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International Federation for Human rights – Bahrain Center for Human Rights¹
– Bahrain Human Rights Society

Introduction

The Kingdom of Bahrain (KOB) was elected to the membership of the newly established Human Rights Council (HRC) for one year in March 2006. According to the rules of and the spirit of HRC, all elected members have committed themselves to a wide range of criteria in respect to the protection of HR. These commitments have put the responsibility of each member of the council amongst KOB to address the abuses; to remedy the situation and to embark on legislative and administrative reforms that will contribute to the protection and consolidation of human rights.

With the exception of some legislative and administrative actions, the overall record of the Government of Bahrain does not respond to the pledges to the UN prior to its election to HRC.

This report presents an assessment of the human rights situation and the record of the government in this respect.

FIDH, BHRS and BCHR welcome the ratification by KOB of the ICCPR and ICESCR and encourage it to ratify OP1-ICCPR, OP2-ICCPR, OP-CEDAW, ICMW and the Rome Statute on the International Criminal Court.

FIDH, BHRS and BCHR request KOB to extend a standing invitation to all of the Human Rights Council's special procedures.

FIDH, BHRS and BCHR request KOB to form a **national council for human rights** based on Paris principles pursuant to its pledge as a candidate to the HRC in 2006 and in application of the recommendations issued by the UN Committee against Racial Discrimination² and the UN Committee against torture³ in 2005. On 11 November 2007, the cabinet announced the creation of the Human Rights Commission in Bahrain but no appointment have been announced yet. We welcome this step, provided that NGOs will be consulted and involved in it, and call on KOB to set up the Commission as soon as possible.

Finally, at the time of the report, KOB had not yet consulted civil society organisations on the governmental report it intends to send to the Human Rights Council for the periodic review mechanism.

Freedom of Peaceful Assembly and Demonstration

The law on gatherings and demonstrations considers a gathering of five people or more as a public gathering. It also imposes severe restrictions on the freedom to gather and demonstrate as part of freedom of

1 Please consult BCHR's website for more information : <http://www.bahrainrights.org>

2 See document CERD/C/BHR/CO/7

3 See document CAT/C/CR/34/BHR

expression. The Ministry of Interior is given the right to permit or reject a request. There is also a penalty against participants for practicing their civil rights.

The Ministry of Interior entitles its forces to use excessive force against protestors and human rights activists. Many have been subject to severe physical mistreatment on the spot or in custody. The Ministry has never investigated such abuses or penalized the offenders. On the contrary, it protects officials who abuse the community's rights.

Peaceful protests (demonstrations, picketing) are often prohibited and demonstrators were attacked by the police forces using excessive force and harsh treatment of activists. Protests against the confiscation of the Alkalkia Village sea shores were quelled by anti-riot police with many casualties. Among those was Ali Alkhabaz, Sanabis Area, on 20 April 2007 and Mr. Jaffar Ahmed on 3 March, 2007 at Jidhaf's Area.

Freedom of expression and freedom of the press

The Government has presented a draft law on the Press and Publication, which restricts the freedom of expression, and grants the Ministry of Information censorship and licensing rights on the media and to prosecute journalists who can be condemned to prison sentences.

The media, publications, distribution and printing are governed today by the Law of Journalism, Printing and Publication No.47 dated 2002. The law entitles the Ministry of Information to license and strictly monitor newspapers, publication and print houses. The deterioration of freedom of expression following more restrictions has been observed by local and international independent bodies. Reporters without Borders has ranked Bahrain as No. 118 in the freedom of expression list, being degraded from last year rank of 111.

The law entitles the Ministry of information the authority to license newspapers, magazines and journals with severe restrictions. For example, licensing a daily newspaper requires the deposit of BD 1 million (\$2.77 millions). Currently, there are 15 cases before the courts against journalists, some of which are filed by public prosecution. In another example, the newspapers have been prohibited to publish categorically any part of the Bander Gate report, despite the serious allegations of a secret ring of top government officials attempting to manipulate the state and undermining the interests of the society. The prohibition was ordered on pretext that the case is being examined by the court, though the trial has not been proceeding⁴.

Books and publication require a pre-licensing from the Directorate of Printing and Publication, Ministry of Information. Several Bahraini authors have been denied the right to publish their books. These include Abdalnaby Alekri, Abdulrahman Alnuaimi and Dr. Nader Kadim.

The state monopolizes the audio-visual media, which is manipulated by the state to propagate its views and positions, while denying the opposition or critical civil society's organization to convey their opinions. This has been manifested in the impartiality of the official media during 2006 election campaigns and other events.

There are many restrictions on the access of information to many aspects of state affairs and top-ranking officials. There is no law for the right and access of information, where the government was against the introduction of such law, which was initiated by some members of the previous parliament. Some current MPs asked the government to provide them with relevant information on lands granted by the King to some top officials, but they were denied such information by the Ministry of Justice. Information on mass naturalization was also denied. The state has blocked several websites unfavourable to the government such as Aldemokrati.com, Aloysif Bolger, Haq movement and Bahrain on line and Bahrain Human Rights Center.

