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The Missing Justice

This report coincides with launching “The Missing Justice” movie, which addresses the social justice in Bahrain in terms of being present in theory and absent in practice, which makes it a missing justice.

In spite of the differences in determining the concept of social justice, in general, countries determine, in a similar way, the policies which they adopt to achieve more just economic, social, and political conditions, which are more capable of redistributing the wealth of revenues and incomes and to steadily reduce the indicators of discrimination and inequality.

The United Nations Secretary-General Mr Ban Ki Moon summarizes the concept of social justice in his message by saying:

“Social justice is an underlying principle for peaceful and prosperous coexistence within and among nations. We uphold the principles of social justice when we promote gender equality or the rights of indigenous peoples and migrants. We advance social justice when we remove barriers that people face because of gender, age, race, ethnicity, religion, culture or disability.”

In the light of this, we can say that the principles of social justice are represented by:

- Promoting rights and freedoms in the various political, economic, and social fields.
- Achieving justice and equality between people and eliminating the differences whatever the reason behind them was.
- Equal and fair distribution of wealth, resources and earnings so that every person in the society gets his/her share of them.
- Ensuring equal opportunities in the privileges provided by the state and rejecting all forms of discrimination among citizens.

Therefore, democratic countries are keen to have legislations and laws that ensure achieving social justice. Beside these legislations and laws, countries take actions and measures to attain a level of decent living, freedom and justice, which achieve social justice.

In Bahrain, many legislations and laws state the principle of equality and justice among the citizens. However, it is easy to notice the absence of the basic foundations on which social justice is based upon, leading to a social justice that is present in theory and absent in practice, which makes it a missing justice.

In 2001, with the inauguration of Bahrain's National Action Charter, the King of Bahrain said embodying the principle of social justice: "At this historic juncture, the people of Bahrain are resolved to have a shining morrow. They stand for freedom, equality,

Moreover, Articles 4, 9, 10, 13, 15, and 16 of the Constitution of Bahrain ensured social justice among the citizens.

All the aforementioned of human rights principles and statements confirm the presence of texts that ensure social justice in Bahrain. However, despite the presence of

justice, democracy and participation in governance by all."

Regarding the goals and basis of government, paragraph 2 of Chapter I of the National Action Charter states:

"Justice is the basis of government. Equality, rule of law, liberty, security, peace, education, social solidarity and equal opportunity are all core principles of the society that are ensured by the state."

Second, regarding the protection of individual freedoms and equality, it states:

"Individual freedoms, equality, justice and equal opportunity are core principles of the society. The State shoulders the responsibility of ensuring them for all citizens on an equal footing. This is based on a broader principle, namely, that people are equal insofar as human dignity is concerned."

these laws, the actual implementation, practices, procedures and measures that achieve social justice are missing.

The Bahraini government should work to protect the general rights of the society and individuals, give each member of the society the rights and benefits he/she deserves, distribute the wealth fairly among people,

ensure equal opportunities, provide main needs in a fair way, respect the moral and material human rights, etc. Instead, we find that the practices and measures of the Bahraini government promote everything that creates a lack of social justice and a disrespect of rights and freedoms and the principles of basic human rights, which are considered an essential base for social justice. Many data and indicators confirm this, including widespread poverty,

discrimination, unemployment, the worsening housing problem, the poor infrastructure in many areas of Bahrain, etc.



