

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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The Need for a Modern Law of Associations

Human Rights Watch issued a detailed report regarding the restrictions on the establishment of associations in Bahrain. The report, entitled 'Interfere, Restrict, and Control' examined the draft law of associations as well as the current one. There are several points that should be highlighted:

First- it is important and beneficial for Bahrain to have a law of associations, that conforms to international standards and Bahrain's international obligations under the agreements and conventions it has signed. The most important step is that the law should be modern, adheres to international standards and does not cause controversy inside and outside the country.

Second- Bahraini authorities can implement this law vigorously if it complies with international standards without fearing any objections or criticism. If the law is not amended, Bahraini civil societies will be forced to work in accordance with international standards and not the local law, and will be legally supported locally and abroad.

Third- whatever the level of restrictions imposed on political or civil societies by any law, the most it can achieve is a partial restraint of the natural development of Bahrain. It will also cause many social, political and security problems in the future.

Fourth- Bahrain cannot produce a law for itself with its own standards, and then wait for it to be accepted locally and internationally. Contrary to this, any such law would only cause problems with human rights organizations and UN bodies. It could also cause problems with the countries allied to Bahrain because all these parties depend on their evaluations of the political and human rights situation in any country on international standards only.

Fifth- we believe that a new law of Association should not be passed without the participation and the acceptance of the civil society as it was initially planned. Civil society should exert more effort before the passing of this law by working with the authorities and the legislators in order to convince them to amend it and bring it into conformity with international standards.

Finally- it is also necessary that the concerned ministries and Parliament should study the HRW report and respond to the points of concern it raised and the solutions it presented regardless of the official position towards the organization. Bahrain will be criticised again by all the countries and international human rights organizations if it fails to amend this law. Fortunately, there is still time for the amendment to take place especially now that Bahrain's political, security and human rights situations are improving and the law should be designed for the future.

During an Interview with Harvard Website, the King States:

Human Rights are Based on Citizenship and Not Sectarian Affiliation

King Hamad bin Isa Al – Khalifa was interviewed by Harvard University website where he talked about the present and the future of Bahrain. He believes that despite all the problems that Bahrain has been through during the past three years, 'things are going in the right direction' politically and economically. As for the future, he saw that it depends on the reforms and on the collective efforts of all parties' including members of the Royal Family' in order to provide a better life in an open society which respects all people living in Bahrain.

The King also believes that the future of Bahrain will not be built by enthusiasm and slogans. He gave the Arab Spring as an example, where people had great hopes and now are disappointed as the lives of many ordinary citizens have been ruined due to the collapse of state institutions.

The King outlined Bahrain's future as follows:

National dialogue between the various components of Bahraini society is 'the only right way for Bahrain' in order to reach a consensus on the main big issues.

Secondly, accepting the opinion of others and the freedom to be different are necessary in the development of societies. The King stated that 'it is nice to disagree with the Government and try to develop the laws. The only way to achieve this is by dialogue and co-existence and not through the use of violence and the spread of fear and terrorism.' In other words yes to the disagreements that are conducted in a peaceful and civilised manner.

Thirdly, the world is changing and societies are not static in their aspiration

and positions, hence it is important to reappraise and accommodate. The King stressed that 'I personally, want change perhaps more than anyone else'. He noted that the revolution in the information technology and social communication are basic factors in the formation of modern societies, and that the state's media is no longer the dominant one as it once was. The King also discussed the importance of reforming the media sector in Bahrain and stressed on the vitality of the freedom of expression which should be guaranteed for, according to him 'no one in Bahrain should be prosecuted for their opinion'. However, those who breach the law will not be protected even in human rights related cases, as in the case of protests in sensitive areas without permit. The king also mentioned the establishment of the High Authority for Media and Communication as an important step to develop the state media and guarantee its objectivity and professionalism.

The fourth aspect relates to the building of a society of citizenship and equality. The king stressed that 'no one is going to have more rights because of their beliefs or sectarian affiliation. Here in Bahrain, what we know is that the majority are Muslims and that all other religious sects practice their beliefs freely and are respected. All have the same rights as citizens and have the right to demand change, but no one has the right to exclude the others, we stand at equal distance from everyone.

Human Rights represent a crucial element in shaping Bahrain's future. The King noted 'we have assigned an international independent commission which presented a report, and we have



said that we accept the required change and eventual reforms in the country, but it is an ongoing process. Many changes took place since Bassiouni's report, but some people think that nothing has changed. The king refuted this claim, and pointed to 'reforms that took place in various sectors such as the police and the legal system', and the amendment of 20 constitutional articles which would oblige the new cabinet to seek the endorsement of the elected council'.

Finally, the King stressed the importance of openness, cooperation and assistance from friends and allies within the principles of non-interference in internal affairs. He praised the EU countries and said that they can criticise us 'When we make mistakes but they should help us in order to become better, we welcome the help of any party.' The King specified the kind of help that Bahrain needs such as the police sector, health and judiciary. Since we are all allies and we all want to reform and become better, there should be more help offered.