Freedom of Association

The Law on NGOs grants the Ministry of Social Development the right to license, monitor and penalize NGOs without judicial review; prohibits NGOs from receiving any foreign aid while the Ministry controls the funding for this purpose. The Ministry could prosecute the members of NGOs who can be penalized to up to six months of imprisonment for infringing the law (Articles 94, 95, 96). The law also requires pressure groups to register.

4 Instead of investigating on the content of the report, the Court has convicted the editor in absentia on charges of publishing false information and leaking confidential documents.

The government always proclaims for international forums that it seeks partnership with human rights organizations. In practice, the government takes unilateral positions and actions that adversely affect the civil society organizations.

Human rights NGOs fall within the authority of the Ministry of Social Development, which practices authoritarian control and monitoring. Any activity which involves non-internal activity requires prior permit from the Ministries of Social Development and Interior.

Several HR activists and pressure groups activists were harassed by the police to the extent of being physically attacked during protest or custody. Among these were Moosa Abduali (from the Committee of the Unemployed), and Rauf Al-Shayeb⁵, Head of the Committee of Victims of Torture, who were both granted political asylum in the UK. Some were prosecuted and sentenced to imprisonment based on offence against the state security by the public prosecutor. Among these were Mr. Abdulhadi Alkawaja, President of the Bahrain Human Rights Center and Hasan Mushaima who were prosecuted for criticising and publicising a public scandal known as the Albandar Gate report. Also Dr. Mohammed Said, who was prosecuted and sentenced to one year imprisonment for reprinting critical essays on the government during the elections in November 2006.

In 2005, both the UN Committee on racial discrimination (CERD) and the UN Committee against torture (CAT) requested KOB to « **remove inappropriate restrictions on the work of non-governmental organizations** ». This recommendation has not been implemented so far. In particular, we regret that the BCHR has remained officially closed since November 2004, despite express recommendations by CERD and CAT.

Independence of the Judiciary

The judiciary (both courts and public prosecution) refuse to examine the cases lodged by victims of state abuses. This highlights the need for securing the independence of the judiciary towards the ruling establishment.

The right to justice for victims of crimes

The UN Committee against Torture (CAT), which examined Bahrain in March 2005, recommended Bahrain to « **amend Decree No. 56 of 2002 to ensure that there is no impunity for officials who have perpetrated or acquiesced in torture or other cruel, inhuman or degrading treatment** »; and « **to ensure that its legal system provides victims of past acts of torture with redress and an enforceable right to fair and adequate compensation** ». The Government has ignored such recommendation until today.

Despite the urgent need to form a national committee for truth and reconciliation as demanded by the civil society organizations, the government claims that there is no need for such committee because they have addressed the issue of the victims of the past era.

The rights of migrant workers and human trafficking

FIDH, BHRS and BCHR feel that special attention should be given to the plight of female migrant domestic workers, as they have been by and large excluded from the discourse on women's rights in Bahrain. In Bahrain, migrant workers employed as domestic helpers are not protected by the country's labour law.

Upon arriving to the country they are subjected to mandatory health testing related to sexual and reproductive health without consent or counseling. Problems faced by these women include long working hours, low salaries and late payment of salaries, poor and repressive living conditions and psychological, physical and sexual abuse.

Extreme local cases have seen women being trafficked into prostitution. However, few are able or willing to seek legal redress - many because they are unaware of their rights, but also because they do not have access to the institutions where they could seek help. In addition, because domestic helpers are required by law to live with their sponsor/employer, leaving the home to file a court case has led to the jailing of abused

⁵ Mr. Rauf Al-Shayeb was persecuted following his participation to the review of KOB by the CERD.

victims in the past.

While we welcome the introduction of a draft law on trafficking in human beings, FIDH, BHRS and BCHR demand its implementation without discrimination and with genuine partnership with NGOs.

In October-November 2006, the Special Rapporteur on Trafficking in persons⁶ visited Bahrain and issued several recommendations. In particular, she recommended to amend « **Labour laws (...) with a view to making them also applicable to domestic workers** », **abolish the sponsorship system, to establish mechanisms to monitor the working conditions and compliance of employment contracts of domestic workers in the households of their employers, prohibit mandatory HIV/AIDS-testing of targeted groups, automatically inform embassies when their nationals are being detained, and facilitate visits by the relevant consular officials, guarantee foreign workers the right to an accessible and fair system of justice, inspect, in the presence of employers and workers, all migrant workers' contracts, etc.**

Finally FIDH, BHRS and BCHR request KOB to implement the recommendations issued by the Special Rapporteur on trafficking in persons, to invite the Special Rapporteur on the rights of migrants and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Respect of human rights in the fight against terrorism

In 2005, the UN Committee against torture recommended that KOB « **ensure that any measure taken to combat terrorism, including the draft law, is in accordance with Security Council resolutions which require, inter alia, that anti-terrorism measures be carried out with full respect for the applicable rules of, inter alia, international human rights law, including the Convention** ».

