

Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



Bahrain Human Rights Monitor

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Issue no. 46 • November 2016

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Protection of Human Rights in Emerging Democracies

There is a correlation between respect for human rights and the development of democracy in democratically emerging countries, and even in countries with long-established democracies.

The existence of respected human rights is inconceivable under authoritarian regimes. Dictatorships do not constitute natural environments for the protection of human rights. Similarly, no true or evolving democracy can possibly exist if its growth is not associated with a parallel development in human rights protection.

Thus, democracy and human rights protection are two interrelated themes. This correlation is clearly found in Article 21 of the Universal Declaration of Human Rights.

Human rights can be used as an indicator of a state's political orientation and as a measure of the progress of an emerging democracy. Wherever violations escalate one can easily tell that the nascent democracy is stumbling.

There are many challenges facing emerging democracies, which include:

- Attempts by the old guard to regain power and bring the country back to the status quo ante. At the same time, and because of the disorder during the transition phase towards democracy, many segments in the community may develop a yearning to revert to the era of dictatorship.
- Failure in political inclusion of all segments of society.
- The fear that weakness or weakening of new institutions (e.g. the parliament and human rights institutions) may prevent them from undertaking their roles.
- Imposition of legal restrictions on freedom of expression, political participation and lack of public debating on issues of interest to the community, whether political, social or otherwise.
- The spread of nepotism, the gradual weakening of the rule of law, impunity, erosion of confidence in the judicial system and the encroachment of corruption.
- Emerging democracies may also face waves of violence, sectarianism, extremism and terrorism.

All these key issues are linked to human rights, and each one of them carries some indicators which show whether or not the emerging democracy is actually moving on the right track.

Thus, in order to maintain an upward trend for Bahrain's political path, in terms of reform, development and protection of the emerging democracy, it is necessary: to protect human rights; to activate the new regulatory institutions; to strengthen the parliament; to work towards accommodating the society's political and economic aspirations and to curb violence, sectarianism and extremism. All this does not only revive hopes for reform and the dream of democracy, but it also protects the structure of the state itself.

Religious Freedoms & National Constants in Bahrain

Opposing the government from within the existing system, is perfectly legitimate. There are legitimate channels which regulate this form of political work.

To differ with and criticize government policies and positions is also legitimate.

Confrontation and clashing mostly occur upon transgression of what is commonly known as the political 'constants'.

This refers to the agreed upon constants: maintaining the system of government; preservation of national unity; protection of religious and denominational diversity; rejection of violence as a methodology for change and political action.

Although the overwhelming popular majority in Bahrain believes in these national constants, some political factions - not the grass roots - have caused a high level of political, social and security instability and confusion due to their contravention of these constants, whether it was consciously planned or otherwise due to being carried away in the heat of political conflict.

There are some, for example, who want to change the political system and declare a republic, which is a violation of the constants, without even knowing exactly how to bring about this change, and whether it will take place through violence or otherwise. We have also seen deliberate attempts to disrupt national unity along sectarian lines, for the benefit of political conflict. The denomination and sect have been mobilized to serve the political project, which actually led to a rupture in Bahrain's social fabric in a manner that is unprecedented in Bahrain's history.

Others have violated the constants of peaceful politics and demonstrated an inclination to use political violence. They have opted for violence despite the existence of clear channels for political activity - however narrow they may be perceived- which include parties, elections, civil society, the availability of press and media and freedom of assembly among others.

The constant of protection of religious and denominational diversity has made Bahrain a beacon among the countries of the region. But there are also those who seek to undermine this constant under political and religious pretexts. We say this,

as we have just witnessed the popular and formal celebrations of the Diwali festival; seen the earlier Ashura's celebrations, and are soon to witness Christmas celebrations, which are to be followed by celebrations of the birth of Prophet Mohammad.

There are among the popular leaders those who do not appreciate the value of nation building, or the importance of the existence of the state in regulating the lives of citizens through modern methodologies. Perhaps this is mainly due to a cultural problem.

The state (Al Dawla in Arabic) is not a respected entity in the Arab culture.

The state, as denoted by its Arabic equivalent "Al Dawla" means 'change' as far as the Arab culture is concerned, which is contrary to the contemporary political culture that associates the state with 'constancy'.

According to the popular Arab psyche, the 'state' is the antonym of freedom, especially among nomadic tribes which prefer to wander about without the constraints of borders, passports and identities.

Generally speaking, state property is not an object worthy of an Arab's respect. Even if an Arab appreciates and refuses to violate personal property, he still would not respect state property and may even assault and loot it, if given the opportunity.

Due to this, Arabs face problems in their countries in respect of building real states that command respect and prestige, so that citizens can identify themselves with the state and thus refuse to derogate or weaken it or violate its property (public funds).

All an Arab can see is an encroachment by the state and an infringement on his own private harem, as well as a restriction of his freedoms of travel and expression.

Even the 'rentier state' is not immune from its subjects' assault on property, or even sabotage, as sometimes seen in parks and public toilets, not to mention pillage of public funds and increased corruption. This leaves the state brazenly 'exposed to violation' during peace as well as during times of political tension, when public property is among the target list for spoliation, arson or vandalism.

The concept of the 'legitimacy of the state', that is its right of sovereignty over its land and people, is still not instilled in

the Arab conscience, given the state's authoritarianism and lack of democracy, as well as its failure to realize the goals and aspirations of its citizens.

In Bahrain, when the relationship between the state and the society had been reviewed and the era of reform began, the negative view of the state should have changed, which it did for a significant number of groups, especially among Shiites. But the Shiites problem, in particular, has deeply historical roots, which still persist in some cases.

