

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



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Direct Dialogue as an Alternative

Forty-seven states have signed a joint statement on the human rights situation in Bahrain. The Forty-seven states have expressed their concern, welcomed some of what has been officially accomplished and demanded more from the Bahraini Government. This took place during the meetings of the 26th Session of the Human Rights Council, recently held in Geneva.

It is the fourth statement to be issued by the states. Its content does not differ from that of preceding statements, except that this time it was more welcoming, and perhaps expressed more recognition, of the efforts of the Bahraini government. Incidentally, it was noteworthy that Navi Pillay, the UN High Commissioner for Human Rights, in a departure from previous practice, has omitted mentioning the Kingdom of Bahrain in her opening statement before the Human Rights Council. This denotes a certain significance which should be comprehended by the Bahraini government, namely that while appreciating the Government's cooperation with it in technical aspects, the OHCHR awaits the initiation of actual steps in the recently developed cooperation programme.

For its part, the official delegation of Bahrain, as in previous times, has responded to the joint statement by saying that it listed a number of unfair and false allegations. The delegation expressed its regret for the issuance of the joint statement. It also expressed its deep concern for the repeated issuance of similar statements that serve no purpose other than undermine the Bahraini Government's ongoing efforts to promote human rights. The delegation also urged the states signatory to the joint statement to verify the information before issuing statements based on non objective and inaccurate allegations.

However, human rights observers had rather expected the official response to adopt another approach. An approach that would reflect and show consideration for the observations and concerns expressed by the forty-seven states, acknowledge the existence of some shortcomings and present a vision for a solution. Such a vision may explain, for instance, that Bahrain's problem does not lie in the absence of the political will to reform the human rights situation, but rather in the existence of objective problems which can be addressed through the continued application of the BICI's (Bassiouni) recommendations and the UPR's (Universal Periodic Review) recommendations, which were accepted by Bahrain, as well as through technical cooperation with the OHCHR, working with international organizations and benefitting from the experiences of friendly countries.

It is clear to international observers that the policy of wholesale denial and/or disregard of the states' views does not help in making Bahrain's official position more convincing. In fact such a policy may even lead to increased pressures on Bahrain, although signatory states note that the repetition of these statements is aimed at urging the authorities to exert reasonable efforts to solve the problems related to its human rights dossier, and that no defamation or embarrassment is intended.

We believe that Bahrain is required to engage in serious and transparent dialogue with the states signatories to the statement. Bahrain should invite the envoys of these countries to visit Bahrain and meet with officials and civil society organizations, in order to have a closer and clearer picture of the realities of the situation on the ground. It should be noted that the official response to the statement included a call for dialogue with those countries. Thus Bahrain has to follow this by drawing up a program in that respect.

As to the signatory states, if defamation and embarrassment is not their aim, they should cooperate with Bahrain and communicate diplomatically in direct dialogues, so as to give adequate opportunity for the official efforts to succeed in addressing their concerns. If that did not work, then other means could be adopted, such as releasing statements.

In this issue

- 2 Technical Cooperation Program:**
 - Success Requires
 - a Favourable Climate
- 4 Bassiouni: A view on the Reality in Bahrain**
- 5 Justice is the Basis of Stability**
- 6 Interview: Worthy of Reform & Technical Cooperation is Vital**
- 8 Hate Speech and the Need for Reconstruction**
- 10 Respecting Freedom of Expression & Confronting Hate Speech**
- 12 Amnesty in Bahrain: Openness and Concerns**

Preparation of Technical Cooperation Programme Completed

Fenniche: Success requires Cooperation and a Favourable Climate

In the framework of technical cooperation between the UN's Office of the High Commission for Human Rights (OHCHR) and Bahrain, an OHCHR delegation visited Bahrain and held several consultative activities to identify priorities and challenges and present recommendations on the preparation of a capacity building program in Bahrain. The head of the visiting delegation, Mr. Frej Fenniche, executive director of the Middle East Department at the OHCHR, delivered the following address:

"Under the directions of Ms. Navi Pillay, the High Commissioner for Human Rights, and in response to the request of the Bahraini government, the OHCHR's team has worked, in the course of the two months, to develop a technical cooperation project. This has been done through bilateral and collective consultations with a large number of institutions, decision-makers, individuals concerned with human rights affairs and stakeholders at the level of the three authorities and the level of civil society with all its variations. All this should give strong support for the project upon implementation. It should also enable project outputs and outcomes to have a positive impact with respect to the protection of human rights, cessation of abuses and holding perpetrators accountable as well as strengthening institutions operating in the field of human rights to exercise their functions in full.

It is our belief that this program, if implemented under favourable conditions, will lead to the establishment and strengthening of the national system for the protection of human rights, that is dependent on independent national institutions led by individuals of recognized honesty and professional integrity; a fair and independent judiciary and a civil society freely and independently expressing its positions in a responsible manner and drawing the attention of the relevant authorities and public opinion to any infringement

or violation that may occur. Thus, the programme may become a supporting tool that complements the efforts of the government as well as the efforts of the rest of the official national institutions, in order to strengthen the rule of law and institutions and support national unity, equality and the spirit of citizenship and loyalty to the homeland.

This project is a purely national production brought about by the participation of various institutions, associations and entities in Bahrain, through consultations organized by the OHCHR with the full cooperation of the National Institution for Human Rights (NIHR) and the approval of the Bahraini government. The OHCHR had no role other than to facilitate dialogue and drive different, and sometimes contradictory, opinions towards a level of conciliation between all; and a conviction that national interests come above those of individuals or groups and that human rights is the core ground for building the future of the people of Bahrain with all its groups, spectra, variations and affiliations.

The most important outcome of the presence of our delegation in Bahrain for a period of two months has been the rapprochement that occurred between the various parties and their engagement in discussions around the same table. Such discussions were held in the spirit of mutual respect and high national responsibility and respect for the rights to holding opposing views and to free expression. All this provides proof that male and female Bahrainis, regardless of the scope of their differences, firmly adhere to the belief that appropriate solutions can be arrived at through dialogue.