Also, several indicators reinforce this, such as, for example, the widespread international criticism, which is confirmed in the letter sent by 3 of the United Nations' Special Rapporteurs, saying:



“We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Special Rapporteur on extreme poverty and human rights; and Special Rapporteur on freedom of religion or belief pursuant to Human Rights Council resolutions 28/9, 26/3, and 22/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged patterns of continuous discrimination against Shia citizens (mainly Baharna and Ajam), which have been taking place since 2011 and which are undermining their rights to freedom in the area of religion, expression and culture. Such discrimination takes the form of destruction of places of worship and other signs of the presence of Shia citizens in the country, their marginalization in the historical narratives of the country, misinformation regarding their religious and cultural identity through the educational system and the media, as well as violence. This communication follows previous communications concerning the situation of Shia in the country sent by Special procedures and, in particular, the communications on the destruction of Shia mosques sent by the Special Rapporteur on freedom of religion and belief on 5 May 2011, (BHR 8/2011, published in A/HRC/18/51), and on withdrawal of citizenship, sent by the Special Rapporteurs on freedom of opinion and expression, freedom of peaceful assembly, freedom of religion and belief and human Rights defenders on 29/11/2012.” It is noteworthy that the Bahraini government has not responded to most of these communications.

In addition, the 2015 edition of the Country Reports on Human Rights Practices, issued by the U.S. Department of State on April 13, 2016, confirms the lack of the minimum foundations of social justice. The report presented a detailed report regarding the human rights situation in Bahrain in around 45 pages distributed among 7 sections:

Section 1. Respect for the Integrity of the Person

Section 2. Respect for Civil Liberties

Section 3. Freedom to Participate in the Political Process

Section 4. Corruption and Lack of Transparency in Government

Section 5. Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Section 7. Worker Rights

The information, facts, statistics, and different cases presented in the report confirm that the human rights situation in Bahrain is deteriorated and the social justice is missing.

The absence of social justice led to worsening social, human rights, and political issues that directly affected the lives of the people in Bahrain. As a result of the governmental policies based on discrimination, unfair employment, absence of promoting rights and freedoms, human rights violations, unfair and unbalanced distribution of wealth and resources, the spread of injustice and tyranny... and other matters, which contributed to the absence of social justice.

Regarding discrimination, the statistics and figures reveal a huge sectarian project that is being carried out by the authorities in Bahrain through the organized systematic sectarian discrimination, which is practiced in the tight appointments in various state sectors, including ministries, institutions, companies and departments.

Therefore, the government aborted the project of criminalizing discrimination, which was submitted by the deputies of the opposition society, Al-Wefaq, before the end of the parliamentary term of the House of Representatives in 2010. That was a clear sign that the government lacks the desire to achieve social justice and insists on the policy of discrimination, even though the proposal was consistent with the Bahraini legislations, which confirm the significations of justice and preventing discrimination. The proposal called for adding an article to the penal code that criminalizes discrimination, and they were able to pass it, but later it was rejected in 2012, the period in which the deputies of Al-Wefaq Society were resigned following the events of February 2011.

Criminalizing discrimination is one of the important actions that can achieve an elevated level of social justice, i.e. stopping all forms of violations, abuses and nepotism, which corrode political entities and threaten to transform them into failed states. Criminalizing discrimination means to respect the principle of equal opportunities, which ensures that the suitable person gets the suitable position according to his/her competences and qualifications, not according to which ancestors, tribe and sect he/she belongs. This is rejected by the authorities in Bahrain.

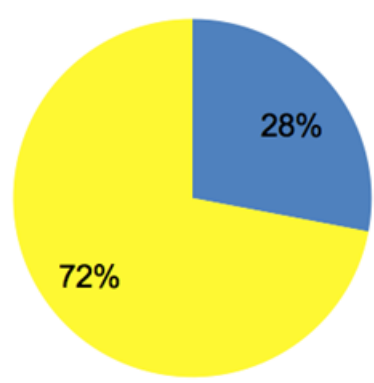
On the contrary, the Government's approach emphasizes the policy of systematic discrimination. Regarding the appointments in senior positions in key ministries and security agencies such as the Ministry of Interior, the Ministry of Defense, the National Guard, and the Ministry of Foreign Affairs, they did not include Shiites. The Shiites percentage in the total appointments is 0%.

