

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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Human Rights and Sectarian Language

Human rights defenders usually emphasize the sectarian and ethnic affiliations when talking about specific groups and political parties in their reports. The use of certain sectarian terms such as 'Shia', 'Copts', 'Barbars' or 'Zaidis' is used in order to reaffirm the sectarian and ethnic identity of these groups. These expressions may seem necessary in order to understand the political and social reality, especially to Westerns.

There is a noticeable increase in the use of sectarian expressions in the human rights discourse, which does not help but rather complicates matters even further. The use of sectarian language has proven to be beneficial only in cases involving discrimination against groups on the basis of their sectarian, religious, regional and tribal backgrounds.

For example, referring to the sectarian background of detainees will mislead people into believing that sectarian motives were behind the arrests. The use of sectarian identification is acceptable if a person is arrested and tortured based on his sectarian or religious affiliation. However, if a person is arrested on political and security grounds, mentioning his sectarian background will be irrelevant.

Emphasizing the sectarian identity of Shia detainees, for example, will give the impression that the background of the arrest was sectarian in nature, and that the authority is targeting the Shia in the country. This is not necessarily what international human rights organizations intend to reflect in their reporting. Therefore, it is not favourable to emphasize the sectarian identities of any group or person.

The sectarian intrusion in human rights reports is damaging and can become a tool for incitement. Human rights defenders look for means to reduce street tensions, and place the national identity above sectarian and ethnic identities in order to avoid civil unrest. Mentioning sectarian affiliations may increase social divisions and alienate groups inside Bahrain from both sects who strongly believe in mutual coexistence.

The Network Trial Continues

■ (09/01/2011): The Minister of Justice, Sheikh Khalid bin Ali Al Khalifa decided to appoint 23 lawyers to defend the 23 people accused in the terrorist network case. This step was taken after the previous defence council withdrew because the detainees refused to allow them to represent them.

■ (09/01/2011): The American Ambassador in Manama Adam Erly said during an interview with Al Wasat newspaper that his country is concerned about human rights, which is an important aspect of the friendship between the US and Bahrain. He also pointed out that representatives from the U.S. embassy attend trial sessions, which provides ample evidence illustrating this concern. He added that holding the trials in public, proves that Bahrain cares about civil rights of citizens.

■ (12-13/01/2011): The Minister of Justice decided to refer a total of 24 lawyers to a disciplinary committee in accordance with Article 41 of the Advocacy Act because of their refusal to defend the terrorist network detainees. The trial was adjured to 20/01/2011. The lawyers objected to the Ministry's interpretation of Article 41 and demanded that the case be referred to the Constitutional Court, however their demands were refused.

■ (14/01/2011): The Bahrain Bar Association criticized the referral of 24 lawyers to the Disciplinary Committee and viewed it as a dangerous precedent in the legal history of Bahrain adding that the Ministry of Justice is trying to impose its interpretation of the law.

■ (20/01/2011): The High Court adjourned the session until 27/01/2011 for the eighth time and ordered the Public Prosecutor to present its evidence against the 25 accused. The detainees objected to having appointed lawyers.

■ (25/01/2011): Seven lawyers appeared before the Disciplinary Committee based on the order of the Ministry of Justice. The lawyers demanded more time in order to respond to the allegations. The next two sessions will take place on 22 February and the first of March.

■ (25/01/2011): The Court decided to adjourn the case on the terrorist network to 10 February 2011.

Drazi: Restricting BHRS Affects Bahrain's Reputation

The Secretary General of the Bahrain Human Rights Society (BHRS), Abdullah Drazi said that restrictions imposed on the BHRS and dissolving its Board of Directors will have a negative impact on Bahrain's international reputation. Drazi was commenting on a legal



response by the Ministry of Social Development to the legal suit, which the BHRS had filed against it. According to Drazi, the next court hearing will be on 27 February 2011 and BHRS will prepare a response to the Ministry's response. It is worth noting that the Ministry did not mention any charges regarding the training organized by BHRS for human rights activists from other GCC countries.

