

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



**Bahrain Human Rights Monitor**

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## Making Human Rights Institutions More Effective

Bahrain's recent step toward establishing a Commission of Prisoners and Detainees was welcomed by most human rights organizations, as was the case when the Government established the National Institution for Human Rights, the Office of Ombudsmen in the Ministry of Interior and the Investigation Unit affiliated to the Public Prosecutor that is mandated to look into torture claims.

This step confirms the seriousness of the Government's response to the requirements of human rights protection. However, this step should be followed by further steps most important of which should be the demonstration of activeness and efficiency towards achieving the required goals. Setting up the organization is not the end goal but rather the mean to ensure the protection and consolidation of Human Rights. The Commission should exert all efforts in order to achieve such a goal.

Although, international human rights organizations appreciate the establishment of such institutions, their main concern remain seeing action on the ground rather than good intentions. These institutions will lose the trust of both the local and international human rights communities if they fail to achieve their purposes.

The assessment of the performance of these institutions is subject to certain measures that include:

1- Their achievements rather than their future projects, regulations, intentions or the promises given by their staff.

2- Their impact on people who benefit from their services, such as the detainees and their families. These institutions will only gain public legitimacy if they are seen to be defending the rights of victims and the needy, and only when the latter express satisfaction and show trust in them. These institutions should also persuade all sectors of the community to make good use of the services they provide and to take part in their programmes whatever the difficulties.

3- The competency of the individuals in charge of such institutions. The selection of such individuals should be based on criteria such as professionalism, independence, courage and trustworthiness. The absence of such distinguished individuals will make these organizations unable to carry out the missions in question or to gain the confidence and the belief of the public in the significance of the work they do.

4- Another factor in measuring their success is whether there exist a monitoring mechanism that would gauge the extent of the Government's adherence to recommendations and proposals made by national institutions concerned with the protection of human rights.

If these institutions fail to achieve their objectives, they will lose their credibility and the recognition of the international human rights community and may be viewed as a mere tool in the Government's public relations exercise.

## Human Rights between Foreign Conspiracy & National Responsibility

When monitoring the media, public opinion and the positions of some official quarters, it is noticeable that an increasing number of people attribute criticism of Bahrain's human rights record to an international conspiracy against the country aiming at distorting its reputation and questioning its credibility. The list of the conspirators includes the UK, USA, some EU countries, the OHCHR, international media, European Parliament and prominent international human rights organizations.

Advocates of this conspiracy theory raise many questions, for example: why is Bahrain criticised by the High Commissioner when there are other countries with even worse human rights records? Why did Obama mention Bahrain alongside Syria and Iraq? Why do western ambassadors meet with the Bahraini opposition? Why all this pressure from some parliaments in the west despite Bahrain's achievements in the past years? And why are they ignoring what has been achieved since Bassiouni's recommendations?

It is obvious that all these questions reflect an obsession with the conspiracy theory; an attitude that has a tendency to transform those considered as friends and allies into enemies, and that manifests an inclination towards self-absolution by playing the victim while blaming the others. This leads eventually to a state of an increased self-delusion that obscures the objective of seeking suitable solutions to the existing problems and confines oneself to mere reactions, which could only lead to more criticism and international pressure.

The fact that Bahrain was criticised in Geneva recently does not mean that there is an international conspiracy against it, and that Bahrain's allies and friends have ceased supporting it in the face of regional threats. What criticising Bahrain really means is the following:

- Firstly: these countries see both the negative and the positive sides of the human rights situation in Bahrain, yet believe that things are not as they should be. They are convinced that Bahrain is experiencing these problems because it has failed to address them correctly, or

did not exert enough efforts to deal with them. Therefore the criticism coming from these countries represents an attempt on their part to draw attention to their concerns, and embodies some sort of an encouragement for Bahrain to move forward towards more human rights reforms.

- Secondly: Bahrain's allies, particularly Britain and America as democratic countries with reputation and credibility to uphold, are subject to an intense internal and International pressure to push for more democracy and human rights respect in all countries, allied or otherwise. There are many indications that the official political institutions in both countries are currently faced with a great deal of pressure regarding what has been perceived as their lenient approach towards Bahrain, to the extent that officials in both countries face a barrage of harsh questions in their respective parliaments in that regard.

At present there is a continuous campaign against both London and Washington in Bahrain's local media, some of it, we believe, is a result of a misunderstanding and a lack of appreciation of the pressure emanating from the international human rights pressure groups. Human Rights organizations do not only criticise the human rights records of many developing countries, but also criticise –by the same token– leading developed countries, including America, which faces domestic and international accusation of not being honest in its claims that it supports democracy and human rights in friendly countries.

As we present here some examples, it is important to stress that our objective is not to confirm or deny the existence of a conspiracy against Bahrain, but rather to emphasise the importance of improving our understanding of how human rights issues are administered on the international level and how we could improve our domestic performance and reform our internal affairs in a way that would benefit Bahrain and its people and keep criticism at bay. This means

shouldering the responsibility with efficiency, undertaking more corrective and reformative procedures in a self-criticizing manner that precedes any criticism coming from abroad and generally engaging in more self-criticism whilst anticipating the criticisms of others.

