



Bahrain : Turning promises into reality

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Bahrain is at a crossroads. This small island state of less than 700 sq km has seen significant progress in respect for human rights, including press freedom, since Sheikh Hamad bin Issa Al-Khalifa took over as emir on his father's death in 1999, but a lot remains to be done. At the same time, the regional environment is fraught. The war in Iraq and the heightened violence between Shiites and Sunnis have had an impact on the emirate, which became a kingdom in 2001. Saudi Arabia, which allows Bahrain to pump oil from a field yielding around 140,000 barrels a day, is a powerful neighbour that could prove touchy. And the demographic balance between the state's two largest communities, the majority Shiites and the minority Sunnis, who are in power, leads to tension.

A Reporters Without Borders delegation visited Bahrain from 9 to 13 February after the authorities voiced concern about the country's fall in the organisation's annual press freedom index. The delegation was able to meet with everyone it wanted to see, including government officials, opposition politicians, members of both houses of parliament, journalists and civil society representatives.

The delegation saw the progress that has been made in respect for free expression – no journalist has been imprisoned since 1999 – but it also heard the concerns expressed by many journalists. Seven years after Bahrainis voted massively (by more than 98 per cent) for a National Action Charter, a vast programme of social and political reforms meant to “establish the bases of a true democracy,” several independent journalists and NGO representatives spoke to Reporters Without Borders of their disappointment, referring to a “honeymoon that had ended.”

The situation is also contradictory for the media themselves. There are six privately-owned dailies, several of which are critical of the government, but the state maintains its monopoly of broadcasting. The adoption of a press and publications law in October 2002 was a step forward, although journalists were disappointed that it did not take account of all their recommendations. The Internet has taken off but many sites are banned – some because they are pornographic but others for political reasons.

In another paradox, the Reporters Without Borders delegation found that the source of obstacles in the path of progress towards a freer society is not necessarily to be found in the legislature's upper house, known as the Consultative Council, whose 40 members are appointed by the king, but in the elected lower house, the Chamber of Deputies, which is largely controlled by religious groups.

Plans are under way to amend the press law, under which journalists can still be imprisoned, and to open up broadcasting to the private sector. When Reporters Without Borders met the attorney general, he supported the idea that any censorship of the Internet should be a matter for the courts rather than the government, as things now stand. These were all signs that the situation is not blocked. But it is up to the authorities to turn the promises into reality.

Long-awaited law

Bahraini journalists were surprised and somewhat embittered by the adoption of the Press and Publications Act – Law No. 47 – in October 2002 as it did not take account of their recommendations. It included many restrictions on journalists, who are not allowed to question the official religion, Islam, the head of state or the monarchy. And they are exposed to the possibility of sentences ranging from six months to five years in prison for “inciting division, sectarianism and violence and attacking national unity.” Foreign heads of state and parliaments are also protected by the press law. The regime makes it harder for its media to criticize developments in neighbouring countries to avoid upsetting key economic partners.

Journalists regard this law as a violation of the principles of the National Action Charter they supported a year earlier. No fewer than 18 press offences are punishable under this law, and are defined in terms that allow a very broad interpretation.

“This law does not give our work the necessary guarantees,” journalist Sawsan Al-Shaer told Reporters Without Borders. “As well as providing for prison sentences, the law allows recourse to criminal law and any other law to prosecute journalists,” she said. “What is the point of drafting a special law for our profession if the judges can use other laws to convict journalists.” After the law took effect, the authorities agree to create a committee including journalists, representatives of the Bahrain Journalists Association and information ministry representatives in order to recommend amendments to the law. Al-Shaer, who was a member of the committee, said she did not know what had become of the recommendations.

King Hamad bin Issa Al-Khalifa has on several occasions expressed a desire to decriminalize press offences. What the king says does not have the force of law but it has reined in prosecutors. Attorney general Ali Fadhul Al Buainain said most of the complaints against journalists were brought by private individuals. And most cases are settled out of court. A total of 47 complaints were

brought before the prosecutor's office in 2007. "We have very strong ties with the Journalists Association," he told Reporters Without Borders. "When a complaint is filed against a journalist, we notify the association's liaison officers, who then have two weeks to try to find a solution." He added that he thought "attacking religion and the king" should continue to be punishable by imprisonment.

The government submitted some amendments to Law No. 47 to the Chamber of Deputies in 2004, but they still have not been examined. Decriminalization is among them, but prison sentences for press offences are maintained for second and subsequent offences. The ministry suggests that the broadcast media should be included in the current press law. The proposed reform envisages keeping prior censorship for foreign publications, based on the Kuwaiti and Jordanian models.

The Consultative Council has meanwhile submitted two draft laws to the information ministry, the most recent one in May 2007. But Consultative Council deputy vice-president Jamal Fakhro said: "There is no desire on the part of the government or the deputies to attach any importance to this bill. The Chamber of Deputies is controlled by religious groups who want to keep prison sentences. If the law on the criminalization of press offences did not exist, they would have invented it." Ebrahim Mohammed Bashemi, a member of the Consultative Council and editor of the daily *Al-Waqt* (Time), said the bill would decriminalize press offences and keep fines. It would also protect the confidentiality of sources, ensure access to official information and end criminal responsibility for publishers.

When Reporters Without Borders met the new information minister, Jihad bin Hassan Bukamal, he insisted that he intended to press ahead with the proposed reform of the press law that is currently with the cabinet. "We hope to submit the amendments to parliament in the course of the next two months," he said. "But how is the state at fault if the king and government want to amend the law but the deputies are opposed?"

