and social cohesion'.

Investigation of Torture About to Complete

The Minister of Interior Sheikh Rashid bin Abdullah Al Khalifa said during his meeting with Parliament, that his Ministry has conducted an investigation regarding the breaches mentioned in the report by Human Rights Watch (HRW) on torture in Bahrain last February. He added that his Ministry dealt with 201 out of 206 complaints, and undertook a series of changes of staff of the Human Rights

Section in the Ministry. The Minister criticized the report's sole dependence on the testimonies of detainees



and asked: 'if this report is fair for human rights, then where are the rights of the killed policeman and the two others who were tortured and assaulted?' The Minister also said that his Ministry and the international organization (i.e. HRW) are in agreement about anything that is in the interest of Bahrain. He also refused the principle of torture saying the Government always strives to correct any mistakes. Furthermore, he stressed that his Ministry is continuing its investigations based on the report.

Bahrain Women in Democracy Conference

On 11-14 April 2010, the Vice- President of the Bahrain Women's Society Dr. Wajeha Al Baharna participated in a conference in Jakarta entitled 'Solidarity across Cultures: Working Together for Democracy'. The Conference was attended by 550 people concerned with



human rights, democracy as well as individuals from trade unions and journalists. The Conference was organized by the World Rally for Democracy and aimed to strengthen relationships between activists in democracy by allowing them to exchange experiences and promote democracy, especially in the countries with new experiences in democracy.

Cooperation to Support Single Parent Women

The Bahrain Bar Association (BBA) and the Bahrain Young Ladies Association signed an agreement and partnership, which aims to provide legal support for single parent women and their children by providing them with legal advice, adopting their cases in courts and training their children, if they are law graduates. The agreement also included pledges to support the plans and programmes of the BBA in as far as they relate to single parent. Both associations agreed to work together in exchanging opinions, data, information and research.

Labour Protest

Thousands of labourers protested in Manama on the occasion of the International Labour Day. The demonstration started

Call to Monitor the NIHR

On 30 April 2010, the Bahrain Human Rights Society issued a statement in which it called for the establishment of a national alliance, including civil society institutions to supervise the performance of the National Institution for Human Rights (NIHR). The objective is to push this institution to adhere to the Paris Principles, which represent the values of independence, effectiveness, transparency, accountability, adopting important human rights files, protecting human rights defenders and developing relationships between this institution and civil society. The Society saw that the success of the NIHR depends on its ability to build strong and positive relations with various social segments and civil and political institutions. It is noteworthy that both Salman Kamaldeen and Abdulla Drazi who are prominent leaders in the Bahrain Human Rights Society are also the President and member of the NIHR respectively.

Al Waqt Newspaper Ceases Publication

'Thank you and Goodbye to you our Readers'. With this title Al Waqt Newspaper said goodbye to its readers in its last edition on 3 May 2010. Al Waqt said that it had tried not to be an organ of the Government, any party, sect or ethnicity, and that it tried to protect its independence which deprived it from commercial advertisements.

It added that it had also tried to respect the rights of all people, and to express their opinions peacefully,



asserting that it had opened its pages to all opinions equally. Al Waqt also added that it respected the political system and the right of the public for knowledge. It also called for equal citizenship, refused sectarianism and participated in supporting the reform project. Indeed, Al Waqt was a distinguished newspaper and the BHRM is

sorry to see a newspaper which defended the rights of the Bahraini people cease publication for financial reasons.

Launch of a Committee for the Support of the Media and the Press

The Bahrain Journalists Association announced the establishment of a Committee to Support the Bahraini Press. This took place during the International Day for Freedom of the Press. According to a statement by the Association, the Committee is concerned with defending and publicizing freedom of the press, and spreading the principles of accountability in the press and the media. It also aims to spread awareness among society of the importance of the media and its role in developing the democratic society, as well as promoting the right of the media to access and broadcast information. The Committee will receive complaints from citizens and institutions in order to help in solving them, especially with regards to the problems that might arise between the media and society. The Journalists

Association called on both the Government and Parliament to work together in order to provide an environment which guarantees the freedom of the press and the media, as well as support the independence of the press without any form of political or legal pressure.

Call to Establish Committee to Access Information

The Bahrain Transparency Society praised the development achieved in the media sector in recent years, in which the press has witnessed an unprecedented flourishing. The Society demanded genuine changes to legislations and policies regarding the flow and access to information. This is needed in order to match the genuine and comprehensive requirements of the 21st century, as characterized by the revolution in information. The statement stressed the necessity of achieving cooperation between civil society organizations, ministries, state institutions and the Legislative Authority in order to achieve the objective of establishing a Committee for the Access of Information.

