

# Using the Forum for the Future to Advance Democracy in Bahrain

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Nov 9, 2005

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## Brief Analysis

On November 11, Bahrain will welcome government officials and civil society groups to the second meeting of the Forum for the Future. The forum was founded at the 2004 G-8 summit at Sea Island, Georgia, as the centerpiece of the Broader Middle East and North Africa Initiative to promote change in the region. Political reform tops the forum's 2005 agenda with two-thirds of the conference sessions set to address political reform, human rights, women's empowerment, and the rule of law. The agenda, U.S. deputy assistant secretary of state for Near East affairs Scott Carpenter says, reflects the Bahraini government's willingness to discuss sensitive issues of reform, and U.S. secretary of state Condoleezza Rice will address the conference.

King Hamad bin Isa al-Khalifa has brought many changes to Bahrain since coming to power after the 1999 death of his father, Isa bin Salman al-Khalifa. In 2000, amnesty was granted to political detainees and exiles. In 2001, Bahrain's state security law was repealed and King Hamad promised an elected government and an independent judiciary by 2004; he also proclaimed himself king, rather than the traditional title of emir. In 2002, women were given the right to vote, the 1973 constitution was amended, and municipal and legislative elections were held -- the first since Hamad's father dismissed the legislature in 1975. However, a closer look at the practical application of the Bahraini reform agenda calls into doubt King Hamad's commitment to real democratic change.

### Elections and the King

Opposition groups boycotted the 2002 elections; they objected to the king's amendment to the Constitution splitting legislative power between an elected parliament and an appointed consultative council. Though Hamad's amendment divided legislative power equally between the two houses of the National Assembly, no law originated by the parliament has ever been enacted (though laws proposed by the council have passed the parliament to take effect). Furthermore, the election districts for the parliament vary considerably in population to the disadvantage of the Shiite majority. And the elected parliament has little if any control over the appointed governors of the five governorates who, along with the Ministry for Municipal Affairs, are Bahrain's most powerful domestic officials. Ultimately, the power of both elected and appointed officials can be countermanded by the king, who has the authority to veto laws passed by the legislature, dissolve parliament, rule by decree, amend the constitution, and enact or reinstate laws.

### Limitations of Existing Laws

The enforcement of troubling laws, old and new, continues to limit Bahrainis' access to human rights, curtailing the freedom of speech, representation, and assembly. The following laws have all been exercised in the last two years:

\*Decree 56 of 2002 effectively allows perpetrators of torture immunity from prosecution. Since Decree 11 of 2001, which repealed the state security law, not one torturer has been held accountable for his actions, nor have victims of torture been given any form of restitution.

\*The press law of 2002 gives the information minister the authority to seek prison sentences for those who criticize Islam or the king, or who undermine state security. Three Bahrain Online writers were arrested and detained for two weeks in 2005 under this law.

\*The Public Gathering Code of 1973 includes such general terms as "public interest, security, good behavior or other dangerous reason," that it effectively leaves the interpretation of the law to the discretion of the security director. Authorities cited the code in March 2005 when informing the opposition Wefaq party that its planned rally for constitutional reform was illegal.

\*The Nationalities Act of 1963 effectively gives the king absolute power to grant citizenship. King Hamad called upon this authority as recently as July of 2005 when he granted Bahraini citizenship to two thousand foreign nationals -- said by the opposition to be part of a continuing strategy to increase the Sunni proportion of the population. The issue is particularly sensitive, because the Shiite opposition has long criticized the ruling Khalifa family as foreigners; the king's ancestors moved to Bahrain from Qatar in the late eighteenth century.

In addition to these laws, political parties continue to be banned and discrimination against the Shiite majority and foreign workers remains legal. A counterterrorism law currently under consideration would resurrect in essence the revoked state security law, with all its attendant human rights abuses. Beyond the Nationalities Act, voting rights have been extended to Saudi citizens, effectively altering the demographic makeup of the electorate in favor of the Sunnis. The institutional and practical discrimination faced by the Shiite majority, foreign workers, and women are alarming indicators of the ruling dynasty's commitment to human rights for some.

#### Other Human Rights Issues

The fundamental human rights issue in Bahrain remains discrimination and unequal access to opportunity faced by the Shiites who make up more than 60 percent of the population. Yet Bahrain faces a number of other significant human rights issues, including the status of foreign women, unequal treatment of women citizens, sharia law, prisoner mistreatment, and the harassment of civil society groups.

In spring 2005, the UN Committee on the Elimination of Racial Discrimination noted the special prejudice against Asian women who do not benefit from protections in the labor code. These women suffer from problems of debt bondage, passport retention, illegal confinement, rape, and physical assault.

Women who are Bahraini citizens do not fare much better. A Bahraini woman married to a foreigner cannot transfer her citizenship to her spouse or her child; the wives and children of Bahraini men can become citizens. The absence of personal status laws gives sharia judges, both Sunni and Shiite, free reign to interpret Islamic law. The limited education and conservative views of the bulk of the sharia judges does not bode well for the fate of the woman who stands before them.

Additionally, the treatment of prisoners in Bahraini prisons remains a problem, with UN reports and prison strikes painting a picture of mistreatment and denial of care. And in 2004, the government banned the Bahrain Center for Human Rights and arrested its director, Abdel-Hadi Khawaja, for criticizing the prime minister.

#### Bahrain and the United States

The U.S. Navy's Fifth Fleet has made its home in Bahrain for more than fifty years, and in March 2002, President

George W. Bush officially designated Bahrain a major non-NATO ally, recognizing the close relationship between the two countries. U.S. officials frequently praise Bahrain as a model of democratic reform in the Middle East, and Bahrain receives aid from several U.S. economic and military assistance programs.

The Forum for the Future will give Rice an opportunity to strengthen Washington's commitment to democracy in the region. She could use the forum, like she used her June speech at the American University in Cairo, to press the host government for reform. Rice should call on King Hamad to improve the pace of reform, address the human rights shortcomings of Bahrain's legal system, and commit to an increase over time in the power of elected officials. Rice should also press the king consistently to provide international human rights organizations with information they request. Hopefully King Hamad would listen to such advice. But even if he did not, a strong stand by Rice in Bahrain would further chip away at the skepticism of regional democrats, showing that Washington will press its friends to open up and broaden the base of their regimes.

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Policy #1048

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