Incest and Sexual Abuse of Children

The Bahrain Sociologists Society called on the executive institutions and civil society organizations to pay more attention to the problem of incest. It stressed the need to put into place deterrent legislations and draw up preventative plans, which would limit the dangerous social effects



Wisam Al Saba'

of this problem on Bahraini families. The social researcher Wisam Al Saba' said in a lecture held in the Society's headquarters "there is a need to scrutinize this phenomenon, in order to

determine its size, and then come up with a preventative and curative strategy to confront it. This can be achieved with the cooperation and coordination of the concerned civil society bodies."

Lou Loua Al Ajaji, the Acting President for the Bahrain Centre for Child Protection said that the Centre had received 270 cases on various sexual, physical and psychological abuses. She added that sexual abuse of children is on the increase and that some families waive their legal rights in order to avoid stigma, especially in cases involving girls.

Calls for Religious Tolerance

On 8 January 2011, a mourning ceremony was held at the Anglican Church in Manama in solidarity with the victims of the bombing that rocked the al-Qiddissin (Saints) Church in Alexandria, Egypt. The ceremony was attended by Bahrainis, residents, diplomats, Muslims and Christian clergymen and Arab and foreign nationals. The participants condemned the terrorist bombing and stressed the importance of promoting the values of coexistence



and tolerance. Hani Aziz, the church pastor said that "we must all realize that Allah, the almighty has created humans differently in terms of gender, colour and language. We should accept these differences and respect the freedom of others to choose their own religion. We also should not discriminate against people on the basis of their religion or creed."

During the event, both Sheikh Ahmad Amr Allah and Sheikh Salah Al Jowdar gave speeches in which they stressed the values of coexistence and rejected violence and extremism, which does not represent Islam. Shiekh Isa Qassim also condemned the bombing and any attack on any place of worship. He described it as a war on Allah's religion and a "heinous crime which is rejected by Islam".

Women Launch Online Newsletter

The Bahraini Women's Association for Human Development has launched an electronic newsletter in order to regularly provide news on the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), to societies in the Arab world. UN Women was established in January 2011 to empower women in order to achieve gender equality. The e-newsletter will serve as a means of communications between Arab societies and UN Women, which the Association described as the best international supporter for women.



Workshop to Fight Corruption

On 18 January 2011, the Bahrain Transparency Society organized a workshop to discuss the Annual Audit Report published by the National Audit Court (NAC). The report revealed that there were legal violations and waste of public money. The Deputy Secretary-General of the Progressive Democratic Forum, Abdul-Nabi Salman criticized the performance of Parliament in combating corruption and believed that



the Government should demonstrate its ability to combat corruption. He stressed that the House of Representatives has the ability to monitor corruption and combat it if they chose to do so. He also said that the report has shocked public opinion and State institutions, which have failed to prosecute any official. Salman also noted that 45% of the ministries and authorities have failed to present reports and cooperate with the NAC. Also, 32% of the ministries and authorities evade the NAC and provide misleading information.

Al Shyjee: Frustration over Delay of Press Law

The President of the Bahraini Journalist Association (BJA) Isaa Al Shyjee said that the Association is working hard to establish a code of conduct for journalists, which was delayed due to differences of opinion. He also said that the Association has reached a state of despair because of the continued delay in passing the Press Law in the House of Representatives. He hopes that the new House of Representatives will ratify the Press Law and that the journalists will soon reach an agreement, which will benefit the Bahraini press. Al Shyjee's statements were made during a conference held on 24 January 2011, which was organised by the BJA with the coordination of the International Federation of Journalists.



NIHR

■ (18/01/2011): The Deputy Assistant Secretary Kathleen Fitzpatrick of the Bureau of Democracy, Human Rights and Labor in the US Department of State met the head of the committees of the NIHR. During the meeting, the delegation was briefed on the NIHR's activities, missions and plans. Human rights issues were also discussed especially those relating to torture



allegations and human rights violations. Moreover, Fitzpatrick also discussed some legal issues including legal guarantees for the detainees currently on trial, and the law regulating civil society organizations. In addition to the mechanism pertaining to juvenile detention, foreign workers and human trafficking. NIHR representatives reaffirmed NIHR's impartiality and integrity in revising laws and national legislations and harmonizing them with international human rights standards in addition to receiving human rights complaints which are then dealt with according to international standards. Ms. Fitzpatrick was accompanied by officials from the American Embassy in Bahrain.