Political Reform and Human Rights during the Crown Prince's Visit to Washington

Despite the political crisis which badly affected all parties involved in the political process, everyone in Bahrain and outside agree that the Crown Prince is the most reliable figure who is able to tackle the current social and political crisis. The Crown Prince represents moderation and the determination to implement the state's principles and respect for social diversity.

He is always stressing that Bahrain will be able to overcome its current crisis and return to being an oasis of freedom, democracy and human rights. The Crown Prince also highlights the importance of dialogue between various social and political segments in order to overcome social and political crisis. In addition to this, he stresses that Government's apparatus and institutions should not be confined to one group and should equally serve every one and develop all areas. Moreover, he always affirms that the political crisis should not affect social relations or the relationship between citizens and their leadership.

During his recent visit to Washington in June 2013, the Prince was cordially received by President Obama and by both the State and Defence Secretaries. All parties stressed on the same principles that Bahrain endorses as the foundation of its future stability and prosperity, namely the National dialogue, political reforms and the respect for human rights.

President Obama Joined Deputy National Security Advisor Tony Blinken's meeting with the Crown Prince and commended the latter's commitment to advancing reform in Bahrain, and underscored that the US will continue to support these efforts. He also stressed that meaningful reform, dialogue, and respect for universal human rights are the best

path to achieving peace and security that all Bahraini citizens deserve. The US President also conveyed the US's firm support for Bahrain's national dialogue launched by King Hamad bin Isa Al-Khelifa, and noted that the United States continues to encourage all sides to engage constructively to achieve progress.

During this meeting, the Crown Prince stressed that Bahrain is in the process of adopting policies and programmes based on the principles of the National Action Charter such as accountability, human rights and the rule of law. In addition to striving to promote the role of national institutions which were given more authority lately through a number of appropriate constitutional amendments and legislations. He also added that the continuation of the National dialogue in the political sphere is a reflection of the positive attitude and desire towards reaching fruitful conclusion on the national consensus front. However, he cautioned that rejection of dialogue and continued active or tacit support to acts of violence will not hasten change, but will only undermine reform and thwart progress. He restated his call for all concerned parties to unequivocally condemn violence.

During another meeting with the Vice President Biden, the latter emphasized the importance of continuing the path of reform in Bahrain and the need for more achievements in this field. Secretary Kerry and the Crown Prince both agreed that all sides should contribute constructively to reconciliation, meaningful dialogue, and reform that meets the aspirations of all Bahrainis. Secretary Kerry reiterated America's belief that all sides must reject violence and pursue actions that will contribute to Bahrain's



future growth and prosperity.

The Crown Prince also met the Defence Secretary Hagel who reaffirmed U.S. support for Bahrain's security and stability and noted that meaningful and sustainable political reform and respect for all citizens' rights is the only way to achieve a durable stability in Bahrain.

The secretary commended King Hamad bin Isa Al-Khalifa's call for national dialogue and urged all sides to continue constructive dialogue to realize a political solution. Hagel concluded the meeting, by affirming support for the crown prince and his work in advancing reform and dialogue in Bahrain.

Reforms and challenges in Bahrain

Hasan Moosa Shafaei

The challenges facing democratization in Bahrain are not unlike those faced by developing countries around the world, despite the individual characteristics of each country. When King Hamad bin Isa ascended the throne in 1999, a political reform project was initiated. In 2001 the National Action Charter was launched, and many political and human rights societies were established, freedom of expression and assembly were expanded and parliamentary and council elections took place. Today, the main challenges facing democracy in Bahrain can be summarised as follows:

With regards to political societies and civil society organizations

- Contrary to popular belief, social organisations and political parties have not agreed on the details and the extent of the democratization process. Some view democracy itself as a danger which could undermine their interests and very existence. For some, more democracy would entail the dominance of one sect- specifically the Shia. For this reason some parties have rejected the idea of an elected Government because it will inevitably lead to a Shia Government or be dominated by the Shia majority.
- Political parties after the reforms have failed to overcome narrow sectarian affiliations even when their charters theoretically reflect openness. In practice however, religious and sectarian affiliations continued to determine the political positions of all parties. This can be attributed to a weakness in the national culture and democracy in Bahrain. It was hoped that with time democracy would yield civil political parties which are able to overcome narrow affiliations.
- Political societies failed to establish meaningful political alliances or to even share decisive political common grounds before and after reforms. There was no clear consensus with regards to the ultimate target of the political reforms: is it the establishment of a constitutional monarchy or just the improvement of the existing system. As such there had been no agreement on the form and the content of an alternative democratic system. The establishment of any democratic system requires as a prerequisite an agreement between the various components of society, and between these components and the government. The means through which a consensual political system can be achieved is an issue that has yet to be addressed.
- The experience of civil society organizations in Bahrain failed because it was trapped in past political affiliations and could not overcome social divisions. This can be attributed to the fact that it is an experience that did not have enough time to mature; therefore it had a limited impact on the democratization process and social development, even though the number of civil society organizations was significantly large.
- From the outset ,there were



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those among the opposition who raised serious doubts about the political process, viewing the reforms as insufficient, and taking the decision, not only to boycott the democratic process (Al wefaq boycotted the first elections then), but also to reject it fundamentally, present radical demands and refuse the gradual approach towards democracy, demanding radical change instead. This resulted in more tension strengthening the positions of those opposed to democratization, as well as leading to added restrictions on political societies involved in the political process. All of this has weakened the momentum towards the desired change.