Following are some illustrations of the kind of pressure faced by both the US and Britain regarding their positions on Bahrain:

- Joe Stork the Deputy Director for Middle East and North Africa at Human Rights Watch wrote a very harsh article on 20 September 2013, attacking the US Department of State, ironically at the same time harsh criticism of the US appeared in the Bahraini media but for quite the opposite reasons. He opened his article by criticising the US Department of State for the assistance it provided, in his view, to the Bahraini regime in its efforts to oppress the opposition. He concluded his article by saying that 'Washington should publically condemn the escalation of oppression in Bahrain.'
- Another example of the pressure wielded by human rights organizations is Amnesty International's criticism on 17 June 2013 of the 2012 British report on human rights. It called upon the Foreign Affairs Committee in the Parliament to 'ask the UK Government regarding its procedures of cooperation with the EU to adopt a decision in the Human Rights Council in the UN regarding Bahrain.' It added that Britain had turned a blind eye to human rights abuses in some countries, and demanded a more critical approach with regards to the human rights situation in Bahrain through the work of the Human Rights Council. It also stated that the British Government had until then failed to adopt that approach..
- At the same time, London-based Redress criticised the British position on Bahrain because it did not classify it in its report as a 'cause for concern' country, instead categorizing it as a 'case under study'. Redress demanded that the House of Commons Committee

of Foreign Affairs should ask the British Foreign Ministry for a detailed and comprehensive clarification regarding what can be done to convince Bahrain to stop the practice of torture. This was based on the assumption that the 'UK is an old friend of the Bahraini people.' Similar to Redress other organisations, such as the Campaign against Arms Trade, followed suit which highlights the level of the increasing pressure within the UK's political system.

- When British foreign policies were discussed, and the issue of Bahrain was raised, Baroness Warsi- the representative of the Foreign Ministry in the House of Lords- was asked by Richard Ottway , the Chairman of the Foreign Relations Committee , whether she was worried about the human rights situation in Bahrain. She answered diplomatically by saying 'I am concerned about human rights in Bahrain just as all Bahrainis are. I had a very frank conversation with the Foreign Minister when he was here a couple of months ago. We regard Bahrain as an important partner and friend and this friendship as I told the Minister, goes hand in hand with a high level of honesty and frankness between us on these issues. They are certainly dedicated to the issue and are making some progress, but things are not progressing at a rate which satisfies either of us. But we do feel that they are moving in the right direction.' Regarding the categorization of Bahrain, she added that the Foreign Ministry documents incoming information from NGOs, British ambassadors and from the OHCHR. The situation in individual countries, she said, is assessed in comparison with others. Thus the Foreign Ministry saw that there was a need to keep Bahrain as a case under study.
- There is another source of pressure on the EU countries, which is the European Parliament. The latter not only issues statements and reports, but some times also criticises the policies of some EU countries regarding their positions on Bahrain. For example, on 12/9/2013, the European Parliament issued a statement, in which it expressed its regret regarding the weak reactions of the EU towards the

situation in Bahrain, and called for more condemnations, and even sanctions.

- British MPs also represent a source of pressure on the British Government. On 2/9/2013, MP Conor Burns, considered a friend Bahrain as he is the President of the Bahraini British Friendship Committee in the Parliament, asked the Minister of Foreign Affairs Alistair Burt about his assessment of the implementation of Bassiouni's recommendations, and the technical projects which can help Bahrain in this regard. He also asked Burt about his assessment of human rights reforms in Bahrain, the establishment of NIHR and the efforts regarding national reconciliation and political participation.
- On 4/9/2013 MP Katy Clark continued asking questions regarding specific individual cases, and the extent to which detainees were being offered necessary treatment and medical care. In general, the total number of written questions presented by MPs and members of the House of Lords to the British Foreign Ministry since the beginning of the year until September 2013 reached 73 questions. This is besides the oral questions and hearings and discussion meetings on human rights in Bahrain which provide an indication of the sheer amount of pressure faced by the British Government.
- On 24/9/2013 the American organisation Human Rights First issued a statement directed to the Congress and contained ten questions for Tom Malinowsky, former President of Human Rights Watch in Washington and the nominee for the position of **Deputy Assistant Secretary for Democracy, Human Rights and Labour. The questions included one on Bahrain that went as follows: what does America have to lose in Bahrain, and do you agree that the current situation is heading towards failure? What strategies do you suggest should be adopted by the US for developing human rights and the rule of law in the country, considering our other interests there?**
- **In most press conferences in the US, journalists ask criticising and embarrassing questions, casting doubts on US Government policies**

towards Bahrain. This is in addition to many articles in the daily US and British press and papers published by various research centres in the West. All of these heap, in one way or another, tremendous pressure on decision makers in both London and Washington. Among the most recent articles on Bahrain is one published in the magazine 'Left Foot Forward' by Daniel Wickham, in which he criticised the position of the UK and said that it had the opportunity to condemn Bahrain in 2012, alongside 28 other countries at the HRC in Geneva, but chose, with Washington, to remain silent.

#### Summary:

1) **Democratic countries in the West are no longer the sole decision-makers regarding new events abroad, for there are human rights organisations, parliaments, media, public opinion formed on social networking sites that all participate in directing the foreign policies of these countries.**

2) **Human Rights have become an integral part of international relations, even among allied and friendly countries. The interests of countries are no longer confined to material gains ; but rather extends to issues that relate to the credibility of these countries. The reputations of a country and its international status have become more important than ever, hence any damage done to these represents a big loss in terms of the interests of these countries.**

3) Officials in charge of human rights in Bahrain should be aware and keeping up to date with the sources of influence in other countries, such as parliaments, international human rights organisations, research and study centres or media outlets and the press. Being well-informed will enable these officials to acknowledge the extent of international concern or focus on human rights situation in any particular country. It is obvious that officials in Bahrain lack the appropriate tools to monitor and analyse what the world is saying about their country as well as the ability to initiate speedy responses and positive interactions with international pressure.