As for the executive authority, represented by the Council of Ministers, its most prominent appointments, for example, has been in the same context for many years. The Shiites make up only 28%, and all of them are of pro-regime Shiite families, while the Sunnis make up 72%, and most of them are from the ruling Al-Khalifa family.

Position	Number	Al-Khalifa	Sunnis	Shiites
The Prime Minister and the Council of Ministers	18	5	7	6
The Deputies of the Prime Minister	5	4	0	1
The advisors of the Prime Minister	2	1	1	0
Total	25	10	8	7

The Percentage of the Shiite Representation in the Executive Authority

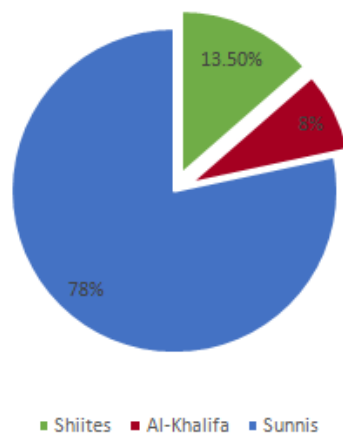
■ Shiite Sect ■ Al-Khalifa and the Sunni Sect



Regarding the appointments in government positions, following the 2014 elections there were 28 royal decrees, 24 royal orders, and 34 ministerial orders for appointments or reappointments, resulting in 362 governmental positions. The total Shiites in these appointments and in the senior positions does not exceed 13.5% of the total appointments.

Type of appointment	Number of appointments	Sunnis	Al-Khalifa	Shiites	Shiites' Percentage
Royal Decrees	32	26	3	3	9.4%
Royal Orders	267	213	16	38	14.2%
Ministerial Orders	63	45	10	8	12.7%
Total	362	284	29	49	13.5%

The distribution of public jobs according to royal decrees, royal orders and ministerial orders



It is noteworthy that the Bahraini women are being excluded from appointments in senior posts. The percentage of women's presence does not exceed 17%, and this percentage drops in the appointment of Shiite women, which does not exceed 3% of total appointments. This is applicable to the Supreme Council for Women, where 6 of 17 of the appointed women were Shiites, which amounted to 35%.

Moreover, the "Committee for regulating appointments to senior Government positions," was established by edict 29 of 2014 issued by the Prime Minister, as a body to stipulate the mechanisms for appointment to senior Government positions and apply to the holders of senior Government positions as well as those nominated to such ranks and who are appointed by a decree or by an edict issued by the Prime Minister, including the positions of ministry undersecretaries, assistant undersecretaries, and directors as well as those under their authority. The percentage of Shiites in this committee was 0%, while in the technical team of this committee which was appointed by a later edict, there was only one Shiite member.

Technical team	Sunnis	Al-Khalifa	Shiites
9	6	3	0

Regarding the absence of justice in practicing political rights and the fair representation among citizens in the House of Representatives, which does not enjoy wide powers, the Bahraini authorities had issued 3 unfair redistricting royal decrees. They dissolved around 32 thousand opponent votes in the pro-government districts so that the Shiite-majority opposition would not benefit from them whether it boycotted the elections or participated in it.

The decrees had enrolled around 95 thousand pro-government votes of the Sunnis and some of those who recently received the Bahraini citizenship in the opposition's districts. This results in 16 MPs for Shiites rather than 18 MPs as in the previous elections, which means that the distribution of the electoral districts after the amendments is further away from justice among the citizens in exercising political rights. This contradicts Article 6 of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (1965), and the second Article of the International Covenant on Civil and Political Rights. Both of these articles confirm the right to participate in the elections by equal universal suffrage, contribution to governing, and the right to equal appointment in public jobs.

The following table shows the numbers of Shiite and Sunni MPs in the legislative authority in both the appointed Shura Council and the elected House of Representatives. In spite the fact that the electoral bloc of the opposition districts is much more than that of the pro-government districts, we find that the Shiite MPs, after 2014 elections, have 14 out of 40 seats, and the number of those appointed in the Shura Council is 16, which reveals the inequality in the real representation and the absence of justice in exercising political rights.

