Demonstrations between Legitimacy and Criminalization in Bahraini Legislation

(A Comparative Study)

A Thesis Submitted in Partial Fulfillment of the Requirements for the Master Degree in Public Law

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Abstract

The freedom to demonstration is considered as one of the most important forms of freedom of expression and an influential for forming the public opinion. With increase of political awareness and emerging defender generation of right to freedom of expression of opinion through legal channels, there is increase in the value of emphasizing the limits of freedom of demonstration granted by the constitution of the Kingdom of Bahrain which authorized the legislators to regulate this right.

Based on the above fact, the researcher addressed in this thesis the limits drawn by the Bahraini Decree-Law No. (18) for the year 1973 on Public Meetings, Procession and Assembly as amended compared to the laws of GCC and some other Countries. That the researcher initiated the study by the legal concept of the "demonstration" and its basic elements which if one of them negated the assembly is no longer described as demonstration. As "demonstration" is considered as form of people assembly, the researcher shown the similar aspects between it and other forms of gatherings. Addressed also in this thesis the legal ground of "demonstration" in the Bahraini legislature and light was shed on the international instruments which grant this right.

The researcher concluded that even though the freedom to demonstrate has been granted by the constitution and the international instruments, but it is limited by several legal controls regulated by the law such as pre-notification for demonstration, formation of organizing committee as well as place, time and conduct controls which aim at balancing between the granted right to demonstrate and to protect the other people's right to security, safety, transport, traffic from violation.