■ (23/01/2011): The King of Bahrain issued a Royal Decree appointing Ahmad Abdullah Farhan as the Secretary-General of NIHR for the next four years after serving in the Board of Directors. Farhan stressed the importance of achieving transparency on all issues that are put forward to NIHR. He also affirmed NIHR's impartiality and that it will not be influenced by any outside pressure.



Why Human Rights Reports on Bahrain are Negative?

Hasan Moosa Shafaie

Recent annual reports by Human Rights Watch (HRW), Freedom House (FH), Reporters without Borders (RWB) and Front Line (FL) presented a negative picture of the condition of human rights in Bahrain.

According to HRW's January 2010 annual report, human rights conditions deteriorated sharply in the second half of 2010. Except for the procedural protection of migrant workers, nothing positive was mentioned about Bahrain. Even the 2010 October council and parliamentary elections were not given much attention.

In its annual report, FH said that the reasons behind the setback in Bahrain's human rights record, is the continued political repression against human rights activists and journalists, in addition to the spread of torture.

Moreover, in January 2010, RWB expressed concern regarding freedom of expression in Bahrain.

Regardless of whether such claims are true or not, there are three basic factors which resulted in portraying this negative picture:

Firstly- Government's mistakes, which could have been avoided easily and were highlighted by international bodies. The mistakes relate to the extensive use of security measures in August 2010, and the vigorous implementation of some laws, which were described as unsuitable for Bahrain's political and human right development.

Government's mistakes also include: dissolving the Bahrain Human Rights Society (BHRS), closing websites belonging to political societies, and

prohibiting the publications of political parties. These measures were used as evidence against the Government and resulted in the negative image of Bahrain in most of the international human rights reports.

The advocates of violence could have been dealt with in a different manner and without the use of the security measures. For example, the Government could have delayed resorting to these measures until new laws were passed, which regulate both the work of civil society organizations and the press.

There is also a lack of communication between the Government and international human rights organizations. Although, the relations between the two have developed in recent years, it is not yet enough. There are still issues that need resolving and there are still many more organizations that are ready to cooperate with the Government. The Government still delays and fails to respond to the questions raised by the international human rights organizations, which resulted in one sided reports. Perhaps, due to this reason, the Prime Minister and the Crown Prince requested that officials should respond to foreign media and international organizations, and provide them with information and the official position.

Secondly - Mistakes made by international human rights organizations. Most of these organizations transmit information, which is mostly derived from one source, the Bahrain Centre for Human Rights (BCHR). They also rely on



Hasan Moosa Shafaie

distorted information and repeat the analysis of others.

It is understandable that human rights organizations favour information presented to them by civil society organisations over government information. If these organizations want to have an accurate analysis, it is necessary to carry out minimum assessment of the information including the political and social situation of the country in question. For example, FH's 2011 annual report had less than 3 lines on Bahrain: "Bahrain scores declined due to a campaign of repression directed at the Shiite Muslims majority, which included assaults and arrests of dozens of activists and journalists, in addition to the reports on the prevalence of torture of political detainees on a large scale". The report gives the impression that:

- There is extensive sectarian based repression. But the arrests were actually based on security grounds, which include rioting, blocking roads and endangering public and private interests.

■ The arrests were directed at activists who were performing their legitimate and peaceful activity, this was not the case. Those who were detained - as far as we know – were not arrested for their political activities but for their involvement in inciting violence. The vast majority of the detainees were not referred to as human rights activists, but became activists after their detention! This is because the BCHR considers every detainee to be a human rights activist!!

■ Prisoners of conscience exist, including a number of journalists. The reality of the matter is that no journalist was detained.

■ With regards to torture, FH report based its information on this subject from HRW report which had many mistakes and was criticized in the local press. This does not mean that torture allegations should not be investigated. The BHRM's January 2011 Newsletter, covered RWB's 2010 annual report, and was surprised to find that it was the exact copy of the 2009 report. To make sure please visit the following links:

http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31644

http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31616

We greatly appreciate any effort that might contribute to the expansion of public freedoms in Bahrain. But we would like to emphasize the importance of accuracy, objectivity and professionalism. These elements are required in any third world human right organizations let alone international human rights organizations that have a greater global effect.

Failing to follow the developments in Bahrain, verify information, and adopt a scientific approach in research, are the main reasons behind the negative

portrayal of Bahrain.

