

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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The Human Rights Commissioner

Visits the Gulf States

On April 2010, the UN High Commissioner for Human Rights Navi Pillay visited the six Gulf States. The visit was important to shed light on these countries, assess their commitments and encourage more respect of the rights of their citizens and millions of foreign workers in their countries. It was also beneficial for the High Commissioner to observe the obvious differences between various Gulf States, and the amount of human rights activities in them, as well as the nature of the political atmosphere in which these activities are conducted.

Notably, Pillay reiterated her call for the abolishment of the sponsor system, which relates to foreign workers in all the Gulf States. Bahrain is the only Gulf country that has already abolished this system a year ago. Pillay's call has boosted and supported the efforts of human rights activists and reformists in official political institutions, who had demanded that this system, be abolished as it was a form of slavery. The call also triggered positive debates in the press, TV and other media.

Pillay also demanded that a human rights approach be adopted for the protection of domestic workers given that many of them have been victims of abuse, particularly women. Until now, no Gulf State has adopted such a law. On the other hand, many human rights activists complained that Pillay did not pay much attention to human rights violations in some Gulf States including strict political systems, tough restrictions on the establishment of civil organizations and vast human rights violations.

In Bahrain the High Commissioner met with the King and a number of ministers, and discussed with them all issues relating to Bahrain's progress in its adherence to its human rights commitments in the context of the Periodic Universal Review.

The importance of this visit stems from the fact that Pillay was able to closely examine the human rights situation from both official and public points of views. She was also given official reassurance to respect and promote human rights in the country. The King, who confirmed that there was not a single political prisoner in Bahrain, expressed his readiness to promote political rights for all segments of society, develop labour laws, and push forward human rights programs.

The Minister of Interior said that the Government shares these same views and strongly believes in the importance of promoting and respecting human rights, stressing that there are tight restrictions and monitoring of the practices of the security forces. He also indicated that whoever makes a mistake will be penalized, adding that in Bahrain there is no place for systematic torture, and that his Ministry teaches human rights syllabuses to the police.

As for the labour Minister, he stated that new labour laws in Bahrain are in line with all human right principles adopted by the UN. However, the UN High Commissioner, who appreciated Bahrain's pioneering work in the ratification of laws that protect foreign workers, also demanded that domestic workers receive the same attention.

Furthermore, Pillay stressed the importance of the role of civil society organizations in protecting human rights. She also stressed the need of providing protection and suitable environment for human rights activists and civil society organizations. Human rights activists also met with Ms. Pillay and complained about the weak cooperation of the Government apparatus, the failure to solve some on-going issues, the use of the shozin weapon in confronting riots, discrimination and violence against women.

The BHRM hopes that the outcome of this visit materialize into a working plan, which contributes to solving existing problems, and that official statements become programs where both civil society and the Government participate.

NDI Director Prevented from Entering Bahrain

Last month, the Interior Ministry prevented the resident Director of the National Democratic Institute (NDI) in the Gulf, Stacy Hague from entering the country. Bahrain accuses the Institute of unacceptable interference in its internal affairs.

MP Hassan Al Dowsary praised the decision, and accused the



American Institute of having suspicious agenda, and of interfering in the internal affairs of several countries which are witnessing political and democratic change. (Al-Waqt newspaper, 22 April 2010).

Workers Protest against Delayed Wages

On 29 March 2010, the workers of Projects Construction Company protested against the three-month delay in paying their wages. The protestors also called for interference from the Government, especially the Ministry of Justice. Kareem Radi, from Bahrain Federation of Trade Unions, said that the delay in paying workers' wages was unacceptable, especially in light of the current difficult economic circumstances. The Labour Ministry demanded the company to pay all outstanding salaries, and warned it from repeating this delay again.

Pubic Campaign in Support of CEDAW

On 29 March 2010, the Bahrain Women's Union launched three publications concerning women: (Ishraqat Al Mara), (Marsad Al Mara) and a book by Amani Al Wadaiee entitled (Bahraini Women in the Islamic

Courts). The Union began organizing a public campaign specifically targeting the Government, in order to remove reservations on some CEDAW articles, perceived

by some to be contrary to Islamic teachings. The spokeswoman of the BWU Fatima Rabia

said that the issue has nothing to do with clashing with Sharia law. She demanded lifting all reservations hindering the equal granting of nationality to women and children, emphasizing the principle of equality between men and women.



Re-trial of Karzakan Detainees

On March 2010, the Appeal Court sentenced 19 people known as the Karzakan detainees to three years' imprisonment, after they were cleared

Miliband Praises Bahrain

The British Foreign Minister David Miliband praised Bahrain's performance with regards to the Universal Periodic Review. This came during his launch of the annual British Foreign Ministry's report on human rights on 17 March 2010. On this occasion he said that: 'there are a number of countries that deserve to be praised on their strategies. We welcome the decisions taken by Bahrain, Argentina, Malaysia, Vietnam and Djibouti for launching a national action plan on human rights after their reviews'. He added that Bahrain and Argentina were exemplary in voluntarily presenting to the Council evidence of their progress in implementing recommendations on human rights.



and released by the Supreme Criminal Court on 13 October 2009. The group was accused of involvement in violence and riots which resulted in the death

of policeman Majid Asgar on 9 April 2008. The new sentence



shocked the families of the detainees, and they demanded it be revoked. On 2 April 2010, the residents of Karzakan village organized a demonstration, in which political activists and clergymen protested against the new ruling and demanded the release of the detainees. On 9 April 2010, hundreds of Bahraini citizens took to the streets in Bani Jamra village, demanding an end to the pre-reform period victims' file.