The old Shiite vision believes that government systems have usurped the position of authority, in what is known as the concept of the 'state usurpations'. During the fourth Hijri century, Shiite jurists have slightly loosened the restriction against



**Prior to Bahrain's independence:
The late Sheikh Isa, the Emir of
Bahrain, in a meeting with the late
Sayyed Muhsin Al-Hakim, the Shiite
Marja' (religious authority), in Najaf**

'serving with the unjust ruler' as can be seen in the writings of Sayyed Murtadha Alam Al-Huda. However, when Sheikh Al-Karaki, the 10th century AD jurist, permitted participation in the state and serving with rulers, the restriction of 'state usurpations' was, to a large extent, broken.

By the end of the last century (20th century) the Shiite view of the state and its legitimacy evolved further to allow participation and working in the state organs if it adopts the path of shura (consultation) and elections to the satisfaction of the people. Hence, the state was no longer considered a 'foreign body' nor was it deemed a sin to deal with the state or to partake in its functions.

In Bahrain, it is evident that Shiites today, except for a few, do not see themselves as enemies of the state or as people who are

beyond its authority . Nor can they resist the appeal of participating in the state institutions and influence its decisions to serve the common good, as long as the democratic space is available.

But still, to benefit their current political stances against the system of government in Bahrain, there are a few who recall the old views and heritage of past jurisprudence



HM the King meets the Hussainya Processions Authority

which has been mostly abandoned by mainstream Shiites. These groups began to promote the concept that the state itself, not just the regime, is not legitimate and that it is not permissible to obey the state laws or to respect its property. They even permitted the assault on public property through vandalism and pillaging, as well as condoned the use of violence against the state and the pursuit of changing the system of government. Moreover, we read in their political militancy statements that they prohibit working with the state, assuming government posts or dealing with state officials whom they say should be boycotted.

But the truth is that it is not possible to take Bahrain's Shiites backwards, neither intellectually nor politically.

The state in Bahrain is everybody's, and is not the 'state of the privy'. Shiites, along with their compatriots, have contributed to establishing the State of Bahrain; voted for its independence in 1971 and its National Action Charter in 2001 and participated in the political process. Therefore, the separatist approach desired by the advocates of militancy does not only adopt an outdated thought abandoned by Shiites, but its pursuit can also lead to their own weakening and marginalization as well as the weakening of their homeland and the wrecking of their lives; an eventuality which can never be sought by those who are truly conscious and keen on the interests of their

people.

Thankfully, this line of thought does not enjoy popularity. However, had it gained ground, it would have constituted a violation of the aforementioned four constants. It would have meant opening the door for conflict not only between the Shiites and the political system, but also between the Shiites and Sunnis, which could lead to the use of violence, and ultimately spark a civil war.

During the latest Ashura celebrations, some abuses have occurred, which some sought to exploit in sowing dissension against the system of government. They resorted to striking the chord of the constant of protecting religious freedoms, which they claim no longer exists because the ruling system does not adhere to it. Thus, this minority took the matter to the extent of promoting boycott and confrontation with the political system.

As far as the government is concerned, Ashura's event was the same as in every year.

The Minister Interior received members of the Hussainya Processions Authority before the start of Ashura's festivities, and discussed with them the security and regulatory procedures for marches and processions.

For his part, as in every year, and as an expression of the strengthening of national unity in special and religious events, the King made financial and in-kind donations for every Shiite Hussainiya hall in Bahrain, although plentiful and numbering in hundreds.

As has long been the case every year, there was an official holiday for all Bahrainis, during the days of Tasooa and Ashura (9th & 10th of the month of Muharram respectively).

Again, as in every year (this year was no exception) following the end of Ashura ceremony, the King received members of the Hussainya Processions Authority who paid tribute to His Majesty for "issuing royal directives to all ministries, government bodies and entities, to ensure that rituals are held in a manner befitting the occasion's sanctity, by providing all government services and facilities efficiently and in the best possible ways" and for His Majesty's "personal follow up to ensure optimal delivery of all services and security-related requirements, as well as overcoming any

incidental challenges and obstacles".

The Hussainya Processions Authority said that the King's meeting with its members is "proof of His Majesty's keenness on ensuring the good organization of all matters relating to marking the memory of Ashura annually. This also reflects his firm belief in diversity, tolerance and religious co-existence between all categories of the social spectrum, as enshrined in the constitution of the Kingdom of Bahrain, as part of the reform project".

For his part, His Majesty the King, this year, was keen on underscoring the national constants, specifically those related to religious freedom and communal coexistence, which is a message addressed to all Bahrainis, that:

Firstly- The high level of religious freedoms achieved in Bahrain is "a decades-long specificity of the Bahraini society which has exercised generational co-existence, that was demonstrated through its keenness on religious and denominational diversity and the protection of social fabric and national cohesion".

Secondly- Religious freedoms are



Ashura procession in Bahrain this year

enjoyed by all: residents, citizen and all religions. His Majesty expressed his pride "in the high level of religious freedom in Bahrain, where people exercise their religious rituals without any discrimination or division"

Thirdly- Religious freedoms fall under the umbrella of national unity and special religious events open opportunities for cooperation and harmony, rather than discord and division. Thus, His Majesty stressed "the importance of these events and the need to bolster the principles of cooperation and fraternity between all subjects of the Kingdom of Bahrain, under the banner of their national unity and Islamic values "

Bahrain's Civil Society: A Second Take-off

Bahrain's Civil Society: A Second Take-off

In recent years, and for various reasons, the civil society in Bahrain underwent a state of recession amounting to a stalemate. This state of affairs is in total contrast to the situation of the Bahraini civil society as it took off following the Royal reforms of 2001, which led to the establishment of hundreds of societies that coloured Bahrain with a rainbow of cultural, social, legal and other activities.

