

Bahrain

STOP
VIOLENCE
AGAINST
WOMEN



Ghada Jamsheer at risk of imprisonment



DEFENDING WOMEN DEFENDING RIGHTS

Women play a pivotal role in the global movement of human rights defenders who are active across the world for the promotion, protection and defence of human rights - including women's rights. Women human rights defenders include professionals, mothers, sisters, daughters, wives, partners and non-governmental organisation (NGO) colleagues. They have founded the human rights movement in many parts of the world. They are at the forefront of asserting the rights of men and women in their societies and supporting countless victims and survivors of human rights in their demand for justice. They are leading the work dedicated to helping other women particularly in obtaining redress; protesting against widespread impunity for violence against women and supporting women who have suffered from this abuse rebuild their lives.

As human rights defenders, they suffer violations of their most fundamental rights, including the right to life, to mental and physical integrity, to liberty and security of person, to freedom of expression and association, and to privacy and family life as well as violations specific to their gender. The story of the individual in this appeal case illustrates the risks that women human rights defenders are constantly facing as they carry out their legitimate work. Amnesty International demands that governments fulfil their international human rights obligations to respect, protect and fulfil human rights include securing the space of those women defending human rights.

- Amnesty International is concerned that Ghada Jamsheer, 38 years, faces possible imprisonment on criminal charges which may be politically-motivated because of her activism in advocating for women's rights in Bahrain. The charges pose a threat to her basic rights and freedoms as a human rights defender and restrict her ability to campaign on women's human rights. They may also be intended to deter other women human rights defenders.
- Amnesty International calls upon the Bahrain authorities to drop all charges against Ghada Jamsheer if they are related to her human rights work on the basis that they may be politically motivated and carry prison terms

Background

Ghada Jamsheer is the Director of the Women's Petition Committee, a group formed in October 2002 that is concerned with the reform of the personal status courts (family courts) in Bahrain and the codification of family laws. Family laws are currently un-codified in Bahrain, and judges normally refer to views of different clerics when determining cases¹. This results in a lack of clarity regarding the rights and duties of marriage

¹ For more explanation of the family court system, family law and its impact on women's rights, please see AI's report "The Gulf Cooperation Council: Women deserve dignity and respect, (MDE 04/004/2005)"

partners as conflicting conclusions are reached on cases involving similar facts. As well, Ghada Jamsheer is Chairperson of the Bahraini Social Partnership for Combating Violence Against Women, an umbrella group of Bahraini women and human rights organizations, formed by an Amnesty International initiative in September 2004.

Ghada Jamsheer was charged on 13 April 2005 with “insulting the judiciary”, an offence under articles 216 and 222 of the Penal Code and article 70 of the Law on Press and Publications of 2002. The charges, some of which were brought by the Public Prosecution, relate to various petitions and articles issued by the Women’s Petition Committee between October 2002 and June 2003. These mostly called for reform of the family court system, for family law judges to be adequately trained in law, but also accused the judiciary of corruption.

More recently, on 5 February 2005, the Women’s Petition Committee called publicly for the dismissal of Bahrain’s Attorney General because he was formerly a State Security Court judge. The Committee also called for reform of the Public Prosecution, the family court, the introduction of a family law, and for Bahrain to withdraw its reservations to the Convention on the Elimination of all Forms of Discrimination Against Women.

Further, Ghada Jamsheer faces other charges of defamation and slander in connection with comments she is alleged to have made about a family court judge and the husband of a victim of violence. These are criminal offences under Bahrain law.

Amnesty International does not know why the Bahrain authorities delayed so long in bringing charges and court proceedings against Ghada Jamsheer but there is concern that the action is being taken against her now because of her activism in campaigning for women’s rights.

Ghada Jamsheer denied all the charges against her when she appeared in court on 4 June 2005. Judgement in the defamation and slander case brought by the husband of a victim of domestic violence is reportedly due to be given on 28 June, while the similar case relating to the family court judge is to be heard on 5 October 2005. Charges brought against Ghada Jamsheer for “insulting the judiciary” were dropped by the criminal court for lack of conformity with procedural safeguards.

Other cases relating to women human rights defenders

Other Bahraini human rights activists have been prosecuted in the past because of their activities. In May 2003, 11 family court judges brought defamation and slander charges against seven activists in connection with an article published in Akhbar al-Khaleeja daily newspaper, in April 2003. This concerned a hunger strike begun by Badriya Rabi’a after a personal status court (family court) granted her former husband custody of their two children.. The seven included four women - Ghada Jamsheer, Badriya Rabi’a and Fatima al-Hawaj, all human rights activists, and Mariam Ahmad, a journalist – and three men – Anwar ‘Abdul Rahman, editor of Akhbar al-Khaleej, Mohammed al-Mutawa’, a lawyer; and Mohammed Sa’eed al-‘Aradi, a religious scholar. In October 2003 the criminal court referred the case to the Constitutional Court. The charges were later dismissed.

International human rights standards

The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote And Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the UN Declaration on Human Rights Defenders, provides, in Articles 1 and 5, that individuals and associations which “promote and to strive for the protection and realization of human rights” and for the right “to malicious prosecution, but rather are recognised and supported in their struggle. It sets out ways in which activists who peacefully and legitimately campaign for the protection of their communities’ rights; are not threatened, harassed; imprisoned or subject to malicious prosecution, but rather are recognised and supported in their struggle.

Article 12 of UN Declaration on Human Rights Defenders provides that:

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

TAKE ACTION

Please send appeals to the King of Bahrain:

- Expressing concern that Ghada Jamsheer faces possible imprisonment on charges which may be politically-motivated and designed to prevent or deter her work as a human rights defender.
- Urging the King to ensure that freedom of expression is guaranteed and that activists are able to raise concerns on the human rights situation without the fear of facing charges
- Urging the Bahraini authorities to drop all charges against Ghada Jamsheer if they are related to her human rights work on the basis that they may be politically motivated and carry prison terms
- Calling on the Bahraini authorities to develop national plans of action to implement the UN Declaration on Human Rights Defenders as an important first step to ensure that human rights defenders are able to safely carry out their legitimate work without fear.
- Calling on the Bahraini authorities to protect the dignity of women and to ensure that family laws in Bahrain guarantee justice and fairness and freedom from discrimination.

In his January 2000 report to the UN Commission on Human Rights, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression urged "all Governments to ensure that press offences are no longer punishable by terms of imprisonment, except in cases involving racist or discriminatory comments or calls to violence. In the case of offences such as "libeling", "insulting" or "defaming" the head of State and publishing or broadcasting "false" or "alarmist" information, prison terms are both reprehensible and out of proportion to the harm suffered by the victim. In all such cases, imprisonment as punishment for the peaceful expression of an opinion constitutes a serious violation of human rights."²

Human Rights Concerns

Amnesty International is concerned that Ghada Jamsheer is facing possible imprisonment on charges which may be politically-motivated and that these may have been brought against her because of her work as a women's rights campaigner, in which capacity she has strongly criticised Bahrain's family law and personal status court system.

² E/CN.4/2000/63, para 205



Addresses for appeals:

His Majesty Shaikh Hamad bin 'Issa Al Khalifa Office of His Majesty the King P.O. Box 555 Rifa'a Palace, Bahrain Fax: (973) 668884 Salutation: Your Majesty	<u>Deputy Prime Minister and Minister of Foreign Affairs</u> His Excellency Shaikh Muhammad bin Mubarak Al Khalifa Ministry of Foreign Affairs P.O. Box 547, al- Manama, Bahrain Salutation: Your Excellency
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Copies of appeals should be sent to Bahrain diploma