Salam Still Unregistered

The Ministry of Social Development requested that the preparatory committee of Salam Human Rights Society omit three names from the list of its founders, as a condition for legally registering the Society. It was thought that the three names do not comply with

the conditions of establishing a society, which includes possessing a file that is clear



of offence against honour and honesty. The founders of the Society have applied for a license to establish Salam since last December, and are still waiting for official permission to begin its activities. A member in the preparatory committee Hadi Al Mosawi said that the Ministry did not provide any clarification with regards to the omission of the three names.

Al Masqati Fined 500 Dinars

The President of the unlicensed Bahrain Youth Society for Human Rights Mohammed Al Masqati was fined

500 Dinars for working in an unlicensed society. Al Masqati commented on the issue by saying that the verdict contradicts the civil and political rights guaranteed by the International Covenant on Civil and Political Rights which Bahrain joined.



BHRM condemns vandalizing schools

The BHRM condemns the violent attack and vandalizing of Jad Hafs Preparatory School for boys on 8 April 2010. The incident took place during school time when a group of masked boys threw fire bombs (Molotov cocktails) inside the school. The Ministry

of Education condemned the attack and those behind it, who are believed to hold extremist political views. On another level, violence and rioting which is supported by some extremist human rights groups and political parties, is continuing in a number of villages. This violence includes setting fires, blocking streets, using fire bombs, vandalizing private and public properties and clashes between police and rioters which often result in people getting injured and in human rights violations.

National HR Foundation Members Appointed

The BHRM welcomed the royal decree, issued on 25 April 2010, regarding appointing members of the National Human Rights Foundation

(NHRF) headed by Salman Kamal Al Deen. The decree included the appointment of Isa Al Khayat as First Vice-President, Fadeela Al Mahroos as Second Vice-President, and the membership of twenty other individuals including: the President of BHRM, Hasan Shafaei; the Secretary General of Bahrain Human Rights Society, Abdulla Al Drazi; the Secretary General of the Bahrain Human Rights Watch Society, Faisal Fuladh; the Secretary General of the Bahrain Lawyers' Society, Yosif Al Hashimi; and the President of the Bahrain Society for Support of Public Freedoms and Democracy, Mohammed Al Ansari. Al Shafaei praised the representation of women in the NHRF, and saw it as an official acknowledgment of the position of Bahraini women, hoping that all official and non-official institutions will do the same.

Human Rights Workshop Banned

The Ministry of Social Development, which supervises the activities of civil society organizations, has banned a workshop on the theme of 'Human Rights Capacity Building'. The Bahrain Human Rights Society was due to organize the workshop on 27-29 May 2010, and said in a statement on 21 April 2010 that it wrote a letter to the Ministry of Social Development requesting the Ministry to facilitate the attendance of some participants in the training course, and explained the main discussion points as follows: (monitoring preventative detention, allowing visits to prisons, international human rights principles during detention, minimum standards of treatment of prisoners coupled with case studies, how to administer preventative visits, how to investigate and document violations, the Istanbul Protocol, advocacy and support strategies, using international human rights mechanisms and the Optional Protocol of the Convention against Torture).

The Society announced on 19 April 2010 that it had received the Ministry's refusal, under the pretext that 'the

workshop falls outside the objectives of the Society', and that according to the Civil Societies' Law No (21) for 1989 (article 18) 'it is prohibited for any society to be involved in political activities'.

The Bahrain Society considered this a restrictive measure on civil society, which contradicts the international conventions which Bahrain has signed.

On 22 April 2010, Minister Fatima Al Boloshi stressed that ban on the workshop was a result of the existence of political material in its program, stressing that the Society did not publicize in the media the details of these points of discussion. Al Drazi denied this, and emphasized that all points of discussion were published in the media and that these do not include anything political. He also demanded the Minister to point out these so called political points. Al Drazi added that 'obtaining permission for organizing training workshops is not part of the Civil Societies' Law, and this is only required from the Ministry of Social Development in order to obtain visas for trainees and guests from abroad'.

The President of the Bahrain



Transparency Society, Abdel Nabi Ikri, described the Ministry's decision to stop the workshop as unwise since there is no connection between the workshop and what has been described by the Ministry as engaging in politics. He also expressed his surprise regarding the attitude of the Ministry towards a society which is well known for its adherence to the framework governing its activities. Ikri also criticized the Ministry for its one-month delay in responding to a mere request of bringing a trainer from abroad, and wondered about the reality of official facilitation provided for civil society organizations. Moreover, Ikri called upon the Ministry of Social Development and the Bahrain Human Rights Society to engage in a dialogue, and discuss the issue, in order to reach a friendly solution that helps the organization of the training workshop.

Violence against Women in Bahrain

Light at the End of the Tunnel

Figures published in the local press give indications about the rising cases of violence against women in Bahrain, and raise questions about the extent of the phenomenon; how to deal with it; how to limit it legislatively, judicially and practically; and what practical measures taken by the Government to achieve effective justice for victims and survivors.

The Director of Batelco Care Centre for Victims of Domestic Violence, Dr. Benna Bosbon, reported that 6061 cases of battered women entered the Centre, and received treatment, since its opening in 2007 until the end of 2009. She said that the hotline service had played an important role in reporting cases of domestic violence. On the other hand, Baheaja Dailami from the Supreme Council for Women reported that the number of divorce cases had reached 427 cases between 2007 and 2009 for reasons related to violence, abuse, and infidelity.

A number of concerns in this area meet with 'six-point checklist on Justice for Violence against Women' issued recently by Amnesty International in a document based on international human rights norms and policies. The document aims to identify obstacles to achieving justice for women and girls victims of sexual violence and other forms of gender-based violence. The 'six-points' checklist represents a reference to help advocates of women's rights to identify laws, policies and practices that need reform; as well as obstacles that prevent the successful application of the laws.

