

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



*Bahrain Human Rights Monitor*

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Issue 5 • June 2009

## The Difference between the Criminal and Human Rights Issue

The importance of the link between the criminal issue and the human rights issue stems from the fact that one can be used as a cover for the other. Authoritarian governments, for example, can use the criminal cover to transform a politically motivated case into a criminal one, and on the other hand, politicized human rights organizations can also do the same when attempting to give a purely criminal case a human rights dimension.

One particular case which exposed this dilemma is that of Kazim Jaffar Ibrahim, who had been severely beaten and accused the security forces of being behind the attack. This incident raised tensions in the streets of Bahrain despite the fact that it was later revealed that the victim had lied, and that the attack had nothing to do with the security services. It also revealed some important facts, which should be carefully considered by those working in the human rights field, political societies, clergymen and other civil society organizations among others. One of the most important of these facts is how easy it is to link criminal cases committed by individuals with purely human rights issues. The case in question, which took place in May 2009, revealed that the victim, who is a political activist, had committed an honour related crime and obviously did not want to admit it. Therefore, in an attempt to protect himself, he used the political cover and accused the security services of violating human rights. The security forces can easily be accused and any accusations filed against them are usually quickly believed due to many different reasons, but neither this is the time or the place to discuss them. By doing this, the accused would both acquit himself of the criminal act and gain social prestige as the assault against him was given a political and human rights dimension.

This is not the first or the last time a political or rights activist attempts to transform criminal offences they have committed into political or human rights issues, for this is an ideal way to cover up any acts which are not acceptable legally, religiously or traditionally. Of course, some human rights organizations can make unintentional mistakes, either due to premature judgments (as with the case of Jaffar Ibrahim or two previous similar cases) or due to the assumption that the security forces always tend to make mistakes, are enemies of the reform process and are the usual perpetrators of human rights violations. This assumption surely lacks precision and wisdom as it assumes that anything said against the security services is necessarily correct.

The danger of reactions to such cases is that some of them do not fall within the frame of unintentional error, for there was a deliberate politicization of the subject even after the truth was revealed. It is unfortunate that one of the local human rights organizations described Ibrahim as a 'human rights defender' and encouraged some international human rights organizations to issue hasty statements which undermined their own credibility.

There are many issues which concern human rights defenders in Bahrain and the case of Ibrahim is certainly not one of them. There are obvious human rights issues which need to be addressed, monitored and followed-up on the ground and we all do not need to fabricate cases that damage our credibility.

**Hasan Moosa Shafaei**

**President - Bahrain Human Rights Monitor**

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### Bahrain Human Rights Society: No to Premature Accusations

Mr. Salman Kamal Al Deen, a member of the Bahrain Human Rights Society has criticized the spreading of false allegations and passing them on to international human rights organizations. Salman was commenting on the alleged torture claim made by Bahraini citizen Jaffar Kazim Ibrahim against members of the security forces which was later revealed to be a purely 'honour' related case. Mr. Kamal Al Deen stressed the importance of

avoiding hasty judgments and the need to verify any information before disseminating them abroad. He also affirmed that filing accusations without verification



Mr. Kamal Al Deen

undermine the credibility of those behind them, and affect human rights activists and 'place us in an embarrassing position before international human rights organizations and citizens'.

On the other hand, Dr. Abdullah Al Drazi, the Secretary-General of Bahrain Human Rights Society, commented on the issue by saying that international organizations have their own sources of information and they have been working in Bahrain for years and know exactly what is happening on the ground. He believed that communicating with international human rights organization is not a shameful act and does not constitute information leakage, but is about (taking position). He added that 'we are not leaking information but working publicly and anything we say inside Bahrain we say it abroad during conferences. We are hiding nothing'. Al Drazi continued by saying that 'as a Society we always make sure that we have all the accurate details before issuing any statement or adopting a position considering that international organizations depend on our statements and information ... I have visited Ibrahim

in the hospital and we did not issue any statement or make any press comments as we did not want to make any hasty decisions or accusations given the uncertainty surrounding the incident'.

### Security Forces Ban Seminar on Political Naturalization

On 16 May 2009, the security forces prohibited the Muharaq branch of 'Waad' Society from holding a seminar entitled 'Combating Political Naturalization' planned for by a coalition of six political societies. Official sources said that the reason for the ban was that the organizers had failed to inform the authorities and failed to obtain permission. The authorities had then contacted the Society two days before the scheduled date for the seminar, asking them to obtain permission but they refused. The justification for the ban was also that the number of participants exceeded the capacity of the Society's headquarters, with the possibility of overflowing to the surrounding streets which necessitated informing the security services. However, Waad refused the Government's demand, found it legally unjustifiable and regarded it as a restriction on public freedoms. The six societies issued a statement condemning the Government and regarding the ban as an assault on freedom of expression. They announced that they will continue with their activities in confronting what they called 'political naturalization'.

### Human Rights Delegation Visits the Women's Prison

On 9 May 2009, a delegation consisted of 10 human rights activists, including the Secretary-General of the Bahrain Human Rights Society, Abdullah Al Drazi, visited the Inmates Correction and Rehabilitation Centre in Esa City. The delegation included doctors, lawyers, psychiatrists and social workers. According to the Secretary-General the visit was permitted by the Ministry of Interior after being delayed for three years. The permission was granted

after a meeting between Drazi and the Minister of Interior a few weeks ago followed by another meeting between two working teams from the Society and Ministry.