## The Establishment of the Commission for the Rights of Prisoners and Detainees

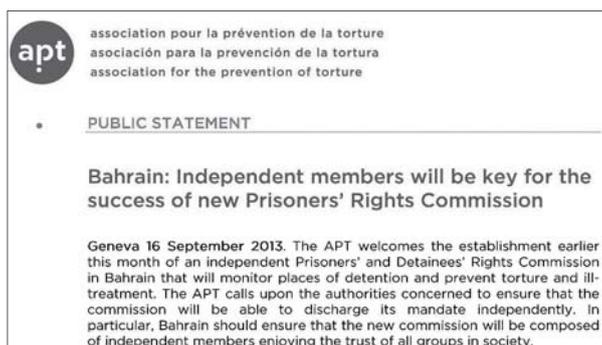
In 2 September 2013, the King of Bahrain issued a Decree on the establishment of the Commission for the rights of Prisoners and Detainees. The purpose of this Commission is to monitor the conditions of the prisons and detention centres and prevent torture and ill-treatment.

Article 1 stipulates that the Commission should be independent, impartial, free and transparent when performing its duties. The Commission consists of 11 members, in addition to its chairman who must be the General Secretary of the ombudsman's office in the Ministry of Interior. According to Article 2 of the Decree: three members should be nominated by the Chairman, four members by the National Institution for Human Rights (NIHR), and four members by the Supreme Judiciary Council and the Attorney General. Nominated members should be renowned for their efficiency, honesty and impartiality and should be representative of all the varying elements and components of the Kingdom according to Article 2.

Article three outlined the scope of the Commission's missions in five points: To visit inmates in prisons and detention centres in order to verify the conditions of their detention and ensure that they meet international standards, to conduct interviews and talk freely with inmates in order to listen and understand the nature of their problems, To notify the competent authorities of any cases of torture, harsh or inhumane treatment and finally to submit recommendations and suggestions on how best to improve the conditions of the detainees. The Decree also obliges the Commission to observe the relevant

rules and procedures in its reports and recommendations.

The Justice Minister stated that the step of establishing the Commission took into consideration the UN adopted principles in the field of the prevention of torture and the relevant optional protocol OPCAT, and that it came as result of consultations with the inspectors of British prisons and the UN Committee against Torture.



The APT welcomed the decision to establish the Commission and called on Bahrain in a statement issued in Geneva on 16 September 2013, to guarantee that the new Commission would be enabled to perform its tasks independently and that it is composed of impartial and truly independent members who enjoy the trust of all sectors of the community.

The statement also indicated that the commission will only be effective if it can gain the trust of the authorities and the wider society. This requires that the commission should be composed of impartial and truly independent members whose selection is conducted via strict procedures. The statement called, in that respect, upon the authorities entrusted with the task of selecting the committee's members to consult with the various active components of the community such as

the independent civil society institutions and the opposition's political societies.

The statement noted that the decree included many elements of OPCAT and hoped that such a step could bring Bahrain closer to the ratification of the Protocol to become the first GCC country that seriously prevents torture in its detention centres. Finally, APT called on Bahrain to arrange a new date for the visit of the special Rapporteur on Torture to Bahrain.

The British Ambassador to Bahrain, Iain Lindsay, welcomed the establishment of the Commission for the rights of Prisoners and Detainees and said in a statement on 22 September 2013, 'The UK welcomes the commitment made by the Government of Bahrain during the UN Human Rights Council's Universal Periodic Review in 2012, to consider signing OPCAT'. He also added that 'As noted by the Association for the Prevention of Torture in their statement on 16 September, this is a positive step by the Government of Bahrain. The establishment of the Prisoners and Detainees Commission brings Bahrain a step closer to ratifying OPCAT, the UN torture prevention treaty'. He continued by saying 'with the creation of the Ministry of Interior Ombudsman, and the work of the revamped National Institute for Human Rights, I welcome the steps Bahrain is taking to prevent torture in places of detention. I urge these institutions to fulfil their important mandate and the Government to expedite its implementation of the recommendations of the Bahrain Independent Commission of Inquiry and those recommendations made under the Universal Periodic Review, which it accepted in full or in part.'

## BBC: “Are Police Reforms Genuine or Superficial”

Hasan Moosa Shafaei

The BBC broadcasted a lengthy programme with regards to the reforms in the police, entitled ‘Bahrain: Are Police Reforms Genuine or Superficial’. The Programme was distinguished and very effective and was well received by human rights organizations concerned with Bahrain. The Programme was discussed by many writers, journalists and was a source of debate among the Bahraini citizens themselves.

I would like to offer some general observations on the report from a political and human rights perspective:

**Firstly:** the Government should be commended on its transparency in allowing the BBC to visit and officials to participate and answer raised questions and for allowing opposition figures as well as the public to voice their opinions. Such a positive approach should be the norm in dealing and interacting with the international community, whether governments, NGOs or the media, as it allows Bahrain, in the medium and long terms, to generate more understanding and appreciation of the overall dimensions of its current crisis and the prospects of its future stability.

**Secondly:** the Programme can be described as reasonably balanced in its presentation and reflection of the different points of views which makes it rather unfair to accuse it of being excessively harsh on the Bahraini Government. It also gave both parties the opportunity to present their opinions without being seen overly inclined towards siding with one party or the other. The Programme positively presented the establishment of the Ombudsman’s office as an unprecedented development in the region.

