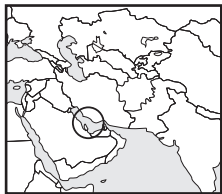


Progress and setbacks in a period of transition



Since the reforms initiated in the early 1990s, the country has taken steps towards repealing legislation and measures that adversely affect human rights and dignity. Although Bahrainis today enjoy more freedom than ever, the right of citizens to have a say in the country's affairs remains restricted, and the Government has still not addressed the pressing problems of unemployment, discrimination, women's rights and housing, nor for that matter, the human rights and conditions of thousands of Asian workers.

Bahrain Human Rights Society (BHRS)¹

The Kingdom of Bahrain is going through a period of transition shaped by a range of factors, some of which have their roots within the country, while others are linked to Bahrain's integration into the globalisation process. Changes introduced include the Reform Project, initiated by King Hamad in response to popular demand, and the referendum on the National Action Charter. Other factors affecting Bahrain are the impact of the Gulf Co-operation Council (GCC),² and the reforms required for accession to the WTO.

The Reform Project

In 2000, in addition to publicly promising to reinstate Parliament, the King for the first time appointed non-Muslims, including a Jewish businessman and four women, one of them a Christian, to the Consultative Council (a body created in 1992, whose 40 members monitor most of the Government's policies).

In the referendum held in 2001 Bahrainis showed overwhelming support for the political reforms proposed by the King in the National Action Charter. The reforms, which will come into effect in 2004, include Bahrain's transition to a constitutional monarchy, with the establishment of the three branches of government.

In 2001 several political associations and NGOs were officially recognised. In June the General Committee of Workers was officially registered as the General Union of Bahraini Workers and in July the Bahrain Human Rights Centre, the first institution of its kind in the Gulf region, was also registered. In September a trade union law was passed. The Bahrain Women's Union, an advocate of women's rights, was given official recognition in November.

A better balance

Since the start of the Reform Project several steps have been taken towards repealing legislation and measures that adversely affect human rights and dignity. The 1975 State Security Law was repealed and the State Security Court was abolished. A general amnesty secured the release of all political prisoners, and allowed the return of all exiles and the naturalisation of stateless people. This was in effect the end of a de facto state of emergency.

The new governance system, which should lead to a democratic constitutional monarchy (including also the establishment of a Constitutional Court and Financial Monitoring Bureau), has contributed to a better balance of state powers, improving safeguards for citizens.

Measures were also taken to ensure the independence of the judiciary. The Public Prosecutor's Office became the Attorney General's Office and was taken out of the Ministry of Interior and annexed to the Ministry of Justice. Although they do not enjoy complete independence from the Executive, courts now tend to take independent decisions even to the extent of countering government interests. This was clearly demonstrated in the cases involving three journalists who had been prosecuted at the instigation of the Government.

In January 2002 Hafez el-Sheikh Saleh, a journalist with the daily *Akhbar al-Khaleej* who also writes for *Ach Charq* and *Al Quds al-Arabi*, won a court case against Information Minister Nabil al-Hamer, who had banned him from working as a journalist. In June Mansour Al-Jamri, editor of *Al-Wasat*, a leading independent daily,³ and one of its reporters, Hussein Khalaf, faced six months in prison or a fine of BHD 1,000 (USD 2,658) for reporting in March that three suspected terrorists had been released on bail. The authorities claimed that the journalists did not have the necessary authorisation from the Prosecutor's Office to publish information about the alleged terrorists. The King enacted a new press law in November 2002 guaranteeing the right to "express one's opinion and to disseminate it orally or in writing". However, offences "against the Islamic faith, the unity of the people and the person of the

King" or "inciting division or sectarianism" are punishable by six months to five years in prison. The journalists won the case. In response to objections raised by the Bahrain Human Rights Centre and an independent union of Bahraini journalists (in the process of formation) the authorities announced that the new press law would be amended in consultation with journalists.

Apart from these incidents, freedom of expression is tolerated to a great extent. New newspapers have been licensed and journalists enjoy greater freedom in their work. There are no longer any restrictions on satellite reception and restrictions on foreign press are minimal. But freedom of expression is threatened by religious theologians, who consider that secularism equals atheism.