The Executive Authority

- As is the case with all democracies, the beginning in 2000 was encouraging, but conservative groups within the system rejected the process and hindered the reformists' project. Unfortunately, they succeeded and fears regarding the continuation of the reform project increased.

- One of the obstacles facing democratization includes the presence of heavy baggage and problems inherited from the pre-reform era. Reformists succeeded in solving many of these, but others remained unsolved such as: compensating pre-reform victims and finding ways and means to create some sort of balance by accommodating all segments of the society in the state's institutions based on the principle of equality as stated in the National Action Charter and the Constitution. These problems, in addition to other factors were used to inflame the street for many years and resulted in radical political demands.
- Democratic developments have failed to improve the Government's performance with regards to providing public services. This raised questions and doubts about the seriousness and the benefit of democracy.
- The popular movement in February 2011 was influenced by the Arab Spring in combination with the failure of both Government and opposition, as well as the inadequacy that characterized the performances of the official institutions including the newly elected parliament. Tensions on the street have proved to be a serious obstacle facing democracy, especially after the withdrawal of the opposition from the political process and the occurrence of human rights violations. The events also resulted in huge social and sectarian schism, as well as political divisions. However, this movement has opened a window of opportunities to establish a political system which is more stable, responsive to the needs

of the current phase, and capable of overcoming the mistakes and shortcomings. In short, the opportunity is still there for Bahrain to cross to the other side and reach out for democracy, security and stability.

- The opposition believes that the political authority has unjustifiable concerns regarding the outcome of the democracy. The Government believed that it was necessary to accommodate the Shia politically, but it was not sure of their political performance, and whether the concept of a gradually implemented political process would be acceptable to them. This resulted – in the opinion of the Shia opposition- in complicating the political process and in deepening the mistrust by taking some measures that the opposition deem incorrect such as the ratification of the constitution, the division of constituencies and the placement of parliamentary mechanisms which slowed the pace of the ratification of laws and legislations. As for the Government, it is talking about efforts to make the interim democratic political process run smoothly and succeed with minimum loss. This would entail catering for regional concerns as well as for the concerns of the political forces within or outside the system i.e. assurances that the whole matter has nothing to do with targeting the Shia and everything to do with driving the reform project towards success

The situation in the region

The regional factor was and will remain a major obstacle facing democratization in Bahrain. The fact that Bahrain lies in a region

where democracy is not only discouraged but faces active hostility, has inevitably put pressure on the Bahraini experience. Democracy does not agree with the nature of existing regimes in the Arab world, which fear that the same experience will be repeated in their countries.

During the transitional phase which took place in 2011, Iran took advantage of the unrest in Bahrain and through its media escalated the political conflict and deepened social divisions. Western political and human rights pressures were so relentless that they've nearly become counterproductive as in many instances the Government could not cope and preferred to ignore them.

The absence of a democratic culture

- Despite relative freedom, the activities of civil society organizations and the promotion of a national culture and democracy by newly established government institutions, the Government and civil society organizations did not exert enough efforts towards the development of a democratic culture. Political transition should be accompanied with cultural changes which can be achieved through education, the media and public cultural activities. A national democratic culture which encourages the acceptance of diversity and tolerance has not developed as much as developments in freedom of expression and political freedoms. It is possible to say that all political parties were occupied with politics and ignored the task of spreading awareness and educating the public, which is very important for a society taking its first steps towards democracy.

Combating Human Trafficking in Bahrain

The US Department of State has recently issued a report on trafficking in persons, which covered countries all over the world. Bahrain and some other Gulf states received considerable attention because they host large numbers of foreign workers, a fact that makes the issue of human trafficking rather blurry and hard to pin point correctly and therefore raises the possibility of countries receiving an unfair negative categorisation.

Sources of concern

According to the report the Government of Bahrain does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. It also added that the Government did not show evidence of its overall increasing efforts to address human trafficking over the previous reporting period; therefore, Bahrain is placed on the Tier 2 Watch List for the second consecutive year.

The report also stated that the Government made limited efforts to prosecute and punish the perpetrators of forced labour and sex trafficking during the reporting period, and that there was no indication that the Government took steps to institute a formal identification procedure for trafficking victims. In addition to the absence of referral mechanisms which provide foreign victims with legal alternatives to their deportation to countries where they faced hardship or retribution.