Calls for Release of Detainees amid Riots and Violence

On 22 May 2010, tens of individuals protested in Malikiya demanding the release of all detainees on security and violence charges, which led to the killing of policemen and foreign workers. On 7 May 2010, a peaceful and legal demonstration was organized in Sitra demanding the release of the same detainees. However, after the end of the demonstration, a group of rioters set fire to a number of tyres and threw them in the street. This resulted in the interference of the security forces that confronted the riots on the same day in other villages. Previous to this, on 1 May 2010, a number of youths attacked a high school for girls in Al Had with burning bottles, which resulted in fires and damage to the building. Many condemned this irresponsible assault on public property and subjecting civilians to danger. MP Abdulla Al Dosari condemned



advocates of violence and demanded legal action be taken against them.

On 8 May 2010, Duraz Intermediate School for Boys was attacked with Molotov cocktails for the fifth time without resulting in injuries. Also, on 27 April 2010, Arad Preparatory School for Girls and other schools were subject to systematic violent attacks in an attempt to close the schools using threats and spreading fear. This was incited by calls for violence by political extremist groups such as the Haq Movement and the Freeman of Bahrain Movement, which is legally encompassed by the Bahrain Centre for Human Rights.

Director of the Middle East at Amnesty International: **Human rights in the Middle East are the least protected**

‘Our main role is to stand with those whose human rights were violated and to draw attention to their plight, and to be a voice to those who lost their voices due to the violations they had suffered’.

Malcolm Smart

The BHRM conducted a lengthy interview with Mr. Malcolm Smart, Director of the Middle East and North Africa Programme at Amnesty International. The interview addressed many issues related to the human rights situation in the Middle East, a region that appears to be outside the global context of human rights; a region where human rights violations continue to persist; a region that is unwilling to easily accept the concepts of democracy. We put our questions and concerns to Mr. Smart who responded thoroughly, hence this outstanding output.

Q 1: Is the Middle East region different from the rest of the world in relation to commitment to human rights? Where would Amnesty International place the region in terms of reforms and positive changes to the Human Rights compared with other regions in the world? What are the most critical points on the issue of the Arab human rights, and once such points are met will there be a breakthrough that reflects positively on the human rights situation?

Amnesty International does not seek to make comparisons between different world regions or, indeed, between countries, but to assess each state's human rights record individually, recognizing that no two states are exactly alike, and using international human rights law and standards as the principal benchmark against which to assess their record.

Relative to other world regions, the Middle East is notable in that human rights are less well protected under international treaty and there is not an effective mechanism in place regionally to promote and protect human rights - along the lines, for example, of the Inter-American Court, the European Court of

Human Rights or the African Commission on Human and People's Rights. On the first point, it is notable that certain states have still to become party to key international human rights treaties to which most other states globally have signed up (for example, Saudi Arabia is yet to ratify the International Covenant on Civil and Political Rights although it was one of the member states of the newly-formed UN when it adopted the Universal Declaration on Human Rights in 1948 and has recently been sitting on the UN's main human rights body, the UN Human Rights Council) or have done so entering reservations against some of their key provisions - for example, when becoming party to the Convention on the Elimination of Discrimination against Women - which have the effect of undermining the treaty. On the second point, there is now an Arab Human Rights Charter which has been adopted by a number of Middle Eastern states, but in certain important respects this is a weaker document than the main international human rights treaties and it is uncertain, as yet, whether the body established to monitor its implementation will have any teeth.

This point of ratifying human rights treaties is important because governments, in doing so, commit



Malcolm Smart

to meeting certain human rights obligations. The real challenge, then, is for these rights to be realised in practice - this needs firm commitment and political will by governments but also the fullest possible involvement of civil society and public involvement in ensuring that human rights are well understood and are attainable for all, not least those who are often the most vulnerable in society due to discrimination or other factors.

Q2: What is in your view, the core causes that lead to violations of human rights in the Arab countries, and make the path to human rights development ridden with problems?

Governments generally continue to show a reluctance to accept criticism or to allow the free flow and exchange of information and ideas, and to put the protection and promotion of human rights at the centre of their policies. Consequently, all across the region we see violations of the right to freedom of opinion and expression, with those who criticise state authorities - in the media, through blogs or in their other writings or speeches or other activities - liable to arrest and detention or other forms of harassment. Some are prosecuted on criminal defamation charges or for harming the state or its security when all they did was to peacefully express views critical of the government or of some alleged malpractice by state authorities. By such means, mere expression of a different view is equated as subversion by those who hold the power in the state. This is a gross abuse of human rights. And perhaps the saddest irony is

that those targeted in this way are often Human Rights Defenders - people with the courage, and temerity, to stand up to state authorities and insist that they meet their obligations under international human rights law.