The delegation met with 20 out of 58 inmates and filled out three forms, one regarding the conditions of the inmates, the second regarding the places of housing and rehabilitation and the third regarding prison officials and their views. Al Drazi stressed that the Society will continue monitoring the situation and preparing the report according to international standards. He expected



the report to be completed within one month and then will be forwarded to the Minister of Interior. Drazi said: 'we have reached an agreement with the Minister that he will be provided with the report as he wishes to improve prison conditions so that Bahrain can be at the same level as other countries whose prisons are in line with international standards'. Drazi hoped that the Ministry will adopt the report's recommendations and address the shortcomings it will highlight. He also affirmed that the team was allowed unfettered access to inspect the wards and was provided with all the required facilitation. He also hoped that Bahrain would adopt the optional protocols of the Convention against Torture with regards to freedom of movement to visit the prisons.

### International Labour Day March

On the 1st of May the General Federation of Bahrain Trade Unions (GFBTU) organized a March in which many trade unions and political societies participated. Participants carried red banners with slogans demanding dignified living conditions, improving work conditions, more trade union

freedoms and called for uncovering the circumstances behind the bankruptcy of the Pension and Social Insurance Department. Five MPs from alwafaq block were among the demonstrators and its President MP Khaleel Al Morzooq affirmed that the legislative authority was very concerned about labour issues and that the legislature has endorsed many important files such as the Civil Labour Act, the affirmation of the right to strike, and ensured the rights of working women. In addition, the legislative authority has rejected trade union pluralism which leads to the fragmentation of trade union action.

At the end of the march the demonstrators called for the ratification of international labour standards, fair wages and supported the Conventions of 1987 and 1998. They demanded that a minimum wage policy be implemented and giving employees reimbursement for housing and expenses similar to highly skilled foreign workers. The participants rejected any form of discrimination in employment on the basis of gender, race, origin, colour, sect, religion and political affiliation.

### **Bahrain a Member in the International Network of Human Rights Films**

Bahrain has officially joined the Human Rights Film Network. Andrea Cohen, the President of the Network, said that Bahrain ranked first in the Middle East and 25 worldwide. Cohen has recently participated in the Bahrain International Human Rights Film Festival. She praised official and private efforts which contributed to the success of the event, adding that the festival has a unique dimension and values.

### **Jood: Dialogue on Violence and Human Rights Culture is the Solution**

The President of the National Constitutional Assembly, Abdulrahman Al Bakr, explained that 'containing violence will only be achieved by

promoting human rights, creating an anti-violence movement, playing an active role in confronting poverty as well as religious enlightenment in the face of the religious ideas of intolerance and hatred by confronting extremism and dissemination of thought and values of tolerance. In addition to make room for young people to have a role in political participation and volunteerism. This will contribute to creating open and active political and civil elites in the future.

Al Bakr has called for putting the issue of violence on the national dialogue table as well as the 'establishment of a political and civil dialogue on the violence phenomena in order to determine the causes, solutions and preventative measures to achieve the national ambitions of social justice, economic development and political stability'.

### **Federation of Trade Unions Organizes Seminar on the Impact of the Financial Crises**

On 23-24 May 2009, a conference was held in Bahrain to discuss impacts of the current financial crisis and its repercussions on employment in Bahrain and the GCC. The conference was organized by the General Federation of Bahrain Trade Unions in cooperation with the International Labour Organization (ILO) and the trade unions of Norway.

A memorandum by the ILO issued last April with regards to the impact of the economic and financial crisis on Arab Countries. The memorandum stated that the insurance system against employment implemented by Bahrain ensures protection against unemployment and redundancy and guarantees workers' return to their work. This is achieved through connecting financial support to participation in training courses, obtaining professional advice and matching skills with the appropriate work through the job centers. This is in case of an increase in the percentage of terminated contracts in the future as a result of the financial crisis. The report also added that Bahrain is the only Arab country which provides

unemployment insurance to support the income of the unemployed including those seeking jobs for the first time. The plan also includes facilitating their return to productive jobs. (Al Wasat, 23 May 2009).

### **Assistant Undersecretary: Constant Efforts to Combat Human Trafficking**

Assistant Undersecretary for coordination and Follow-up at the Ministry of Foreign Affairs and the Chairman of the National Committee to Combat Trafficking in Persons, Sheikh Abdulaziz bin Mubarak Al Khalifa, said that the problem of slavery is a global problem requiring collective efforts to stop smuggling workers from poor countries, the trafficking of women for sexual purposes, smuggling children and exploiting illegitimate workers. His statement came on 13 May 2009, in a speech by him during a debate in the UN General Assembly regarding slavery. With regards to Bahrain, he said that the problem revolves around the 'exploitation of foreign workers' and that different methods have been adopted by the Government to tackle the problem such as reducing the demand for foreign workers, investigating any violations, punishing violators of the law, helping victims and cooperating with foreign countries who provide workers in order to protect them from the danger of exploitation. He added that the Government had passed legislation in January 2008 in which it criminalized slavery and established a National Committee from civil and non-civil organizations for the same purpose. The Committee aims to provide victims with a safe place, to spread awareness among the public of the danger, to organize conferences, conduct workshops and training and to set up programs for judges and state officials for this purpose. He also pointed to the Government's abolition of the sponsor system as an advanced step in this area and to the importance of cooperation with foreign embassies, civil society organizations and businessmen in order to eradicate the slavery phenomena.

## Human Rights Organizations Make Serious Errors

The case of Ibrahim Jaffar alerted us – human rights defenders - to a number of issues which we should draw lessons from. The case has revealed that there are those among us who are willing to accept any fabricated story provided that it is presented in a political, humanitarian or human rights context. This means that both the public and the educated elite can become victims of deception, and could be extended to even credible international human rights organizations which usually have in place well established procedures to verify information so that they do not adopt any position based on inaccurate information.

This rush in believing any information is not only a reflection of political naivety or ignorance, but is a sign of lack of confidence in Government apparatuses and their views, despite the fact that many politicians are talking about the need to strengthen confidence between the Government, on the one hand, and the political societies and human rights organizations, on the other. However, the recent incident in which Jaffar Ibrahim was assaulted, and his false accusation that the Government was behind the attack, indicates that this lack of trust still exists. This explains the swift reaction in believing any fabricated story and forming actions and political positions capable of flaring up tensions and riots to the streets.