An added value of this programme, has been its response to the aspirations of all those who are active or concerned with the issue of human rights. This programme is based on the political will expressed by His Majesty, the King, through the adoption of

the recommendations of the BICI's report and by issuing high royal decrees and orders towards their implementation. In that context, a number of institutions have been established, including the National Institution for Human Rights (NIHR) and the Commission for the Rights of Prisoners and Detainees , in addition to the adoption of a number of positive measures.

If "appropriate conditions" are made available for this project, it will serve to strengthen these institutions, as well as civil society organizations to make them more feasible and effective in protecting human rights, confronting abuses and particularly in bridging the huge gap between the stipulations and practice.

In this regard, we would like to recall what Ms. Navi Pillay has proposed to the Bahraini government on several occasions in respect of taking concrete steps and measures to create the appropriate conducive climate to enable this project to achieve its objectives.

Consultations have provided the opportunity to be acquainted with the human rights situation in Bahrain through the Bahrainis themselves. Consultations also allowed the expression of many concerns and legitimate demands, including the presence of a large number of prisoners detained for exercising their rights; mistreatment of detainees; the excessive use of force; the harsh sentences against many, including children under the age of 18 years; the issue of citizenship, freedom of the media and the independence of civil associations such as the Bar Association and others.

Other problems have also been expressed, such as violence and assaults on public property and on law enforcement officials and the presence of rhetoric that encourage violence and the incitement to hatred, discrimination or exclusion. These are all major challenges that ought to be faced. Perhaps the most serious of these challenges is the resort

to violence and acts of terrorism, as we have seen recently. We believe that this project, under the right circumstances, would be able to address the issues of the spread of violence, counter-violence and acts of terrorism. It will also make it possible, via legal means and under full respect of human rights, to protect young people from slipping into the spiral of violence,. In this regard, the United Nations condemns all forms of violence and terrorism, regardless of their source or justification; and calls for the protection of children who should not be involved in political conflicts.

A key point of this process, in which we may engage with Bahrain, is that the programme itself is based on the gradual build-up of achievements and

the natural place for a doctor is a hospital or clinic, not a prison; the natural place for a journalist and blogger is a newspaper, not a prison and that the natural place for human rights activists and leaders of opinion is the community and public space, not a prison.

In this regard, we believe that the proposed project requires the provision of a climate conducive to its success; otherwise all our efforts will be lost in vain. We believe that it is possible to create such a climate.

- We encourage the authorities to take concrete measures, and deliver a positive message to everyone, particularly inside Bahrain, that there exists a real political will to overcome this critical stage and prepare for a new dawn where all Bahrainis can enjoy security, justice, equality and freedom.

- We call on all institutions, official and unofficial, and political associations, to publicly express their rejection of violence and adherence to human rights as a common reference.

- We call on the press, media institutions and bloggers to adhere to a positive discourse that keeps away from violence, hatred, discrimination and exclusion.

- We call on the clerics of various

denominations to welcome this program and focus, in their sermons, on tolerance and mutual respect, and to refrain from using divisive phrases such as (us and them) or (you and us).

We shall present this proposed project to government agencies so as to discuss the priorities, as well as the implementation mechanisms and conditions. In addition to the appropriate and conducive climate, this program requires the government's willingness to fully cooperate with the OHCHR. As

for the implementation mechanisms and conditions, the OHCHR will have the last word, in the context of an agreement with the Bahraini government.

After more than two months of residence in Bahrain in which we have shared with you, the people of Bahrain, your concerns, pains, hopes and wishes, we have come to discover the kind nature of the Bahraini people with all their spectra and ethnic, religious, political and cultural diversity, a diversity that enriches the community and is envied by many. After this period, and on behalf of my colleagues and in the name of the High Commissioner, I would like to extend our deepest thanks to the Bahraini government, especially the Ministry of Foreign Affairs, for extending the invitation and for cooperating with us. I would also like to thank the National Institution for Human Rights (NIHR) for its cooperation and facilitation of our work throughout our stay, and we congratulate the NIHR and congratulate Bahrain and the House of Representatives on the recently endorsed NIHR law. I further extend thanks and sincere greetings to human rights activists and representatives of civil society, including associations, journalists, lawyers and activists in the women's movement. I would like to emphasize the UN's and the High Commission's principled stance on the importance of the role played by civil society in building a democratic society and protecting human rights. I would also like to emphasize that the United Nation's partnership with civil society is a partnership of principle.

I extend a special greeting to Georgia and Mazen, of the OHCHR team, for their high level of professionalism and their keenness to arrive at concrete results in this project, in spite of the difficulties they had faced. I congratulate both of them on this achievement.

I conclude by saying that overcoming the current crisis is possible; and that the success of a serious and responsible national dialogue is possible, as has been confirmed by this modest experience and all those outcomes we have agreed upon. We encourage all parties to take that decisive step in the direction of the other, now and not tomorrow".



Mr. Frej Fenniche in Bahrain

the continuous follow-up of results on the ground.

We have had available to us the opportunity to raise all these issues and challenges with all the officials in the state, and at high levels. We talked openly and transparently, and informed the State's officials of Ms. Navi Pillay's concerns over the human rights situation in Bahrain and of the need to take urgent measures to address them.

We believe that the natural place for a child is family and school , not a prison;

Bassiouni : A View on the Reality in Bahrain

In an interview with the US-based Al-Monitor website, in 13/06/2014, Professor Cherif Bassiouni, head of the Bahrain Independent Commission of Inquiry (BICI), spoke about his opinions and vision concerning the crisis in Bahrain in its various aspects. In an assessment of what has been achieved from the recommendations of the report, that bears his name, Bassiouni said that the Bahraini Government has implemented a number of them for which it deserves recognition, while others are still to be implemented by the Government. Bassiouni added that "What critics see is that these recommendations have been implemented on a piecemeal basis, so that its cumulative impact is not felt when you take something on a piecemeal level. You can say yes it was done, but it loses the cumulative impact when you dilute it over a longer period of time and when you don't connect them with one another." In his view, the whole purpose of having recommendations is to provide a means of social comfort in an attempt to bring about a sense of recognition for a group in a given society that their rights are being observed and respected, "And, therefore, it is the cumulative effect of that group that has to be examined as a way to assessing the impact."