**Thirdly:** In my opinion, the pivotal

point in the BBC’s report, upon which the success of the police work could be measured, is the issue of holding accountable those who have committed human rights violations. However, the Programme produced nothing new regarding the main concerns of human rights institutions. No country is immune from the occurrence of Human rights violations, but the testing point, as far as the respect for human rights is concerned, centres on whether the perpetrators of these violations would be held accountable or not. This issue should be treated with great care and consideration if we are to persuade the International Community to acknowledge the progress we have made and the positive steps we have taken.

**Fourthly:** the reassurance of the Minister of Justice regarding putting an end to the culture of impunity, and the statements made by the Chief of Public Security about the police reforms and the pledges of the Chairmen of the Ombudsman’s Office regarding the investigation of all allegations of Human Rights violations, should all be commended. However, it is important to realise that these statements would not be enough if they were not supported by documented cases that would prove beyond doubt that justice has really been served. The international human rights community acknowledges action and achievements on the ground rather than promises of future action.

In this respect, all relevant officials should be in possession of detailed information on all actions and procedures taken regarding any allegations of actual or perceived violations raised by individuals or local or foreign entities, so they can be better equipped to promptly respond with

documented evidence to any criticism or allegations.

**Fifthly:** The BBC’s report reflected the level of mistrust between the public and Government’s

human rights institutions which was manifested in the reluctance of some individuals to report alleged violations committed against them or their children. This is a real problem that concerns, not only the citizens, but more importantly the State itself. The Government should work hard towards regaining public trust and confidence in its apparatus. This lack of trust weakens the State and encourages the public to report their grievances to human rights organizations and UN institutions abroad.

**Finally,** Consolidating the principle of transparency in addressing all the aspects connected to the issue of the allegations of torture, and adopting an objective and scientific methodology when dealing with criticism, no matter how harsh, will go a long way in enhancing credibility and restoring the shattered mutual trust.

There is possibly a political message embedded in the report that was debated by the public along two different points of view: some thought that the Programme’s aim was to highlight the British involvement in the efforts to develop Bahraini police, while others suggested that the objective of the Programme was to send a mild critical message regarding the shortcomings and the delays in reforming the police.



Hasan Moosa Shafaei

## Cooperation with the OHCHR is the way out of 'Geneva Crisis'

In a joint statement adopted by Switzerland in June 2012, 27 countries expressed their concern regarding human rights in Bahrain. Both the US and the UK refused to sign it due to their different approach, mechanism and point of view on how to improve the situation, according to the British Foreign Ministry and the US representative in Geneva. The statement called for the respect of the freedom of assembly, expression and association and for the implementation of Bassiouni's recommendations. The statement also called on Bahrain to benefit from international expertise and to especially cooperate with the Human Rights Council. It also recommended that Bahrain invites both the Special Rapporteur on Torture and the Rapporteur concerned with freedom of associations and assembly.

On September 2012, Bahraini Foreign Minister headed his country's delegation and attended the Human Rights Council meetings. He delivered a speech which was well received internationally. In that speech he confirmed Bahrain's acceptance of all HRC recommendations, admitted the occurrence of violations and pledged to revitalise the national dialogue. He also extended an invitation to the UN High Commissioner for Human Rights to visit Bahrain, pledged to invite the Special Rapporteur on Torture to visit Bahrain, and promised technical cooperation with OHCHR as well as pledging to consider the matter of Bahrain's joining of the OPCAT.

On December 2012, a delegation from the OHCHR visited Bahrain in order to promote further mutual cooperation. Bahrain offered financial support to OHCHR activities. On February 2013, the national dialogue began between the political parties and May 2013 was set for the visit of the Special Repertoire on Torture.

Once again on February 2013, Switzerland presented a statement to the HRC in Geneva signed by 44 countries including this time the UK, America,

France and Germany. That statement acknowledged achievements made by the Bahraini Government, but however, it expressed concerns over many issues connected to the human rights situation. It also called once more for the implementation of Bassiouni's recommendations. The Human Rights Minister then criticised the statement and said that it has no positive outcome and that its timing was wrong and would have a negative effect on the relationship between Switzerland and Bahrain.

In September, 2013, and for the third time Switzerland presented another statement signed by 47 countries in which it welcomed what has been achieved so far in Bahrain but also expressed continued concerns over its human rights record particularly in view of some recent developments. This prompted Navi Pillay to refer to Bahrain in her opening address before the Human Rights Council's twenty fourth regular session by saying 'I regret to report that the human rights situation in Bahrain remains an issue of serious concern: the deep polarization of society and the harsh clampdown on human rights defenders and peaceful protesters continue to make a durable solution more difficult to secure. I reiterate my call on Bahrain to fully comply with its international human rights commitments, including respect for the rights to freedoms of expression, peaceful assembly, and association. The cancellation of the scheduled visit of the Special Rapporteur on Torture is regrettable, and important recommendations made by the Bahrain Independent Commission of Inquiry have still not been implemented. I also wish to express my disappointment that the cooperation with the Government of Bahrain, which started fruitfully with the deployment of an OHCHR team in December 2012, has not developed further and an OHCHR follow-up mission has been stalled since then'.

It is possible to identify four basic reasons

for this increased international pressure on Bahrain:

- The failure to adhere to its commitment to cooperate with the OHCHR.
- The indefinite postponement of the Special Rapporteur on Torture's visit to Bahrain scheduled for May 2013 for the second time (the first time was in February 2012).
- The failure to take serious steps regarding the ratification of the Optional Protocol on the Convention against Torture.
- The failure to address issues of concerns raised in previous Geneva statements, and the emergence of new causes for concern.