Four reasons have led human rights activists to be entrapped in this erroneous position:

**Firstly:** Relying on a single source of information.

Jaffar Ibrahim had falsely accused the Government of being behind the attack but was actually trying to clear himself from what was considered a more serious offence (at least from the

point of view of accepted moral and social norms). This was an opportunity for some to spread the news without awaiting any investigation or allowing time to verify the information from other sources. Also, international human rights organizations were under pressure to issue statements regarding the incident without making any inquiries and relying solely on a single source of information. This is contrary to their common practice, but unfortunately they even failed to obtain the official viewpoint. The Bahrain Human Rights Monitor has advised both national and international human rights organizations on the need to depend on more than one source of information, so that they do not fall prey to any politically motivated and fabricated news.

**Secondly:** The delay in the Government response to queries from human rights organizations regarding specific incidents, or failing to reply altogether leaves these organizations with no option but to publish letters of condemnation relying on the available information. By failing to respond to questions, the Government has greatly contributed to the distortion of its own image abroad.

**Thirdly:** The rush in making judgments and taking sides.

There is no doubt that issuing statements denouncing the heinous and serious violations of human rights is at the core of the work of human rights organizations. Any reluctance to do so would be wrong but so is jumping to conclusions by not verifying the information they receive.

The Security Services in Bahrain are by no means immune from making mistakes and should always be under constant monitoring by the media as well as by national and international civil society organizations. This is to

detect any mistakes or violations, deliberate or accidental, in order to point them out and attempt to change them, which is not only an acceptable practice but a desirable one as well. There will always be mistakes in the future as it is human nature and regardless of the size of efforts made. This however does not justify slander, especially if based on false information published in haste, or adopting an extreme stance in accordance with such basis.

It is true that international human rights organizations do support human rights activists in their positions and statements. However, such positions will later become a burden on those activists and a distortion of their work if published in haste. The publication of hasty statements based on misinformation would support those politicized activists and encourage

### Human Rights Organizations should not Repeat the Same Mistakes.

them to continue in their wrong path.

**Finally:** Obscuration, non-admission, non-disclosure and failure to recognize past mistakes.

As it is the objective of local human rights organizations to uncover the mistakes of the Government when human rights are violated, these organizations require consistent revision of their tools and methods to avoid repeating the same mistakes again. And because the case of Ibrahim Jafaar is the third of its kind, and that the previous incidents were totally ignored that there is now a need for a greater degree of transparency and self integrity, in addition to acquiring the ethics of respecting our differences and discussing this issue publicly with the purpose of drawing attention to it and preventing its reoccurrence.

## First and Foremost for the Sake of Human Rights: Defending ourselves and not the Government

**Hasan Moosa Shafaei**

It is for the benefit of human rights organizations and the rights of the individual in Bahrain to deal with the human rights issue away from politics, exaggeration, political intrigue and fabricated and false news.

Why do we call for moving away from political alignment? Why do we always urge for adopting a balanced and rational approach and focusing on the human rights dimensions, without being bogged down in battles which could even dismantle human rights organizations? Why has the issue of Jaffar Ibrahim opened the file again, and caught human rights activists off guard (and we are among them) surrounded by accusation and questioning?

To take a strong stand against the errors made by human rights activists does not mean being aligned with the Government, and does not mean the defence of the mistakes committed or may be committed in the future, but is basically in defence of the truth and in defence of society's rights and values that human rights organizations themselves were established to defend.

Is it fair to mislead society with this false and fabricated case initially? Or is it good for society to live in fear of a return to street riots on the basis of information and accusations coming from a person who was himself accused? Or have Bahraini human rights organizations served the human rights cause of their citizens when they attributed the assault incident to the innocent and incited the public against the security services? And how can one human rights organisation stand against human rights violations in its homeland, and at the same time violate the human rights of others?

But what is the desired aim behind distorting the image of the Government based on misleading information? Is there any benefit for the people of Bahrain that their human rights organizations lose

their credibility before them and before international organizations?

If someone claimed that nothing has changed in Bahrain in areas of reform, and another claimed that human rights violations still exist on a large scale in the country, and we knew in advance that this was not true, then where would those like to take us? Will they lead us to anything other than frustration and violence?

Is this the best way to push for gradual reforms and develop human rights in Bahrain?

The acceptance of unfair accusations against either the Government or individuals is unfair and is a frustration to human rights activists. It also closes the doors of development and reform, and turns the issue of human rights into a merely political tool that has nothing to do with the development of human rights.

The issue is not related to the Government, but is related to the human rights organisations themselves. They must maintain ethics of the profession to a larger degree and adhere to the standards of justice in dealing with human rights issues. Therefore, the public dissemination of inaccurate and misleading information regardless of who the accused are and the concealment of correct information, regardless of who the beneficiaries are, does not benefit the human rights project in Bahrain.

Assuming that some Bahraini human rights organizations consider the Government as an opponent, it is in line with honesty with oneself and respect for justice to be fair with the opponent, instead of hiding their merits and highlighting all their vices and wrongdoings (whether true or false).

Bahrain has changed, even if some of us do not recognize this fact. We may differ in assessing the magnitude of this change in the fields of human rights, politics and others. As long as the majority of people want reform and encourage



*Hasan Moosa Shafaei*

it, let us therefore respect the current realities and build on them for a better future. If the Government kills, detains and tortures at the slightest accusation, and prisons were filled with prisoners without justification, perhaps some may find excuse to disseminate misleading rumours. But otherwise, when there is not one political prisoner or prisoner of conscience, and with the existence of a political process despite its shortcomings, and with the Government insisting on continuing what they see as a reform project; as long as this is the case, it is wrong to mislead ourselves and consider the current situation a continuation of the pre-reform era.