Bassiouni wondered about the fate of some of the recommendations, which he regarded as extremely important and capable of having a significant impact, most notably those related to the issue of accountability. On the issue of "impunity", he said that he has no doubt "that there's substantial progress that's been made. It's always the story of whether the glass is half empty or half full. In comparison to what existed, significant progress has been made. In comparison to what can be done, of course there's still room to go."

Bassiouni commended the reforms carried out by the Minister of Interior, who, according to Bassiouni, "has really taken to heart the recommendations. The Ministry of Interior has established an ombudsman, a police professional practices office and the chief of police has been changed. There have been numerous improvements, and the credit really has to go to the Minister himself."

Bassiouni has identified a problem related to the public prosecution which he felt was not doing enough investigation, perhaps due to the lack of adequate resources. Moreover he believed that "there is also a question of public credibility that the prosecutor's office does not have good credibility with the victims of the crimes. They frequently report back that they do not get the cooperation of the victims, but they don't have the cooperation of the victims because the victims feel that they're intent on doing the job. So why am I going to cooperate with you, when it doesn't appear that you're going to be doing your job? And I look at the record, and the record doesn't indicate that you're doing your job.

these political issues have to deal with the redistricting of legislative elections that are due to come up soon, and the need to recognize the political, social and economic rights of the Shiite population. This is not only a question of investigating violations and things like that, there are very very fundamental social and economic issues involved in the Shiite population that need to be addressed, and have not been addressed."

Bassiouni focused on the segment of Bahraini youth, and saw it of paramount importance "to integrate future generations of Shiites and Sunnis, so that differences can be mitigated and limited, and so that



It's a chicken or an egg situation that needs to be examined."

Bassiouni called for more training of prosecutors, giving them more independence, and to provide them with independent resources. In his view, the public prosecution lacks, and hence needs, independent investigators, adding that "They cannot depend on the police to do the investigation" As to his assessment of Bahrain's human rights record, and its follow-up on the BICI recommendations, Bassiouni said that "There's no doubt in my mind that the King and the Crown Prince, a number of people in government, like the Ministry of Interior, are committed to making progress. There is opposition. Progress is also linked to a number of political issues; some of

people become Bahraini citizens as opposed to being a Sunni or a Shiite," and added "I believe the citizens of this nation can cooperate with one another."

However, Bassiouni did express his worries concerning some segments of the society who are losing the hope "of seeing themselves as equal citizens, as having equal opportunities in a particular country, living in mostly economic underprivileged areas in high-density population areas, they explode. This is a very very normal sociological phenomenon. It's not Bahrain only, it happens everywhere in the world. Because Bahrain is a small country, it's going to be felt much more, but it's bound to continue to increase unless we address the social and economic reasons."

Justice is the Basis of Stability

In the course of promoting human rights, states need to have several elements in place: regulatory and protective laws and legislation; institutions that enforce the law and safeguard justice; training, expertise and capacity building for law enforcement personnel; effective and independent judicial systems; well-developed civil society organizations and an active community that is conscious of its rights and respect and appreciate the value of law and order.

In our societies, we hear about the importance of respect and application of law and the need for an effective system of justice; as we hear about the importance of the presence of the other opinion; and respect for cultural diversity and other diversities as well as the need to establish the values of citizenship rights and duties, among others. But all this may not be found in the manner that we want applied on the ground. In fact, wherever you go you will find violations whether in official bodies, the institutions of civil society or even in the dealings of individuals with each other. This makes the issue of application of values, especially Justice, a questionable matter, and leads one to wonder whether everybody wants these values in deeds rather than in words only.

An ancient Arab saying reads: "Justice is the foundation of sovereignty" i.e. justice provides a guarantee for continued governance and stability of the society. If we do believe that, then why do violations occur and expand greatly, to the extent of even including the judiciary system that is charged with the realisation of the principle of justice itself?

Apparently, at least in our Arab countries, there is a crisis of lack of vision and perception as to the effectiveness and usefulness of justice. Needless to say that if justice had been espoused firmly in the first place, it would have never been breached.

If a judge, for instance, could not comprehend that a just ruling, even if it benefited an offender, is a necessity for public order and for the community; and if he is unaware that any bias may lead to the destabilization of the very foundations of the state, the encouragement of people to rely on their muscles and to take the law into their own hands, in addition to the mobilization of the community against the government and its organs. If that was the case

and the judge succumbs to his own passions or to the perception that justice does not bring security, and that stringency and lawlessness are required, then, and only then, he will have no qualms about issuing an unfair sentence nor will he consider it an evil act to breach the law.

In such a case, the issue is not essentially attributable to a lack of technical competence, nor to the need for training, professionalism and experience, as much as it could be blamed on an overall lack of vision regarding the running of the affairs of the state and achieving public interests.

This can also apply to those who violate the law in prisons through the practice of torture. They may think that their violation serves security by inflicting harm upon those deemed to be in breach of law according to their own view, and not necessarily from the legal viewpoint. Such violators believe that what they are doing is beneficial to achieving stability and deterring criminals. They do not know that the most serious violence that has threatened our Arab societies (in Egypt, for example) only grew up in the incubators of violence within the prisons, and that what afflicted

regimes the most is that their use of illegitimate and illegal violence has rebounded on them in the form of waves of rebellion. Torture or illegal repression provoked the families and relatives of victims against the government itself. Thus, the injustice has re-produced itself and re-emerged in the form of a lack of social, political and security stability.

The inequitable distribution of wealth or services between regions and social groups coupled with political monopoly based on marginalization and domination of a particular culture or subsidiary identity at the expense of another, together with other forms of injustice, create incubators of instability. Such instability grows further with the increase in the volume and variety of forms of injustice, especially if it is not met by a deterrent stance from state officials, in which case suspicions would

expand to include all institutions and officials and widespread discontent will seek an outlet to explode in the face of everybody.