According to Amnesty International, it is important in each national context to ask the following main six questions:

- 1 - Are the existing laws adequate?
- 2 - Is it safe for a victim to report a crime of sexual or gender-based violence?
- 3 - Are collection of forensic evidence and provision of medical care appropriate and adequate?
- 4 - Are there specific obstacles preventing a victim from accessing appropriate services in a timely manner?
- 5 - Is investigation of crimes efficient and accurate?

6 - Are trials fair, competent and efficient?

From the outset it is clear that the whole issue depends primarily on the existence of adequate laws that can achieve justice for victims and survivors, this is the cornerstone. Addressing the availability of adequate laws will enable us to deal easily with the rest of the other questions, which should guide Bahrain in terms of application. It is difficult to cover all the six-points in view of the lack of information, so the focus will be on the first point.

1 - Are the existing laws adequate?

In the beginning it must be recognized that there is no sufficient laws to criminalize violence against women in Bahrain. But efforts are continuing to enact legislation to achieve that end. In this context it should be noted the following efforts:

- Last February, the Legislative and Legal Affairs Committee at the House of Representatives began discussion of a bill to protect Bahraini family from domestic violence. The Committee met with delegations representing governmental agencies and women NGOs to exchange views. On the other hand, on 10 February 2010, the Committee to Combat VAW at the Women's Union presented a memorandum to the House of Representatives, in which it stated its views on the draft law.

The latest development came on 22 April 2010 when the House of Representatives approved in an extraordinary session the draft law on the protection of the family from domestic violence and referred it to the Shura Council for urgent adoption.

The Bahrain Human Rights Monitor hopes the legislation to combat domestic violence to come in line with Amnesty International's definition of rape and other forms of sexual violence that: 'sexual conduct in which the victim involved was coerced, by violent or non-violent means, and therefore her agreement to engage in sexual acts was not truly and freely given. There should be no assumption in law or in practice that a victim gives her consent because she has not physically resisted the unwanted sexual conduct'.



Furthermore, criminal law should identify rape and other forms of sexual violence as a crime against the physical and mental integrity of the victim, and not only as a crime against morality and honour.

According to Amnesty International, the law should not contain exceptions for certain offenders, and should not expose the victim who reports sexual or gender-based violence to danger of being charged with a crime such as adultery or violating immigration laws or the like. Furthermore, the victim should not be exposed to the risk of losing the right to custody of children.

- Bahrain has sought to codify personal status, and, on 14 May 2009, the House of Representatives passed the Sunni section of the Personal Status Act, while the Shia clerics rejected the Shia section under the pretext that more constitutional guarantees are required. The debate is still continuing to persuade the Shia scholars and MPs to approve it.

The Personal Status Act is seen by many observers and activists as a very important legal development to protect of women's rights, and to address cases of violence and prejudice against women.

In the context of legislative efforts, the Shura Council member Dr. Fawzia Saleh presented in March 2010 a paper entitled: (the role of the legislative institution in the fight against domestic violence). She explained the Council's role in revising existing laws on discrimination and violence, and legal proposals made to put an end to them. She recommended that the problem of domestic violence should be studied in-depth, Bahrain be guided by international conventions, in addition to the need for a genuine partnership between the relevant parties to reduce domestic violence.

To conclude, the legal loopholes that

can be used to abuse women, violate their rights and commit violence against them still exist. Laws and legislation that were issued are not enough, coupled with a slow process to issue them. However, it remains that a significant legal development can be seen in combating domestic violence and gender-based violence.

2. Safe and timely reporting by a victim of a crime of sexual or gender-based violence

There is a set of parameters and guidelines established by Amnesty International in this area, including:

- States must ensure that the police and other law enforcement officers in no way intimidate, threaten or humiliate victims of sexual or gender-based violence, either when they file their complaint or during the subsequent investigation.
- There should be enforceable codes of conduct guaranteeing that police officers work professionally with victims of sexual or gender-based violence.
- Victims should be allowed to bring an advocate into any meetings with the police or other investigators.

- Police officers should be trained in best practice methods of interviewing and supporting victims who have been subjected to sexual violence.

In the regards, on 2 February 2010, the Batelco Care Centre for Victims of Domestic Violence organized a training programs for community police officers. The training programs included a number of important observations:

- Victims should be interviewed in a secure and private environment. In no case should a complainant be put in "protective custody".
- Victims who are in any form of state custody or other institutional settings must have a secure means of making a complaint to an appropriate entity outside the institution.

- In no case should the investigation be handled internally. Such cases to police who specialize in investigating sexual and gender-based violence

3. Collection of forensic evidence and the provision of medical care must be done appropriately

Here, medical professionals should be trained in the World Health Organization (WHO) protocol on the collection of forensic evidence in cases of sexual and gender-based violence. They should take notes and collect samples in a way that ensures that the

evidence can be used in criminal trials.

4. Victims should access appropriate health services in a timely way

According to international human rights standards:

- Victims of sexual or other gender-based violence must have immediate access to appropriate health services.
- Victims seeking health services after an act of sexual or gender-based violence should be able to see a medical practitioner of their choice (a woman or a man).
- Health services should provide a woman or girl who has been raped with appropriate medical care and initial psychological support.
- Medical professionals attending survivors immediately after an act of sexual or gender-based violence should be trained to deal with survivors' needs professionally and supportively, and treat them confidentially and with no discrimination.

5. Investigations of crimes must be efficient and thorough

In this framework, there are some important observations:

- The investigating authorities should protect the identity of the survivor if that is what the survivor wants.
- The police must not pre-judge the evidence before the investigation has even started for example, by disbelieving the complainant's version or by informally encouraging them to drop the complaint "for their own good".
- There should be clear criteria defining when the police must refer a case to the prosecutor.
- The police should not mediate agreements between perpetrators and victims, they should not facilitate informal payment of compensation and they should not encourage resolution through a parallel legal system such as a tribal court.
- Statistics on the resolution of investigations

should be gathered and published.