Living in the past prevents one from recognising changes in the present, and can therefore easily compromise what has been achieved so far.

Anyone can concentrate on Government errors in various fields, and there are dozens of specialized civil society organizations able to do so. But let us distance ourselves from exaggerated and fabricated news. Let us distance ourselves from the politicization of otherwise 'normal' events and from portraying positive aspects as negative ones. In a nutshell this is not in the interest of human rights organizations, and not in the interest of human rights in Bahrain.

**Deputy President of Bahrain Transparency Society, Yousef Zainol Abideen Zainal:**

### **We are facing a Difficult Task to Eradicate Corruption**

The Bahrain Human Rights Monitor (BHRM) met with Mr. Yousef Zainol Abdeen Zainal, former MP and Deputy President for Bahrain Transparency Society (BTS), in which he spoke of his Society, explained the obstacles that it faces and its achievements as well as its relationship with similar civil society organizations. The interview was lengthy yet illuminating:

**To what extent has the Bahrain Transparency Society achieved its stated objectives after more than seven years since its launch?**

No organization, regardless of its capabilities and facilities can achieve all its objectives, even after decades of operation. As for the Bahrain Transparency Society (BTS), it is laying the foundations for unprecedented work to curtail corruption and cronyism, and to promote transparency and integrity in the State and society, although it is a difficult task. However, one can say that our Society with its limited staff members operating in tough conditions has achieved some of its goals. The most important achieved goal was monitoring the 2006 general elections in the Kingdom of Bahrain, followed by the publication of a full report of the session. This as well as overseeing dozens of elections of civil and political societies, associations and trade unions over the past seven years, whilst preserving its integrity and impartiality.

As for drafting of legislation, the Society both proposed legislation and expressed an opinion with regards to draft laws curtailing corruption. BTS, whilst consolidating transparency and integrity, it works at all times with other like concerned people in the legislature and in the community of Bahrain to ratify the International Convention against Corruption. At the level of monitoring the

Government, we participated with the Council of Representatives in the State budget workshop for the years 2009 – 2010. We have also presented our future vision to the Finance Committee of the Council of Representatives. In the area of awareness raising we have organized several workshops and seminars for training and spreading awareness of the danger of corruption for the public, private sectors as well as the community.

Our Society ranks highly amongst Arab organizations and networks in the fields of transparency and elections' monitoring. It has participated in numerous forums, as well as being a participating member in Transparency International.

Despite this, we have many tasks that remain un-accomplished which can only be achieved once our country undergoes a complete eradication of corruption, nepotism and favoritism, whilst simultaneously consolidating transparency which would strengthen the state of justice and the rule of law.

**What are the obstacles that hinder the work of the Society?**

The Society deals with sensitive issues in the State, the private sector and the community such as the issue of corruption, nepotism and cronyism, which serve the interests of influential institutions and figures at a time when the culture of self-interest and abuse of public funds dominates public life. The Society was left exposed to possible prosecution as was the case with journalists who bypassed so called 'red lines' in the absence of legislations that protect civil society institutions. Access to information is common to democratic regimes, and whilst operating under a weak legislative authority, we are going nowhere.

In addition, the reluctance of competent talents to volunteer with the



***Yousef Zainol Abideen Zainal***

Society, which is a common complaint amongst specialized societies, puts a burden on the Board of Directors and deprives us of much needed potential. This is in addition to the reluctance of the State and private sector to finance projects, limiting our abilities and ambitions.

**How do you evaluate the impact of political reform in the detection and combat of corruption?**

There is no doubt that reforms have positive effects on the political climate in the country and on the state and civil society organizations that deal with the issues of corruption and cronyism. The licensing of the Bahrain Transparency Society is one of these effects which have led to a boom in the formation of civil society organizations, political, civil and specialist, and to the expansion of freedoms. On the other hand there was the creation of the Office of Financial Supervision [Audit office] and the publication of its annual report to provide us with tools to help detect corruption and its sources in the state whether directly or indirectly. There is also the boom in the field of the press, as now you will find newspapers catering for every taste and operating within a wide margin of freedom, which

helps reveal many cases of corruption, whilst providing all with information that would otherwise be withheld. In addition and despite the limited powers available to the Council of Representatives, the Council was able to deal with a number of corruption cases in the first and second legislative sessions.

Notwithstanding the existence of laws regulating clubs and associations, the Penal Code, the Press Law and others, as long as there is an absence of legislation to combat corruption and allow freedom of information, this will continue to present obstacles in the uncovering of corruption and those behind it. All this would also curb the activities of whistle blowers but regardless, the forces of reform should stand firm against the forces of corruption.

**Corruption exists all over the world. What are the tools for detecting and combating corruption at both public and official levels?**

It is true that corruption is a worldwide phenomenon which exists in all countries, even the most democratic ones with the strongest regulatory tradition of transparency. The latest example being what happened in the United Kingdom and for which the Prime minister Gordon Brown had recently apologized as this scandal involved both the ruling Labour Party and the opposition party (the Conservatives).

The difference, however, is that in truly democratic countries, there are legislations, institutions and mechanisms which control and combat corruption and favoritism. This helps consolidate transparency and integrity, not only in the State apparatus, but also in private institutions and global corporations, as well as political parties and civil society organizations, religious institutions and charities. In the event that corruption, abuse of authority, nepotism or favoritism is uncovered, the perpetrators are punished, even if this happens to be the head of the state, as for example the former U.S. President Nixon.