As the strong presence of the civil society in any country is an indicator of the vitality of the people and the advancement of the state's legislation; and since the activities of the civil society are of utmost necessity to both the state and the community, we need to plan for a second take-off of this civil society to enhance its effectiveness, productivity and impact.

In this context, what is urgently needed is to create the proper climate for this take-off, whether in terms of the general atmosphere in the country or the general mood of these societies themselves.

Development of the Legislative Environment

The civil society was established based on the decision-maker's conviction that the Kingdom of Bahrain cannot develop and prosper without the presence of an active civil society, and without opening the door for all the community's forces to participate in building Bahrain, alongside the Government. Article 27 of the Bahraini Constitution has guaranteed "the freedom to form associations and unions on national principles, for lawful objectives and by peaceful means, provided that the fundamentals of the religion and public order are not infringed. No one can be forced to join any association or union or to continue as a member."

On that basis, more than 600 NGOs have been formed, covering all kinds

of activities, with participation from all sectors of the community. The fact that the Bahraini community has enjoyed the services of these NGOs illustrates that Bahrain has provided the main foundations for the establishment of a civil society. First, Bahrain has guaranteed, both in the Constitution and the National Action Charter, the right of citizens to freedom of expression and participation in public affairs; recognized the right to form and to join civil associations, as well as providing a reasonably safe environment to enable the take-off of the civil society.

However, there is a shortage in legislations necessary for providing the appropriate environment for restarting the civil society. It is true that, during the beginnings of civil associations the Government used to provide some limited financial aid, as an indicator of its interest in the speedy growth of the civil society. But this nascent civil society has now grown up and so has its requirements, which highlights the importance of expanding the space in which these NGOs operate. This may be achieved through enactment or modification of some legislation, in line with the growth of civil society and the needs of the state and in accordance with the international human rights law.

International human rights law stipulates that a state is not only required to allow the establishment of a civil society, but is also required to provide public freedoms, such as the freedoms of expression and peaceful assembly, and to create a general atmosphere that is conducive to the development of civil society activity. Moreover, according to international law, states are also required to protect and ensure the freedom and safety of civil society activists, as well as to abstain from arbitrary interference in their affairs.

Without this, the civil society becomes disabled and ineffective, which renders it incapable of achieving the long-term stability of the state and the citizen. There is a well-known rule that says that whenever restrictions upon the civil

society are increased, e.g. by reducing its available working space, the greater are the prospects of an ensuing conflict and disorder due to frustration and lack of discharge of societal energies (especially those of youth) through the right channels.

On the other hand, in many countries, there is a gap between the constitutional provisions guaranteeing freedom of peaceful assembly, expression, association and the right of political participation, and the practice on the ground, which may sometimes amount to outright contradiction with constitutional provisions.

To maintain the value of constitutional provisions, in a manner that enables citizens to see their actual manifestations on the ground, there is a need for legislation, administrative regulations and laws that facilitate the process of interpreting theoretical constitutional texts into lively and applicable provisions. Wherever a general constitutional text is found, it should be supported by enactment of relevant legislation, as well as legal interpretations and regulations that describe its application.

For instance, both the Constitution and the National Action Charter, recognize the right to freedom of expression. But for this to be effective, it is necessary to protect this right in the publications law, for example. Implementation of the freedom of expression should be clearly visible in the press and television channels. It is possible, for instance, to allow civil society activists to air ongoing television programmes outlining existing problems and discussing them with state officials, including such topics as the environment, human rights, women's issues, foreign labour and children issues, among others.

In contrast, it became apparent that some of the legislation in the Bahraini NGO law and the press and publications law, may not be appropriate to the developing needs of today's civil society and some may even violate human rights standards. Such legislation creates obstacles and reduces the public space needed by NGOs. Such laws need to be

reviewed and amended, and may even need to be annulled in some cases.

Additionally, there is a need to enact new laws. For example, the civil society cannot undertake its role unless sufficient official information on public affairs is made available to it. Consequently, there is an urgent need for a greater degree of transparency and access to information, and a law that allows civil society activists to access official information and have it disclosed in a manner that does not

whatever reasons, to threats to their lives, their families, their livelihood or their reputation. The media vultures should not be allowed, without accountability, to tear into the flesh of activists, by levelling false charges against them. Such arbitrary accusations are essentially criminalized as they contravene the law. Thus, activists are supposed to strengthen the law by filing complaints with the judiciary.

On the other hand, activists need to be accorded a higher moral value, due to

value will then be attributed to all the principles of democracy, tolerance and the human rights culture, if its activists and advocates are being accused of breaking the law and conspiring with foreigners?