We are essentially required to widen the horizon of those undertaking the service of citizens in all organs of the State, especially in the areas of law enforcement and the judiciary. Unless those officials realize that law and justice, is a necessity for the victim, the community and the state, it will be of no avail to train and transfer experience to them, even if there was a shortage in this area. Therefore, we think that there is an urgent need to address the root cause of the problem, and instil the conviction, through teaching and education, that justice is a bulwark of the society and the state, rather than of the regime alone. There is



a need to learn that the further the deviation from the principles of justice, the greater is the lack of stability, and the greater the potential for the country to become poised to burst, regardless of the intensity of repression, and the false impression that injustice appears to have achieved its desired outcomes.

We are also required, to combat the cancerous injustice with justice, in order to prevent the spread and subsequent explosion of injustice.

It is true that injustice, in one way or another, does exist in all countries of the world. However, some countries publicly expose and isolate injustice as well as punish its perpetrators to prevent its expansion, while others tolerate it and hence are afflicted by its spread, while the society with all its segments loses its stability and security.

Shafaei: We are Worthy of Reforming the Human Rights Situation Technical Cooperation with the OHCHR a Necessity

Bahrain's Al-Ayam newspaper conducted an interview with the President of Bahrain Human Rights Monitor (BHRM), Hasan Moosa Shafaei, on the latest developments of the human rights situation in Bahrain, particularly with regard to the technical cooperation with the Office of the High Commission for Human Rights (OHCHR):

Let us begin, brother Hasan, with the issue of the technical cooperation between Bahrain and the OHCHR. What does this technical cooperation agreement actually mean? What benefit or additional value does it provide for Bahrain?

The technical cooperation is a long-established United Nations programme dating back to 1955. It is provided by the UN for countries seeking assistance in the process of establishing national infrastructures and strengthening the structures that have a direct impact on the public observance of human rights and preservation of the rule of law.

But this programme is fairly new to the Arab region, which is lagging way behind, politically and in terms of human rights. In recent years, several Arab countries have requested this type of support from the United Nations, through the OHCHR. These include Morocco, Egypt, Tunisia, Saudi Arabia, Yemen and Iraq among others.

In serving Arab countries and others, the technical cooperation programme generally contributed to the incorporation of the international standards of human rights in national laws and policies, as well as to the building or reinforcing of national institutions capable of promoting and protecting human rights and democracy. The programme has also contributed to drawing up national action plans to promote and protect human rights. It further provided education, expert advisory services, training courses, workshops, seminars, information and documents, as well as evaluation of the local needs of each individual state.

Therefore, Bahrain is not the only one in this regard, and it actually needs such services, expertise and programmes. Success in this area will render a great service to the political reform and social stability projects. However, it should be emphasized here that cooperation with OHCHR in these projects is by no means a substitute to the role the state plays and the projects, current or future, it undertakes. It does not preclude the state's primary responsibility in the development and protection of human rights.

All this is very general. What will the OHCHR actually do here in Bahrain, and what does it seek to achieve?

The final step which the OHCHR wants to accomplish through the technical cooperation programme with the government is to develop a comprehensive national plan for the advancement of human rights in Bahrain. Such a national plan will engage the participation of the OHCHR with Bahraini government agencies and the Bahraini civil society. The plan under consideration shall touch upon all the key axes of the human rights issue and Bahrain's basic needs, whether in capacity building, training, education or assistance in the fulfilment of international human rights and other obligations.

The OHCHR held consultative and educational workshops that was attended by all relevant parties and where discussions and deliberations touched on various topics such as the role of the National Institution for Human Rights (NIHR), the role of the media and the role of civil society organizations in promotion and protection of human rights.

But why couldn't Bahrain play this role by itself? Does every country need foreign assistance? Why couldn't the states themselves develop their own comprehensive national action plans for human rights involving all spectra?

I do not think that there has ever been a state that did not need OHCHR assistance in a matter pertaining to human rights affairs. Some countries need little assistance, while others need more, depending on the availability of competent and experienced local capabilities or even the availability of material resources. There are countries which cannot provide both. As for Bahrain, it requires OHCHR assistance not financially, but in respect of experience and advice. This should not be regarded as a defect, since it is a common practice worldwide, let alone in the Arab and the Gulf (GCC) countries. Bahrain has done the right thing by requesting technical assistance from the OHCHR.

Moreover, there is another advantage. The

OHCHR assistance lends international credibility as well as recognition and appreciation to the state in question, and will boost the latter's confidence that it is heading in the right direction, and demonstrating a sincere desire and strong political will to promote the human rights conditions, according to international standards.

It is no secret to you, as you follow the local press, that several parties are sceptical and critical of the role played by international human rights organizations in general. Such parties are also critical of this new role undertaken by the OHCHR. Perhaps you are aware of the statement that was issued to denounce and boycott the programmes initiated by the OHCHR in Bahrain. Are the fears and doubts of such parties really justified?

Let me analyse the positions of the parties directly concerned with OHCHR programmes:

Firstly, as far as the Bahraini government is concerned, it has found that the programme of technical cooperation with the OHCHR involves the participation of unregistered or unlicensed Bahraini human rights organizations. Therefore the Bahraini government rejected the participation of those institutions that were not legally registered. This, in addition to other reasons pertaining to the approach and methodology previously adopted by Bahrain in relation to the OHCHR, has resulted in a two-year postponement of the cooperation project. The OHCHR's argument was that it cannot exclude anyone, nor can it deem it justifiable to deal with Bahraini human rights associations abroad while refraining from doing so inside Bahrain. The Government's argument, on the other hand, was that illegal or unregistered bodies could not be allowed to operate under the umbrella of the cooperation project with the OHCHR.

Eventually, however, the Government found that public interest necessitates its acceptance of the participation of all parties of the civil society, which would also serve as an illustration, to the international community, of its flexibility and of its keenness to promote human rights conditions,

and that it is not the party that is hampering such development.

Secondly, those parties of the community which refused to participate, when the time came, have backstabbed the OHCHR which had previously defended their right to participation. Moreover, those parties have even demanded the exclusion of others from participation. Their argument for non-participation, at least in the first event pertaining to the role of the Bahraini NIHR, was to claim that the NIHR lacked credibility. I believe that this sort of conduct has come as a surprise to the OHCHR and revealed, to some extent, how the political agenda of these groups take precedence to the human rights agenda.