We in the Kingdom Of Bahrain need to closely examine the experiences of countries that have moved from being corrupt authoritarian systems to transparent and democratic ones, for example Malaysia a neighboring Islamic state. We need legislations and regulatory institutions as well as a genuinely independent and impartial judiciary with a strong legislative authority which represents the interests of society effectively, and an executive authority serving the best interest of people and homeland, coupled with a strong and effective civil society institutions, as well as a fully responsible private sector.

In short, we need a lot more in order to be satisfied and content with our situation.

**Is there a relationship between the culture of the society and the definition of corruption on the one hand and the degree of its seriousness, on the other?**

Yes, there is a relationship between the culture of society and the phenomenon of corruption and lack of transparency, nepotism and favoritism, and despite the fact that our Islamic religion and culture of the pre-oil society favored integrity and rejected injustice, favoritism and corruption, but the values created by a rentier state, based on the use of oil revenues, abuse of state land, licensing companies and donations of all kinds has created a culture of expediency to justify corruption, nepotism and cronyism in the absence of transparency and integrity. This prevailing concept allows for the abuse of public funds and public office which has also spread to the private sector where corruption abounds and has left negative repercussions on society and its institutions. It has also reversed traditionally recognized values in that honest and honorable members of society have become rare.

**Is there coordination between your society and similar ones in other**

**countries, particularly Transparency International, and how can these organizations be of benefit in the current situation?**

Yes, there is coordination between our society and similar Gulf and Arab societies and international ones. We are also members of Transparency International and a number of its subsidiary organizations.

In the Gulf region we are living in similar situations produced by the rentier state and with the exception of Bahrain and Kuwait there are no transparency organizations in the Gulf. These two societies along with the Omani Economic Society are working for the establishment of a strong base to combat corruption and to promote transparency and integrity, while in the Arab region there are societies in some countries but not in others. But we all face similar situations, in terms of difficulties as corruption is now taken for granted in economic and political institutions, politics, money and position. There is a network comprised of a number of associations of transparency in the Arab countries, members of the Transparency International working to cooperate and exchange experiences and holding conferences and seminars. Bahrain has hosted an important workshop aimed at publicizing the international directory of integrity and its important contribution to knowledge in diagnosing corruption that is unique to the Arab region.

Whilst we have participant status at present we aim for full membership which will allow us to gain from the experience of Transparency International and its subsidiary organizations, whether through training or knowledge, and to exchange experiences.

We have also participated in the Third International Conference to combat corruption which was organized by Transparency International in Athens in November 2008 and we received many delegations from the Organization who provided manpower support in the monitoring of the 2006 General Elections.

## Judgment Upheld on First Human Trafficking Case in Bahrain

On 26 April 2009, the Supreme Court of Appeal upheld the verdict against a foreign woman accused of human trafficking related crimes. The woman was sentenced to three years and six months imprisonment, fined five thousand Dinars and deported from the country. Charges against the woman included hosting a number of Asian women in her home, withholding their passports and forced them into prostitution to derive financial profit.

## King of Bahrain confirms: prisons are free of Prisoners of Conscience

In a speech marking the International Day for Freedom of the Press on 3 May 2009, the King of Bahrain regarded freedom of press as a very important part of his political reform project. His Highness said that the freedom enjoyed by Bahrain's press is proof of Bahrain's openness and its protection of fundamental freedoms including freedom of expression. He affirmed that Bahrain's prisons are free from any detainees in relation to freedom of expression and conscience.



The King expressed his pride at Bahrain's compliance with international human rights conventions and legislations. He said that his country's press has achieved a notable accomplishment and that both the legislative and executive authorities are doing their utmost to safeguard and protect freedom of press and provide both the press and journalists with more freedom within the framework of the law as well as organizing the executive procedures which regulate the performance of press work.

The King also promised to work towards developing the media scene and completing the necessary tools for that in accordance with the standards of the profession and society's culture. He also called for the rejection of division and the adoption of a culture of openness and sharing with others, as well as launching social and governmental initiatives in order to promote the role of the press in the protection of social unity and civil peace. Additionally, the King called for the development

of a 'civil media' concept which nurtures the appropriate national feeling and supports the spirit of national responsibility.

On the other hand, the Ministry of Culture and Information celebrated, on 3 May 2009, the International Day for the Freedom of the Press. The Minister, Dr. Mai Al Khalifa, said that part of the Ministry's concern is to strengthen partnership with local and international media and press institutions, which would contribute to raising the standard of media work and standards of professionalism and responsible freedom. On the same occasion, the Minister launched the 'Bahrain Initiative for Civil Media' and announced the introduction of the new 'Bahrain Award for Freedom of Press' which will start from next year 2010. The Award, estimated at 100 thousand Dollars, will be allocated for distinguished Bahraini journalists.

## Launch of Website for Comprehensive Human Rights Review

On 26 April 2009, a website was launched for the Comprehensive Periodic Review of human rights in Bahrain, in both Arabic and English. The website aims to prepare a database on human rights, develop a human rights culture through information dissemination, promotion and development of human rights. The launch



was under the auspices of Dr. Nazar Al Baharna, Minister of State for Foreign Affairs, and in full cooperation with state and human rights bodies.

The website is the first of its kind worldwide and provides information in different fields including women and child rights, freedom of expression, freedom of assembly and fundamental freedoms. It also includes a discussion forum where visitors are able to participate with their opinions and suggestions. The United Nations Representative in Bahrain

Mr. Al Aga said during the occasion that Bahrain has accomplished real steps towards the implementation of a number its obligations he mentioned during the Comprehensive Review. He added that Bahrain is an example to other countries in the region on how to deal with the Review requirements.