This is one of the core problems but, clearly, there are many others and they are both complex and diverse. The continuing denial of rights to Palestinians as a result of the more than 60-year long Israel-Palestinian conflict and the presence of foreign military forces in the

Arab Charter on Human Rights the most weakest instrument compared to international treaties, yet no assurances to be activated

region, notably since 2003 in Iraq, are factors that contribute to insecurity and political instability in the region, to which can be added the political stand off and regional and international concern about Iran's nuclear development programme, and Israel's possession of nuclear weapons. As well, public security also continues to be threatened by the actions of al-Qa'ida and its affiliates and other armed groups, whose attacks frequently target civilians in gross breach of international law, and also are used as a justification by governments in the region to use anti-terrorism laws over broadly, to clamp down on peaceful dissent, and to allow their security and intelligence police far too much latitude in carrying out arrests, detaining people in breach of their rights and, all too often, torturing or otherwise ill-treating them with impunity.

Q 3: Is there any methodology and/or standards used by your organization in assessing the development of human rights in various countries in general? Do you have a scientific classification of the Arab countries in terms of commitment to international standards, or in terms of positive developments in the performance of governments, even if such developments are limited and not comprehensive in nature?

We look at human rights in each country separately taking into account the human rights treaty obligations that each state has entered into of its own volition, as the standards by which it agrees to be measured, and against

the benchmarks set down within the wider framework of international law - human rights law but also international humanitarian law, international refugee law and international criminal law. We look too at the particular political, economic, cultural and social context in each state and seek to identify what are the current human rights problems that need to be addressed, and what steps might be taken and by whom - often the government but sometimes other actors too or instead - to address these problems and bring relief and remedy to those whose rights are being denied; this may be an untried political detainee, a victim of enforced disappearance and his or her family, or a family under threat of forcible removal from their

home, or perhaps a migrant domestic worker who is exposed to abuse by her employer because her rights are inadequately protected under the employment and other law, and she is triply discriminated against as a woman, a foreigner and as a migrant worker.

We are known mostly for our criticism of violations that occur, but we do also give a lot of attention to human rights improvements when they are made by governments and others. We seek always to encourage such improvements and to give credit, including publicly, where credit is due. But our primary roles are to stand with those whose human rights are violated, to draw attention to their plight and so, to an extent, to act as a voice for those who, all too often, have been rendered voiceless by the violations that they are suffering.

Q 4: It is noticed that Amnesty International focus on civil and political rights violations only, why? It is observed that the nature of political systems and their openness determines the development and respect for human rights, but little has been done to analyze the nature of political regimes in the Arab region in particular?

In fact, Amnesty International works not only for civil and political rights but also for the protection and promotion of economic, social and cultural rights as we consider that all human rights are universal and indivisible. While we continue to give a great deal of attention to violations of civil and political rights,

last year we launched our Demand Dignity campaign, an international campaign that we will run for the next few years and which focuses on human rights abuses that force people into poverty and that keep them in poverty. In particular, in this campaign we are currently giving greatest attention to the right of everyone to adequate shelter for themselves and their family, addressing problems of forcible evictions and destruction of homes which often hit hardest on the very poorest, and on the issue of maternal mortality, its human rights causes and consequences - these, often, are due to discrimination and violence against women and their subordinate role in many societies, and problems such as early and forced marriage. As well, we are giving attention in this Demand Dignity campaign to the role and responsibilities of corporate actors, the private often multinational companies whose activities sometimes cause or lead to serious human rights abuses in the areas in which they are pursuing their commercial interests; in particular, we are examining the role of companies in the extractive industries - oil and gas, mining and so on.

We don't give a lot of time or attention to trying to analyse different political systems - that is more a job for the

Amnesty criticizes governments, but publicly acknowledges their positive improvements in the human rights situation

academic community and political commentators. Unfortunately, we have found in the almost 50 years since Amnesty International was formed that there is no perfect political system when it comes to human rights - as our published annual reports show each year no region of the world and no political system is immune from human rights abuses.

Q 5: Some countries complain that the major international human rights organizations such as Amnesty International harmonize their agenda, objectives and the timing of their human rights campaigns with the political agenda of the major Western countries. Furthermore, it is evident that when Western countries involve in political conflict with another country, it would be

accompanied by a human rights campaign by those organizations. What do you say about this claim?

We reject this claim. Frankly, it is often made by governments that we have criticised or their supporters for self-

Western governments have used (human rights) for their political objectives, and were selective in criticizing systems they do not like

serving reasons, to dismiss our criticism without addressing its substance. It is, however, a frequently repeated claim that human rights are somehow a Western concept and are being imposed on governments and people in the Middle East and other parts of the world. Yet, in reality, governments in the Middle East and all around the world have freely committed to uphold international human rights law and standards, accepting that they must report periodically to the international community, through the UN, when doing so. Even more importantly, one needs to look at the substance of what is meant by human rights - for example, the right not to be tortured, or the right to have an education or the right to be free from discrimination. Do the government officials and others in the Middle East who claim that human rights are a Western invention deny that people in the Middle East have such rights, or that these rights are not already rooted in local culture and values? I don't hear them really saying that - or, indeed, that they themselves and their families do not also have these rights - even though they like to assert that human rights are somehow an alien concept. Not so.