Thirdly, some of the other parties have initially doubted the feasibility of technical cooperation with the OHCHR, on the grounds that it represents a foreign intervention in domestic affairs. Such an argument is so weak, because the United Nations does not interfere in the internal affairs of states, but rather adopts an approach of cooperation and dialogue with states regarding the implementation of the development plans required by the governments themselves.

You are closely associated with the official efforts to promote human rights conditions in Bahrain through the consultations you provide; and you have direct contact with the OHCHR, and have participated in the detailed discussions concerning the issue of technical cooperation. In your view, do you think that the international community will look favourably upon these government efforts?

I was present at the meeting of the Foreign Minister, Sheikh Khalid bin Ahmed Al Khalifa, with the High Commissioner, Navi Pillay, in Geneva last January, where the framework and content of the technical cooperation between the two sides were discussed. I can honestly say that the High Commissioner extended thanks to His Excellency for meeting her and for the role he has played in relation to the agreement of technical cooperation. The High Commissioner praised his Excellency's credibility that helped to restore and promote the confidence between the two sides, which was almost non-existent, and without which the technical cooperation agreement would not have come into existence, nor, as she said, would it have been approved by the Commissioner herself.

The step taken by Bahrain will undoubtedly receive positive endorsement, particularly since international human rights organizations as well as states used to encourage and demand this

approach. Moreover, there are many countries which have publicly welcomed this cooperation, such as the UK, France, Germany and a number of Arab countries, because this cooperation agreement confirms once again the seriousness of the Bahraini government in addressing the root causes of international concern.

This does not mean that criticism will stop. It is likely to abate and decrease further as outstanding issues are resolved. On the other hand, we should not be afraid of criticism if it is true and based on accurate information. We should not shy away from admitting and rectifying mistakes. Our country is not a home of angels, nor is there any such country in the world that is immune from criticism and human rights problems. What is important, however, is that we should have the will to carry out reform, rectification and development. We should have confidence in ourselves and in our ability to solve the problems that confront us in accordance with the law and the conventions to which we have committed ourselves.

In case the criticism is invalid, we ought to address it by responding to it, using evidence, information and an open, objective, professional interaction with the outside world.

We should not be preoccupied with what the world says about us, as much as we should preoccupy ourselves with answering a perpetual question: How can we continue to develop and reform our conditions in all aspects?

There seems to be some out there who are not satisfied with the great efforts and official achievements, particularly with regard to the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI) which have been recently documented in a report released last February. Why?

What has been accomplished is known to everybody, in the sense that no one denies it, except perhaps for some of us who are politicized. However, the international human rights community awaits the provision of documented information on topics such as the outcome of the political dialogue; accountability; compensations and the role of human rights institutions created by the government as well as transparent reports on their accomplishments. The international human rights community also awaits information on the development and amendment of some legislation pertaining to NIHR, the media and civil society to conform with international standards; as well as information on the extent of the government's openness to

international human rights organizations in terms of establishing closer relationship with them and allowing them to visit Bahrain.

Any development in these aspects cannot be denied by anyone. As to the politicized human rights activity, its aim is politics and political, rather than, human rights gains. Such activity loses its credibility with time. Unfortunately, there are some entities which tend to give credence to claims depicting everything in Bahrain as negative and bad. Such entities base their stance on certain human rights' issues that are yet to be resolved, or have not been resolved completely.

Technical Cooperation between Saudi Arabia and OHCHR

The Kingdom of Saudi Arabia (KSA) has preceded Bahrain in requesting cooperation with the OHCHR. An agreement has been drawn out between KSA and OHCHR in June 2012 i.e. three years ago. The cooperation agreement in its entirety includes the same issues tackled in the agreement with Bahrain, although OHCHR usually designs programmes that are customised to each country's needs after consultations with the respective country. In respect of Saudi Arabia, there was a need to promote capacities in the area of international human rights law, particularly with regard to the United Nations' mechanisms; training of those charged with the implementation of national human rights regulations and preparing worker's guideline manuals pursuant to the international rules of human rights. KSA has also requested assistance in developing the role of the judiciary in protecting human rights, through seminars and courses, in addition to seminars and conferences that were organised with civil society institutions. Further meetings were held between human rights experts and the relevant judicial organs and bodies in Saudi Arabia, to develop working methods that could ensure the protection of human rights in accordance with the principles of national institutions. Moreover, the agreement involves assisting Saudi Arabia in preparing periodic reports in fulfilment of its international obligations, in addition to other matters that would be implemented in the course of several years.

The rhetoric of hatred and the Need for Reconstruction

Hasan Moosa Shafeai

The following warning echoed in the Holy Qur'an amply applies to Bahrain: "Do not be like a woman who unravels the thread she has firmly spun, using your oaths to deceive each other so that one party may be more numerous than another"

Here is a country that had been exemplary among Gulf states in its respect for plurality, cultural and sectarian diversity as well as religious tolerance. Now it has become socially fragmented after being ravaged by a flood of sectarianism, while the cancer of hatred tampered with its fabric and its homes have been overrun by a stream of violence and militancy. All this has been inflicted by the hands of Bahrain's own sons and daughters. the so called political, cultural, religious and media elites. They have led segments of their society into splintering, extremism, violence, hatred and division.

The fruits of long decades of love and social peace and harmony have been wasted on the altar of private benefits. This took place with terrible recklessness. As a result we yet again talk about how to restore what has been lost, and we wonder as to how we deteriorated into this abhorrent schism?

Sabotaging the social fabric and the launch of the unprecedented wave of hatred and violence took place in haste; however our country will need decades of reconstruction to recover. Demolition is rather easy, but construction is a much difficult task. Three years of self-destruction may require three decades to restore what has been damaged in ourselves and in our society. The construction, which some of us began to contemplate and exhort is not going to be an easy task. It cannot be achieved through religious preaching, articles, speeches and superior settlements, as much as it needs a correct strategic vision based on scientific grounds. Such a strategic vision should address the root causes of problems and lead to the deactivation, if not elimination, of sectarian and hate speech, while instilling in future generations, hopes of firmly-established co-existence, freedom, justice and the rule of law.