## Freedom House Ranks Bahrain 156 in the Freedom of the Press

In its annual report issued on 1st May, the Freedom House organization included Bahrain in its list of 'not-free' countries, i.e. countries lack freedom of press. According to its own indicators, the organization has ranked Bahrain 156 in freedom of press, jointly with the Sultanate of Oman. The report featured 195 countries worldwide. The list of 'not-free'



countries, totaling 64 countries, includes Libya, Algeria, Jordan, Tunisia, Iran, Yemen and Saudi Arabia. The list of 'not-free' countries represents 33%, 'partly-free' countries represents 31%, while 'free' countries represents 36%

## Press Law Delayed

The Government, represented by the Ministry of Information, presented amendments to the Press and Publication law a few months ago. At the same time the appointed Consultative Council suggested other amendments for the Parliament to look at before the law is finally ratified.

There is an agreement among elected MPs and the executive authority on the need for a modern law which expands the margin of freedom and lifts restrictions on journalists. Also there is an agreement between MPs that the Consultative Council's suggestions are closer to achieving these freedoms than governmental amendments. A third opinion sees the necessity of combining the two projects, but until now the Parliament has not ended its discussion in this regard due to the accumulation of its work. The delay has caused a media outcry.

There are almost 13 articles of the law



awaiting deletion as they are regarded as unfair and obstructive to the journalistic activities including articles related to sanctions imposed on journalists. MPs are of the view of referring press offenses to civil courts rather than criminal courts.

Media people and representatives expressed their opinion about the law to MPs. In addition to their objection to sanctions they welcomed the Consultative Council's draft as the basis for the expected amendments and saw it closer to their views and aspirations. They also called for the amendment of Article 4, which relates to granting licenses, and that there should be a clear list of prohibitions instead of leaving decisions to the judgment or mood of the officials. They also criticized the strict licensing procedures and described them as unjustifiable, particularly those related to the publication of a daily newspaper. With regard to the organization of electronic journalism, the Ministry of Culture and Information believe it should have the authority to issue regulatory resolutions, while MPs and journalists believe that the decision to block internet sites should be in the hands of the court

## President of Human Rights Council Visits Bahrain

On 18 May 2009, the President of the Human Rights Council, Mr. Martin Ihoeghian, visited Bahrain and was met by the Prime Minister, Sheikh Khalifa bin Salman Al Khalifa, who affirmed Bahrain's great determination to protect and safeguard human rights. He also met with the Minister of State for Foreign Affairs. Mr. Ihoeghian praised the remarkable developments in the human rights situations in Bahrain, and said that 'it is distinguished, clear and precise' adding that Bahrain is enjoying an open atmosphere and praised the strong relationship between the Council and Manama.

## Workshop on Health and Human Rights

On 12 May 2009, the Ministry of Foreign Affairs, with the cooperation of the World Health Organization (WHO) and the Regional Office of UNDP, organized a workshop on human rights and health in Manama, Bahrain. During the workshop, the Minister of State for Foreign Affairs, Dr. Nazar Al Baharna, stressed Bahrain's tireless pursuit towards the implementation of all its commitments in the periodic comprehensive review for human rights.

On the other hand, the Minister of Health, Dr.

Faisal bin Yaqoob al Hamar, said that human rights in health care can only be achieved in a clean environment which is free from any dangerous sources of pollution. He emphasized the importance of the adoption of health policies in order to achieve the minimum of those rights including the right of every citizen to have access to the service of advanced and safe medical care.

## Interior Minister: We are Unfairly Accused

In his comments on the accusations that were filed against the Ministry of Interior with regards to the case of Jaffar Kazim Ibrahim, the Minister, Sheikh Rashid bin Abdulla Al Khalifa, said that 'the unfair accusations of the security services...is an assault on the country's image and does harm to all citizens'. He added that 'the responsible word is the one that is mindful of the truth and should aim to uncover it, for confusing the public and spreading falsehood cannot last for long'. The Minister is of the opinion that 'leaking information regarding the incident to some international human rights organizations is a fruitless and inadequate strategy and does not correspond with the spirit of this time'.

He also added that after the truth was unveiled 'we hope for a positive role on the part of whoever supports and defends the truth'. The Minister regarded the incident as "an opportunity for building trust and creating an atmosphere of tranquility", hoping that the day would come where 'we see the citizen defending security men instead of accusing them. And whoever had the courage to demand citizens' rights, believing that they had been unjustly treated, should have more courage after the truth was uncovered to treat the security services fairly, for we are citizens that were unfairly accused'.

## Positive Development: Bahrain Abolish Sponsor System

The Bahraini Minister of Labour, Dr. Majeed Al Alawi, has announced that starting from 01 August 2009, the Labour Market Regulatory Authority and not employers will be in charge of foreign workers' sponsor visas, where they are able to apply to the authorities to change their employers. According to the Ministry of Labour, this will have positive outcomes on the local and foreign workforce including a rise in salaries and the eradication of the so-called 'disorganized workforce' phenomena. The guarantor system

was previously described by the Labour Minister as 'not differing from slavery'.

This change is the first of its kind in the Gulf area, was well received and gained strong support from several parties. On 13 May 2009, Human Rights Watch (HRW) praised this step, believing that it will significantly improve the situation of migrant workers and limit their exploitation. HRW also felt the need of including housemaids in the law as they are in particular need of care. Nisha Variya, deputy of the women's section at HRW said that Bahrain deserves to be strongly applauded as it is the first country to move towards such reforms and said that other countries should follow in its example, for although most governments in the area admit that the current guarantor system allows for the abuse of foreign workers, but they have so far failed to take any positive steps.