- Prosecutors must initiate proceedings against the suspects where there are reasons for this.

- If prosecutors take the decision to discontinue a case, they should record the reasons for this and promptly inform the complainant. Prosecutorial discretion should not be used to dismiss cases in which there is sufficient evidence to proceed and if the complainant wishes to go forward.

- The training of lawyers and investigators working in the prosecutor's office on ways of dealing with victims of sexual violence or other forms of gender-based violence. With regard to Bahrain, and in this particular issue, the Director of Batelco Care Centre for Victims of Domestic Violence, Dr. Benaia Bosbon, explained that the Centre had provided such training to community police officers on how to deal with women subjected to domestic violence. The Centre is planning to do six sessions on how to deal with victims of violence, particularly adolescents and children in addition to organizing specialized courses for community police on the principles of dealing with all forms of domestic violence. In the past, the Centre provided awareness workshops for police officers, prosecutors and judges on domestic violence issues.

- Prosecutors should ensure that witnesses are properly protected from further violence through witness protection measures. Under no circumstances should protection take the form of "protective" custody in a jail or prison.

- Prosecutors should preserve the dignity of victims and witnesses in the courtroom by ensuring that defence lawyers cross-examine witnesses professionally, without using bullying tactics to undermine the credibility of witnesses.

6. Trials must be fair, competent and efficient

- Trials must be fair, free of discrimination and the rights of the victim and defendant must be protected.

- Judges are responsible for maintaining the privacy of the victim's identity if the victim so chooses. = Judges and lawyers should be trained in understanding crimes of sexual and gender-based violence.

- Sentences imposed on perpetrators found guilty of rape and sexual violence should be proportionate to the crime.

Challenges Facing the Course of Reforms and Human Rights in Bahrain

Hasan Moosa Shafaei

It is undeniable that human rights in Bahrain have developed in various fields since the start of the reforms in 2000. In brief, these are as follows:

- The establishment of human rights organizations, in particular, and civil society organizations in general, (there are now around 500 of these organizations).
- National laws were brought in conformity with the country's international obligations, agreements and treaties it had signed. More and more of these have been signed during the years of political reforms.
- Imprisonment for political reasons ceased.
- The Judiciary and its apparatus were modernised, and its independence was supported.
- In terms of relations between the Bahraini state and international organisations, despite some shortcomings, there has still been some development as these organisations have been permitted to visit Bahrain, meet with officials, run activities and workshops, and establish regional offices in the country.
- Despite the absence of systematic torture and inhumane treatment, there remain some claims of ill-treatment, which can be placed in the context of individual violations of the law and require certain administrative procedures in order to stop them completely. These procedures should for example include the tough application of the law on employees of the Ministry of Interior, preceded by honest and transparent investigations.
- The development of women's rights, whereby a radical change occurred in the state's view of women, and enabling them to be involved politically despite obstacles relating to social customs. There has also been a new Personal Status law, the Sunni section has already been ratified by Parliament, whilst the Shia part is awaiting approval.
- The expansion of the margin of freedom of speech in the media field, despite the

existence of a media law which is not on a par with international standards. Also, a new bill is currently being discussed in Parliament to address the shortcomings of the current law.

- There are no restrictions on the freedom of assembly or the freedom to join organisations.
- Lastly, the National Human Rights Foundation was established by royal decree in November 2009.

From all the above, one can be certain that the status of human rights has drastically changed during the decade-long reform project. Although there have been many complaints by local and international organisations on various subjects, the main challenges facing Bahrain stem from the fact that Bahrain is an emerging democracy. These challenges are as follows:

Challenge One: Addressing On-going Issues

These are issues which have been inherited from the previous period, the main two still have an effect on the security situation and mutual trust between the Government and human rights and political societies:

1. The issue of transitional justice. This relates to the pre-reform period and how best to deal with its effects in a manner that pleases all parties, in order to guarantee that past mistakes are never repeated. The Government had previously attempted (and should try again) to solve the issue by financially compensating victims of that period through the Appeals Committee in the Royal Court, then through the Ministry of Social Development. The Government also succeeded in providing medical treatment to those who had physically and mentally suffered, reinstated their jobs and granted them pensions and social security retroactively. What remains is the issue of those who lost their lives, which has been held up by various political forces who have refused the suggestions of the Committee, and the offers of the Government, and have insisted on using the issue for their



Hasan Moosa Shafaei

political battles. In any case, the failure to resolve this issue does not benefit the democratic and human rights changes witnessed by the country, and will remain present in all regional and international debates, whether political or media related, until the issue is adequately resolved.. To close this chapter, the Government should take an initiative aiming at forming a committee including all relevant parties to find lasting solution to the issue.

2. The issue of discrimination. Discrimination here refers to sectarian discrimination in its political aspect that relates to participation in the upper echelons of the state apparatus and benefitting from the services offered by the state. This problem does not include the freedom of religious practice, which exists already and is respected. Nor does it refer to the social aspect of discrimination, except in a limited sense, as social integration and cohesion is strong in Bahrain, whether in terms of mixed housing estates, inter-sect marriage and financial partnerships, among others. The Government has implicitly admitted the impact of the legacy of the pre-reform period. Today, the Government is implementing a 'positive discrimination' policy for the benefit of the Shia at the administrative and services level, in accordance with the wishes of the King who declared that the reform project was designed to achieve social and political balance. The project has indeed been concerned with absorbing, as much as possible,

groups that had been marginalized, and integrating them in the political system by providing equal opportunities and laying the political ground for equal political participation by all groups.