One problem, of course, is that Western governments have sometimes used notions of human rights and the need to protect them in their pursuit of their own political objectives, and have done so selectively criticizing governments they dislike on human rights grounds while remaining silent on abuses by their allies. This, clearly, does a disservice to human rights and has made it that bit easier for those who wish to do so to try and give human rights a bad name.

For its part, from its formation in 1961 Amnesty International has remained independent of all governments and political ideologies and has sought to

assess the human rights records of different states according to a consistent standard and the framework of international law - the corpus of law that governments, not Amnesty International, invented ostensibly to regulate their own conduct.

Thus, we do not time our campaigns or other activities to coincide with the political interests of Western or other states - indeed, if you look at our record, you will see that many times Western, as well as other governments, have greatly disliked it when we have campaigned against violations for which they are responsible and most certainly found it inconvenient.

Q6: International human rights reports indicate a decline in the level of respect for human rights in the world during the past years, and attributed it in one of its aspects to the human rights abuses carried out under the pretext of (counter-terrorism). There is no consensus regarding the definition of 'terrorism', which is still loose. How long will these violations persist under this pretext? What is the position of Amnesty International on anti-terrorism laws issued by different countries?

Yes, the years of the so-called war on terror have seen an erosion in human rights in the name of the fight against terrorism. Clearly, governments have a responsibility to protect their citizens and others within their jurisdiction from terrorism, as other serious crime, but when doing so they must also abide by their obligations under international law. This is largely where a number of governments - in the Middle East and elsewhere, including the USA and Europe - have fallen seriously short, with Guantanamo and the secret renditions programme as the two most obvious examples, though there are many others.

Essentially, what happened was that governments to an extent threw away the rule book and took on an "end justifies the means" approach, to the extent that they subordinated their human rights obligations to the challenge of fighting terrorism. Unsurprisingly, the result has been further serious abuses of human rights, both of those

suspected of involvement in terrorism, and of other people such as Human Rights Defenders, government critics and people who expose government wrongdoing, who have been drawn into the wide net of repression that has been created using over-broad and ill-defined anti-terrorism laws.

Of course, we condemn terrorism - such as bomb and other attacks on civilians - in the strongest possible terms. We demand that those who perpetrate such acts immediately desist and we call for them to be brought to justice, in conformity with the requirements of international law. At the same time, we condemn secret detentions, enforced disappearances and torture - violations that have all too often been committed by governments against both people suspected of terrorism and also many others - and in this case too call for those responsible to be held to account and brought to justice. The fight against terrorism cannot be used to justify such grievous violations; indeed, when it is, public security is even further threatened.

Q 7: What is the methodology adopted by Amnesty International with regard to monitoring and follow-up of the situation of human rights in Arab countries, particularly sources and credibility of information?

Our approach is to monitor all possible public sources of information including media reports but also information published by governments, political parties and civil society groups,

Governments threw away the legal book and followed the maxim (the end justifies the means), and created a net of suppression under the name of anti-terrorism

academics, international agencies and others but also to seek information from other sources - these can include, most particularly, victims of human rights abuses or their relatives or eye-witnesses. We also carry out field visits when we can to investigate human rights on the ground - although, sadly, some governments - those of Iran and Saudi Arabia among them - continue to refuse us access to their countries for this purpose.

Defaming Members of the National Institution for Human Rights by the BCHR's Position

Hasan Moosa Shafaie

The establishment of the National Institution for Human Rights (NIHR) came after extensive demands by all sectors of Bahraini civil society and international organizations. As soon as the Royal Decree that established the NIHR was announced on 10 November 2009 and published in the Official Gazette, Bahraini civil society cautiously welcomed the step. However, the Bahrain Centre for Human Rights (BCHR) remained silent on the issue although it was the first to call for the establishment of such an Institution, emphasizing that the failure to do so constituted a set back for human rights in the country. The officials of the Centre did not reject the Decree as it agrees with the Paris Principles, but they also did not want to praise any positive step undertaken by the Government. It seems that praising the Government is forbidden or is considered a big crime in the eyes of the Centre. It later became clear that keeping silence was merely tactical in order to await the opportunity to attack the NIHR and defame its members.

When the names of the members of the NIHR were announced on 25 April 2010, the reaction was as I had predicted in my December article, entitled 'Challenges Facing the National Institution for Human Rights' in which I stated that 'civil society organizations doubt the role of national human rights institutions because they are set up and funded by governments. Hence trust is not given to them easily because of the fact that they are newly established governmental entities. This attitude towards national human rights institutions will only change if these institutions do not attempt to conceal

Government violations and prove they are serious, honest, impartial, and independent'. The article continued by saying that 'although they initially welcomed the establishment of NIHR, civil society organizations also expressed their concern that it might become part of the Government's propaganda'.