The report also stated that even though the Government's funded shelters began accepting female trafficking victims in 2012, trafficking victims continue to be susceptible to arrest, detention, and deportation for offenses directly related to being trafficked. Despite past commitments, the Government's migrant worker

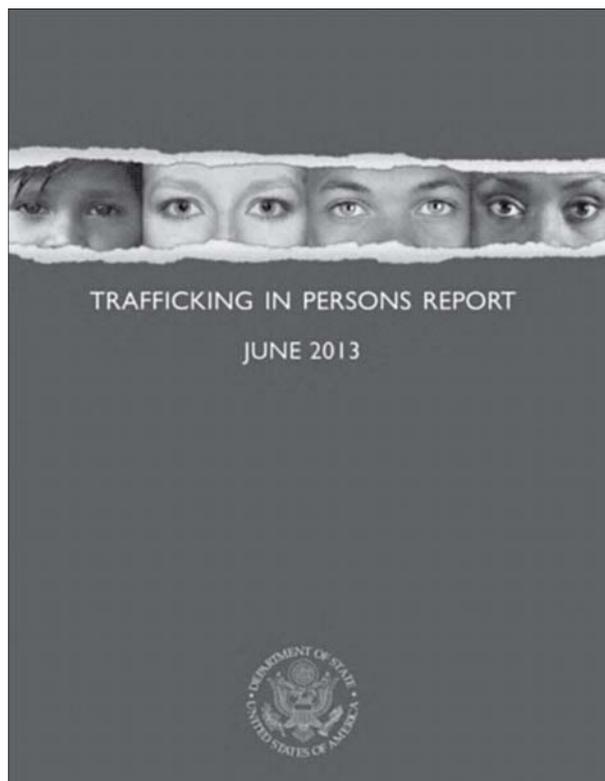
sponsorship—or “kafala”—system was not abolished and continues to give employers inordinate power over foreign workers and contributed to forced labour and debt bondage.

Recommendations for Bahrain

The report recommends that Bahrain enforce the 2008 anti-trafficking law, and significantly increase the investigation and prosecution of trafficking offenses—particularly those involving forced labour—including convictions and punishment of offenders. It also recommends that the Government actively enforce labour law protections for domestic workers and to reform the sponsorship system in order to eliminate obstacles to migrant workers' access to legal recourse for complaints of forced labour. The report also stated that Bahrain should institute and apply formal procedures to identify victims of trafficking among vulnerable groups, such as domestic workers who have fled from abusive employers and women in prostitution.

It also recommends that the Government institutes a formal victim referral mechanism for law enforcement and that Government officials refer identified victims to protection services. Also, to ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct

result of being trafficked, such as illegal migration or prostitution. The report also recommends that the Government expands its shelters to protect all victims of trafficking, including victims of forced labour and male victims of trafficking. Finally, it recommends that the Government ensures that the shelter staffs receive anti-trafficking training and speak the languages of the expatriate workers. As well as to continue to publicly raise awareness of trafficking issues in the media and other



outlets for foreign migrants, specifically domestic workers, in their native languages.

Government efforts

The Bahraini Government seems to be duly concerned by human trafficking and has established a national committee in order to address this problem. This

Committee includes Government officials and non-Governmental bodies, and is chaired by Ambassador Abdulla Abdullatif Abdulla. The American report concluded that the low number of cases that were referred to courts and tried indicates the Government's failure to comply with the minimum standards for the elimination of trafficking. But according to the Government officials, many cases were recorded but not followed up because the victims tend to change their testimonies in court for fear of losing their jobs or deportation.

With regards to the number of cases which were referred to courts, Bahraini authorities have recorded four cases in 2012 and two cases in 2013. In March 2013, four offenders, one of whom was a policeman were prosecuted for the trafficking of two female dancers and were sentenced to three to five years in prison. The policeman was sentenced to five years imprisonment and fined five thousand Dinars and the dancers were returned to their countries. In another case, two foreigners were found guilty of human trafficking, sent to jail and then deported after completing their sentences.

In June 2013, an Asian woman was also sentenced to ten years in prison, fined five thousand Dinars and then deported for forcing a woman into prostitution.

The Public Prosecutor Wael Bu A'alay said that human trafficking cases in Bahrain does not constitute a phenomena and stressed the need for a law that regulates domestic workers. The Ministry of Foreign Affairs (MOFA) and the International Organisation for Migration organised a workshop on 'National Capacities Building and increasing awareness on Combating Trafficking in Persons'. During this workshop the Undersecretary of the Ministry of Foreign Affairs and The Chairman of the National Committee for Combating Human Trafficking, Ambassador Abdulla Abdullatif Abdulla

, highlighted Bahrain's achievements in the field of combating Trafficking in Persons. He stated that Bahrain is keen on adhering to its national and international obligations towards combating human trafficking through building of national capacities, spreading awareness and allowing workers to move without the consent of their employers. He also added that the National Committee has set up many



The Undersecretary of the Ministry of Foreign Affairs, Ambassador Abdulla Abdullatif Abdulla

programmes to improve its performance, including: launching a hot line, providing psychological support and providing shelter centres for victims. Also, the Labour Market Regulatory Authority's organised an online awareness campaign, which explains the rights of the workers in different languages. The Government also broadcasts news and programmes on the issue in the state media in different languages and has increased the number of inspectors.