Latifa Mohammed Al-Qaud, a deputy who represents a coalition of independent parties, and Ebrahim Mohammed Bosandal, a deputy from the Salafist movement Al-Assala, told Reporters Without Borders they did not oppose the decriminalization of press offences but Bosandal insisted that prison sentences would have to be kept for any "insult to religion."

Self-censorship and broadcasting monopoly

The Bahraini journalists that Reporters Without Borders met continue to be sceptical about the timetable and content of reforms. Some do not hesitate to talk of a "reduction in freedoms" since 2001, the year that the National Action Charter was adopted. Few of them hope for a complete decriminalization of press offences. And even if they recognise that they can be a bit more outspoken than their colleagues in other countries in the region, they say the state has other means than the law to put pressure on the media.

As in neighbouring countries, Bahrain's media owners and journalists censor themselves heavily. Mansoor Al-Jamri, the editor of *Al-Wasat*, a daily that supports the Shiite political movement Al-Wifaq, said the number of complaints brought against the media by the state would be much greater if journalists did not avoid certain subjects. The most recent example was the media's very restrained coverage of demonstrations that shook the country in December and left one person dead. "There were further clashes between the security forces and the dead man's relatives on the day of the burial," Ahmed Al-Arabi of *Al-Waqt* told Reporters Without Borders. "Many people were wounded and several photographers, including myself, provided our newspapers with photos. But the next day, I did not see any of the photos in the newspapers."

The state maintains a monopoly on broadcasting despite the interest that several media owners have shown in getting broadcast licences. Foreign satellite TV stations such as *Al-Jazeera* and *Al-Arabiya* are the public's main source of political news. The information minister says he is ready to open up broadcasting to the private sector after first establishing a legislative framework for the new industry. He voiced concern that these new media could be "manipulated at the expense of social peace."

The prime minister's cultural affairs adviser, Mohammed Ibrahim Al-Mutawa, said care was needed. "When I ran the information ministry, I envisaged granting a licence for a privately-owned TV station but I changed my mind when I realised that this Islamist station would be financed by a foreign country," he said, adding, "but the king has no objection to opening up broadcasting." This fear that the broadcast media could be manipulated is shared by deputy Latifa Mohammed Al-Qaud. So far, the Bahraini authorities have only allowed a few international radio stations – *Radio Sawa*, *BBC* and *RMC-MO* – to broadcast on FM frequencies. Bahraini journalists complain of the difficulty of

getting access to official information. The census office, for example, refuses to provide them with social and economic statistics. Tension between the Shiite and Sunni communities underlies the lack of transparency on the part of the government, which is accused of carrying out a policy of naturalising Sunni Arabs in order to bring about a proportional increase in the size of the Sunni community. A report by a British adviser to the government, Salah Al-Bandar, about alleged secret plans to marginalise the Shiite community before the 2006 legislative elections caused a great stir. Shortly thereafter, the judicial authorities banned publication of any of the information in the report.

An Internet censorship bureau

The Internet then replaced the traditional media in disseminating information about this alleged conspiracy, called “Bandargate.” Journalists with privately-owned dailies told Reporters Without Borders that they turned to the Internet to publish the articles they wrote that were censored by their editors. Several sites were blocked by the information ministry’s censorship bureau.

The ministry says the censorship bureau does not touch political or human rights websites and that only porn sites, sites that incite violence or sectarian hatred, or sites used for recruitment by terrorist groups are subject to administrative censorship orders. But Reporters Without Borders identified 22 discussion forums and political websites in October 2007 that had been censored by the information ministry.

The site operated by the Bahrain Centre for Human Rights (www.bahrainrights.org) has not been accessible since October 2006. BCHR vice-president Nabeel Rajab said this censorship was linked to their Bandargate coverage and their statements on other sensitive issues such as conditions for immigrant workers in Bahrain. Asked about this, the information ministry said the BCHR’s site was closed down because the organisation had “lost its licence.” The website of the Egypt-based Arabic Network for Human Rights Information, which posts the BCHR’s releases, is

also inaccessible in Bahrain. Rajab estimates that access to around 500 websites and blogs is currently blocked.

The Consultative Council supports the adoption of an Internet law. Fakhro, its first deputy vice-president, says Internet users are not really free to post what they want online. “Right now, many websites are closed, some of them porn sites, others political or opinion sites,” he said. “We think there should be an Internet law, but in the meantime we urge everyone to be responsible. We do not accept administrative censorship.”

Conclusions and recommendations

The coming parliamentary debate on the reform of the press law will be decisive for Bahrain’s journalists. If the amendments are adopted, Bahrain will become the second country in the Gulf, after Kuwait, to decriminalize press offences.

It seems that other legislative reforms are also essential to limit the abuses to which journalists and website editors are exposed in Bahrain. Using judges specialised in press cases and familiar with the way journalists work would help to ensure appropriate and fair sentences. Similarly, the courts, and not an information ministry official, should be in charge of regulating the Internet. Reporters Without Borders suggested this during its meeting with the attorney general, who supported the idea. Finally, the new information law must guarantee better access to government information and protect the confidentiality of journalists’ sources.

An improvement in the press freedom situation in Bahrain requires not only concrete legislative progress but also an end to the state’s monopoly of broadcasting and an end to censorship of news websites. The adoption of a code of journalism ethics and the creation of a self-regulatory body to ensure that it is respected would be useful accompaniments to the decriminalization of press offences and the opening-up of broadcasting.