Thirdly- The mistakes made by Bahrain human rights organizations,

which can be divided into two groups. The first group spreads lies, politicizes human rights and presents inaccurate information and analysis. The second group does not do that but at the same time does not contribute to improving the human rights situation by providing accurate information to international human rights organizations. The BCHR is primarily responsible for providing incorrect information and inaccurate analysis. International organizations do not hide the fact that they directly depend on the BCHR for their information. Unfortunately, the BCHR mixes between violence and human rights activities, and between human rights objectives and political agendas. We would like to stress that over relying on the BCHR as the only source of information, has resulted in international human rights organizations taking up positions based on exaggerated and inaccurate information.

Another example of mistakes made by Bahraini human rights organizations relates to Mohammad Ali Al- Rashid, who was detained in October 2010 because of emails sent under his name that threatened some Bahraini journalists. Al Rashid was treated as a victim and the journalists were ignored. Ironically, those who reported him to the police were referred to as collaborators standing against public freedoms, human rights and journalists!

On 21 January 2011, the BCHR issued a statement saying that the Bahraini authorities had arrested Al-Rashid "in retribution over his open opinions" and because he practiced his legitimate right to express his opinion

by publishing human rights violations. Hence, he became a human rights activist! The BCHR regarded the arrest as an act of oppression that targets public freedoms.

On 24 January 2011, RWB issued a statement adopting the position of the BCHR, in which it expressed deep concern regarding freedom of expression, and demanded that all charges filed against Rashid be dropped. Rashid was released on bail on 4 of January 2011 and is now awaiting trial.

FH also issued a statement based on BCHR's information under the heading "continued political repression in Bahrain". It elaborated further on the case and according to FH Rashid became a blogger, political and human rights activist. The first sentence of its statement reads "according to human rights activists in Bahrain", and based on our knowledge no human rights body in Bahrain issued a statement on this matter except the BCHR.

FH claims that Rashid's charges include "online writings about human rights abuses, spreading statements of political opposition movements, and criticizing journalists who are close to authorities". Did FH verify this information? The statement continues by saying "Censorship and repression are common features in Bahrain, an authoritarian country ruled by the Sunni Al-Khalifa family, which has been at odds with the country's Shiite majority for more than two centuries".

These international organizations which we greatly respect, did not examine the case thoroughly, nor did they verify their information on the reason behind the arrest. They also did not follow local newspaper coverage, which published examples of Rashid's threatening emails.

The BHRM respects all human rights organizations, and hopes that the Bahraini authorities cooperate with them. We also hope that these organizations highlight the violations that take place in order to improve the human rights situation in the country. However, we do not want to see some of them being used as tools in a political game because of their good intention in receiving information and

their reliance on bias information.

Finally, it is noteworthy that the new National Institution for Human Rights (NIHR), in which I am a member, has failed to clarify the reasons behind the resignation of its former President Salman Kamaldeen on 6 September 2010. The recent HRW annual report saw this resignation as a protest against the failure of the NIHR to criticise the recent arrests.

Similar analysis of the resignation was published in Bahraini newspapers. For me and my colleagues in NIHR, it is clear that the reasons behind Kamaldeen's resignation were personal and involved pressure being exerted from his political society, Waad. It was wrong for NIHR not to comment on the resignation and it should have clarified the matter with the local and international media.

Observations on Juvenile Detention

Public opinion in Bahrain was recently preoccupied with the issue of the detention of a number of children below 18-year on security grounds. The exact number of those detained and accused of unlicensed assembly, the possession of fire arms and Molotov cocktails is unknown. The number of detained children was discussed by newspapers and MPs, which according to some estimates could be as low as 65 or as high as 85. The Juvenile Public Prosecutor, Noora Al Khalifa rejected these figures by saying that they were inaccurate, unverified and could mislead the public. However, she did not give the exact number.

A number of factors brought this issue to light. It is obvious that such children were involved in rioting and hence the following objections are not directed at the nature of the charges but rather on other issues, which include:

Objections directed at the manner in which they were detained as it violated the law, because their place of detention was unknown for days. The Government said that some were

detained because of their participation in riots.

There are also objections over time span of the detention. The children spent several months in detention before being put on trial. According to some reports, some of the children should have been released immediately after the end of the investigation, until the commencement of the trial.