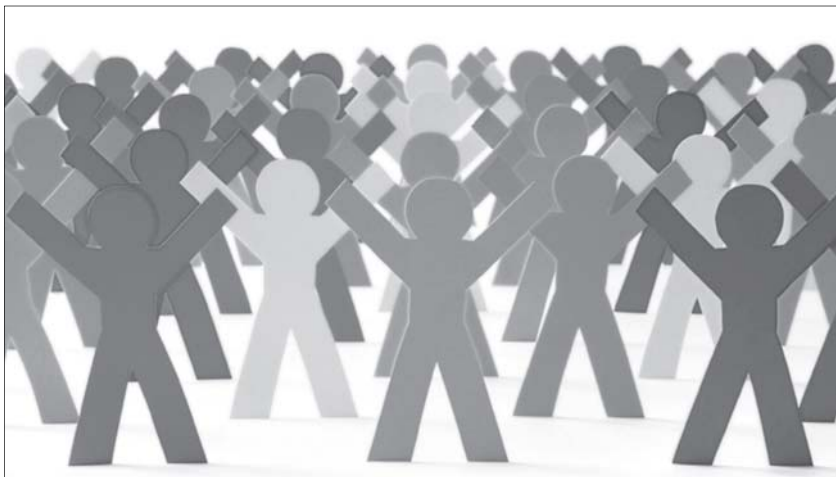
Indeed, what is required is recognition. The decision-makers should mention the value of the civil society in their speeches and messages to the community. Prizes and titles need to be awarded to such effective activists who are keen on the welfare of their people and country.

As for the charge of defamation of the state, it should be noted that the societies' activity is focused on monitoring and detecting violations against human rights and against the environment, women, children foreign workers and even the abuse of animals. This is not a defamation of the state, but is rather an alert to the state and to the community that there is a problem that needs to be resolved. However, if there is some claim of a mistake or an irregularity, the claiming entity or person could be addressed through the media and required to disclose the evidence confirming his/her allegations on the relevant issue.

The problem of civil society and human rights activists in Bahrain is that they are new in this field and many of them are still politically inclined. This leads to imposing trends that are not necessarily beneficial to public affairs. Moreover, there may be some exaggerations and allegations, but these could be handled through a greater degree of openness, as well as through frank and public debate through the media. This serves to guide the community and curb behaviours that are beyond the context of human rights. It also serves to refute allegations that are not based on facts; without undermining the basic principle of human rights or reducing the scope of freedom of expression and also without leading to rude confrontations and cheap accusations.

Providing a Safe Environment

Having said that the civil society in



compromise the state's security or personal privacies.

Support & Protection of Civil Society Activists

Among the most important topics being considered, both within international human rights organizations or UN mechanisms, is the issue of protection of civil society activists. The importance of these activists arises from the importance of the civil society itself, and the vital role it plays. Therefore, these activists must be protected from any threats, restrictions, assaults or other violations; whether perpetrated by governments or non-formal entities, such as extremist religious groups that do not believe in women's rights or education, or those groups that do not believe in multiculturalism or religious freedoms.

It is neither legal nor correct, for civil society activists to be exposed, for

the valuable work they undertake and the hazards they encounter for the benefit of their community.

Giving a value to civil society activists in all fields, not just human rights, is a tribute to the principles they hold, which helps to promote a human rights culture in the society, especially among new generations, as well as helping to promote democracy, tolerance and coexistence between various segments of the society.

Insulting and persecuting these activists or imposing restrictions upon them eliminates the favourable environment conducive to the growth of a human rights culture. What response can we expect from the new generation when they hear that a certain activist is being branded as a foreign agent or as someone who implements Western agendas, defames the country or tampers with its stability? Is this not a promotion of anti-human rights concepts, such as the notion that human rights are no more than an illusion or a foreign plot? What

Bahrain needs a safe environment, it should be noted that a safe environment does not mean merely the protection of civil society activists; it also includes the state's duty to create an atmosphere that is conducive to productive civil society activity.

The key to a safe environment is to create one in which citizens feel that they are exercising a legal right firmly rooted in the Constitution and the National Action Charter, which both stress that citizens are entitled to the freedoms of opinion, expression, peaceful assembly, forming associations and participation in public affairs, including political affairs (e.g. through elections) and social affairs (e.g. through civil societies). The citizens' awareness of these rights provides them with a safe cover to participate in the development of their country politically, socially, culturally and economically. Thus, citizens will feel that their participation has a solid base in constitutional provisions, which provide all of them with channels to accommodate their energies. This will ultimately serve the interests of citizens as well as those of their society and country.

The availability of space for freedom of expression provides the civil society with a greater opportunity to attract the community's energies, particularly among the youth, as well as providing a greater degree of safety. This reflects positively on the vitality and performance of activists. However, when the space allowed for freedom of opinion and expression is narrowed, including limiting freedom of expression in public and private media, in such a way that public issues cannot be openly discussed and differing views heard, a proportional decline in the level of safety available for the civil society ensues, coupled with a decline in its opportunities to influence and build-up energies. Consequently, youth energies will start to seep into other outlets for expressing their opinions, albeit through aliases.

Contrary to the common misconception held by some, expanding the space available for freedom of expression does not destabilize security or generate political tension and turmoil. Quite the

contrary, it is the reduction of the freedom of expression that causes such tension and turmoil. Restricting the freedom of expression is not conducive to the growth of civil society or to the promotion and dissemination the human rights culture in the community. Moreover, this neither serves in the detection of violations, nor in remedying errors and developing policies and practices.

A safe environment means that the civil society is given the opportunity to express its opinions through peaceful assembly i.e. it can hold public symposia and meetings, as well as mass demonstrations, where necessary. These freedoms, at their various levels, are available in Bahrain, more than any other GCC country. In fact, it can be said that Bahrain is at the forefront of Arab countries with respect to the application of this right.

The value of peaceful assembly is clear to the civil society. There are issues that ought to be highlighted and the people mobilized to remedy them, as well as trained on how they can organize themselves and mobilize their energies to achieve a certain target, no matter how limited, to serve public interests or the interests of certain segments of the society.