However, the amount of negative reactions when the names of the members were published was truly unexpected. This meant that the fierce attack against the NIHR was not based on criticism of its work or an assessment of its activities and performance- as these have not even begun yet. Rather the issue is very much related to the names of its members and administration.

It is possible that there are in fact different opinions in assessing the members of the Institution, their competency and history. However, the systematic defamation campaign against the newly established institution and its figures is far from being explained as a mere difference in opinions when assessing the members of the NIHR.

The judgments which were passed against the President of the Institution and his two deputies are generally politically motivated. The BCHR did not hesitate to describe them as regime 'loyalists'; an expression which is a slightly watered down version of 'Government agents'. This expression has come to include any one who is found to hold a different opinion, as is the case of the former President of the Transparency Society Dr. Jasim Al-Ajami. According to the statement by the Centre, his crime was: 'his hasty position when declaring the



Hasan Moosa Shafaie

credibility of the 2006 elections'. The Transparency Society then issued a report on the afore mentioned election with the participation of the Bahrain Human Rights Society, which was also seen by the opposition as serving the interest of the Government and concealing its breaches. No one doubted the integrity and credibility of the 2006 elections and most of the public participated in it. Only an extremist minority represented by the BCHR, Haq Movement and the Freeman of Bahrain Movement rejected these elections. Is standing by the credibility of the elections constitutes a crime and a proof of being a Government agent? Does using such personal insults and inappropriate language represent a true human rights discourse? And must human rights activists embrace the position of the political opposition, and describe any Government action as lacking credibility and positive results?!

The defamation campaign is equal to a trial of the NIHR, its President and members. Some of these members were previously part of the

opposition, and until the day of their appointment, were very active in the human rights field, such as the former Deputy of the Secretary General of the Bahrain Human Rights Society and the current President of the NIHR Salman Kamaldeen; the current Secretary General of the Bahrain Human Rights Society Dr. Abdulla Al Dirazi; and the first-ever President of the Bahrain Trade Unions Abdulfagar Abdhussain.

This campaign reveals a tendency towards politically motivated extremism, where those behind it are unable to differentiate between various colours, even between black and white. They sentenced the new human rights establishment to death and were unable to see anything positive that might come out of it, unlike their counterparts in international human rights organizations. For example, Amnesty International stated that 'the appointment of activists with significant experience to lead the recently established NIHR is a welcomed step'. Amnesty also added that it 'believes that the appointment of activists with a distinguished record in the human rights field should support the efforts of protecting and promoting human rights in Bahrain as long as the authorities allow them to work without any obstacles'. It continued by saying: 'Amnesty International welcomes the establishment of the Institution especially that the rules defined by the Royal Decree No 46 coincide generally with Paris Principles'.

You might need to compare Amnesty's statement with the language of the BCHR in its statement issued on 29 April 2010 which stated that 'the aim of the establishment of the so-called NIHR is to gain the regime publicity and to contain the work of independent human rights defenders'. The BCHR also described the NIHR as a 'Governmental committee that follows the will of those who formed it, and most - if not all - its appointed

members are loyal to the regime. Hence, this is not an independent national committee and the Paris Principles do not apply to it. Therefore, our demands will continue, in order to establish a genuine independent committee for human rights'. The Centre also attempted to incite civil society organizations in order to create schisms, and encouraged them to remove their presidents who are members in the NIHR. The BCHR stated in a statement that 'any appointed member in NIHR must not have a leading role in any NGO. Otherwise, this organization will lose its impartiality and independence. Such an organization will not have the credibility to conduct any supervisory role on the Government, and on this institution that the regime has established for its own propaganda and to serve its political objectives, and not for the genuine promotion of human rights'.

Does this kind of language constitute an appropriate human rights discourse? Does it serve human rights in Bahrain or aim at destroying it?

The National Democratic Action Society (Waad) organized a seminar on the NIHR, in which the President of the Institution Salman Kamaldeen and Dr. Abdulla Al Dirazi participated. These two were once colleagues in the political struggle with the leaders of Waad, but despite this and as a result of the poisonous atmosphere created by the BCHR, the seminar seemed like a trial for both of them for accepting the membership and the presidency of NIHR. The Secretary General of Waad Ibrahim Shareef even described the acceptance of presidency and membership in the NIHR by Kamaldeen and Dirazi as an 'individual decision' which 'does not support national action and will result in doubting our credibility as well as demolishing the basis on which we have built our partnership with the others'.

Such attitudes from a political society do not reflect maturity, and resemble the position of Al Wefaq Society, which regarded the NIHR as representing an 'absolute Government opinion and there is no place in it for the disregarded human rights of Bahraini citizens'. The Society pre-judged the Institution and stated that the Institution will 'promote and market the project and the programmes of the Government!' Such a political position reveals a lack of trust in the Government's projects even if they are extremely positive, and highlights the extent of shortcomings and the lack of political and human rights maturity in our civil institutions.