Hate speech is merely an outcome of the performance of the political and social forces

within the community. Such a discourse is an off-shoot of the dormant sectarianism which has been awakened by the devil. This outcome cannot be controlled without diving deep and eradicating it from its roots. But is this really possible?

Some argue that the discourse of incitement and hatred in Bahrain could be attributed to the lack of a deep sense of faith in the equality of members of the society, and to the lack of respect for diversity. Others see the cause lurking in discriminatory policies and the attempts by politicians to utilise the latent sectarian discourse in the political conflict, whether in favour of or against the existing political regime.

But what is striking here, is that the rhetoric of incitement and hatred, whether sectarian, racial, tribal or otherwise, is not new, but has always been embedded in all our cells. It is not an extrinsic or incidental discourse but has been there all the time albeit kept under wraps. By contrast, the discourse which was introduced to foster tolerance and coexistence is a fairly new one that Intellectuals have attempted to instil during the first 10-year term of reforms. However, this discourse did not entrench sufficiently. Thus, when the political crisis broke out, the old deeply-rooted discourse, charged with repugnance and fear of the other, soon surfaced to erode and annihilate all the achievement, which we have been waiting for in a country of freedom, justice, equality and tolerance.

Fortunately, we did not get to the point of infighting, especially at a time when our region is rife with conflict and political transformations, and where the sectarian, hatred and racism rhetoric is being exploited to the maximum and in an unprecedented manner in modern history.

What happened in Bahrain was a mere extension to an external state of affairs. Perhaps what has happened may have been partly due to an external element that influenced some segments of the society who felt threatened and found no haven other than the sect. Such segments sought no protection against psychological and political breach of their boundaries other than the fence of sectarian discourse.



Hasan Moosa Shafeai

Politics and politician's interests were the reason behind the outbreak of the sectarian discourse crisis. Though the discourse has been present all along during the past decades, its effects still remained limited and confined to certain neglected segments. It was neither widespread nor influential on the public social life between Sunnis and Shiites. But the involvement of politicians in the exploitation of this discourse led to its circulation both at the top and in the grassroots level, including private, official and religious institutions, as well as civil society and others. None of us was able to escape from this, and it can be said that none of us has succeeded. We have all been afflicted with the insanity of sectarianism and stereotypical perceptions of the other. We have all talked about our respective sects instead of our united homeland. Our ambitions were confined to ourselves, although some were moulded to appear like national projects. Some would raise the slogan "Sunni and Shiite brothers" although the only Sunnis present with them are a handful few, whose presence only matters to further so-and-so's political project. Others describe their activities as 'national', knowing full well that the other is 'absent' and virtually non-existent. A third group may encase their positions with patriotism although their projects in essence establish a state of sectarianism and segregation in

the society.

All claim adherence to patriotism, while in effect it is nothing more than a thin crust that conceals our sectarian feelings and calculations.

Over and above, religious and political platforms are still chanting the tune of sectarianism. Some orators believe they are smart enough to take advantage of the inadvertence of others, as if people do not understand the Arabic language nor read beyond the lines. Thus they avoid some descriptions and words but the meaning and goals, in essence, are purely sectarian, and even the accusations against "the other" and the beating below the belt are present in all the speech. There are others, however, who do not even care to embellish their speeches, and convey them to the public through the shortest route and in the most lethal fashion. One orator describes a certain group as 'Safavids', only to be

Some would like to lay out charges of promoting hate speech solely at the state's door. The state does indeed bear the greatest share of responsibility, particularly for allowing its agencies to participate in hate speech, providing the ground for social conflict or for failing to deal with citizens on an equal footing. But however true this may be, it does not eliminate the community's responsibility with all its Sunni and Shiite segments, including the educated elite, journalists and clerics and politicians of all types, whether religious, liberal or secular. While extremist feelings are ignited, everybody is involved in sedition and promoting it. Everybody influences and is influenced. If this had not happened, we would not have been in the current position.

Some have tried in vain to solve the problems away from politics. That included calling for dialogue between clerics and developing laws to regulate

religious discourse.

But clerics and even media workers can only move within the sphere of politics and hence are governed by its dynamics. In fact some of them are driven by the politicians themselves to adopt a discourse with provocative specifications that spread hatred in the community.

This poses the question of whether

we should start with internal social dialogue to reach a political solution; or whether we should start with a political solution, bearing in mind the fact that it was the political interests which triggered the crisis and hence a political solution would reflect upon the social fabric, by lowering the ceiling of hatred?

Why is it rather difficult to find a political solution without social pacification? This is because a politician, as he keeps his eyes on his popularity with the masses, is wary of giving the concessions needed for a conciliatory solution lest he upsets his populace whenever he expresses any gesture of mutual concession. The street which is tense with hate speech is still governing the political leaders, who have

charged it in the first place, with the sectarian bug. Thus, as far as political leaders are concerned, the street is still reducing the margin of political manoeuvrability available for a solution.

Moreover, the social dialogue, whether among civil society, the clergy or the intellectuals on both the pro-government and opposition sides, is bound to fail if not supported and motivated by politicians. After all the society's machine cannot overcome nor impose its will on the political will.

Therefore we say that political reconciliation should go hand in hand with social reconciliation. Pacification of political discourse is required to prepare the atmosphere and enable the success of dialogue as it would have a favourable social impact that could weaken the hate speech. Equally, the internal social dialogue requires climate amelioration and initiatives to encourage politicians to approach a solution.

Through our collective ignorance, we have destroyed our historical and political model of coexistence and harmony. A question remains to be answered: after having stumbled, can we take advantage of that experience to rebuild our shared home and collectively enjoy its umbrella of security and stability?

A Bahraini Anti-Hate and Sectarianism Committee

On 15 May 2014, the Bahraini Government issued an edict establishing a committee called the "Anti-Hate and Sectarianism Committee", chaired by Deputy Prime Minister Jawad bin Salim Al-Arayad, and including in its membership the Ministers of Interior, Education, Social Development and Justice, Islamic Affairs and Endowments.