Open and free activities by political and civil organisations are now legal, and political and civil associations have been given official recognition, though falling short of the status of political parties. Meetings, demonstrations, strikes and sit-ins are usually held without police intervention or prosecution.

Remaining obstacles

These measures, among others, have contributed to the promotion of human rights and dignity, but basic flaws remain in both the state system and government policies that demand radical changes. Among the priorities to be addressed are the following:

- In comparison to the 1973 Constitution, the 2001 Constitution still lacks provisions that clearly separate the three state powers (executive, legislative and judiciary). The 2001 Constitution cannot be amended without the King's consent.
- A number of decrees and laws restricting the rights and freedom of citizens and organisations were passed before the National Assembly began functioning. Moreover Parliament lacks real authority to legislate and exercise control over the Executive branch of government, which still controls the State.
- The promised constitutional and legislative reforms have not materialised. The state bureaucracy, which is riddled by corruption and inefficiency, is intact; promises made by top

1 The report was written by a team headed by BHRS President Dr Sabeka Alnajjar.

2 The Co-operation Council for the Arab States of the Gulf (GCC) is a regional organisation created in May 1981 by Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. The creation of the GCC was prompted by these countries' sense of vulnerability resulting from the disparities between their oil wealth, their small and dispersed populations (28 million), their vast surface area (2.6 million km²) and their limited military capabilities in a generally unstable region. The GCC holds 45% of the world's oil reserves and supplies 20% of global crude production. "The EU & the Gulf Co-operation Council (GCC)". http://europa.eu.int/comm/external_relations/gulf_cooperation/intro/index.htm

3 *Al-Wasat's* editor lived in self-imposed exile in London for many years and was the spokesperson of the opposition Bahrain Freedom Movement.

officials have not been kept. In short, the change has been more rhetorical than substantial.

- Reform requires a new government, but Prime Minister Khalifa bin Salman Al Khalifa has been in office since 1971. Government policy is hesitant and is failing to solve major problems such as unemployment, discrimination, poverty, housing, etc.

No security for the unemployed, no redistribution of wealth

Political stability has created a positive climate for investment and business in general. The country's fortunes have improved as a result of higher oil prices and increased production: Saudi Arabia agreed to cede all revenue from Abo Safa, a jointly-controlled oil field, to Bahrain; Abo Safa has increased its capacity from 130,000 to 300,000 barrels per day. GDP grew 4% in 2001-2003 and is expected to rise to 7% in 2004-2006. However, this growth has not been reflected in improvements in the population's welfare or human security. Social justice, the eradication of corruption and the restructuring of government spending in particular have not been addressed.

The country still lacks minimum wage legislation, unemployment security, an anti-poverty safety net and a taxation system designed to redistribute wealth. The social security system does not cover small businesses with fewer than five employees or the thousands of "free-visa" workers.⁴

Unemployment is still a chronic problem. Although there are no reliable statistics, it is estimated that around 18,000 workers (15% of the indigenous workforce) are unemployed. The foreign workforce has grown to around 270,000 workers (67% of the total workforce) and although the economy will grow, with the free influx of foreign labour and the absence of minimum wages, the indigenous unemployment rate will not be reduced.

In addition, the Government has not developed economic policies which will create new jobs to meet the current requirements of the labour market. This problem is compounded by the inadequacies of the formal education system, which has been criticised as too traditional and incompatible with the needs of the labour market. The outlook for most young Bahrainis, therefore, is bleak.

Although per capita income has been rising and is estimated at USD 10,000 per year, this figure is deceiving. In the absence of a taxation system or assets to guarantee social welfare, the equitable dis-

tribution of national wealth - a much-repeated slogan that was meant to epitomise Bahraini society both at home and abroad - proves to be a myth. Some studies calculate the required minimum wage to be BHD 180 (USD 477) a month, based on the assumption that in a family of five an average of two people work.