However, peaceful assembly has other benefits. It serves as a key factor in venting congestion, creating stability and keeping the society's energies away from violent practices and away from extremist and radical ideas. On the other hand, a stable political environment provides an abundance of safe space for civil society activism. It is difficult for the civil society to be active in a stifling political atmosphere. Political dictatorships, by default, do not allow the establishment of a true civil society, and if one does emerge against their will, it will be subject to scrutiny, censorship and restrictions.

A safe political environment is also one in which citizens enjoy the opportunity of political participation through elections, for the purpose of having a role in the decision-making process through their representatives, as well as a role in the accountability and control of state

institutions and their performance. This serves to ensure the normal progress of these institutions, as well as the protection of public freedoms, due to the presence of the political representation of citizens in the parliament.

Proper popular representation in public affairs ensures the protection of civil society, both through legislation issued by the representatives of the people and through control of the performance of the executive branch. The popular will, embodied in the parliament, as is the case in other countries, can involve the civil society in decision-making. The parliament in Australia, for example, has formed joint human rights committees, that included representatives of the civil society, not only for consultation, but also for legislation.

Another important factor, in the context of providing a suitable environment for civil society activity is the existence of an independent and effective judicial system that is capable of curbing the infringement of the executive authority, or forcing it to annul its decisions, whenever they contravene national laws and international standards.

The civil society will always need a protective umbrella, provided primarily by the judiciary. In the presence of an independent judicial authority, the degree of protection remains high, even if violations by the executive branch existed. This is because the judiciary can protect human rights defenders in the courts, and treat them with due fairness. The judiciary can also assess the legality of some of the measures and actions taken by the executive branch against the civil society.

In Turkey, for example, the Constitutional Court has rejected a previously imposed government ban on Twitter and YouTube (imposed on the grounds of protecting national security). The Court's concluded that the government ban violated the right to the freedom of information and expression.

In this context, national human rights institutions, can also contribute to a safe environment for civil society, which is a duty incumbent upon them, according to Paris Principles.

Civil Society Experience in Bahrain

Hasan Moosa Shafaei

A strong civil society, in any country, serves not only as a useful tool for creating positive change, but more importantly, as a force to achieve two vital targets:

1 / Protection of the democratic change, whether comprehensive or gradual, against the elements of extremism and terrorism; safeguarding the nascent state and preserving democratic values;

2 / Abortion and besiege of any extremist alternative that may arise.

At least this is the lesson learned, for instance, from the experience of the strong and mature civil society in Tunisia in the face of the fundamentalist stream which later grew into an extension of Al-Qaeda and ISIS by feeding on errors, partial administrative failure, as well as political and security vacuum. In spite of the strength of the fundamentalist stream, as evidenced after the revolution, the strong civil society was able to maintain its influence over the young masses, hence safeguarding them against extremist orientations, as well as mobilising youth efforts towards curbing the expansion of Al-Qaeda and extremist ideology. On the other hand, Tunisia's civil society has managed to prevent Al-Qaeda's incursion from developing into a substitute for civilian political parties.

In Bahrain, as was the case in Tunisia and other Arab states, the civil society presence has played a role in the events of 2011. While it is acknowledged that, despite the challenges and difficulties, the Government of Bahrain has since then paved the way for the establishment of a civil society in various fields, and has given room for the freedoms of expression, opinion and the press; nonetheless it could be said that the Bahraini civil society has not been given sufficient time to mature. The development of the Bahraini civil society is belated compared to that in other Arab states, though it is still ahead of its counterparts in GCC states where civil society institutions exist in only some of them. Moreover, the Bahraini civil society has not been allowed the sufficient space to express itself, engage in capacity

building and to launch mature initiatives, which often left much to be desired in its performance.

Among the shortcomings of the Bahraini civil society, was the fact that there was barely any partition separating it from political currents, including parties, blocs and other formations, which posed a serious risk to the civil society's independence, while leaving its youth prone to being sucked into the escalating political situation. Thus, the Bahraini civil society has lost its balance because of the 2011 events, and was unable to assume the role it was supposed to undertake in similitude to the role of the more mature

the authorities, perhaps as a competitor, or at least a burdensome nuisance. The reality, however, is that the lack of a civil society and failure or fear of developing a strong and active civil society is detrimental to political stability. Governments actually stand to lose from the absence of civil society because it could shoulder some of their burdens. More important still is the fact that a weak civil society will not be able to assist the state in times of crises. The strength of the civil society, although a nuisance to most governments, is valuable in a way that can only be appreciated at times of crises and adversity. This has been amply demonstrated in Tunisia,



Founders of Bahrain Center for Human Rights in a meeting with the King

Tunisian civil society.

In other words, the Bahraini civil society, unlike its Tunisian counterpart, was unable to rally together the political players when that was needed, especially after losing some elements of its strength to political polarization.

To be fair, the totality of Bahraini political players, had no respect or appreciation for the Bahraini civil society, but rather saw it as a political tool for manipulation in political conflicts and disputes.

Furthermore, there were, and still are, those who regard the strength of the civil society in Bahrain as a potential threat to

where the civil society has not only shown a superior ability in healing the fragmented political situation, but also in preserving the backbone of the state structure from total collapse and disintegration (e.g. through collapse of the foundations of the state; disintegration of the unity of the community; control of the remains of the state and the society by forces of violence; predominance of regionalism etc.)

Civil society in Bahrain is a victim of political conflicts, in the sense that it has been deprived of an ample amount of time to accumulate and build a rational and independent experience. However,

Bahrain's civil society is still partially responsible for the failure, in its inability to develop political and social initiatives, whether at the level of confronting sectarianism, facing and warning against violence or attracting young people away from the currents of intellectual and political militancy.