The Committee shall propose and adopt policies and approaches, and prepare effective programmes to address the problem of hate discourses emanating from religious platforms, books, mass media, communication, education or through political and social forces. The Committee shall also be concerned with enhancing the spirit of tolerance, reconciliation and co-existence and consolidating the factors of unity in the Bahraini society.



answered back by another describing the counter-group as 'naturalized mercenaries'. This hate speech is exchanged with no accountability from the state organs, which seem to be totally absent from the scene. This is either because they are unable to hold to account a certain sheikh, politician or institution, due to false moral immunities, or for fear of being accused of favouring one party or the other.

So what is to remain of the pretension of the state of institutions, law, tolerance and moderation, if the element of accountability is absent? How can we ever stop the continuous pumping of the fire of political and sectarian sedition, let alone reach any solutions, if the fuel is available and may be used without restriction?

Respect for Freedom of Expression and Confronting Hate Speech

The media is a double-edged sword, and is one of the most dangerous weapons in rallying, mobilisation and shaping of public opinion trends.

While media can play a positive role in promoting a culture of peace and understanding within communities or between peoples, it can, if misused, become a lethal weapon of a far-reaching impact in stirring up seditions, hatred and resentment within the same society, or in rallying up groups against each other. Perhaps the best example of the power and influence wielded by the media is that it had been the Nazi regime's most effective tool in mobilising Germany and consolidating the Nazi agenda in the minds of its people, which led to disastrous consequences for Germany and the world.

Inspired by bitter experiences, the world conscience has woken up to the need to adopt the necessary measures for protection and advancement of human rights. Thus, the Universal Declaration of Human Rights was issued embracing those rights, and stressing the need to respect and protect them. Based on its belief in the importance of the human's freedom to express oneself and his/her views, the Declaration included in Article XIX a text emphasizing the right to freedom of opinion and expression, while Article XX provided for the right to peaceful assembly and the formation of organizations and groups. The international community has successively endorsed those rights through subsequent inclusion in relevant international conventions and treaties, such as the International Covenant on Civil and Political Rights.

Developed countries and those aspiring to democratic evolution took care to include in their constitutions all matters pertaining to the promotion of human rights in accordance with international standards, including freedom of opinion and expression. In fact, the extent of compliance with

these criteria has become a factor in determining a nation's status within the international community.

Similarly, the violation of these rights has not only become susceptible to condemnation and highlighting of the source of violation, but has also become open to the possibility of taking effective action against countries violating those rights, and confronting them at the international level.

This has become more so as the culture and mechanisms of human rights have experienced steady leaps during

media space, especially with the advent of the social networking reality. Moreover, the idea of blocking and control has become universally repugnant and is seen, even among the international jural milieu, as an encroachment by the state on a space it has no right to control.

In general, democratic states tend to interpret into reality the wording of their constitutions in relation to freedom of opinion and expression, whether through autonomization of state-owned media, as exemplified by the BBC model, or by allowing political opposition entities and



the past two decades, making direct intervention, an option in the context of giving priority to the concept of human security over the traditional concept of state security and sovereignty.

In the old information system, control of the media rested in the hands of the state, which either grants or prevents freedom of expression, if it so desires, and allows or disallows the other opinion, or the opposition, to have a voice. Nowadays, it has become virtually impossible for any state to control the

trends not only to benefit from the state's pulpits but to establish their own print, audio or visual media fora.

Due to the well-established and deeply rooted democratic concepts in these developed societies, the freedom of expression therein is automatically associated with responsible practice, where freedom of expression is a constructive tool for meaningful criticism, that is restricted to matters related to public affairs, and distancing itself from altercations and anything that may

foment sedition, or lead to destabilization of the safety and security of the society.

Persisting in ensuring that media serve the desired lofty goals, those who oversee or practice media activities agree that it should be safeguarded through precautionary measures and a protective fence, to ensure that media do not cross the red lines or turn into a source of chaos, social discord and instability or cause damage to the interests of the state in general, not just to those of a class or a ruling party. Such measures usually manifest themselves in specific professional ethics, standards and codes of conducts adhered to by everyone, with violators being subject to legal accountability.

However the amazing leaps caused by the communications revolution over the past decade, led to a breakup of the monopoly of traditional media corporations over the platforms of thought and opinion and the potential of exclusively shaping public opinion trends according to their own agenda and inclinations. This, however, has not presented a difficulty for developed societies with respect to developing measures to contain any negative impacts arising from the new platforms, without compromising the basic principles that guarantee the human right to freedom of expression.

While the long experience in the field of democratic practice has provided developed communities with better opportunities in connection with full commitment to the principles of human rights, basic and subsidiary, including respect for and securing the freedoms of opinion, expression, assembly and association, matters are different in our communities that face tremendous obstacles in the path of consolidating their democratic foundation; thus it would be unfair to judge their performance concerning the available space for freedom of opinion with the same standards applied in developed societies.

At a time when our societies are in need for freedom of expression and assembly, and all civil and political liberties, the media outlets should

be monitored to prevent them from becoming an element of dissonance and internal fragmentation. Instead of acting like a launch pad to expand the horizon of a diverse community with all its components and trends, freedom of expression can be misused to the extent of even hampering communication between those components, whether ethnic, religious, sectarian, cultural or political. The media is supposed to reinforce the collective sense of common destiny and unity of goal as a bulwark against the evils of fragmentation and discord. However, if it fails to achieve this, the reason would not be because of freedom itself, but rather the lack of controls and the absence or weakness of the legislations that protect freedom of expression on the one hand and penalise those who use it contrary to the public interest, on the other hand.

Our peoples need a period of time in order to absorb the values and culture of democracy, including the recognition of others and respect for the principle of tolerating differences of opinion, and the right of everyone to participate in public life. Freedom of expression should contribute to encouraging citizens to exercise their rights in full and accustoming them on the proper practice politically and culturally, while establishing a certain degree of control that would allow the seeds of freedom and democracy to grow and flourish.

The freedom of expression, as is the case with other civil and political liberties, should be coupled with responsible exercise that ensures non-infringement on the space of others and no disturbance of social peace and security. This may be realised through striking the right balance between self-censorship, the sense of social responsibility and compliance with professional rules and press norms on the one hand, and the enactment of appropriate gap-closing legislation to prevent malpractices and a slide to what could threaten the security of the society, on the other hand.