The UN representative of the International Organization for Migration, Sara Craggs said that the workshop was a testament to the commitment of the Kingdom of Bahrain to combating human trafficking, adding that the country has made positive steps in this regard. The UN expert Professor Mohammed Mattar said that the workshop discussed putting into place a national plan to combat trafficking

based on legal pursue, protecting victims, precautions procedures, social participation and outlining clear roles for civil society.

Country Rankings

The U.S. Department of State divides the countries to three categories according to their level of compliance to the TVPA's standards. Tier 1 countries fully comply with the TVPA's minimum standards for the elimination of trafficking. Tier 2 countries that do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards. Tier 2 Watch List are countries that do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, and:

a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

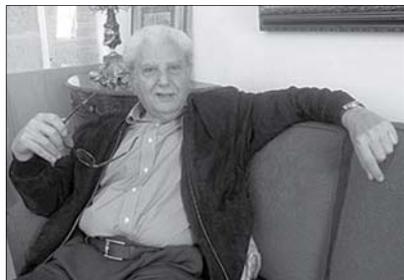
b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or

c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

Tier 3 countries that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

The implementation of Bassiouni's recommendations under scrutiny

The implementation of the BICI recommendations represents the core of human rights development in Bahrain and the yardstick by which Bahrain is monitored by the outside world. The recommendations were numerous, and it was known from the beginning that implementing them was going to take a reasonable amount of time. Because the report has become a point of reference locally and internationally, Bahrain has made efforts to show its seriousness in implementing these recommendations. It also sought help from countries and international institutions and continued to issue periodic reports on the



Dr. Sharif Bassiouni

progress regarding the implementation process. Despite the fact that Bahrain is being scrutinised with regard to the implementation of this unique report, some opposition sources still insist that nothing has changed. The West, international human rights organizations, UN bodies and Bassiouni himself all admit that Bahrain is serious about implementing these recommendations.

This article will review Bahrain's implementation in regards to two aspects: the re- construction of places of worship, and how well the Ministry of Interior has implemented the recommendation directed at them. But first let us acquaint ourselves with Bassiouni's opinion on

the BICI and its report and what has been implemented so far. Bassiouni was interviewed by Alsharq Al-Awsat newspaper on 24 March 2013.

The evaluation of Dr. Sharif Bassiouni

In this interview Bassiouni stated that the BICI had been a unique venture in the history of international criminal justice. It was an impressive success story and the commission's report represented a model for the quality of inquiry and adopted procedures. He also believes that the reason behind such success was the support and cooperation extended to the Commission by the Bahraini Government such as allowing it to carry out the investigation freely to the extent that the inquiry team was allowed to visit all prisons and detention canthers without prior notice. He stated that 'all these acts had been freely done and without any control or restriction by the government, which allowed us to perform the duty perfectly'.

However, the success of the BICI will be determined by how influential it is in solving the political and human rights crisis. Bassiouni believes that the goal of BICI was restricted to investigating the events that took place in early 2011. He also stated that there should be no confusion between the report's conclusions and the other actions required by the Government. Bassiouni also stated that 'The national dialogue is very important to seek solutions to the political problems in Bahrain. It is the ideal option and the only way out of the current situation. Each party should show

goodwill and offer appropriate proposals and solutions to resolve the crisis without prerequisites or restrictions that could impede the dialogue'.

How does Bassiouni assess the steps taken by the Government to implement the recommendation of his report?

According to his initial assessment in January 2012, 'the government had already begun to take important steps and measures that will seriously help to achieve the recommendation'. Bassiouni also listed some of the recommendations that were implemented by the Government such as, reinstating all students to their schools, returning over 98% of employees to their work and convicting policemen accused of committing excesses and violations. He also praised the Government for prosecuting officers and police members and for holding some officials accountable.

Another recommendation that has been implemented is the establishment of an ombudsmen office in the Ministry of the Interior, the establishment of the Office of the General Inspector, the training of officers and prosecutors, the replacement of many security leaders in the ministry and the change in the leadership of the National Security Agency as well as introducing legislative and constitutional amendments.

Bassiouni also recommended that the Government should conduct a comprehensive assessment, to determine the extent of the implementation of the recommendations on the ground, and he also recommended that that civil society should participate in this process.

He also recommended that when the Government conclude its assessment of

the extent of the implementation, it should determine what future steps should be taken to satisfy each recommendation and specify a time limit for the completion of each recommendation. Also, the Government should continue the processes of developing the justice system, and the judiciary as a whole, though what it is undertaking now in the field of training and raising the capabilities of judges is equally necessary and important.

Implementing the recommendations on the building of places of worship

This has been one of the most sensitive issues because it is related to religious identity. The BICI report recommended that all the 30 demolished places should be rebuilt. This subject was at the centre of the Government's attention and in April 2013, the Ministry of Justice issued a report in this regard:

- The Building of four mosques have already completed with the coordination with Jafaarite Endowment.
- The construction of six other mosques will begin in 2013-2014, as part of Government projects.
- The work on the rest of the mosques will be completed in 2015 and 2018.