### The reaction of the Government:

Ambassador Dr. Yusuf Abdul- Karim Bucheery gave an official reply on behalf of the Kingdom of Bahrain whereby he expressed displeasure upon hearing the High Commissioner's comments that included, according to him, negative references to Bahrain without seeking to obtain information from credible sources, thus ignoring the realities of the Human Rights situation in Bahrain, which, as he put it, exerted extensive efforts to implement the majority of Bassiouni's recommendations. He asserted that these efforts should be encouraged rather than undermined by such inaccurate remarks.

Dr. Butchery affirmed Bahrain's keenness on cooperation with the OHCHR and the Human Rights Council as well as the various UN mechanisms which he considered as partners in the quest of protecting Human Rights. He also confirmed Bahrain's readiness to cooperate and interact with any credible and impartial organisation or institution stressing that objective reporting should be conducted in a professional manner away from deception and confusion.

On the postponement of the visit to

Bahrain by the Special Rapporteur on Torture. Bucheery said that the visit has not been cancelled, but rather postponed due to organisational reasons, adding that official Bahrain is looking forward to arranging a new convenient date for the visit. He expressed hope that the High Commissioner would refer, when commenting on Bahrain, to the escalating level of violence and vandalism and would offer clear condemnation to such terrorist acts.

As for the ban on demonstrations in the Capital (Manama), Bucheery explained that banning demonstrations and assemblies or restricting their spaces is a decision based on valid legal grounds and does not constitute any restriction on the freedom of expression and peaceful assembly. Imposing certain rules for the sake of



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national security and public order, he added, does not contravene with the freedom to exercise these rights, stressing that no human rights activist or defender has faced any harassment over their activities as long as they abide by the law.

Responding to the statement presented at the Human Rights Council by the 47 countries, Dr. Bucheery said that the statement, though complimented Bahrain on the constructive steps it has taken, failed to acknowledge many of the efforts Bahrain has exerted and has distorted the true image of the country. He described the statement as lacking in objectivity and impartiality as far as presenting the reality of the situation in Bahrain is concerned. On the issue of the stripping of the nationality from some citizens, Bucheery explained that the decision was taken for certain national security considerations. ON the National Dialogue, he reiterated Bahrain's pledge to continue encouraging political

reconciliation through the resumption of the National Dialogue sessions, and he appealed for Bahrain to be allowed the opportunity and the favourable atmosphere to carry on implementing Bassiouni's recommendations and conclude the National Dialogue instead of sending the wrong signals and messages that could only drive thing to the opposite and negative direction.

### **The way out of the mistrust:**

The International human rights community keeps receiving contradictory messages from Bahrain. As soon as officials on both sides begin building trust, new issues arise and cooperation is hindered. It is clear now that countries and international human rights organisations want assurances that:

1/ there is a seriousness in addressing issues of concern and that no new issues would suddenly emerge.

2/ their statements expressing concerns are receiving the appropriate attention from human rights officials in Bahrain, and not being ignored or unappreciated. Unfortunately, these statements, letters and reports are always being ignored.

3/ there is a transparency, seriousness and respect when dealing with human rights community, especially the OHCHR.

4/ human rights officials in Bahrain should understand the mechanisms at work in the Human Rights field and recognise the value of cooperation in that respect, as well as understand the abilities of NGOs in influencing political decisions.

5/ human rights officials in Bahrain should not provoke human rights organizations by fabricating news, misquoting their officials or incorrectly presenting their positions .

There are indications that many countries and human rights organizations are preparing to increase their pressure on Bahrain during the 25th forthcoming coming session in Geneva in March 2014. Contrary to the prevalent view held by the Bahraini Human Rights Ministry that the HC's speech and the statement of the 47 countries and other statements have no

legal consequences, the general mood in the corridors of the International Human Rights quarters is that there should be a call for the convening of a special session at the UNHRC to discuss the Human Rights situation in Bahrain , and to prepare a draft resolution that would openly condemn Bahrain and could include a decision to appoint a Special Rapporteur and conduct an international investigation over alleged violations .

A positive initiative is what the Human Rights Community, scheduled to convene in March 2014, would expect from Bahrain's Human Rights Minister. Such positive initiative, which could water down some of the criticism Bahrain is facing may include the following:-

- Bahrain should quickly take the initiative to improve its relations with the OHCHR, and reactivate its cooperation with it. It should renew its invitation to the High Commissioner Navi Pallay to visit Bahrain. The significance of such steps combined with the regaining of the Commissioner's confidence is that they would give Bahrain's efforts International credibility, bearing in mind that the OHCHR is able to assist Bahrain in finding solutions to its human rights problems.
- Reaffirming Bahrain's willingness to receive the Special Rapporteur on Torture.
- Improving relations with international human rights organizations and allowing them to visit Bahrain. Failure in this respect would indicate that the human rights situation is not as it should be. No country that respects Human Rights would sustain tensed relations with international human rights organizations. Bahrain should choose either to cooperate with these organizations despite all the pressure or ignore them, which could prove to be a short lived option.
- Improving the Government's relations with Bahraini civil society organizations, which are perceived abroad as basic partners in any human rights efforts or programmes.

## The Police and the Protection of Human Rights

In order to improve the relationship between law enforcement bodies and the society, basic factors should be considered:

**First-** the nature of the law itself, any unjust law implemented by the police could lead to confrontation with the public. What we are concerned with is the rational Law that abides by justice and conforms to human rights standards. Thus, it is important to determine the nature of the law, and answer the question , ( What should a policeman do if an article of the law allows or pushes him, to behave in a manner that is regarded as unjust in the eyes of the rest of the world? ) For example, the right to protest and assemble is granted internationally, and if this right is not prohibited, the policemen should have no problem. However, if protesting is banned – which is the case in some countries- the police might resort to dispersing the crowd by violent means which could include shooting.