Positions	Number	Shiites	Percentage	Sunnis	Percentage
Shura Council	40 (appointed by the King)	16	40%	24	60%
House of Representatives	40 (through elections in unfair districts)	14	35%	26	65%
Total	80	30	37%	50	63%

Regarding the judicial authority in Bahrain, years ago the High Commissioner for Human Rights described the justice in Bahrain as pseudo-justice. Beside the discrimination in the aforementioned judicial appointments, the judiciary in Bahrain does not enjoy independence and lacks the international fair trial standards, especially the trials linked to political activities and practicing the freedom of opinion and expression. In addition, the judiciary in Bahrain plays a negative role regarding protecting the people from violations practiced by government officials or law enforcement officers, especially violations related to torture, excessive use of force, and other human rights violations. This issue makes the judiciary in Bahrain one of the most important factors that contribute to the absence of social justice.

If the judicial positions in the Sharia Courts, where the sect is a condition for appointment, are excluded; the given revealed by the statistics of appointments in the judicial sector is heading towards a sharp turn of sectarian discrimination and absent justice at all levels. The Shiites constitute 9.7% of all the judicial positions and 0% in most of the levels.



When Bahrain's Terror Crimes Prosecution was created in the context of the crisis Bahrain has been witnessing since 2011, it was formed by the royal decree number 64 of 2012 from one sect only. This appointment has a political implication if it is read through the context of the current crisis, as it is considered a revival of the State Security Law, which explains the reason behind the one-sect prosecution. The implication is even more obvious after knowing that it is the first time members of the military prosecution are appointed in this prosecution.

Job	Number	Sunnis	Shiites
Deputy Attorney General	12	12	0
President at the High Civil Court	4	4	0
Procurator at the High Civil Court	7	7	0
Judge of category (b) at the High Civil Court	1	1	0
Procurator at the Court of Cassation	3	3	0
President at the Supreme Civil Court of Appeal and attorney general	9	9	0
Procurator at the Supreme Civil Court of Appeal	13	12	1
Judge at the Supreme Civil Court of Appeal and attorney general	25	24	1
President at the High Civil Court and President of the Public Prosecution of category (a)	16	14	2
Procurator at the High Civil Court and President of the Public Prosecution of category (b)	12	10	2
Judge of category (a) at the High Civil Court and President of the Public Prosecution of category (b)	28	21	7
Procurator at the High Civil Court	3	3	0
First class Assistant Adviser at the Legislation and Legal Opinion Commission	8	7	1
Attorney General at the Public Prosecution in the rank of the Procurator of the Supreme Court of Appeal	1	1	0
Judge at the Court of Cassation	3	2	1
The Chief and members of the Terror Crimes Prosecution	9	9	0
Total	154	139	15
Percentage			%9.7

As for poverty, despite the fact that Bahrain is one of the oil-producing countries and is considered a financial center, it still shows signs of poverty. Tens of families live in uninhabitable houses, and many of them do not have their daily bread. The Bahraini authorities continue to avoid and refuse to issue official statistics on the cases of poverty in Bahrain, although it says that there are about 116 thousand families included on the lists of the Ministry of Labor and Social Development, and receive financial support and social security.