It is alleged that the detainees were held in adult detention centres and prisons. The Government denied this allegation or at least denied some specific cases. Brigadier Mohammad Bomahmood from the Ministry of Interior dismissed the claims and said that they were kept in Juvenile care centres. These centres are under the supervision of the Ministry of Social Development, which provides suitable educational programs.

There were some criticisms directed at the Government for its failure to comply with the International Convention on The Rights of The Child, which it ratified in February 1992 and came into force in March 1992. For example, the Government prevented children from sitting

their final exams, despite parents' persistence. Noora Al Khalifa believes that "the legislative and executive policies in the Kingdom regarding children conform with international laws and conventions. The procedures of the Public Prosecutor also conform with these laws."

Human rights activists also criticized the Government for its lack of transparency in providing basic information to the guardians of the children. Also, Government legal procedures were very slow causing psychological and physical pressure to the detained children.

Cases involving juveniles are very sensitive and hence need to be dealt with in a professional, accurate and fast manner. The human side of these cases should be taken into consideration. We understand that extremists incite children into violence in order to achieve their political goals. We also understand that parents of those children are not fulfilling their duties in guiding and caring for their children. We also understand that any shortcomings in this regard could have grave consequences.

Human Rights Protection Guarantees Stability

The enormous political transformations that took place in Tunisia, Egypt, Yemen and Jordan, shows that depriving people of their political, economic, social and cultural rights will result in insecurity, protests and political instability. The protestors' demands were in line with international human rights conventions, which were signed but not applied by most Arab regimes.

No Arab regime is immune from the repercussions of what took place in Tunisia and Egypt. The stability of these regimes varies from one country to another, the closer a regime is to its people, and the more it applies human rights, the more immune it will become against instability.

It is necessary to stress that human rights entail political, economic, social and cultural aspects which are inseparable. All these aspects are linked together and should not be dealt with separately. Governments should not base policies or develop programmes that concentrate on one

aspect and ignore the rest. Some Arab regimes refuse to make any political concessions in the hope that social and economic reforms will suffice. Based on experience, this type of policy has failed miserably because human rights are indivisible, as the various human rights instruments clearly indicate.

Civil and political rights cannot be dismissed or delayed based on the pretext of improving the living standards of citizens. Delaying political reforms will ultimately lead to delays in economic development. How can an economy flourish under a regime that oppresses citizens, restricts their freedom of expression and assembly, oppresses trade unions, silences journalists and has corrupted state institutions!?

Democracy and democratization becomes useless if the government apparatus does not make concrete efforts in achieving economic and social rights. Democracy will not last in an environment beset by

poverty, bad services and high rates of unemployment. In summary, there is need to develop the political, economic, social, cultural and civil fields simultaneously.

Bahrain's reform experience, which began a decade ago, has given the country ample time and opportunities to reinforce its stability. Other Arab countries lack similar experience and hence are not fully protected from instability. Stability can only be achieved by encouraging more political, economic, social and cultural reforms, which can reduce tension and maintain the country's security.

More efforts need to be exerted in order to fulfil the needs of citizens, especially the new generation. The demands of the new generation are increasing all the time; they want better education, health, work, housing, political and civil rights. They need to be encouraged to participate in the political reform project, in order to contribute in building a safe, stable, free and democratic Bahrain.

Unjustified Delay

The Child Bill and Bahrain's International Obligations

Despite Bahrain ratification of the UN Convention on the Rights of the Child (CRC) 19 years ago, the practical implementation of the Convention in national legislation has been delayed. Bahrain joined CRC in 1991 and ratified it without any reservations on 13 February 1992. CRC came into force in March 1992 and since then; all efforts were made to create a safe environment in order to guarantee a better future for children. However, people are still waiting for the passage of a law that would protect the rights of the child.

The President of the Committee on Women and Children's Affairs in the Shura Council, Dalal Al Zayed is optimistic that a new law will be passed in the coming weeks. However, reasons behind the long delay are unjustified; given the fact that Bahrain affirmed its commitment to the CRC, despite many problems, which were stated in the second and third Periodic Reports presented to the UN Committee on the Rights of the Child in February 2009.