Now, amidst the prevalence of a discourse that encourages terrorism and the incitement to racial, religious

or sectarian hatred, there is an urgent need to develop laws and deterrent measures, especially in societies that are divided among themselves politically or culturally. In the circumstances of sedition, the freedom of expression should not be suppressed in any way. What needs to be done however is to adopt zero tolerance for any incitement to hatred by any means of expression and by anyone involved? Those who infringe upon the freedoms of others or contribute to the fragmentation of the society should be referred to justice according to a clearly defined law which criminalises incitement to hatred or promotion of internal or external violence.

There is a fine line between what falls under the definition of the right to freedom of expression on the one hand,

Universal Declaration of Human Rights

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20: (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

and what could be viewed as incitement to hatred on the other hand. In a society of crisis, this line becomes even more subtle to the extent that its features are almost blurred. What is needed here is not to protect certain ideas or beliefs from criticism (which differs from incitement); but rather to protect the adherents of those ideas and beliefs from violence and persecution, as well as the protection of their rights to express or exercise such ideas and beliefs.

Amnesty in Bahrain: Openness and Concerns

In the context of its response to international recommendations and human rights organizations, the Government of Bahrain has agreed to working visits being carried out by these organizations. Amnesty International has recently visited Bahrain (3-9 May 2014) and thereafter issued a statement entitled: "Bahrain: Openness on Human Rights, but Serious Concerns Remain".

It had been Bahrain's approach until two years ago to allow, and even officially welcome, international organizations' visits to Bahrain and to permit them to carry out their activities without intervention. But the Government has found that these organizations do not reflect in their statements and reports the Government's strenuous attempts to reform the human rights situation. Thus, the Government responded with intransigence to the subsequent visit requests by such organizations. This has been considered as deterioration in the level of transparency, which made the Government appear as if it was attempting to hide abuses away from the eyes of the world.

However, this approach has changed since the beginning of 2014. Bahrain and its officials have adopted an open door policy vis-a-vis such organizations. The Bahraini Foreign Minister has met with Amnesty International's Secretary General as well as the officials of the International Federation for Human Rights (FIDH) and other organizations. Accordingly, Amnesty International recently visited Bahrain, an approach which is supposed to, and should, continue to include all other international human rights organizations.

The content of the aforementioned Amnesty statement is amply summarised by its title. Amnesty International has sensed an official desire to work on tackling the human rights dossier. The statement has confirmed the candour and openness of government officials during Amnesty's talks with them. It further confirmed that those officials have taken legal and institutional steps to address the violations.

According to the statement, the Bahraini authorities have emphasized their commitment and willingness to rectify the situation, and pleaded for more time as well as an effective contribution by the international community to help prevent the occurrence of violations. Such contribution could include the training of security personnel and the provision of expertise; the creation of the necessary mechanisms to realise

the goal of supporting and protecting human rights and the activation of the national institutions created by the government for this purpose.

But the statement also reflected Amnesty's concerns. These include the lack of real reform of the judiciary and continuing restrictions on the freedom of expression, association and assembly. Among the concerns are the continuing detentions even among women and the issuance of harsh sentences in connection with rioting which included children, according to Amnesty's statement.

What concerns us here is to emphasize the need for the government to take legal and institutional steps to address violations. It is necessary to activate the human rights organizations that have been established with the aim of achieving justice for victims, supporting the rule of law and protecting human rights. The activities of these organisations need to achieve tangible progress that can be felt by both the victims and the observers of human rights conditions in Bahrain. Otherwise, those institutions can neither earn the trust nor the cooperation of all segments of the society. Moreover, without real results on the ground, those official institutions cannot earn credibility in the eyes of the international human rights community.

In general, the Amnesty International statement can be assessed as follows:

The statement was balanced and positive, especially in expressing the seriousness of the Government of Bahrain regarding addressing its human rights dossier, and the steps taken in this regard. It was expected that the statement would refer to the concerns which the entire international community awaits to see some serious official steps towards addressing. The Bahraini human rights dossier will keep lingering on unless the causes of concern are addressed including the existence of prisoners of conscience, in the eyes of the international human rights community, in addition to matters pertaining to the space available for the freedoms of expression, association and assembly;

During the period following the visit of Amnesty delegation to Bahrain, preparations were under way for the meetings of the 26th session of the Human Rights Council in Geneva. International organisations have assembled to sign a joint statement that was issued later, on the situation of human rights in Bahrain. Amnesty's signature



was notably absent from the statement. This was interpreted by some as indicating that Amnesty did not find that hard-line statement expressive of the reality of the situation in Bahrain. It has also been said that to avoid pressure, Amnesty opted to issue a statement about its visit to Bahrain instead of signing a hard-line statement.

Amnesty delegation's visit to Bahrain and the fact that the authorities there have allowed the delegation to freely conduct interviews with official bodies and civil society; has led the organisation to come out with a good impression on the genuine tendencies and seriousness of the Bahraini government, which was largely reflected in Amnesty's statement. Through its delegation, Amnesty enjoyed a first hand experience with the situation in Bahrain, via transparent dialogues with all parties and access to information from all official and other bodies. Officials also listened directly to the concerns and recommendations of the delegation's members. All this, has been sufficient enough to alter the semi-stereotypic perception of the domestic human rights situation in Bahrain held by the organisation, and to persuade the latter not to adopt some of the more harsh criticism and calls for the tightening of international pressure on the government of Bahrain, as was the case with other organisations.

Hence, Bahraini officials need to understand the nature of work of international human rights organizations; and not to rush into preventing them from coming to Bahrain. Officials should handle data and reports with a professional, open-minded mentality aimed at reforming the human rights situation, rather than wrangling with one side or the other. They should also understand the political and international human rights climate and pressures that breed different positions and reactions ranging from extreme harshness to moderation. However, it should be noted that moderation does not mean silence or refraining from criticism or from issuing statements or to simply wait for praise of official achievements.

At the official level, Bahrain is also required to take a bold initiative aimed at achieving a breakthrough in the issues of concern raised by the international community. Officially, Bahrain is also required to reaffirm its willingness to continue cooperation with all international human rights entities, for a better future for Bahrain and its people.