Implementing recommendations related to the Ministry of Interior

The Ministry of Interior presented its accomplishments vis a vis the implementation of Bassiouni recommendations, they are as follows:

- An independent Ombudsman's Office

was established in the Ministry of Interior. The Office is fully funded and has full control over its budget. Its aim is to receive and record complaints and all detention cases. The Office hired a sufficient number of qualified administrative personnel and trained them. The Ombudsman's Office also expects to contribute to the enforcement of police professional standards and the carrying out of legal and sensitive training for police officers.

The Ombudsman is also working to put in place protocols with other agencies such as the Special Investigations Unit to ensure that all complaints are appropriately examined.

- A new Police Code of Conduct was approved and incorporated in training and educational curricula at the Royal Police Academy. The Code was also circulated to all Ministry of Interior departments for implementation. Senior and experienced international police advisers, which include former police heads from the USA and UK, are also now working to ensure delivery of these objectives.
- An overarching curriculum in human and victims' rights for all new recruits and cadets was inaugurated at the Royal Police Academy. Classes with a new human and victims' rights component include, "Human Rights," "Managing Conflict," "Provide Initial Support to Victims, Survivors and Witnesses," "Interview Victims and Witnesses," "Arrest and Detain or Report Individuals" and "Interview Suspects." Additionally, throughout 2012, professional development courses were given to senior command staff, supervisory personnel, trainers at the Royal Police Academy and non-commissioned officers throughout the Ministry.
- Courses on human rights were also

delivered (also in Arabic) abroad in coordination with the International Institute of Higher Studies in Criminal Sciences (ISISC) in Siracusa, Italy, with the participation of 49 officers. The course was designed by Professor Bassiouni to ensure that the lessons from BICI were incorporated in Bahrain's training.

- Placing greater reliance on science-based investigations and evidence where possible, in place of confessional evidence. This involves the training of investigators on the most up-to-date crime scene management techniques, and it is progressing hand-in-hand with the establishment of a new forensic laboratory staffed by fully trained scientists. The laboratory and training are being developed in conjunction with New Scotland Yard and the National Policing Improvement Agency of the UK.
- The Ministry is cognizant of, and sensitive to, the violations listed in the BICI report that fall under its purview. Many of the violations occurred along the arrest-to-jail continuum; from the time the person was arrested up to and including their time spent in jail. Extraordinary efforts have been undertaken to address deficiencies.
- Detention facilities have been placed under the constant and effective supervision of the courts and Public Prosecution. Bahraini law provides that the judiciary authority is entitled to visit and inspect prisons, detention centres and jails.
- If at any point an interview or interrogation is conducted, it is done so in a designated room outfitted with audio-visual recording equipment. In addition, CCTV cameras are being installed in public areas at police stations and CID as an additional safeguard to ensure that arrest and detention standards and procedures are met.

Bahrain: Imagining a Way Forward Recommendations to the key Political Players in Bahrain

Three organization, the Next Century Foundation (NCF), The Value Web and Bahrain Human Rights Monitor (BHRM), have issued a report on Bahrain's ways out of its current crisis. The report presents recommendations to the key political players such as the Government, opposition, the USA, UK, Saudi Arabia and Iran. This report is the outcome of long discussions on the situation in Bahrain and took into consideration the visions and positions of all concerned parties. The recommendations are as follow:

Recommendations to the Government

1/ the electoral system should be reformed including amending constituencies in order to achieve fairer and more representative system. The report proposed adopting proportional representation with a single national constituency. It also suggested a higher representation for women, though it did not specify how.

2/ Power Sharing - The authority to select a cabinet should be jointly vested in the King and the Council of Representatives. According to the latest constitutional amendments that entered into effect on May 3rd 2012, the Cabinet must initially be approved by the House of Representatives. The report also proposes that new amendments must be put in place so that the cabinet represents the outcome of elections and that the cabinet must win a vote of confidence.

3/Bill of Rights – A bill of rights should be drawn up to protect the liberty of the citizens of Bahrain and bring the actions of the state into line with international conventions on human rights, including the right to religious freedom, free media and free speech. This bill of rights should be enforced by an independent judiciary, selected and appointed by the King under the guidance and consent of parliament. In this respect, the steps taken so far by the Government to ensure conformity with international standards, such as the step taken regarding the definition of torture in Bahrain's penal code, should be viewed favourably. Bahrain has ratified the International Covenant for Civil and Political Rights, and a special

court needs to be set-up so that all laws that contravene this internationally binding covenant are nullified.

4/Accountability – To continue the process of holding to account members of the security forces found to have broken the law or otherwise to have committed abuses of human rights. Also to promote respect for the rule of law by ensuring that all citizens and residents of Bahrain are held accountable for offences such as exploiting public office for private enrichment, and enforce transparency in government financial dealings and the financial holdings and interests of all officials of the cabinet.

5/ Release of Prisoners of Conscience – The government should release prisoners of conscience. One of the major sources of contention both domestically and internationally has been the detention of activists because of online posts and involvement in demonstrations. These people are often charged with stirring up unrest or writing anti-monarchy statements. Freeing such people would demonstrate the government's adherence to and recognition of internationally and nationally recognised principles of freedom of speech and expression.