There is no doubt that political integration has been strengthened during the reform period, and that the resulting political balance (and not political quotas) will lead to more social and national integration, and will weaken the hold of sectarianism which is a danger felt by all. Addressing the political and social imbalance is a heavy inheritance, which needs to be solved gently and gradually. Hence comes this call for open discussion of this issue in a true national and rational spirit, instead of leaving bitter sectarian feelings hidden in a way that would form an obstacle in the face of the country's and society's progress.

Challenge Two: Violence and Rioting

The political reforms did not meet the aspirations of all, if not most, political forces in Bahrain. In fact a group which called itself the 'Haq' movement broke away in 2006 from Al Wefaq society, the largest political party, calling for the complete overthrow of the political process and the political regime. From this point onwards, organized street violence and rioting appeared, and have been continuing up to this day. The Government has not used its full legal power to face this violence and rioting, which has claimed many lives. The Government was keen to maintain an appropriate political atmosphere for the development of the electoral political process on the one hand, and on the other, in the hopes of absorbing these rebellious forces. The King himself attempted to achieve this but to no avail.

Violence and rioting are some of the worst violations of human rights in Bahrain, as they cause great harm to victims and properties alike. The human rights debate in Bahrain today, which revolves around claims of violations and torture, all originate from this violence, which makes riots the endless source of human rights transgressions and provokes arguments and debates about legal issues.

Notably, international human rights organizations, which publish reports and statements about Bahrain, do not have a complete picture about local political and social circumstances. They have also fallen victim to false and politicized information

provided by certain parties claiming to be human rights defenders, making them complicit with extremist political forces in igniting street tensions.

However, if the Government reaches a dead-end due to pressure from the public and effective political forces, it could very well resort to a strict application of the law. On the other hand, containing violence and rioting requires a creative political initiative from political forces represented in Parliament and civil society.

It is important to note how interrelated political, security and human rights issues are, whereby solving the outstanding issues mentioned above would contribute greatly in finding solutions for all kinds of tension and stagnation without the fear of escalating dangers, which could threaten the internal stability of the country or divide the efforts supporting the course of reforms.

Challenge Three: Building Trust

This means the building of trust between the Government on the one hand, and political societies and civil society on the other hand. Although the political process is continuing (albeit in slow pace) the development of the human rights situation and the political regime itself all depends to a large extent on the trust built by different parties soon after the King's launch of the reform project in 2000. What does the lack of trust between civil society, political and governmental parties mean?

- It means that the political system is developing very cautiously in its political reforms for fear of losing power, not to real partners who care about developing the political process, rather to competitors who could become enemies and turn against the entire political process. For this reason, it is notable that a process, which was initially radical in its nature, has lost its momentum, and has tended towards extreme caution.
- This also means that in return, there has been a lack of cooperation by political parties and civil societies with Government projects, and dealing with them sceptically. All this stems from the fear that there are hidden Government agendas, aimed at weakening political forces or controlling civil society organizations. Both the Government's slowing down of the pace of reforms and civil society and political forces'

suspicious and lack of cooperation have weakened the spirit of initiative and reinforced suspicions, which could drag the country into endless political bargaining, where each side refuses to invest its political power for the sake of national interest.

One could say that a fair amount of trust was built during the positive years of the political changes in the last decade, but suspicions between the Government and political and human rights parties remain an obstacle of mutual political, developmental and reform projects even inside Parliament. Why did this happen?

There are many reasons for this, some of which relate to Bahrain's pre-reform past, for the political players of today were the same political combatants of the past, despite the existence of good intentions and a suitable political atmosphere for building trust, there remains an amount of fear on both sides, fed by the each party's mistakes due to the novelty of the political experience in the country in terms of cooperation. These mistakes appeared in the form of irresponsible statements and practices which have led to diminished trust between the two parties and brought to mind former fears. Lastly, the emergence of a violent and extremist movement, which openly declares its opposition to the essence of the political process, the regime and royal family has caused tensions and weakened the trust that had previously been built.

The political process in Bahrain cannot expand and develop without the existence of trust between various political players, and human rights cannot improve without a suitable atmosphere of a reasonable amount of trust. When those who work in the field of human rights practice a policy of looking out for faults and politicize them without admitting the achievements that have been made, or disregard their importance, this weakens any possibility for cooperation with Government apparatus, who will return this lack of trust with distrust as well.

All political players from official, public and human rights backgrounds bear the responsibility for building mutual trust and for blocking any factors aimed at weakening this trust whatever the source, for everyone reaps the benefit of the reform project. Suspecting the other party's intentions in particular will inevitably lead to stagnation and a political dead-end.

SG of the National Council for Human Rights of Egypt:

Human Rights Improved, and Egypt at a Historic Juncture

Seven years have elapsed since the establishment of the National Council for Human Rights (NCHR) in Egypt, yet the foreign observer does not perceive any radical changes in the status of human rights in the country. How true is this assumption? The BHRM posed a series of questions to His Excellency, the Ambassador Dr. Mahmud Makarim, Secretary General of the National Council, to which he responded with the belief that the experience has in fact been a positive one. He added that the NCHR has made great strides in the human rights field, despite many difficulties, and considering that it is a relatively new institution.

How does the Council evaluate its achievements, considering the national plan devised for this purpose?

It is important to be fair when evaluating the efforts of the Council, as it operates in a society, in which there were accumulated negative human rights practices in the past. However, this does not excuse the slow pace of the human rights reform project in society. The Council is aware of the circumstances surrounding its establishment, especially the fact that its role as an advisory one, meaning that it does not have the power to achieve the hopes that many wish of it. Being a new and unprecedented institution, the Council also had to pay attention to the requirements of its establishment, such as preparing its internal organizational regulations, setting up its administrative basis, forming its committees and units, preparing a comprehensive national plan for the promotion and support of human rights, setting up branches for the Council in different provinces, and striving to establish partnerships with human rights organizations, both at home and abroad. All these activities occupied much of the Council's time and attention, but they were necessary to establish its foundation, and put into place a strategic human rights vision for the future to enable us to continue working within its governing laws.