In other words, the immaturity of the Bahraini civil society is due, in large part, to the immaturity of the political players themselves. For, had these political players been sufficiently mature and conscious of the civil society's role and future, they would not have resorted to using it as a tool in their own rivalries, and would have instead allowed it sufficient space to expand and to rationalize its practices and activities.

This is what happened in Tunisia, where a clear separation exists between civil society and political parties. Both sides demonstrated the clarity and maturity of vision, as well as an understanding of their respective roles, in addition to the appreciation of the civil society and its role. Such maturity on both sides, could not have led to any outcome other than the acceptance of the essential mediatory role of these independent, non-politically ambitious bodies, in resolving the political crisis there.

Personal Experience

In this context, I recall my personal experience regarding the independence of the Bahraini civil society.

In early 2000, we, the veteran human rights defenders (myself, Abdulhadi Al - Khawaja, Nabeel Rajab) were availed of the opportunity to operate within Bahrain, when His Majesty the King announced the initiation of a gradual democratic and human rights reform project, which later included general amnesty, the return of exiles, compensations and other similar items.

We came to Bahrain and decided to move our overseas-based human rights work to the inside. However, our application to establish a human rights centre (Bahrain Center for Human Rights), was initially rejected by the government which argued that such a centre was not needed,

since a human rights society, (Bahrain Human Rights Society), had already been established. Nonetheless, we submitted to His Majesty the King, a letter in which we explained the nature of the Centre's work, objectives and working mechanisms and sought his assistance in approving official registration of the Centre. Consequently, His Majesty invited us to meet him at his palace on May 13, 2002, where he gave us a warm welcome and listened to us. His Majesty decided to support the project subject to two conditions:

Firstly, that the activity of Bahrain Center for Human Rights shall be confined to the affairs of Bahrain, to avoid causing problems with neighbouring countries; and

Secondly, to approach the issue of human rights at a gradual pace, through cooperation rather than confrontation with the Government, because both sides were involved in a new experience, in terms of its concepts and approaches. His Majesty emphasized that we both have to tolerate each other.

We understood and accepted what His Majesty had said, as we were aware of the nature of Bahrain's position in its regional environment. We also realized that the reform project was a novelty and that the human rights culture was entirely new to the whole system.

Then, His Majesty, the King, directed the Ministry concerned with civil society (the Ministry of labour and social affairs) to officially register the Bahrain Center for Human Rights (BCHR), and that was done on July 6, 2002. To my surprise, a few days after the registration, I found myself, together with a founding member, in a session with a political opposition leader whose speech addressed us as if BCHR was affiliated to his political organisation. He considered it our responsibility to confront the Government with past dossiers. On that day, I objected, and asked my colleague: "What has BCHR to do with that man or his ideas?"

BCHR's effectiveness did not last for long. After two years filled with irregularities on BCHR's part and warnings by the Ministry of Labour and Social Affairs, the latter decided to dissolve BCHR on September 28, 2004.

The Confrontation with the government

started rather early and we had been warned about the irregularities committed by BCHR. But when one of BCHR's founders (Abdulhadi Al - Khawaja) delivered an acrimonious speech of a personal nature attacking the Prime Minister with vulgar words and even invoked death and doom against the Prime Minister, the Ministry of Labour and Social Affairs finally issued its decision to dissolve BCHR.

By that time, however, I had already taken the decision to resign, which I did one year before BCHR's dissolution, precisely on October 11, 2003. It had become clear that BCHR was behaving like a political party, contrary to its statute and contrary to what HM the King had warned us against. Thus, the BCHR did not engage in any human rights work, then, but rather allowed itself to be a tool in the political opposition work.

My BCHR colleagues did not accept our cooperation with the authorities in human rights dossiers. We have not even conducted a single human rights event to serve BCHR's objectives of training, dissemination of human rights culture, and the release of studies and researches.

Thus, my resignation was clearly justified as follows:

1 / Failure to adopt the objectives BCHR was established to achieve.

2/ Rushing towards achieving the agendas and programmes of other entities with no relation to BCHR's strategy and activities.

3 / Confrontation with the Government and acting like a political opposition.

After everything that happened so far, it has become clear today, that we have sacrificed the independence of the civil society. We have renounced independent human rights work in favour of engaging in political activities under a human rights label, rather than doing human rights work for the benefit of human rights.

Accordingly, we, the human rights defenders, the public and the community at large, have lost an essential opportunity which could have been used for the advancement of human rights and the development of the nascent democratic experience. Matters deteriorated and further complications have led to the situation we know today.

Bahrain: The Aspirations We Seek

In his keynote address at the opening of the third parliamentary session, the King of Bahrain has used a lot of human rights, political, developmental and security terms, among others. Some of them represent the aspirations which citizens hope to be realised in Bahrain; while others represent the constants deemed necessary for sustaining Bahrain's structure. These include the following:

First: Emphasizing the important role and core function of the Parliament (legislation and supervision); as the expression of the 'popular will', which means that any weakness in parliamentary performance constitutes forfeiture of the popular will and mandate which created the parliament in the first place. Poor parliamentary performance also constitutes a threat to state organs which have a constant need for new and more advanced laws, as well as parliamentary control to prevent corruption, waste, and administrative flabbiness. An advanced Bahrain will always need a strong parliament, representing the popular will and assuming its legislative and supervisory roles. Thus, if the parliament malfunctions, so will the executive bodies.

Second: Based on the mutual agreement between the Government and the people, the National Action Charter, Bahrain's target is to move forward in building a state of institutions and laws, as highlighted in the King's address. A state of institutions and laws is one that safeguards citizens fundamental rights, protects freedoms and consolidates the exercise of democracy. In other words, it is a state that respects the will of the people, believes in people's freedom and dignity and safeguards their rights.