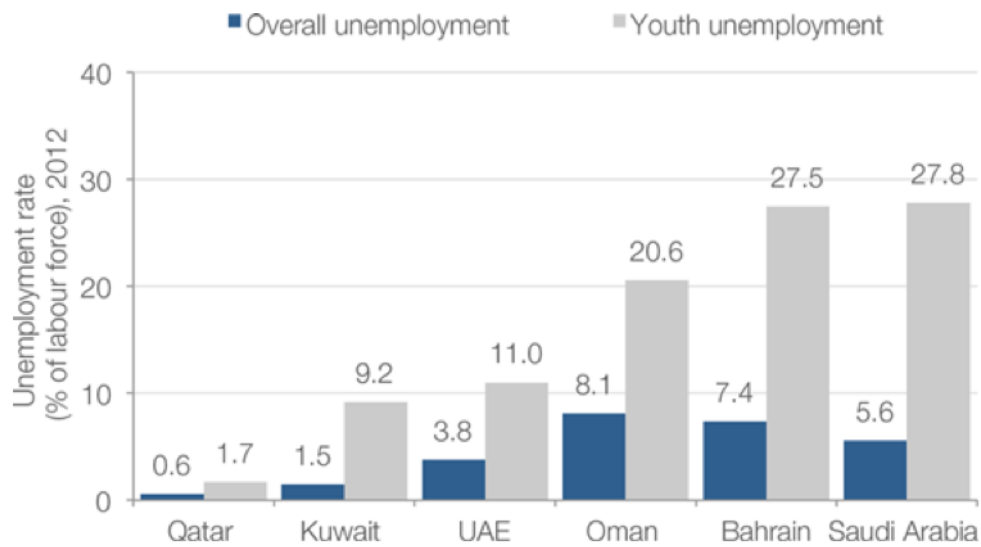
In June 2015, MP Khaled Al-Shaer addressed the Minister of Social Development (then) Faeqa Al-Saleh about the poverty line in Bahrain, asking, "Why hasn't the poverty line been specified in Bahrain yet?" However, he did not get answers to his questions, knowing that the last determination of the poverty line was in March 2011, when the former Minister of Social Development Fatima Al-Balushi revealed that the study conducted by the ministry in cooperation with the United Nations Development Program and the World Bank to define the poverty line in the Kingdom of Bahrain indicated that a person whose income is below 70 dinars or a family consisting of 5 members whose income is below 337 dinars are considered below the poverty line. Since that year to this day, the cost of living has increased significantly, which means that the poverty line has also increased significantly. However, the Ministry of Social Development refuses to publish any official statistics on the cases of poverty in Bahrain.



As for unemployment, it is important to note that the vast majority of the unemployed are Shiite citizens who are prevented from being appointed in various government sectors, especially security agencies. Large numbers of foreigners from different countries are being employed, while the number of unemployed Bahrainis increases, although the law prohibits the employment of non-Bahrainis in such agencies.

Article 30, paragraph b of the Bahraini Constitution states that, "Only the State may establish the Defense Force, National Guard, and Public Security services. Non-citizens are assigned such tasks only in case of maximum necessity and in the manner prescribed by law." These are the same agencies that Shiite citizens are prevented from working at, while foreigners are being employed there.

Figure 1: In GCC countries, youth unemployment rates are more than twice as large as overall unemployment rates



Source: World Bank, World Development Indicators

As for the rate of unemployment in Bahrain, the Ministry of Labor confirms that the unemployment rate was 4.1% in June 2014. This rate decreased from 3.8% in December 2014 to 3.5% in March 2015, while the quarterly rate of unemployment remained at 3.7% in 2015, according to the Minister of Labor, Mr. Jameel bin Mohammed Humaidan. However, Davos report, which was issued in October 2014, revealed that the unemployment rate in Bahrain is 7.4%, not 3.8% as the Ministry of Labor in Bahrain claimed.

On the other hand, there are nearly 474 thousand foreigners working in Bahrain, and there are 26 thousand jobs that go every year to non-Bahrainis, many of whom obtain leadership positions and high salaries. Meanwhile, we find many highly qualified Bahrainis working in inferior jobs and many undergraduates unemployed. So, the real rate of unemployment could exceed the published numbers because there are thousands of unemployed people who were forced to work in jobs that are not commensurate with their qualifications, and thus these people have been officially registered as employed, while they are looking for jobs that are commensurate with their academic qualifications. Hence those are not included in the unemployment statistics.