The current debates on the bill especially with regards to legal and Islamic interpretations on defining the age of a child are not helpful. There is also an absence of a clear vision regarding children, who should be covered by the bill, and whether non-Bahrainis should be covered by the law. This heated

debate mainly revolves around vague principles rather than legal texts.

Article 1 of the Convention clearly states that: "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

The Article is clear, and it is difficult to find other jurisprudence, legal or political interpretations which might contradict it. In discussing the bill, there are several interpretations with regards to determining the minimum age for work. According to Article 32 (a) and (b) of the Convention, Bahrain should determine the suitable age for work, so that children can enjoy their childhood and live a prosperous and dignified life. Bahrain should also prepare and train children for the future by instilling work values.

Article 32 states that:

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of

the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

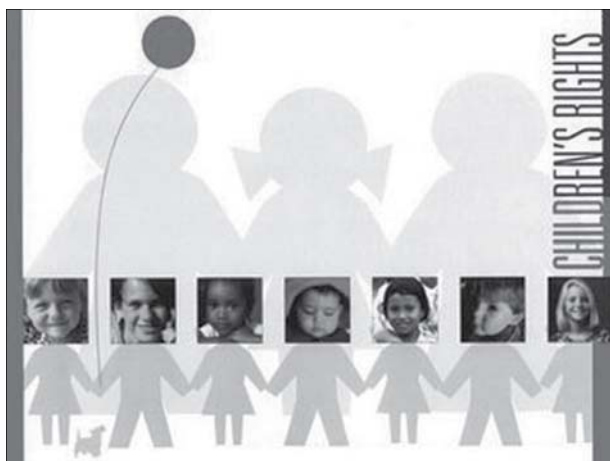
Perhaps the most suitable age for employment is 12, which should include putting into place strict rules for working hours and providing a suitable working environment. Bahraini Labour Law should also be used as a guideline in this regard. As for non-Bahraini children, Article 2 (1) of the CRC should be considered, which states:

" States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status".

A careful reading of the Article shows that all children inside the country regardless of their nationality should be protected. This implies the inclusion of non-Bahraini children unless there

are strong legal reasons. This interpretation runs in line with the UN child protection principles, which aim to protect children's rights including social and economic rights given the fact that children are one of the most vulnerable groups in society.

Governments should not use the poor economic situation as



an excuse for failing to meet their commitments and should provide the necessary resources in order to implement CRC. Parents should be encouraged to play a more proactive role, especially non-Bahrainis. It may be useful to engage non-Bahraini parents in this process by requesting them through the different media channels to submit proposals in line with the spirit of the Convention. Non-Bahraini parents should be encouraged to express their views, needs, and making lists of what they can or cannot provide to their children, and what kind of support they need from the Government of Bahrain in this area. These

can be grouped and issued in the form of legislative circulars or supplements to complement any adopted child law. In this way non-Bahraini parents will play a positive role in helping Bahrain to fulfill its obligations towards non-Bahraini children.

It is worth noting that the child bill should be in line with Bahrain's

international obligations to CRC. Bahrain presented its first report to the Committee on the Rights of the Child in July 2000, which was discussed on 28 January and 1 February 2002. The Committee specialises in looking into state parties reports based on Article 44 of CRC. The initial report highlighted Bahrain's achievements regarding children's rights. The Committee's final recommendations were implemented by Bahrain, which include: raising awareness and building a strong partnership between the Government and civil society on child protection issues. In February 2009, Bahrain presented its second and third Periodic Reports to the Committee on the Rights of the Child, which were prepared by the National Committee for Childhood in Bahrain with the help of concerned parties. The National Committee was established in 1999 and is made

up of ministries, governmental institutions, and civil institutions. The National Committee prepared the report by using the same methodology, which was adopted by the Committee on the Rights of the Child in its 39th session held on 3 July 2005.

The National Committee held a series of workshops, which were specially designed to obtain feedback on children's issues presented in the report. The report contained statistics and new information from 2001 to mid 2008, which was unavailable in the first report. The report also highlighted current difficulties and challenges, and contained series of indexes on new legislations, laws, ministerial decisions, leaflets, newsletters and CDs. The report responded to the main concerns and the recommendations in the concluding observations of the initial report considered by the Committee on the Rights of the Child.