**Second-** re-considering the nature of the relationship between the society and the police in the context of the way each of them view the other , for example in some countries people perceive the police force as an intimidating and aggressive group which terrorises people and supports despotism. They do not believe that the police are there to protect the security of the individuals and public interest or protect their rights according to the law and constitution, while the police in the said countries view some elements of the community as though they are suspects or criminals who have no rights and should be punished by the police itself and not through the justice system.

**Third-** If the citizens enjoy their full rights based on the law and constitutions and international bill for human rights,

they would obviously not feel the need to rebel or resort to violence. If anyone did so, the public would not side with them or condone their actions. Law enforcement personnel, mindful of their duty towards protecting the citizen's rights are required to deal with any breaching within the law and not through violating it themselves as this will be regarded as another contravention to the local laws and regulations, the Constitution and to the human rights themselves.



Law should be respected and the job of a policeman is to protect the law and deal with those who breach it. However, rectifying a mistake by committing another will only lead to more serious complications, even if the guilty policeman was shielded from prosecution. Dealing with violators does not require partial or total deviation from the law. In fact violating human rights by the police makes enforcing the law even harder.

**Following are Some of the most serious consequences of the breach of the law by policemen:**

1/ police excesses would inflame the

civil unrest rather than calm it down. It will also alienate the police from the community thus jeopardising any prospect of a much needed cooperation between the two in the field of crime prevention for the sake of maintaining the civil peace. The policeman should be seen by the community as the guardian and protector of human rights, but if transgressions continue, the police force will be viewed differently.

2/ transgressions by law enforcement officers are more serious than those committed by ordinary individuals, that is because they undermine public trust in the state apparatus and weaken the latter's ability to perform their duties. Justice would then be sacrificed and pushed out of the reach of deserving victims. The innocent becomes guilty while the guilty one is released. Fair and effective trials falter, as the judiciary loses its respect and the State its prestige.

law enforcement officers' respect for human rights would not only earn them the respect of the community, but also its gratitude and national pride , that is because , then , the law would have been upheld and the commitment to the citizen's rights have been fulfilled and also because the police force has integrated well in the community by not imposing itself via coercive means and the instilling of fear , but rather through a genuine desire and effort to establish a relationship with the community that would earn it the latter's respect and acknowledgement of the significance of the responsibilities it shoulders . The community, by assisting the police force in conducting its duties, demonstrates the conviction that there is a shared destiny and a mutual benefit and interest in working together in the field of crime prevention.

## The Inextricable Link Between Security and Human Rights

One of the basic issues in addressing human rights violations in Bahrain is fundamentally linked to the cultural term of reference and the legal and legislative standards that provide the legal and logical umbrella that determines the manner by which the problem is addressed. For example, despite the fact that protesters in Bahrain are able to obtain permits that allow them to protest legally, they choose not to do so, under the pretext that what they are doing conforms to international standards. They believe that having no permits should not prevent them from expressing their opinion or exercise their rights to assemble. On the other side, the Government, which has joined international conventions and agreements that oblige Bahrain to adapt its laws to conform with these conventions, tends however, quite often, to enact its own local legislations and ignore these international agreements and standards. This is why the Government finds itself unable to convince the international community of its administrative and legal procedures.

Many incidents that took place in Bahrain involved the breaking of the law as well as the committing of human rights violations. These two issues have posed a great challenge to the State's institutions, civil society and active political parties. Theoretically the consensus was against breaking the law and in favour of the protection of Human Rights, but practically maintaining human rights has, to some degree, clashed with the considerations of maintaining security. Nevertheless, in our opinion, it is realistically possible to provide security and stability without compromising human rights principles and standards.

Maintaining security is a necessity

for human rights but by no means an alternative to it. Security should not be maintained at the expense of human rights. It is difficult to strike the right balance especially when political situations are tense. On the one hand, the authorities stress the importance of security and view it as the priority, while pro democracy and human rights advocates, on the other hand, believe that lack of respect for human rights and the persistence of violations would only lead to the breaking of the law and disturbance of the peace. It is a conundrum no doubt.

Instability and unrest directly impact human rights as they affect the right to life, freedom and physical safety. The lack of security emanating from unrest is a basic factor in undermining the civil society as an entity and the role it plays, either by restricting its activities, or by politicising it. On the other hand, unrest threatens social and economic development and would subsequently have a direct effect on the ability of the community to enjoy its human rights in its broad and comprehensive sense.

Same as many other countries, Bahrain has faced the challenge of adhering to human rights standards, during political crises and their resulting social and security upheavals. This challenge includes the possibility of infringement on the security of individuals, a basic Human Right, which could entail the perpetration of some violations such as ill treatment, restriction of the margin of freedom of expression and imposition of sanctions on civil society organizations in general. Such practices would have its impacts on the rule of law, good governance and human rights.

This confirms the fact that respecting human rights and maintaining security are inextricably linked, for you cannot

maintain one without the other. Without security, human rights cannot be protected and without human rights security cannot be achieved. For this reason, international human rights law urges countries to adopt the necessary procedures to protect security, not only through the use of reasonable force, but also by confronting social, economic, cultural and political problems which can cause instability and encourage unrest.