Despite this, what has been achieved on the issue of human rights in Egypt is an important step on the long road of reforms in a country which is currently undergoing the most crucial political, social and cultural transformation in its modern history. Any achievements or

failures attributed to the Council form the essence of the human rights debate in Egypt, which is something we welcome and hope to learn from.

At the end of 2006, the Council prepared a national plan, aiming to merge it with the State's five-year plan. The Council also set up a unit to follow up and evaluate the implementation of the goals contained in the national plan with the cooperation of Government bodies and civil society. Recently, this unit continued its discussions with related ministries and institutions in order to follow the plans they presented for discussion and review. Such plans aim to promote the status of human rights by using performance indicators, timetables and identifying obstacles to the reform project. The unit also organised discussions with some civil society organisations concerned with human rights, due to their participation in the successful outcomes of the plan, and invited them to a round-table meeting in order to establish a framework for mutual cooperation. It may be useful to note that preparations by the Council are currently underway to modernize and develop a plan in 2010, with the cooperation of the UNDP and the participation of various related governmental and non-governmental sectors and experts.

Has the Council succeeded in encouraging the Government to make national legislations conform to international treaties and agreements, and how can the development of human rights be measured?

Since its inception, the Council has paid particular attention to reviewing the Egyptian Constitution and legislations,



Dr. Mahmud Makarim

in an effort to make them conform to international human rights standards. We have also presented six proposals to the Legislative Authority about altering the rules on preventive detention, as well as some aspects of the Penal Code regarding combating torture. The proposals also included a Supervising Judge system to supervise execution of punishments, the founding of unified prayer areas, a bill on equal opportunities and prohibiting discrimination, and the alteration of some sections in the Penal Code related to the promotion of free speech and thought. The Council also presented a number of studies and researches on articles of some laws which require review and alteration in order to conform to human rights standards.

In your last meeting with the EU Ambassador on 27 March, you discussed the issue of spreading human rights culture and plans for merging the national plan for human rights with the State's general plans. Can you please shed some light on this?

The Council is aware that cultural rights, primarily the right to education and knowledge are indispensable, and that spreading the culture of human

rights in society is both an enlightenment mission and developmental need. The Council has made great efforts within the framework of the National Project for Spreading Human Rights Culture, including organizing cultural seminars, meetings and workshops as well as cultural weeks and competitions, and launching research projects to integrate human rights culture in school syllabuses. We have also organized tens of training courses for groups concerned with the implementation of human rights.

The issue of illiteracy is currently considered a priority for the Council, as Egypt has the highest rate of illiteracy in the Arab world. The Council also believes in the necessity of finding alternative ideas and means of funding initiatives to improve the quality of education in the country. We also consider it necessary to combat private tuition, which has become almost a parallel system of education and a financial burden on poorer families, as well as negating the principle of equal opportunities.

The Council is working to integrate a human rights culture in school syllabuses, religious discourse and the media, and within the standards of professional performance for policemen, Government officials and the Public Prosecutor, in addition to all law enforcement agencies and services providers.

Egyptian civil society has a particular view towards official institutions. Considering that the Council was established by an official decree, has this in any way affected your relations with civil society? And to what extent have you been able to convince civil society institutions of the Council's independence?

The Council considers continued cooperation with civil society organisations a priority, and has attempted to achieve this by organizing and participating in their activities and signing 69 protocols in this regard so far. The NCHR has also organized five forums with civil society organizations under the leadership of the President of the Council, Dr. Boutros Ghali. The forums aimed to exchange views and expertise, and explore means

of cooperation between the Council and these organizations for the promotion and protection of human rights, as well as discussing the latest developments in the human rights field in Egypt.

The forums also discussed the obstacles facing the activity of civil society organizations in Egypt under Law 84 of 2002, which governs the establishment and work of civil society organizations; and evaluated the two experiences of parliamentary and presidential elections held in the country. These forums took place in order to improve mutual cooperation between the Council and civil society organizations. The Council cooperated with the following: the Coptic Salam Society, Al Raja Centre for the Care of People in Special Needs, the Arab Program for Human Rights Activists, One World Foundation for Development and Civil Society Care, the Egyptian Society for Equality, Muhiby Misr Society, Ma'at for Juridical and Constitutional Studies, The Human Rights Centre for Research and Studies at Assiut University and the Lawyer's Syndicate, among others.

What is the methodology used by the Council in relation to monitoring and following the status of human rights and citizens' complaints? And what mechanisms are utilized for dealing with the appropriate authorities for solving any problems?

The Council established a permanent and organized mechanism for receiving and dealing with citizens' complaints by coordinating with other institutions and concerned bodies in the State to find appropriate solutions. We have also attempted to diversify the means through which complaints could be voiced, so we set up a free hotline for complaints and created mobile offices for complaints in far or isolated areas of the country.

These many complaints, however diverse, offer important and useful findings on the status of human rights in Egypt, and must be taken into account in any strategy designed to support and promote human rights in the country. A statistical study of these complaints revealed that most were related to violations of economic and social rights, as outlined in the Council's

annual reports.

As for the extent of the Council's achievements on this issue, this necessarily depends on the extent of cooperation from the authorities and concerned bodies in the State, which at first was weak in the early years of our establishment but has improved in the last two years. The Council still hopes and urges state authorities and ministries to increase their cooperation with us in this regard, and to show more concern in investigating these complaints.

How far along is the (Insan) project, which was signed with the UNDP in December 2009, and was aimed at increasing the powers of the Council. And what programs have been implemented to achieve this aim?