On 12 May 2009, the Director-General of the Arab Labour Organization, Dr. Ahmad Loqman praised Bahrain's decision to abolish the sponsor system and expressed his hope that other Arab countries would follow suit. He described the decision as "courageous and comes with a package of measures for the Kingdom of Bahrain to reform the labour market and the influx of foreign workers and it reflects the spirit of social justice and humanity"

At the same time, the British Foreign Office spokesman congratulated Bahrain for issuing the new work law and regarded it as 'a first brave step', hoping that other countries would follow shortly, while the Arab Organization for Human Rights commented on the decision and described it as 'positive and significant'. There was also an abundance of articles in newspapers in Gulf States supporting the Bahraini law. Also the president of the Assembly of Human Rights in Kuwait, Mr. Adil Aldumkhi, praised Bahrain's decision stressing that it is a courageous decision and represents a victory for human rights as well as being a step in the right direction. He added that "as we appreciate this step, we also call upon the decision makers in the state of Kuwait to follow the example of Bahrain...in order to give our support to human rights and protect the image of Kuwait in the international arena." (Al Wasat, 19 May 2009).

Yet the decision has placed other Gulf States in a difficult position, for like Bahrain they are under immense pressure from merchants and businessmen who feel that their interests will clash with this new law. Bahrain Chamber of Commerce and Industry saw that the decision will harm investors and their projects and demanded its cancellation. Bahrain Contractors' Association joined the ranks of those opposing the decision, stressing in a public statement "this hasty decision is a flagrant violation of the stability of the labour market, the condition of contractors and employers".

## What Future for the Freedom of the Press in Bahrain?

The Kingdom of Bahrain has witnessed in recent times a great dynamism with respect to the work of the media in general and freedom of the press in particular. This dynamism is clear at the state level and its relevant authorities and at the informal level represented by the trade unions, civil society and human rights organizations. The issue has also gained attention at the regional and international levels as we shall see later.

With the advent of the third of May 2009, Bahrain staged events and celebrations to mark the World Press Freedom Day. The occasion was a real opportunity to find out where Bahrain stands in the area of press freedom and what the future holds for freedom of the press in light of the volatile situation internally and globally.

At the official level, the King of Bahrain, in a remarkable speech marking the World Press Freedom Day on 3 May 2009, considered freedom of press as of great importance in the reform project. The King also stressed his belief in freedom of opinion and expression and their preservation. He renewed the affirmation that the comprehensive reform project has placed freedom of the press at the top of its agenda as one of the pillars of development, dialogue and advancement. On the other hand, the Ministry of Culture and Information organized a ceremony on 3 May, to mark the World Press Freedom Day. During the event the Ministry launched the 'Bahrain Initiative for Civil Media' and announced the introduction of a new prize called the 'Bahrain Award for Freedom of Press' which will start from next year 2010. The Award will be allocated for distinguished Bahraini journalists.

With the political support from the highest political level, does this mean that the press in Bahrain enjoys the utmost freedoms, and that there are no obstacles or challenges affect such freedoms?

The question of freedom of the

press in Bahrain has been covered in a number of reports at regional and international levels. The issue has also been dealt with locally. At the local level, observers noted that the current press law is clearly full of defects and disadvantages in that it provides for criminal sanctions against journalists. The licensing procedures are not flexible in terms of granting permit to issue daily newspapers. The authority that entitled to ban and block web sites in the internet remains unclear in relation to electronic newspapers. This power is being exercised by the Ministry of Culture and Information but it

has been opposed by journalists and many MPs. Observers were unanimous in that more than ten articles of the current Press Law need to be deleted and not only amended because they are flawed and they detract from the freedom of the press. Observers also noted the slow

pace of the legislative process in handling the amendments to the Press and Publication Law to the extent that suggestions made by the government several months ago are still at a standstill.

On the other hand, on 4 May 2009, the Journalists' Syndicate (under formation) stated in Albilad newspaper that "freedom of expression, which was nurtured by the promising beginnings at the start of the reform project, has been eroded by the executive and the legislators as well. Some people look at the freedom of expression as a burden and not as an inalienable constitutional right."

According to the newspaper, the Syndicate issued a statement on the occasion of the World Press Freedom Day in which it drew the attention to the "long fruitless debate over the

Press, Printing and Publishing Law. The Law remains in force in its original version, which makes journalists look with deep concern to the slowdown in the adoption of a law that responds to all comments made since the passing of existing law in 2002". The Syndicate pointed out that "the amendments made from time to time to the law respond to some of the remarks, but add new restrictions on the other hand". The Syndicate stressed that "freedom of the press and freedom of expression is not a luxury or a passing by value that can be deferred in times or adapted in other times in accordance with the wishes of



some people. It is an inalienable right and an indispensable instrument for a pluralistic and healthy society. It is also a means to consolidate social peace".

Globally, on 01 May 2009, Freedom House Organization issued its annual report for 2009, in which it has classified Bahrain in the list of countries (not-free) and lack press freedom. Bahrain has been ranked 156 out of 195 in the level of press freedom in the world.

There are other important developments. The Kingdom of Bahrain was ranked fifth in the freedom of the press according to the international index of Reporters sans Frontiers (RSF) for 2008, and was ranked the sixth in the annual report of the Amman Center for Human Rights on the situation of press freedoms in the Arab countries in 2008.

The regional and international

emphasis on freedom of the press is indicative of the place of the press and the role it plays in the development of concepts of democracy, transparency, accountability and non-impunity. Since the report of Freedom House has been featured in this Newsletter, there is no need to elaborate on it here. The focus will be on the report of the Amman Center for Human Rights Studies.

The report was comprehensive and provides succinct overview for many factors including the focus of the Center on press freedoms in the Arab countries only, which means the concentration of the study. The report was also unique in its approach to the freedoms of the press in 18 Arab countries and the diversity of the group of researchers of the report, 12 people.