It is too early to judge the independence and success of the NIHR, as this will depend on the efforts of its President, its members and on the cooperation of civil society and Government institutions. We will wait until the Institution begins its activity and will then discover to what extent it has succeeded and achieved its purposes, which are mentioned in the Royal Decree. We believe that the position of some civil society institutions and political societies in Bahrain - despite their previous and expected negative position - will eventually change, if the Institution proves its competency and seriousness. It is thus most likely that extremists in Bahrain represented by BCHR and its allies will firmly hold onto their current position despite all developments. This is because they are opposition parties who want to change the whole existent political situation. Hence, the activity of the Institution and not only its members will be under the close scrutiny of local and international institutions. The main challenge for the NIHR is to prove itself through creating a positive and cooperative atmosphere with all civil society institutions, political parties and Government institutions, and gain their support in order to achieve the required goals.

Bahrain in Human Rights Reports

Bahrain Ranked Third in the Arab World on the Right of Access to Information

May 2010 has witnessed the publication of a number of local and international human rights reports on Bahrain. The reports highlighted the developments, which took place on specific human rights fields, and included some suggestions and criticisms to specific areas which require more efforts from the Government in order to improve Bahrain's human rights record internationally.

Amnesty: Investigating Torture Allegations

Amnesty International issued its annual report on 27 May 2010, which covers human rights developments in 2009. The summary of the report on Bahrain was as follows: 'the Government took steps to promote human rights and improve conditions for some migrant workers. However, it continued to penalize criticism of the royal family and failed to investigate allegations of torture in 2008. One person remained at risk of execution'. The report also referred to the establishment of the National Foundation for Human Rights, and said the Government was considering withdrawing some of its reservations from key international human rights treaties it had ratified. The Government also said that it will introduce various legal reforms and provide human rights training to judicial and other officials.

The report also - without declaring Amnesty's position - pointed to the use of the Shozin weapon during violent clashes, and said that the Government had refuted the use of excessive force claiming that security forces had only intervened when the protest became violent. The report also mentioned the royal pardon of 178 prisoners accused of involvement in violence in order to overthrow the Government'.

With regards to freedom of

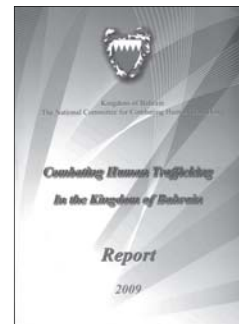
expression, the report said that 'the Bahraini Government remained especially sensitive to criticism of the monarchy'. Also, amendments to the 2002 Press and Publications Law, proposed in 2008, remained pending before the House of Representatives. If implemented, the amendments would remove imprisonment as a penalty for those convicted of criticizing the King or "inciting hatred of the regime". The report added that in January, the Ministry of Information and Culture blocked a number of websites, blogs and discussion forums, including some deemed to "incite hatred and sectarian violence".

With regards to migrant rights, the report stated that 'the Government announced a revision of the sponsorship system - known as kafala - through which foreign migrant workers obtain employment. The new system, which came into force on 1 August, permits foreign workers to change their employment without obtaining their current employer's consent. However, the report added that the new amendment does not apply to domestic workers, most of whom are women, which makes them subject to abuses at the hand of their employers.



Combating Human Trafficking

On April 2010, the National Commission to Combat Trafficking issued its first report entitled 'Combating Human Trafficking in the Kingdom of Bahrain'. The report introduction mentioned that 'the Kingdom of Bahrain, like many countries of the world, is suffering



from the phenomena of trafficking in persons'. The report presented the legislative developments to combat human trafficking, which are included in the Bahraini 1976 Penal Code. It also presented other Government legislations related to the same issue including the Legislative Decree No. 16 (1988) on transplant of human organs, Legislative Decree No. 23 (1976) promulgating the Labour Law and Immigration and Residence Law issued in 1965. Finally the report included Law No. 1 (2008) with respect to trafficking in persons.

The report also included measures and decisions undertaken by Government bodies in order to combat human trafficking crimes such as the establishment of a specialized unit and introducing measures with regard to immigration and passports. This includes not deporting any foreign worker unless an order is issued by the judicial authority, setting up a hot line to receive complaints, providing shelter for the victims and the issuing of guidelines booklets on the rights of expatriate workers in several languages by LMRA. The report listed all the training courses that Bahrain organized during the last years, either alone or with the collaboration of local and international civil society, UN agencies and international organizations such as

the IOM.

The report listed a number of cases related to human trafficking in which the judiciary had intervened, and the investigations and trials had taken place involving foreign and Bahraini citizens. Finally, the report stressed the Kingdom of Bahrain's determination to eradicate the phenomena of trafficking in persons, through the development of legislations and by urging relevant authorities to apply preventative and deterrent measures to stop trafficking and to increase bilateral and international cooperation to combat this crime.