But we observe that the law on Protecting Society from Terrorist Acts contradicts with the ICCPR, the UN guidelines in safeguarding human and civil rights in combating terrorism, fair and civil rights stipulated in Bahrain constitution. The law also provides for death penalty in many cases and extends the penalties to the members of the defendant's families.

FIDH, BHRS, and BCHR request KOB to implement the recommendations issued by the UN Committee against torture.

Racial and religious discrimination

In 2005, the UN Committee on Racial Discrimination recommended « **that the State party ensure that everyone, without distinction as to race, colour, or national or ethnic origin, enjoys the rights to work and to health and social security, adequate housing and education in accordance with article 5 (e) (i), (iii), (iv) and (v) of the Convention** ».

Since then KOB continued to follow a de facto policy of discrimination on sectarian and political bases. There is phenomenal discrimination against Shia'a in the government administration. A clear example is a strict denial of Shia'a to be appointed in the military establishments (Ministry of Defense and Royal guards), while there is very limited low ranking employment for them in the Ministry of Interior. Shia'a represent only 18% of high ranking jobs in all ministries, though they represent 2/3 of the population. Despite the persistent demands by civil society organizations and some MPs to legislate a law against all types of discrimination, the government fails such attempts at the parliament. The International Crisis Group has issued a special report in 2006 on discrimination in Bahrain, in which it warned against the deterioration of the situation that may lead to a crisis.

FIDH, BHRS and BCHR request KOB to implement the recommendations issued by CERD in 2005.

Sexual discrimination

Women continue to be discriminated against in the workplace and denied senior posts in both the private and public sectors. Family law in Bahrain is unmodified and governed by all-male religious Sharia courts -- influential sections of the religious establishment oppose a codified family law, while the government now

6 See A/HRC/4/23/Add.2

seems uninterested in pursuing the matter.

The Sharia courts and Public Prosecution have resorted to threatening activists who dare to criticize its anti-women policies. Children and spouses of Bahraini women married to non-Bahraini men are not entitled to citizenship. Sexual harassment and domestic abuse against women is commonplace, with very little institutional support for victims -- spousal rape is not considered a crime according to Bahraini law.

Poverty and Denial of Economic Rights

In a stark paradox of being a wealthy oil state, especially in the view of rising oil prices in the recent years, wide sectors of the population are suffering of poverty. This is highlighted in the increasing number of families seeking aids from the Ministry of Social Development and Charity Funds (estimated 10 thousands families in a population of around 450,000). Though the national economy is generating tens of thousands of jobs each year, the estimated number of unemployment is around 15% of the population. This is due to the fact that only 11% of the newly generated jobs go to the local citizens. This is because of the severe exploitation and low wages of domestic and foreign workers in the private sector. Independent research indicated that a minimum income of BD350/ month for a family of 5 with owned house is minimum for living; tens of thousands of Bahrainis earn less than BD 150 /month. The observed minimum wage at government sector is BD 200, where there is no minimum wage in the private sector.

There is an estimated waiting list of 55,000 applications for government supported services (housing units, housing loans) with increasing non-delivery of such service which has created a housing crisis within the society. This crisis has aroused because of expropriation of lands by top-ranking officials and royal family members, while denying needy citizens of housing plots. An official from the Ministry of Housing stated this year that only less than 10% of the lands belong to the states, where 90% is a private property.

Liberalization and its impact on the wellbeing of the people

The State has been pursuing a policy of liberalization of the basic services provided to the population as stipulated in the Constitution, such as the right to housing for those of limited income, free basic education (up to secondary stage), free medical services, employment services, decent living standard, unemployment insurance and retirement scheme.

The Government has been embarking on a policy of privatization of vital sectors such as ports, public transport, and electric production. Private university education and medical services without effective official control and monitoring is adversely affecting the wellbeing of major sectors of the population who can not afford costly good quality university education and medication on the account of public housing projects designed for low income citizens.

Mass naturalization motivated by securing a support base for the regime, has adversely reflected itself on the well being of the citizens relevant to state supported job opportunities, housing, education, medication, etc.

Right to health, to clean environment and to enjoy nature

The state policy has been to encourage foreign investment, with permissive conditions on environmental criteria, in a country of only 700 sq.kms. Highly polluting industries have caused sharp increase in cancer and pollution-related diseases among the population, which is estimated the highest in the Gulf region.

Conclusion

Being a member of HRC drew special responsibility on the State to adhere to international norms to enhance protection and respect of human rights. HRC members should set examples for others on this respect. KOB made 11 commitments before its elections to the HRC. We observe that such pledges have not been implemented. Membership to HRC is designed to be a stimulant and not a cover up public relations exercise. We support the future membership of KOB, conditional on serious commitments to redress the issues mentioned in this report. KOB should create genuine partnership with NGOs.