We take note of the Prosecutor-General's announcement on May 18th that it was decided to drop charges that contravene Bahrain's commitment to uphold the principles of freedom of speech and expression, and that relevant legislative amendments have been introduced to that effect. While we applaud the fact that at least 334 of those facing charges have benefited from that decision, including the medical staff at Salmaniya Hospital and those accused

of conspiracy to topple the government, we sincerely hope that this pattern will continue and that the courts would demonstrate full compliance in that respect.

6/ The Rebuilding of Mosques – The Government should speed up the process of rebuilding the Shi'a mosques damaged or destroyed in the past three years. This would help rebuild trust between the authorities and the Shiite community in a way that could alleviate some of the prevailing sectarian



tension. We welcome the announcement by the Undersecretary of the Ministry of Justice and Islamic Affairs last April 2013 of a scheduled rebuilding plan, and hope that such a plan would ensure the speedy rebuilding of all the affected religious sites as detailed in the BICI report's recommendations. Having said which, it should be stressed however, that Bahrain's problems should, wherever possible, not be viewed through a sectarian lens. This is

not, per se, a Sunni-Shiite conflict. There are Sunnis amongst the opposition and Shiites who support the government. Essentially the issue concerns the degree of reform to be implemented in Bahrain.

7/ The Independence of the official media – The Government should guarantee the independence of state-owned Media by putting it under the supervision of an independent body approved by Parliament. Royal Decree No. 47 / 2013 established a Supreme Independent Authority for Information and Communication. We hope that this represents a step towards greater press freedom rather than an attempt to impose greater control on journalists; whilst at the same time we hope this new body will adopt a criteria and principles that would ensure the elimination of any sectarian excesses within state-owned media institutions.

8/ Decentralisation of Power – Trust can be re-established by devolution of power to local authorities. This is particularly the case when it comes to policing and the security forces. Policing should be staffed and controlled locally with minimal central control. There should nevertheless also be a national police regulatory body with oversight over the domestic intelligence agencies. Further to decentralising the police force, there should also be more municipal power to provide services, e.g. local control of schools and housing. The strengthening of local governance would greatly help to address the major political, economic and social grievances.

9/ Improve negotiating skills – The negotiating skills of both the opposition and the government are poor. Both sides tend to be confrontational and are only concerned by scoring points, rather than trying to create the best possible outcome for the future of the Kingdom of Bahrain. The government is best placed to change the culture of confrontation by being more conciliatory in its approach to negotiations.

10/ cooperating with the international community, the report also recommends more cooperation with human rights organizations and allows them to visit Bahrain.

Specific Recommendations for the opposition

1/ Denounce Violence: Al-Wefaq should keep protests peaceful and refrain from inflammatory rhetoric. It should rein in the radical elements and make it unequivocally clear that Al-Wefaq denounces violence and those who resort to it.

It should, accordingly, distance itself from any group that would not embrace the principles of peaceful participation in domestic political life.

2/ Continue to participate in dialogue with the government as well as with non-Shi'ite political societies with a view to reaching an agreement on meaningful political reform.

3/ Openly acknowledge a well defined role for the Monarchy in the future of Bahrain The opposition objective should be to seek an expansion of political rights, not to overthrow the monarchy. It should also acknowledge that the king will have a pivotal role in the transition to a more democratic Bahrain. This will help alleviate the fears of the Sunni population were a significant power shift to emerge, and prevent a potential Sunni backlash against any electoral reform concessions.

4/ Greater Representation for Women – There needs to be greater representation of minorities within the mainstream opposition parties. This is particularly the case with Al Wefaq and the other Islamist parties, which have no women representatives. If the government of Bahrain is going to be representative of the people, it must have a number of women representatives. Measures should be taken towards ensuring that parties are formed on a non-sectarian basis,

5/ Wider Policy Reach – The anti-government parties need to work on their policies so as to offer something more than mere opposition to the current government. They need to state a clear economic and social manifesto, so people know what they will do when elected.

6/ Encourage Shiite Participation in Various Areas – As part of the BICI report recommendations it was advised that Shiites be integrated into the security forces.

Recommendation to Saudi Arabia

1/ Saudi Arabia should pursue a policy that publicly supports efforts to resolve the crisis in Bahrain through dialogue and meaningful reforms.

2/ For the sake of stability in Bahrain and the region, Saudi Arabia should work closely with friends and allies such as the United States to encourage all parties to the Bahrain crisis to seek a peaceful conclusion to their conflict and to pursue the reforms stipulated in its National Action Charter and further reinforced by the recommendation of the BICI report.

3/ Direct Aid to Support Reform – Saudi Arabia should use its economic influence over Bahrain to directly support reforms as they emerge.

The recommendation to the USA and the UK

1/ The US and UK should continue to encourage Bahrain to adhere to international human rights standards, and by the same token encourage the government to move forward by acknowledging whatever positive steps it takes in that respect. It should also make it clear that transgressions by the Bahrain opposition, such as the use of violence, terror tactics and public disorder would equally not be tolerated.