The Right of Access to Information

The Amman Centre for Human Rights Studies (ACHRS) published its fifth report on press freedom and the right of access to information. The report assessed Arab countries based on Article 19 of the Universal Declaration of Human Rights which states that 'everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference, impart and receive information and ideas through any media and regardless of frontier'. It was also based on Article 19 of the International Convention on Civil and Political Rights (ICCPR) which states that 'everyone has the right to hold opinions without interference. And that everyone has the right to freedom of expression. This right shall include freedom to seek various forms of information and ideas, receive and impart to others regardless of frontiers, either in writing or in print, in the form of art, or any other media of his choice'.

The Amman Centre has designed an indicator to measure freedom of access to information in the Arab world. The indicator is based on two pillars, firstly the legal indicator, which deals with constitutional provisions in a given country, and whether its government has ratified the ICCPR. Secondly, an

indicator for practical performance which is defined by 'Article 19 Organization' regarding citizens' rights to access information, which includes revealing information, obliging public institutions to publish basic information, promoting an open Government effectively, making exceptions clear, specific and subject only to the principle of "harm and public interest", and dealing with information requests. Based on the two pillars of indicators, the position of the countries is defined through their performance and legislations on the freedom of access to information. It has to be said that the legal indicator represents 60% and performance indicator represents 40% of the overall weight.

The ACHRS concluded that Jordan had achieved (87%), Yemen (82%) and Bahrain (78%) thereby occupying the three first places, while Saudi Arabia had scored (%26), Syria (%23) and Libya (%23) thereby occupying the bottom of the list. With regards to Bahrain, the report looked at three articles in the Press Law namely; articles 31, 32 and 33 providing for the right of journalists to access information. However, the report added that 'despite these articles there are no practical guarantees to provide journalists with information'. It added that 'there is an active movement in Bahrain, which demands the issuing of a separate law for the right of access to information'. The report also added that 'Bahrain is expected to be the first state in the GCC to give the right to each natural or corporeal person to access information'. Authors of the report followed and observed the Bahraini press, Parliament and civil society's active debate on the issue.



BHRS Organized Workshop on Human Rights Protection

The Ministry of Social Development has given the Bahrain Human Rights Society (BHRS) permission to organize a workshop on defending human rights, with the cooperation of the Geneva based Association for the Prevention of Torture. The Ministry had previously regarded the workshop as engaging in politics which contradicts Article 18 of the Law of Associations. The Secretary General of the BHRS Abdulla Al Drazi said that the Ministry has revised the prohibition decision and annulled it. The workshop was held on 27-29 May 2010 and among the participants were human rights activists from Yemen, Qatar, UAE, Kuwait, Oman and Saudi Arabia, in addition to Bahrain.

Drazi revealed a desire to establish a regional alliance against torture in the region, whilst the official spokesman of the Arab Committee for Human Rights, Haytham Al Manna stressed that U.N. mechanisms are not sufficient to deal with torture cases, even if such mechanisms do frighten executors.

The representative of the Association for the Prevention of Torture, Esther Schaufelberger stressed that the prevention of torture 'requires a wide range of activity including spreading anti-torture culture and the immediate intervention from human rights organizations. When torture takes place, it should be condemned, and this stage is always characterized by confrontation between human rights organizations and the authorities'. She also added that visiting detention centres requires having the mandate and guarantees to visit all detention facilities and obtain access to all documents and detainees. She also added that national institutions for human rights and NGOs are the bodies who should conduct this preventative monitoring. She also pointed to the importance of ratifying the Optional Protocol of the Convention against Torture, which no country in the Middle East and North Africa has ratified, with the exception of Lebanon.

Towards A National Human Rights Action Plan in Bahrain

We believe that the time has come to introduce a comprehensive national human rights plan, especially as the National Institution for Human Rights (NIHR) has already been established, and could participate and carry most reform burdens. The objective of this plan is to create an ethical and practical framework, as well as being a guide for civil society and decision-makers. It can also act as an open book for citizens, through which they will be aware of their rights and obligations.

The push to formulate such a plan is due to the initial existence of a political will and the fact that Bahrain in the past ten years of political and human rights reform has achieved much in various government organs. Therefore, there is at present a solid foundation which can be built upon as soon as scattered legislations related to the judicial system, politics, labour, women, child, civil society as well as the development in public freedoms and the democratic process itself are brought together as a complete and connected single plan. This will provide a clear and general picture of Bahrain today and will easily shape the future image of the country as well as facilitating the fulfilment of the basic needs of Bahrain society. It is well known that the 1993 Vienna Declaration announced by the World Conference on Human Rights demanded that all countries prepare a national plan of action for human rights. Many countries responded well to this declaration as they found it to be beneficial for them, as well as being useful in assessing the adherence of countries to human rights through specific measures in different fields. Adherence to human rights cannot be measured by a government's verbal glorification, rather by implementing them on the ground and in accordance to specific measures which are agreed upon internationally. Because the issue of human rights has become an integral part of national polices and is at the heart of international relations, it is necessary for them to remain a constant and stable element in

state polices and their economic and development programmes. Human rights have become an important aspect of political, economic, social, and cultural life.