Giving priority to maintaining security is the correct course of action in the general sense because it means the protection of the lives, honour and dignity of people. But such course of action should only be conducted within the discipline of the law and the human rights binding obligations, otherwise it will have the opposite effect at the expense of a durable and sustained stability. In other words, the desired benefit from giving priority to security will not be felt on the ground without respecting human rights. Any human rights violations will have a negative impact on the security situation.

It is the duty of the Government to provide both security and respect for human rights simultaneously i.e. to protect security and to provide political and economic rights and services for citizens. This can only be achieved by respecting human rights principles. The Government should also ensure that the conduct of law enforcement institutions conform to both national and international laws. This should be taken into consideration even during major crisis. There is no conflict between the adoption of effective measures to enforce law and order and provide security, in the one hand, and the protection of human rights, on the other. As a matter of fact, both compliment and reinforce each other.

## Confronting Sectarianism to Protect Tolerance

Tolerance as a concept, value and virtue is but a link in a broader chain of greater human concepts and values. As such it represents a gateway to the creation of cooperative and harmonious societies regardless of cultural, religious, ethnic and linguistic diversity.

Tolerance is especially important to Bahrain as it is a country where Sunnis, Shias, Ismailis, Christians, Jews, Buddhists, Sikhs and Baha'is have all co-existed for a long time. This was not a coincidence; because if that was the case, you would wonder how come that there exist no such diversity in any other GCC country.

Bahrain has long embraced this diversity, thanks to the religious tolerance among its people. The Government has long realised that there is a social susceptibility to host such diversity in the existence of churches, temples, graveyards, religious groups and practices, civil society organizations, private schools, festivities and special holidays etc etc.

It is important to sustain this state of affairs in Bahrain in order to emphasise the prevailing human values and partnership in land and in benefits as well as to impress upon the new generations the fact that cultural diversity is a great asset, and that rather than constitutes barriers or ghettos, it does offer an opportunity for openness, dialogue and enrichment.

With sectarianism showing its ugly face, we are supposed to be looking for projects that would help bring people together, prevent the creation of boundaries and barriers, and make it difficult for extremists to be influenced by extremist ideas from abroad. Projects that would eliminate the prospect of social and political polarizations along ideological, ethnic, sectarian or stereotypical lines.

Without tolerance, the rule of law, and a margin of freedom, the country's diversity could turn into a curse rather than a blessing, rendering the country less immune and more vulnerable to the viruses of militancy and hatred, and more exposed to those twisted ideologies that claim monopoly on the truth in order to wreak havoc on the country and its people.

In order to maintain a tolerant society and make our country immune against extremism and hatred, we should look for new programmes and policies that promote tolerance and educate new generations through schools and religious platforms. We should also treat all citizens and residents equally without discrimination or denial of their rights. This will promote tolerance on the ground and prevent the emergence of stereotyping and arrogant attitudes towards others.

### The Danger of Sectarianism

Tolerance in Bahrain is now threatened by the increasing level of sectarianism that endangers the social fabric, shakes stability and contradicts the basic principles of Human Rights. Sectarianism contradicts the basic principles of Human Rights as well as the reforms and the efforts to instil them. There can be no real reforms project or respect for human rights in any country where sectarianism is deeply rooted in its political, and social structure, and prevalent among its cultural and religious elites. Sectarianism also contradicts the notion of citizenship and equality as it legitimizes discrimination between citizens, whereby the religion or sect you belong to determines whether you are a first or second class citizen. This contravenes with justice and the

instinctive human spirit. Sectarian practices constitute an impediment to the enjoyment by citizens of their rights as established by the Constitution and relevant international conventions.

Sectarianism denies the simple fact that people whatever their background are born free and have equal rights and dignity. It also ignores the concept that cultural and sectarian diversity – as in Bahrain – is a source of enrichment, progress and prosperity for societies in general, and therefore such sectarian diversity should not only be recognised and appreciated, but also protected and defended. Diversity should not be seen as a source of schism, danger and instability. Moreover sectarianism violates all human rights principles stipulated in the Universal Declaration of Human Rights, which encourages the respect of basic rights for all and without discrimination on the basis of race, colour, gender, language, religion, political opinion and national or social origin.

It is in the nature of sectarianism to incite blind hatred, encourage schisms, insults and abuse, and dehumanize the 'other'. It does not only prevent the establishment of good, cordial and peaceful relations between citizens, but also causes many local disagreements. Sectarianism is an effective tool in destroying social peace and threatening the security of citizens, reflecting negatively on political stability and on people's daily lives.

Sectarianism contradicts the sacred values preached by all religious beliefs including Islam and endorsed by humanity in the form of Human Rights' charters, such as justice, forgiveness, freedom, brotherhood, moderation and equality. We cannot accept the notion that any particular sect possesses a superiority based on racial pretensions

or monopoly of the religious truth and that only its followers are the 'saved group'. Such a notion is scientifically unacceptable, ethically condemned and does not do justice to the followers of that particular sect or to the others, not to mention its detrimental effects as it could lead to social schisms, disputes, militancy and eventual instability.

It is obvious that the increase in the level of sectarianism in political rhetoric and religious platforms or in the public conduct of individuals and institutions is extremely dangerous and is indicative of narrow mindedness. Succumbing to irrational sectarian feelings that do not abide by the discipline of the Islamic principles, the Constitution and the law, is an insult to the country and to the people. It also indicates that the available margin of freedom has been abused as has the authority enjoyed by some individuals.

### Joint Responsibility

The elimination of sectarianism is an impossible task and is beyond the capacity of any country. However, it is possible to reduce its intensity and manage sectarian differences if the Government and all other political and social parties work together.