Periodic reports, international obligations and concluding observations of the Committee on the Rights of the Child will undoubtedly help in achieving a more comprehensive child law, which will fill legal gaps and improve Bahrain's image. Civil society and human rights organizations, and organizations working on children's issues should all present similar reports in order to support children's rights, complement official efforts and help pass a suitable Bahraini child law.

Towards a Better Understanding of the Convention on the Rights of the Child

On 13 February 1992, Bahrain ratified the UN Convention on the Rights of the Child (CRC) without any reservations. The current discussion of the child bill in Bahrain represents an important legislative turning point and highlights the importance of the rights of the child as an integral part of human rights. Therefore, it is important to shed light on the Convention for the following reasons:

- Promoting a common understanding about the Convention in society and those concerned with the rights of the child.
- Providing a human rights framework derived from the principles and values of the Convention in order to accommodate different views in the legislative body.
- Spreading human rights culture among ordinary people who do not work in the legal or human rights field, in order to raise awareness on CRC and provide guidelines for adopting national legislations in line with the CRC.
- Contributing in the adoption of a Bahraini child law compatible with the CRC.

Convention Background

On 20 November 1989, the UN General Assembly adopted the CRC, which came into force on 2 December 1990. The Convention contains 54 Articles, which set out the rights and the fundamental

freedoms of the child. The Convention takes into consideration the need of the child to be protected against harm since they are a vulnerable group in society.



CRC is comprehensive in that it incorporates the civil, political, social, economic and cultural rights all in one document. It was ratified by every member of the United Nations except Somalia and the USA. This makes it the most signed convention by UN member states.

General Principles

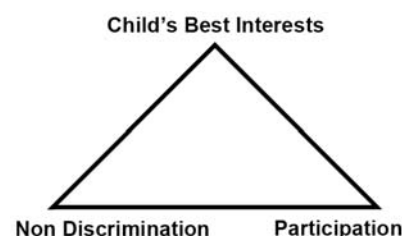
There are four general principles that should be taken into consideration when implementing the CRC:

- **Non discrimination (Article 2):** All rights must be granted to each child without exception. The child must be protected against all forms of discrimination.
- **Best interests of the child (Article 3):** In all actions concerning children, the best interests of the child shall be a primary consideration.
- **The right to Life, survival and development (Article 6):** The right of the child to life, survival

and development.

- **Expression of opinion (Article 12):** The right of the child to express his or her opinion and to have this taken into consideration.

The rights of a child can be illustrated using a triangle:



CRC Content

- **Definition of the child:** a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.
- **The Rights of the child before birth:**
 - Abortion is only permissible if the mother's life is at risk and is recommended by a medical committee.
 - Mothers should have access to physical and mental care.
 - Vaccinating the mother to protect the child
- **The Rights of the child after birth:**
 - Right to life, survival and development.
 - Right to have access to healthcare.
 - Right to physical development.

- Right to mental development.
- Right to spiritual, moral and social development.
- Right to have a name, family, nationality and birth certificate.
- Right to social welfare.
- Right to an identity; it is the obligation of the State to assist the child in re-establishing identity if this has been illegally withdrawn.



- Right to be protected against abuse, oppression and exploitation.
- Right to be protected from discrimination based on ethnicity, gender, religion and political beliefs.
- Right to freedom of expression on all matters concerning him or her
- Right to have access to information, ideas and culture
- Right to have the basic needs fulfilled

■ **Violence against children:**

- CRC recommends that the child should be protected from all forms of violence both inside and outside the family. This includes:
- Physical punishment taking place inside or outside the family
 - Female circumcision, which is the worst form of violence used against children
 - Rape and sexual harassment
 - Early marriage and its

accompanying violence

- Some harmful traditions, such as tattooing or any other tradition that could lead to physical violence.
- Camel racing; this endangers the lives of children, and could result in death or disability.
- Abduction and separation from the family.

■ **Child exploitation:** The child

has the right to be protected from all hazardous forms of labour and economic exploitation. There are many types of exploitations, but the worst form of economic exploitation is child labour, which includes:

- Paying low wages or nothing at all
- Working for long hours
- Over working
- Hazardous and unhealthy work conditions
- Exploitation of children in



begging

- Exploitation in the drug trade
- Exploitation of children in prostitution
- Exploitation of children in the trade of human organs.
- Exploitation of children by military institutions and armed

movements.