Third: Despite all the storms that have occurred in the social fabric, the King has stressed that the spirit

of Bahrain draws its strength and power from cordiality, coexistence and moderation; and stressed that Bahrain, with its Arab and Islamic identity, is the homeland of all.

Bahrain is a melange. Its value lies in its multiplicity, diversity, moderation and tolerance, where the various colours of the rainbow coexist with no single colour prevailing or superseding other colours. This is a valuable asset for Bahrain which should be maintained, so that Bahrain's citizens and others can enjoy these multiple colours, in accordance with the law, and in a manner that maintains human dignity.

Fourth: There are three rules which the King has proposed as national and social constants which sum up the spirit of rights and duties, the first being: public unity instead of divisions; the second: citizenship (with all its manifestations, rights and duties) instead of foreign ideological or political allegiance and third: reform and tolerance instead of sabotage and extremism. We have to maintain and strongly adhere to these rules and pass them to the next generation.

Bahrain cannot exist without a solid base of social unity, true citizenship, tolerance and harmony. Otherwise, the people will only reap division, foreign allegiance, terrorism and extremism.

Because we are talking about the reality and aspirations, the King has said: "We will always promote the values of moderation, tolerance and coexistence, both in words and deeds, as we confront extremism and fanaticism. We will also consolidate the values of political action based on the principles of the National Action Charter, the Constitution, respect for the rule of law and the sovereignty of national decisions"

Fifth: As was the case in previous

addresses, the King's last address included clear references to the importance of the 'cumulative' building on achievements. The last address expressed this by saying that Bahrain should move ahead equipped with the deep conviction and strong awareness "that building on past achievements is the way forward to consolidate the civil state built on justice and equality, without the exclusion of any one because of his origins, ideas or beliefs".

What is of essence here is that irrespective of the size of achievement, it is part of a growing structure, an expanding ring or an ongoing process. What is being said here is that the people of Bahrain are accumulating their experience and achievements for the future. As long as the foundations are there, the structure will grow higher. It is not wise to destroy the existing structure and start again, and thus waste long decades of effort. If we do so we will only repeat the errors of nations which have "unwoven their firmly spun yarn into strands".

Sixth: Indeed, as the King has pointed out "Security and Development go hand in hand". No economic or political development can be achieved without a stable security. But the stability of security, in turn, cannot be properly achieved without a diverse and comprehensive development.

Security and development and the achievements of many countries are faced with an extraordinary threat and challenge. It is the challenge of terrorism, which threatens many of the peoples of the region, with respect to their identity, present and future. Hence it is necessary to confront terrorism through cooperation, the culture of tolerance, camaraderie, awareness, strengthened security, political reform, as well as other means.

Ombudsman Office: More Professionalism & Transparency

The Office of the Ombudsman has issued its third annual report on its activities, which specifically relate to the investigation of complaints received against the practices of Interior Ministry staff.

The Office of the Ombudsman has been established on the basis of the recommendations of the Bahrain Independent Commission of Inquiry (BICI), known as the Bassiouni Report. In this capacity, the Ombudsman Office is a key element in addressing the effects of the 2011 events. It is also seen as one of the important institutions involved in the protection of human rights in Bahrain.

The new annual report of the Ombudsman Office, provides an opportunity to examine the activities it undertakes, as well as the progress made in terms of establishing itself and improving its services. Perhaps the first thing that draws attention in the report, is the notable increase in the number of people submitting grievances or seeking assistance from the Ombudsman Office, which indicates increased confidence in the Office's role and activity within the Bahraini society.

Perhaps, this is primarily due to the clear attention shown by the Ombudsman Office with respect to developing its mechanisms, upgrading the capacities of its staff, in addition to increasing the level of coordination of its activities with those of relevant official institutions, such as the Ministry of Interior, the Public Prosecution, the Special Investigation Unit (SIU) and the Prisoners and Detainees Rights Commission (PDRC).

The Ombudsman Office has recently been keen on strengthening ties with relevant regional and international bodies and institutions and seeking to benefit from their expertise by organizing various events. The Office has also been keen on creating closer links with civil society and international human rights organizations, as well as responding to their concerns in

a manner that reinforces confidence in the Office's efficiency and independence. This includes follow - up of the cases raised by these organizations, even in cases where the aggrieved parties do not submit their grievances.

This year's Ombudsman report, included statistics on the nature and number of complaints and assistance requests received by the Office during the reporting year. The report also identified the nature and number of actions taken regarding these issues, such as referral to relevant bodies, shelving for lack of evidence or ongoing investigation.