The report pointed out that Bahrain is one of eight Arab countries where negative laws are used in practice with a strong desire to restrict and control the media and the press freedoms. The report also indicated that 3 reporters in Bahrain have been under preventive detention in 2008 in cases related to printing and publication. In this regard, the report pointed to the trial of two journalists in civil courts for crimes of publications and printing under the Press Law. Human rights organizations, Journalists' Syndicate and legislators are working to change this situation. In this regard, the report pointed out that laws in Bahrain, as in all Arab countries, provide for the right of the press in criticizing the work of public servants provided that the truthfulness

of the incident is proved and that the press acts in good faith. Furthermore, the report mentioned that the laws in Bahrain, as in all Arab countries, provide for the right to appeal to a higher judicial authority against decisions related to publication offenses.

Although laws in Bahrain provide for the right of the press access to information, but in practice the press access to information is weak, according to the report. On the other hand, the report pointed to the existence of ethics code for journalists in Bahrain, but in practice is very weak, like other Arab countries.

The interest in building capacity and training of journalists is one of the issues that contribute to the quality of journalism and professionalism. In this regard, the report pointed out that the quality of training courses held in Bahrain is in practice very useful. This very encouraging assessment was achieved only in other three countries namely Lebanon, Jordan and Qatar.

Despite the shortcomings, obstacles and challenges surrounding freedom of the press in Bahrain, the report of the Amman Center has placed Bahrain with the Arab countries that enjoy a high degree in the field of freedom of the press, as the table below shows.

In light of the speech of His Majesty, the King, and his awareness of the importance of freedom of the press; and in addition to the decent reports on press freedom and constructive criticism; and considering the varied views in Bahrain on the laws governing the press;

there are significant areas need to be highlighted and are mentioned here by way of recommendations:

- The need to exert efforts by the state, the public, media people, trade unions, and human rights organizations towards press work and how to develop the press.
- The urgent need for laws to keep pace with the democratization process and build on the achievements of the reform project of His Majesty, the King. Such laws should prevent preventive detention of journalists and criminalizing them because of their journalistic activities. There is also a need to provide information or facilitate access to information and dissemination by journalists.



There also a need to ease licensing procedures in order to facilitate the issuance of daily newspapers, and, finally, to provide full protection and immunity for journalists.

- The importance of training journalists and media people in general as a way for the development of media and press aiming at serving the issues of human rights and fundamental freedoms. It is also important developing suitable capacity building and training programs for journalists and media people.

<b>Table (24)</b>				
<b>Degree of press freedom in Arab States</b>				
<b>Very Low Degree</b>	<b>Low Degree</b>	<b>Relative Degree</b>	<b>High Degree</b>	<b>Very High Degree</b>
Syria	Tunisia	Jordan	Lebanon	Kuwait
Saudi Arabia	Iraq	Morocco	Mauritania	Qatar
Libya	Palestine	Algeria	Bahrain	UAE
	Yemen	Sudan		
		Egypt		

## Bahrain Monitor: False information Harms Human Rights Activists

The Bahrain Human Rights Monitor (BHRM) issued a statement on 20 May 2009 regarding the case of Jaffar Kazem Ibrahim, saying it was crucial “not to politicize the issues, and to secure the minimum level of trust between the human rights activists, on the one hand, and the government agencies, on the other”. In its statement, the BHRM said it was necessary not to rush to conclusions and to verify information in order to protect the credibility of international human rights organizations and activists who were exposed to great harm due to false accusations and the transformation of criminal cases into political issues.

The statement adds “we call upon

the Bahraini human rights organizations not to be hasty in their accusations, and call upon the international human rights organizations to be vigilant and to document the information before releasing statements. The horrendous errors do not harm the credibility of such organizations alone, but also harm the credibility of human rights activists within Bahrain. Public statements, if proved wrong, may also aggravate the tensed security situations and distract human rights defenders from their main objective.”

The BHRM also called on political associations and religious bodies in Bahrain “to perform their role in leading the public towards clarity

and maturity, and not be driven by emotions” and concluded by saying: “local and international human rights



organizations and persons who publicized the accusations are required to draw lessons from this experience. Furthermore, it may be wise, and in line with responsibility bearing, to issue an apology to the public in order to prove that all concerned persons have learnt lessons from this unfortunate incident”.

## Amnesty: Official Inaction and Allegations of Torture in Bahrain

Amnesty International said in its Annual Report 2009, issued on 28 May 2009, that Bahraini authorities have “failed adequately to investigate allegations of torture and other ill-treatment of detainees”. The report summarised the breaches by saying that “government critics were briefly detained and several websites were closed down. One person was executed”.

On the other hand the Government indicated that “it would decriminalize certain publishing offences, reduce legal discrimination against women and introduce other reforms”.

Bahrain’s section in the report came in almost one page and included a background about the situation stating that “there were renewed, violent protests in March and April by members of the majority Shi’a population against what they alleged as discrimination, especially by the police and security forces, and the stalling of political reforms initiated by the King in 2001

and 2002. One policeman was killed and 13 others who were charged with arson and rioting were among a group pardoned by the King in July but still detained at the end of the year”.

The report also indicated that Bahrain’s human rights record was examined in April under the UN Human Rights Council’s system of Universal Periodic Review and that “the government made significant human rights commitments,

including to establish a national human rights institution, withdraw reservations made when Bahrain ratified certain human rights treaties, reform family and nationality laws, and adopt new legislation to protect women, domestic workers and lift restrictions on the press”. The Report stated that in August 2008 a Bangladeshi national was executed for murdering his employer

and in December of the same year “Bahrain abstained on a UN General Assembly resolution calling for a worldwide moratorium on executions”. The Report mentioned an Amnesty International delegate visited Bahrain in October 2008 and met with government officials, parliamentarians, human rights



activists, journalists, former detainees and lawyers. And in November 2008, an Amnesty International delegate attended a follow-up meeting hosted by the Bahraini government on the implementation of the recommendations of the UN Universal Periodic Review.

Amnesty International’s Annual Report 2009 covers worldwide human rights issues throughout 2008.