2/ Encourage Dialogue – In partnership with Saudi Arabia, the USA and UK should continue to deploy their diplomatic influence to persuade all parties involved in the dialogue process to reach some compromise. The NCF and BHRM contend that the USA and UK could offer practical advice on policy decisions and offer inducement (rather than the threat of sanctions). Their efforts to encourage dialogue should be unremitting.

3/ Expert/Technical Training – Both the US and UK could offer Bahrain some valuable assistance and technical support in its endeavour to reform the judiciary systems.

Greater Trade Links –The US could help Bahrain to improve its economic standing by increasing trade links with the country.

The recommendations to Iran

1/ Renounce claim to Bahrain as “14th province” of Iran. Iran should officially announce its renunciation of any territorial claim over Bahrain and openly declare its respect for Bahrain's sovereignty.

2/ Support non-violence – Iran should publicly call for an end to violence and aim to bring about a peaceful conclusion to the protests. It should put an end to its hostile and divisive media campaign in favour of a more balanced approach if regional peace and harmony are to be maintained.

3/ Liaise with the Government – Iran can also use normal diplomatic avenues to liaise with the government of Bahrain to reduce misunderstanding and support reform.

4/ Landmark gesture for Shiite/Sunni cooperation – As the situation improves in Bahrain, Iran could potentially invest in landmark gestures that would further enhance the sort of cooperation and peaceful coexistence that had, prior to the events of the last two years, been the characteristic of the relations between all elements of Bahraini population, particularly the Sunni and Shiite Muslims, e.g. a mixed school.

The Best option for the GCC states:

A Gradual Change within the System

The so-called Arab Spring left its marks and affected all the GCC states to some degree. The events of the Arab Spring highlighted the necessity of gradual changes from within the system as opposed to radical changes which often result in political unrest and vacuum as has been the case in Egypt, Tunisia and Libya, where extreme parties have dominated the scene resulting in their current apparent instabilities.

The idea of gradual change in the Gulf faces two challenges: the challenge from the conservative parties that oppose change, and the challenge from the new generation who hold high aspirations for a better future. Acknowledging the need for a gradual change, requires the stimulation of the current system and convincing all those involved. Fortunately, the so-called Arab Spring countries no longer represent the ideal example for change after all their transitional problems. The new generation clearly understands the depth of the problem in these countries such as the lack of respect for diversity, social participation and human rights.

The extent and magnitude of the reforms differ from one country to another. Supposedly each country should determine the extent of their desired reforms, and the time frame needed to achieve them. As well as determining the way in which a consensus can be achieved by political parties without any haste or delays.

Foreign pressure on the GCC to adopt a specific position without taking into consideration the individual circumstances of each country, would only increase internal tension and push the conservative parties to become apprehensive of any change. It would also, encourage those impatient

elements to keep pressing hard which could result in internal tension and more human rights violations.

Of course each GCC state has its own plan with regard to social, cultural and political reforms. Some of these countries are ahead in comparison to others; therefore, it is wrong to view all countries in the same way regardless of their individuality, political heritage and extent of social openness.

In all the GCC states there are radical groups who oppose democracy for religious or other reasons. Some of these groups do not believe in the democratic mechanisms but rather believe in the use of violence in order to attain power. Hence, the challenge facing the GCC states is how to deal with these radical groups without affecting the political and human rights reform process. Confronting the radical groups, should not be used as a reason for disrespecting human rights and the political reforms should not be hindered with the excuse of confronting violence. Reform is more important in the mobilisation of the moderate political parties and will enable the political system to confront violence and terrorism.

The GCC states believe that human rights are connected to the political situation. For civil and political rights stated in the international conventions are connected with the core of political regimes. Hence, political imbalances result in human rights violations. Every citizen has the right to voice their opinion and this is something stated in all GCC constitutions in general. No doubt, the GCC countries have made a considerable achievement by providing social and economic rights for their citizens. However, they also believe

that political development and more public participation will have positive impact on future stability and respect for human rights. The GCC states should become more open and cooperate with international human rights organizations in order to benefit from them in the development of their citizens.

Civil society in the Gulf is still work in progress. Kuwait and Bahrain are ahead in this field and have an increasing number of organizations and societies. The GCC states are convinced that it is essential to develop the civil society and help it to become a partner in the building of the state and society. However, there are some countries that are still apprehensive towards civil society and view it as an enemy. This should be changed because preventing the growth of the civil society will lead to political suffocation that could trigger unwanted explosions.

During the past years a great development in the role of women in the society took place. Despite the fact that the societies in Gulf States are conservative, women have become an integral part of the social, economic and political life. Presently, women have a role in the parliamentary and diplomatic life. Women are taking high positions in all the GCC states even as ministers. It is noteworthy, that restrictions on women are not necessarily a result of laws as much as dictated by the nature of the society and its ever changing traditions. Things that were forbidden for women a few years ago are now accepted by society. It is expected that the role of women will grow even bigger due to modern technology, high level of education and determination of the political system to amend the legislation in order to empower women.