The (Insan) project aimed to support the NCHR only a few months after its establishment as an independent national institution for the promotion and protection of human rights in Egypt, and as a national mechanism for the achievement of this goal. The project's aims corresponded with the international frameworks and aims of the UNDP namely, democratisation and justice and human rights.

The central aim of the project is to enable the NCHR to achieve its goals by supporting it and developing it institutionally, establishing an administrative and financial system, and establishing firm ties with civil society institutions and donors. The project also helps the Council suggest the appropriate means to develop human rights, work on monitoring the implementation of related international obligations and agreements and present suggestions to the authorities so as to guarantee their effective implementation. In addition the project also helps the Council cooperate with national and international bodies and authorities, spread awareness by participating in the fields of education, media and culture, participating with Egyptian delegations in international human rights forums and coordinating activities with similar institutions, such as the National Council for Women and the National Council for Childhood and Motherhood, among others.

Political Reforms and the Development of Human Rights in Bahrain

Since the beginning of 2000, Bahrain experienced substantial changes in the political system infrastructure, which led to many social, economic, cultural, legal, judicial and human rights changes among others. These changes constituted the beginning of the reform project adopted by the King of Bahrain Sheikh Hamad bin Isa Al Khalifa, and inspired many positive stances as well as expanding the margin of free dialogue and debate both in Bahrain and abroad. Political changes also led to evaluations of the political experience and its effects on various fields, and questioned whether it was serious enough to continue and develop.

Political changes in Bahrain came within the context of a global move towards democracy, and as a result of a strong public desire and pressure, and as an interpretation of the political leadership's will that was fully aware of the local, regional and international circumstances at the time. Although it is true that many Arab countries have made minimal progress in terms of transparency, political openness and respect for human rights, it is also true that some states, including Bahrain, are striving towards democracy in spite of local and regional challenges, including some theoretical obstacles which assert that chances for democratic change in rentier states are few and far between, as these states inhabit a 'grey' area between authoritarianism and democracy.

Within a wider global context and the experiences of other countries in the last three decades, we can deduce that the transition to democracy is not easy or timely bound, as every experience has its unique obstacles and mechanisms. This makes it difficult to predict the nature and course of the change and how

long it will take, as well as making it impossible to compare the democratic experiences of different countries.

There are various cultural, legislative, social and political prerequisites necessary for the transition to democracy to be complete, and it may take a long time to reach its target. However, what is certain is that the political and social forces in Bahrain are eager for change and that Bahrain's political leadership is determined in its attempts to overcome the 'democratic deficit' and provide a suitable environment for change without any legislative obstacles. A careful reading of the Bahraini political scene is required in order to reach an accurate evaluation of the positive and negative aspects of this change.

Political and Human Rights Changes

Before the 2000 reforms, there was a complete absence of any democratic political process since the annulment of the elected National Assembly on 26 August 1975. At the same time all constitutional articles related to the legislative authority and represented by the Assembly were put on hold. This led to a centralized executive authority, which played the role of the legislative authority, and also affected the powers of the judicial authority. This cessation of the democratic process initiated by the former Prince, the late Sheikh Isa bin Salman Al Khalifa led to dramatic repercussions on the political and social life in Bahrain, including the appearance of legislations that violate human rights, in particular the 1975 State Security Law. It also led to an escalation of violence and security tensions in the 1990s as well as a political deadlock and the speedy deterioration of the

quality of life for various sectors in society.

These security tensions have escalated with the increase of economic difficulties, the rise of unemployment, the lack of state services and diminished development projects. The 2000 reforms emerged out of this context, and came to rebuild the state on different political grounds aiming to develop and rebuild the current state of affairs, revitalize the state apparatus and respect the choices of citizens. The King saw that Bahrain was ready for democratic change and that only with it can the country absorb the requirements of cultural progress and political and social development. These can only be met by allowing political participation and consolidating the institutions, which would lead to the progress of the country, its security and stability on the basis of organization, cooperation and social cohesion.

The pace of the reform process was fast, surprising observers and the opposition itself, as the King ordered the release of political prisoners, allowed the return of the exiled and cancelled the State Security Law and the State Security Court. He then presented his political project in the framework of what became known as the National Action Charter which consolidated the basis of constitutional monarchy with an elected parliament, the separation of powers, an independent judiciary and rights guaranteeing the political participation of women.

The Charter became a political reference point and a new social contract, laying the ground for a national referendum, which was approved by 98.4% of voters in February 2001. The Charter:

- Formed the basis of a national reconciliation to strengthen relations between state and society on the basis of the law

and respect of the basic rights of citizens.

- Paved the way for the establishment of civil society organizations, including human rights organizations and political parties.
- Allowed public participation in politics through two parliamentary elections so far (2002 & 2006), and in the local council elections which allowed new faces to participate in running local affairs.
- Promoted the status of women socially and politically. Bahraini women today are more active than ever before, and their presence is felt in all fields including politics, education and diplomacy, in spite of all difficulties which are in essence due to the new experience of democracy in the country and social traditions.
- As well as modernizing the political infrastructure of the country. The Charter paved the way for the establishment of the State of Law. Consequently, legislations and laws related to political and social reforms were promulgated.
- The Charter also promoted the independence and authority of the Judiciary.
- It initiated political and legal awareness among the Bahraini public, in which both the public and private media participated, and this could not have been achieved without an unprecedented margin of freedom of expression.

What matters is that the political changes witnessed by Bahrain are real and serious, and permanent, and have led to changes in human rights and other areas. Democratic change is also protected by significant public support, an effective political process, a wide margin of freedom of speech and daily protests and demonstrations and celebrations, as well as other mobilizing and cultural activities and training by all kinds of civil

society institutions. This reveals the active state of Bahraini civil society organizations.