The proposed plan should:

- Stress the adoption of legislative, institutional and judicial measures to guarantee the expansion of public freedoms and promote democratic rule. It should also include a clear emphasis on the necessity of amending any law which does not agree with the minimum international standards.
- Protect achievements in the field of freedom of expression, in addition to expanding them.
- Empower civil society and building its capabilities, as well as making it active in the democratic process.
- The Executive Authority should be open and transparent so that citizens can understand its policies and programmes, and it should make sufficient information available to them. The aim is to allow citizens to assess its performance and hold it accountable through the mechanisms of Parliament and the press.
- Promote Parliament's role in supervision and legislating.
- Take necessary measures to guarantee the independence and the integrity of the Judicial Authority.
- The Government should train all civil servants, including the police and security forces on human rights and the importance of adhering to its principles. Also, to introduce strict measures in order to hold the police accountable when they violate human rights.
- Take strict measures in combating corruption and educate society and civil servants in the dangers of corruption on the reform process.
- Introduce preventative measures to prevent human rights violations from taking place, especially in detention centres and prisons, by informing detainees of their rights, avoiding detention and solitary



confinement and allowing them contact with the outside world through lawyers, family visits and doctors. Also, to introduce a humane basis for the questioning process, such as refraining from mental or physical pressure and threatening detainees. In addition, to guarantee detainees the right to object the legitimacy of their detention, and allow them to stand before a judge so they can be tried within a plausible period of time. Otherwise, they should be released. Furthermore, measures should also include the existence of an independent system to inspect detention centres regularly and without previous notice. There should also be a clear mechanism to investigate torture allegations, guaranteeing a quick and integral investigation whenever there are plausible reasons, and providing all the necessary information and facilitation to guarantee a proper investigation.

- If torture is proven, disciplinary measures should be taken against those responsible, they should be put on trial and the victims should be compensated by the Government.
- These are some elements of the plan, some of which already exist, which make us hope that the plan will be put forward as soon as possible.

BHRM's President Visits Paris, Bahrain and Geneva

During May 2010, the President of the BHRM, Hasan Shafaei visited several countries, where he met a number of human rights officials, directors and members of international organizations concerned with human rights, as well as political and diplomatic figures.

■ On 5-7 May 2010, Shafaei met the Executive Director of FIDH, Antoine Bernard, with the presence of the Program Officer of MENA in FIDH, Marie Camberlin. The meeting took place at the FIDH headquarters and the latest developments on human rights in Bahrain were discussed. The two officials expressed their content at the establishment of the NIHR so that human rights in the country could be served institutionally. They also expressed their willingness to cooperate with the Institution in the future and expressed their concern at the Parliament's delay in the ratification of the two bills related to civil society organizations and the press. Shafaei also met with the Bahraini Ambassador, Dr. Naser Al- Belooshi with the presence of Mohammed Alhaidan and Jasim Biljeek. Shafaei briefed the Ambassador on the activities and future plans of the BHRM, while Al-Belooshi expressed his interest in human rights in Bahrain as one of the foundations of His Majesty's reform project.

■ On 13 May 2010, the President of the BHRM visited Bahrain and attended the first meeting for the NIHR in his capacity as a member of the NIHR. During the meeting members of the NIHR were introduced to each other and several issues regarding the Institution were raised including: establishing committees, the budget, the headquarters and the executive regulations of the Institution. .

■ On 19-23 May 2010, the President of BHRM met with several officials at the Office of the U.N. High Commissioner for Human Rights (OHCHR). This includes the Chief of Branch of Americas, Europe and Central Asia Gianni Magazzeni. He also met the Human

Rights Officer for National Institutions and Regional Mechanisms Section, Afarin Shahidzadeh with the presence of Salahaldin Mousa. Shafaei also met Fateh Azzam, the OHCHR's Regional Representative of MENA; and with the Bahrain's Desk Officer, Predrag Zivkovic and Julian Waagensen where human rights in the Gulf in general, and in Bahrain in particular, were discussed. With respect to the NGOs, the President met the Deputy Secretary-General of the OMCT, Anne Laurence Lacroix; the Legal Officer for MENA at the ICJ, Said Benarbia; the Legal Director of Alkarama Organization, Rachid Mesli; and the Director of the International Service for Human Rights, Bjorn Pettersson. During these meetings, the latest developments and human rights concerns in Bahrain were discussed, in addition to ways of cooperation with the BHRM.



With Antoine Bernard from FIDH



With Ambassador AL-Belooshi and his two Assistants



With members of the National Institution



With Anne Laurence Lacroix



With Gianni Magazzeni



With Rachid Mesli



With Afarin Shahidzadeh and Salahaldin Mousa



With Bjorn Pettersson



With Fateh Azzam