The de facto minimum wage in the public sector is BHD 150 (USD 398) a month, while thousands of Bahrainis earn less than BHD 120 (USD 318) a month in the private sector, and tens of thousands of Asian workers earn as little as BHD 50 (USD 133) a month. For them, a decent standard of living is a dream.

All inhabitants have free access to basic education and health services; however the current tendency towards making paid healthcare plans compulsory for citizens and introducing health insurance requirements for foreigners will add a new burden to low-income sectors. Public transport and municipal sanitation have been privatised.

Discrimination and violence against women

To sum up, while in general terms respect for the human rights and dignity of citizens has improved, not enough constitutional, institutional and legal guarantees have been established.

The internal détente has also unleashed religious, fundamentalist and intolerant forces that threaten to undermine human rights and democracy in the long run. The efforts to pass a family code were aborted by religious zealots. Though women were granted equal political rights in the 2001 Constitution, they are still politically marginalised by society. No woman has been elected to municipal councils or Parliament; and domestic violence threatens the personal safety and integrity of women and children.

In addition, the human rights and dignity of the foreign labour force have deteriorated. Asian workers, including domestic servants, suffer inhuman working conditions.⁵ There are numerous credible reports that domestic workers, especially women, are forced to work 12- or 16-hour days and given little time off, besides being malnourished and subjected to verbal and physical abuse, including sexual molestation and rape. Between 30% and 40% of the attempted suicide cases handled by the Government's psychiatric hospitals are foreign domestic workers.⁶

The impact of the GCC: Globalisation and US leadership

No GCC member, not even conservative and influential Saudi Arabia, has undermined the pro-democracy movement in Bahrain. Bahrain's accession to the WTO had a positive effect on the processes of democratisation and promotion of human rights. Yet the US strategy of combining the war against terrorism with the reform of allied regimes such as Bahrain, while positive in the short term, could prove to be negative in the long term.

Bahrain was chosen as the focal point for the US-Middle East Partnership for democracy and human rights. Under this Partnership, the United States provides resources and expertise to Middle East countries to support their efforts to promote democracy and human rights. Reform of political and legal systems was encouraged, and this was reflected positively in the case of Bahrain. However, the reforms implemented are designed exclusively from a US perspective, which enhances pro-US interests and disregards the cultures and societal composition of the countries receiving assistance. As a result, in the long run the national interest could be sacrificed in the name of assimilation with US global policy.

The safety of human beings

Since the Reform Project got underway in February 2001, the security atmosphere has changed dramatically. Hostility between the security forces and the public gradually diminished as political prisoners were released and exiles were allowed to return home. Other measures were taken to normalise the situation in the country, such as legalising political organisations, ensuring freedom of expression, association and affiliation, and re-employing people dismissed for political motives. The Ministry of the Interior has taken measures to ensure that the police work within the law and respect human rights. We could therefore say that Bahraini citizens have made progress in matters of human security. Still pending is a solution to the problems endured by the Asian labour force - especially Asian domestic workers - whose human rights and living conditions are under constant attack. ■

4 Many influential members of society are involved in the "importation" of cheap labour with a "free-visa" arrangement. The importer (agent) charges a percentage of whatever income the labourer earns. According to government figures, an average of 80 free-visa labourers are imported every day (2,400 per month, 28,800 per year) to work in all types of activities. The Bahraini Government has recently issued a decree ruling that Bahraini employers found recruiting foreign labourers without first obtaining a license from the Ministry of Labour and Social Affairs will be imprisoned and fined.

5 Bahrain's 200,000 foreign workers were granted the right to join trade unions in September 2002. www.migrationint.com.au/news/nauru/oct_2002-20mn.asp

6 See www.state.gov/g/drl/rls/hrrpt/2002/18273.htm. Arab countries (Saudi Arabia, Kuwait, United Arab Emirates, Qatar, Bahrain, Oman, Jordan and Lebanon) receive a growing number of Asian domestic workers. Despite the lack of accurate statistics, available estimates indicate that most of them are women and come from Sri Lanka, Philippines, Indonesia, Thailand, Bangladesh, Pakistan, and India. www.caramasia.org