Lessons Learnt

The political reforms, which have led to legal developments, took place almost ten years ago, and should have given society and its organizations ample time to mature and gain enough experience to progress further. However, we have noticed instead political and legal stagnation and the absence of creativity and creative initiatives.

What is missing then for the situation in Bahrain to mature? Some might say that a decade is not long enough to achieve this, and this is true, but the idea of maturity is also relative, as are the standards of evaluating maturity which are difficult and never unanimous. However, the needs of the political and human rights situations can be summarized in two points as follows:

First: Revitalizing the political process, the state apparatus and civil society organizations by addressing key issues which have been openly addressed in the Bahraini media and Parliament, including:

Activation of Parliament, and allowing the newly elected Parliament of November 2010 to become more active by improving its bylaws, which are considered an obstacle of progress. There is also a need for more cooperation between the executive and legislative authorities, and also for MPs to move beyond their sectarian and party affiliation. There are those who are dissatisfied with the performance of Parliament, seeing it as divisive, weak and unable to perform its legislative and monitoring role in an acceptable manner. This issue could affect the volume of political participation in the coming elections.

The problem of chronic bureaucracy in the state apparatus must be addressed, especially in terms of

providing services and safeguarding the interests of citizens, as this has angered citizens.

State institutions must become more transparent in the eyes of the public, as citizens would like to be more informed about the issues affecting their daily lives.

There is need for a new and modern Press Law, which provides more freedom and less censorship and penalties. Likewise, there is also need for a new law for civil societies (both laws should be approved by the current Parliament before the next elections)

There is also the issue of the rule of law, and its equal application on all citizens, especially those in power as this would strengthen the judicial authority and put current laws into action. It would also encourage citizens to participate in the political process which would provide hope and conviction and help eradicate nepotism, bribery and favouritism.

The second factor relates to the maturity of the political players and human rights activists, for it is now more important for them to behave in a more mature and responsible manner than ever before. A significant amount of time has elapsed since the start of the democratic experience in Bahrain, and all individuals should have learnt by now to cooperate and coexist, to accept settlements and move beyond sectarian and party affiliations, and to accept constructive criticism however difficult. These individuals should mature in their writings and public statements, and be aware of the effects of their actions on the citizens and their partners in the political process.

We hope to see the positive effects of the last decade of political and human rights changes, which would reveal that we as a civil society, political parties and those in power have all learnt something, which constitutes the start of substantial change for future generations.

Wasted Opportunity at Chatham House

Avoiding Second Party's Questions.

On 14 April 2010, a seminar on political reform and democratic institutions in Bahrain was held at the Royal Institute for International Affairs, Chatham House, London. The event was organized by the Bahraini Media and Information sector at the Ministry of Information. The participants included a number of officials from the diplomatic sector and media institutions, academics and research centres, in addition to some British official bodies and Amnesty International. Three Bahraini figures spoke during the seminar: the Second Vice-President for the House of Representatives Dr. Salah Ali, Shura MP Diaa Al Mosawi and the Editor-in-Chief of Akhbar Al Khaleej newspaper Anwar Abdul Rahman. The seminar was chaired by Richard Muir from the University of Durham.

The speakers highlighted the positive aspects of the reform project in Bahrain since it began in 2000, as well as some human rights related issues including women's rights, freedom of expression and relations with international organizations. The seminar provided a comprehensive picture of the Bahraini experience and the reform project, and was a positive effort aimed at highlighting the current margin of political, religious and media freedoms available in the country. However, presentation lacked suitable and impartial vocabulary which would have made it more convincing and acceptable to the participants. Also, discussing the positive aspects of the reforms is not sufficient, as there are many questions in the minds of foreign observers with regards to the political and human rights situation, which need to be answered. These questions should have had the priority in such a seminar, as its objective was not to paint a rosy picture of Bahrain, nor to counter certain propaganda by emphasizing

the achievements of state, which are many. Rather, its aim was merely to provide a clear picture of the reality in Bahrain in various fields. This picture is a positive one, contrary to the rumours claiming Bahrain's political and human rights experience is still incomplete and faces many obstacles and problems. This may be true, but it is also a real and positive experience, and we are all learning how to develop it. We refuse to deform this experience or present it in a way that opposes reality, as this does not help us as Bahrainis. Furthermore, foreign monitors will also reject any unrealistic portrait of issues.

What the seminar really lacked was not an overview of Bahrain's achievements, however important. Chatham House is an elite centre, and as such the participants in the seminar required more than just a general presentation of Bahrain's record in developing its political, economic, judicial and human rights system. They are also not in favour of a one-sided, stereotypical picture, and do not accept propagandistic language. Even the most perfect of achievements could not be marketed in such a language. In addition, the level, depth and freedom of the debate should have been at the same level of debates in the local media. It is illogical that we have become less keen in discussing our issues when we are abroad than when inside the country!

The foreign media is interested in exactly the same issues that are being discussed in the local media. It would have been much better if the panel had

addressed some of these issues such as: does the Press Law restrict freedom of expression? What about allegations of torture, illegal detention and blocking internet websites which westerners believe are political and human rights websites? Also, questions about the true extent of the use of excessive force and the reasons behind it as well as the issues of violence, the problem of sectarian discrimination and restrictions of the activities of human rights activists and institutions.

Moreover, there are also many political questions related to the reform process, such as: is there political stability in the country? Why is street violence continuing? Why has the reform process reached a deadlock? Why has the Legislative Authority been described as weak and restricted due



to the existence of an appointed Shura Council? And finally, why is there insufficient cooperation between the Legislative and Executive authorities? These questions are of particular interest to foreign public opinion, and have frequently been raised in political and human rights reports and foreign media. They should thus be discussed within the framework of the country's overall political change, and in a positive spirit of openness and honesty. If these subjects were raised for discussion, people at the receiving end would be better able to understand them and appreciate the achievements that have taken place.