The Government bears the responsibility of managing the sectarian disputes in order to prevent them escalating into a social conflict. In other words, it is the Government's duty to intervene when necessary to prevent society slipping into schisms and conflicts with dire consequences. This means that the Government is required to adopt legislations that criminalize sectarian activities and introduce deterring measures. It should also contain religious and

media platforms within appropriate legislations to prevent incitement and provocations. In addition, the Government is required to ensure the impartiality of its own agencies during sectarian conflicts; otherwise it will become part of the conflict itself and loses its credibility as an impartial guardian and judge. It should keep state institutions away from sectarian practices and warn Government officials and employees against sectarian bias. At the same time, nevertheless, the Government is required to continue respecting religious freedom of expression and legislations concerning human rights. It should ensure that no violations of the general principles outlined in the



Charter and the reform project take place during the process of containing sectarianism. Freedom provides an effective mean for controlling sectarianism, its discourse and advocates, as extreme measures yield opposite results and will only inflame sectarian troubles.

Finally, the Government should provide programs that could bring together dissonant views and put into place anti-sectarian national projects which promote stability and social and political integration.

The society's elite also bear a responsibility. Sectarianism is an elitist concept and it feeds the public with an

over perceived sectarian concerns. The elites have failed to find joint social, political, religious and environmental institutions. It is saddening that in a period characterized by pluralism, openness and freedom; issues like segregated housing and neighbourhoods are increasing whilst the number of inter-sects marriages is decreasing. It is also saddening that charitable organization limit their services to certain communities without any religious or humanitarian justification.

Sectarianism is contagious and has the tendency to spread in interlinked circles. For example, sectarian discourse in Parliament is reflected on the media and on the street. Likewise, sectarianism in civil society and charitable institutions weakens the humanitarian spirit and sectarian religious discourse affects political discourse.

Civil society institutions are usually perceived as free from sectarian and ethnic divisions and are assumed to be driven by humanitarian and national causes. However, there are some national societies that adopt sectarian discourses as a consolidated ongoing pattern in their statements, literature and strategies.

Abandoning sectarian discourse is an indication of the maturity of individuals, society, the state, civil organizations and the media. It is the minimum requirement at this stage that would hopefully be followed by further steps, such as the formation of joint projects and institutions. We aspire to the day when political societies represent citizens of all different sects and when charitable organizations provide their humanitarian services to all citizens. We also look forward to civil society organizations that would serve and are open to everyone.

## Bahrain is Committed to Human Rights

In his speech on 30 September 2013, before the UN General Assembly, the Minister of Foreign Affairs Sheikh Khalid bin Ahmad Al- Khalifa stated that 'Bahrain is keen on cooperation with national and international civil society organizations, and in particular those operating in the field of Human Rights, through continuous dialogue and a meaningful exchange of experiences and expertise away from confrontation as we are all parties to the same cause in which we all believe in , namely, the promotion , respect and protection of human rights'.

The Minister said that his country works within three strategic pillars, one of which is to realize the aspirations of all Bahrainis. This includes raising the standards of living, achieving peace and security, respecting human rights through the consolidation of the principles of pluralism, democracy and political participation.

He added that 'the Bahraini leadership is keen on interacting and engaging with its people and on responding to their aspiration with full commitment and transparency. The Minister went on to say that 'the Kingdom continues to pursue its firm policy of laying down the foundations of the modern independent sovereign state that are based on justice, constitutional and legislative reforms , human rights and the enhancement of the role of women'.

The Minister continued by saying that his country 'has achieved tangible results in the field of enhancing human rights, notably the establishment of the Commission of Prisoners and Detainees, the establishment of the National Fund to compensate those affected by events, the establishment of the Ombudsman within the Ministry of Interior operating as an autonomous body within the laws of the land, and the professional standards of police service as stipulated in the police code of conduct'.

He also pointed to Bahrain's proposal to create an Arab Human Rights Court, a proposal that was endorsed by the Arab Summit Meeting held in Qatar in March 2013 in response to the aspirations of

the Arab peoples. This constitutes a qualitative stride in the region and comes as a consolidation of the principle of the rule of law and in line with the procedures followed by similar courts in other parts of the world. He also expressed hope that this court will lay down the solid foundation for the protection of human rights in the Arab world.

Sheikh Khalifa also stressed that the public awareness among its citizens has shielded Bahrain from the sort of sectarian tensions and conflicts witnessed in many other countries, without mentioning Iraq and Syria. However, these two countries were mentioned later on in his speech in response to a comment made by the American President who linked Bahrain to Iraq and Syria in his address before the UN General Assembly. The Minister highlighted that all through its long history Bahrain has chosen the path of tolerance, moderation and social coexistence among its various sects, ethnics and religious groups, in a manner that has kept at bay any sectarian tensions or conflicts such as those blighting Iraq and Syria today.

The Minister also met with the UN Secretary General Ban Ki Moon who called, in a statement issued by his office, on Bahrain to respect human rights and to make good use of the assistance available at the United Nations human

rights bodies, in a reference perhaps to the technical assistance that could be extended to Bahrain by the Office of the UN High Commission for Human Rights, which has expressed it's readiness in that respect during a visit by its delegation to Bahrain in December 2012. The Secretary-General also welcomed the commitment



of H.M. King Hamad to dialogue and reform and called on the Government to engage in a meaningful and all-inclusive National Dialogue that meets the legitimate aspirations for reform shared by all sects of the Bahraini community. He also expressed hope that Bahrain would continue to respond generously to the United Nations humanitarian appeals launched to meet the needs of Syrian refugees.