The official data published by the Bahraini Al-Wasat newspaper in October 2014 shows that there are 4227 Bahrainis who work in the private sector and earn less than 200 dinars and about 41,159 Bahrainis whose salaries range between 200 and 400 dinars.

While unemployment rates of Bahrainis increase, we find that Bahrainis have 40% of the jobs and foreigners have 60%, and high-paying jobs go to foreigners.

Despite the absence of official statistics on the government sector, some observers confirm that a high percentage of foreigners work in the public sector, especially in the security services and some ministries such as the Ministry of Education and the Ministry of Health, where many foreigners are recruited, while the rate of unemployment among Bahrainis increases and thousands of university graduates remain unemployed.

المجموع الكلي	عدد الموظفين / Number of Employee						الراتب الأساسي الشهري
	غير بحرينيين / Non-Bahraini			بحرينيون / Bahraini			
Grand Total	المجموع Total	إناث Female	ذكور Male	المجموع Total	إناث Female	ذكور Male	Monthly Basic Salary
338,598	334,371	17,032	317,339	4,227	2,907	1,320	<200
102,495	61,336	7,222	54,114	41,159	12,455	28,704	200-400
28,922	13,831	2,226	11,605	15,091	5,181	9,910	400-600
12,940	6,179	907	5,272	6,761	1,891	4,870	600-800
8,037	3,554	565	2,989	4,483	1,155	3,328	800-1000
6,548	3,035	368	2,667	3,513	857	2,656	1000-1200
4,499	2,060	288	1,772	2,439	550	1,889	1200-1400
3,457	1,504	178	1,326	1,953	360	1,593	1400-1600
2,240	987	112	875	1,253	239	1,014	1600-1800
1,706	784	97	687	922	178	744	1800-2000
1,667	885	81	804	782	143	639	2000-2200
1,302	672	64	608	630	107	523	2200-2400
1,050	572	43	529	478	73	405	2400-2600
780	426	34	392	354	59	295	2600-2800
620	326	23	303	294	30	264	2800-3000
805	459	21	438	346	47	299	3000-3200
501	296	12	284	205	31	174	3200-3400
425	244	7	237	181	26	155	3400-3600
329	197	11	186	132	16	116	3600-3800
293	181	6	175	112	19	93	3800-4000
2,972	1,831	91	1,740	1,141	99	1,042	>4000
520,186	433,730	29,388	404,342	86,456	26,423	60,033	Total / المجموع

As for the housing problem, due to the policy of discrimination in providing housing services in the past years, if we compare between the Southern Province and the Northern Province, we find that the government has only executed seven housing projects in the densely populated Northern Province, and canceled without justification 1318 houses and 1188 apartments. However, in the less-populated Southern Province, it has executed five projects, which included 993 houses, because it is one of the pro-regime areas with a Sunni majority.

As for education, the year 2015, for example, witnessed the highest levels of discrimination against Shiites by the Ministry of Education in the distribution of scholarships. 34% of 146 Shiite top-grade students witnessed deprivation, and 127 of the total of 630 students were deprived of scholarships in the past five years.

Also, appointments in high-level positions, such as directors and heads of departments, in the Ministry of Education and appointments in the University of Bahrain, the largest university in the kingdom, witness discrimination. In addition, the applications of Shia students seeking master's or doctor's degrees in the University of Bahrain are being hampered. This is reflected in the majority of ministries and government institutions, departments and companies.

Finally,

The spread of injustice, tyranny, discrimination, and marginalization, in addition to the procedures, measures, and policies adopted by the government of Bahrain undermines the achievement of social justice and makes it a missing justice. The absence of social justice in Bahrain is one of the fundamental causes of the crisis in the country since February 2011. The dangers of the absence of social justice and the adoption of policies of marginalization and discrimination, specifically against the Shiite majority, may result in risky and catastrophic rebounds, unless the state takes quick steps to address the existing discrimination and the absence of social justice.