- **Juvenile courts:** Treatment of child accused of infringing the penal law should preserve the child's sense of dignity. Also special procedures should be in place to deal with juveniles in police stations and courts, which includes separating children from adults.

Optional Protocols to the CRC

Two Optional Protocols were added to the CRC, namely:

- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

The two above Optional Protocols were adopted by the General Assembly on 25 May 2000. The first Protocol came into force on 18 January 2002. It prohibits the sale and exploitation of children in prostitution and pornography, and defines all acts that should be criminalized. It binds states parties to protect the rights and interests of victims and rehabilitate them. It also stresses international cooperation in order to protect children from sexual exploitation.

The second Protocol entered into force on 12 February 2002. The Protocol prohibits both the involvement of children in armed conflicts and the enforced military recruitment of children under the age of 18 by governments and armed groups.

BHRM Warns against Politicization of Criminal Cases

On 12 January 2011, the BHRM issued a statement on the developments of the trial of the so called "Network of 23", who are accused of inciting violence. The trial began on 28 October 2010, but was postponed due to the withdrawal of the defence council in December 2010. The Ministry of Justice then assigned a new defence council, but the defendants refused to cooperate, which resulted in the withdrawal of most of the lawyers on 23 December 2010. On 9 January 2011, the Minister of Justice was left with one option, which was to appoint 23 lawyers for the defendants.

The BHRM statement highlighted several facts:

Appointing a defence lawyer and

allowing detainees legal aid is a basic pillar of a fair trial. BHRM stresses that the Bahraini Constitution guarantees the defendant the right to choose a lawyer based on his consent.

The presence of lawyers guarantees the protection of human rights, especially if the defendant is accused of criminal charges.

The first defence council was chosen by the detainees themselves and the withdrawal of the council (regardless of the legality of the withdrawal and its violation of Article 41 of the Advocacy Act) obstructs justice and undermines the legal rights of the defendants. It is the duty of lawyers to continually defend their clients by using all the legal means at their disposal. A defendant is innocent until proven guilty.

The defendants' refusal to cooperate with any assigned defence council member is not an open-end matter. Legal measures should go ahead without any delay, and the detainees' refusal to attend the trial sessions will not benefit them. Finally, the BHRM expressed its deep concern regarding the possible politicization of the case and the unlawful influence on the Court. BHRM is also concerned that the legal institutions might be dragged into political conflicts, and that the defence system may be used as a political tool. BHRM also called upon the lawyers and the Ministry of Justice to find a fair solution, which would protect the rights of the detainees and prevent their prolonged detention without trial.

Welfare and the National Charter

On the tenth anniversary of the National Action Charter, BHRM issued a statement in which it stated that the Charter contains general principles that protect citizens' rights. These include political participation through nominations and elections: "all citizens, men and women, have the right to participate in public affairs and politics, including the right to nominate and elect". The statement added that citizens also have economic and social rights as well as the right to live in dignity without humiliation, oppression and torture. The National Charter protects Bahraini citizens against: arbitrary detention, illegal house search, restriction on the right to freedom of movement, ill-treatment and torture, and restriction on the right to choose a residence.

The statement also added that the National Action Charter put into place the theoretical framework for legislative reforms in the country, and hence reduced tension and opened new horizons for citizens. Citizens were able to participate in three consecutive council and parliamentary elections. Trade Unions, civil society institutions and political parties were established and the margin of freedom grew as a result of the reforms. The statement also stressed the importance of civil society institutions, which the Charter legitimized and encouraged due to their important role in democratic life.

The statement continued to say that the Charter created a human rights atmosphere, which is continually expanding, and has led to the adoption of legal and legislative amendments.

Additionally, the Charter resulted in Bahrain signing international human rights conventions, in order to promote human rights. BHRM also called upon citizens to read the Charter so that they understand their rights. This will reinvigorate civil society institutions and political activism in order to achieve qualitative progress in Bahrain.

Finally, BHRM stressed the need to revive some issues concerning the economic and social rights, which directly affect the welfare of citizens. The Government is obliged to monitor the performance of ministries, especially during economic crisis and inflation. There is a great need for the Government to subsidise basic goods, increase wages and take care of citizens with special needs.