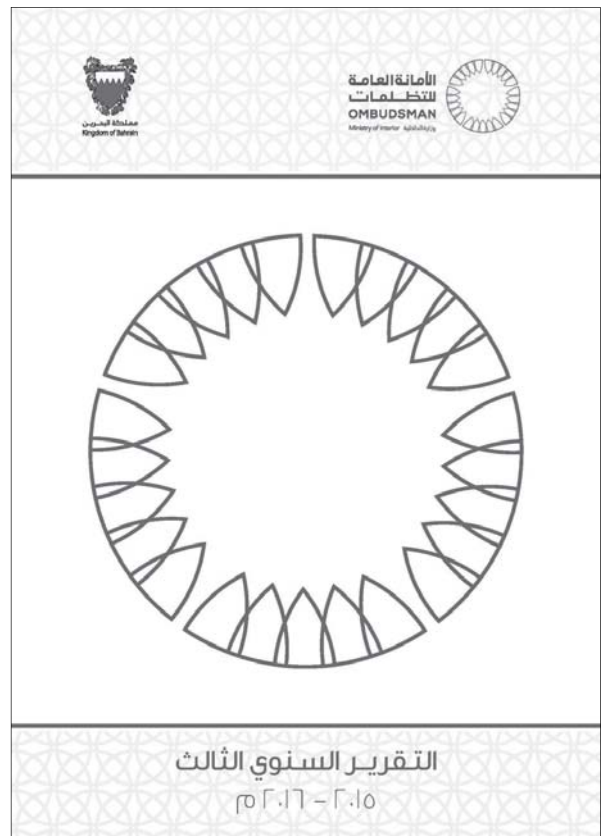
The report outlined 12 sample cases investigated by the Ombudsman Office, including the steps taken for fact finding and the actions taken to address the issues subject of the complaints or grievances. Of course, it was not possible, in legal terms, to mention the names of the complainants in those cases. However, the presentation was characterized with a high degree of transparency, which provides practical evidence of the Ombudsman Office's high level of professionalism in conducting the tasks entrusted to it.

As to deaths in detention centres which amounted to 7 cases during the reporting period, the ombudsman Office for its part, has conducted the required investigations, within its mandate, and provided an elaborate account of the outcome of investigation for each case.

Based on its experience in this area, the Ombudsman Office issued several recommendations for reform and rehabilitation centres, with a view to upgrading their efficiency and providing them with the necessary resources to make them better equipped and prepared to handle contingencies.

It is hoped that this open-door approach would be reassuring and allay the concerns raised by various international human

rights entities, including governments, formal international organizations and NGOs, in relation to various aspects of the human rights dossier in Bahrain. It is also hoped that increased transparency and professionalism will strengthen confidence in the Office of the Ombudsman and ultimately lead to addressing the shortcomings in Bahrain's human rights dossier.



Reprieve Report on human rights in Bahrain

In a report, issued in September 2016, Reprieve organisation has called on NI-CO, a North Irish company, to stop training of security forces in Bahrain, citing the existence of concerns about torture.

Reprieve, is a London-based human rights organization which provides legal services to individuals, who are classified as victims of unjust laws or policies, by litigating on their behalf, in addition to trying to use the judiciary in a strategic manner to bring about radical changes in favour of human rights. Reprieve says that its vision is to see a world free of execution, torture and detention without due process.

NI-CO (Northern Ireland Co-operation Overseas Ltd) is a non-profit body affiliated to the Government of Northern Ireland which benefits from its services, including the transfer of expertise and training for police and prison staff in many countries, in order to change their behaviour and culture, and ensure their commitment to human rights standards.

But Reprieve, issued a report entitled 'Belfast to Bahrain: The Torture Trail', calling on NI-CO to stop assisting Bahrain's Interior Ministry until its government ratifies a United Nations protocol against torture and allows independent UN investigations.

The report has sought to stimulate the Northern Irish parliament to line up with Reprieve's position by saying that "Ministers in Northern Ireland have urgent questions to answer about the company's activities and the lack of oversight the Government of Northern Ireland exercises over NI-CO", and added that "the company has trained forces who are accused of torturing people to confess to charges that carry the death penalty, as well as supporting institutions that

have failed to investigate the abuse."

The entire Reprieve report is based on the single case of a death row inmate, Mohammed Ramadan, a former policeman and father of three children, whom the report says was tortured into making a false confession. According to the report's cover, the inmate is an "Innocent father on Bahrain's death row", who "'Confessed' under torture" and that a "State-owned Belfast company" was "complicit in abuse cover-up" while the "Northern Irish government" is "turning a blind eye".

NI-CO is currently conducting

and that "after being caught out for ignoring these torture complaints, the Ombudsman said it would begin an investigation. Instead, it has bullied and intimidated Mr Ramadan's wife and flouted international minimum standards for torture inquiries at every turn."

Reprieve's report, has also levelled accusations at the British Foreign Office. Harriet McCulloch, a Reprieve deputy team director said: "The UK Foreign Office is financing a whitewash of Mohammed Ramadan's torture and coerced confession, leaving an innocent man languishing

on death row and his family afraid to speak out. UK money is complicit in covering up torture in Bahrain. The Foreign Office needs to come clean about what it has



the training of the Interior Ministry's Ombudsman Office at the request of the British Foreign Office. The Office of the Ombudsman is a new institution that has been created in response to Bassiouni Report's recommendations concerning the control over the performance of the Interior Ministry staff. Britain has pledged to help in training the Ombudsman Office staff to upgrade their efficiency (through transfer of expertise) pertaining to investigations into allegations of torture and ill-treatment.

But Reprieve believes that Bahrain's Ombudsman Office has refused for more than two years to investigate complaints regarding the torture of Mohamed Ramadan

paid NI-CO to do with a repressive regime like Bahrain."

According to Reprieve's report, NI-CO has worked with the Ombudsman Office for years and was awarded a UK Foreign Office contract worth £900,000, to promote human rights reforms in Bahrain in 2015.

For its part, Invest Ni, which owns NI-CO, has issued a statement, saying that it is aware that NI-CO's work is part of the British government's support for the Bahraini Government's reform program and that it sees it appropriate for NI-CO "to work to support this reform, sharing learnings on how Northern Ireland has dealt with changing attitudes, culture and behaviour".

Bahrain Deserves a Chance to Prove Itself on Human Rights

Pauline McCabe*

Bahrain's record on human rights has been repeatedly criticised following the treatment of protesters in the wake of the "Arab Spring" of 2011. Most recently, the human rights organisation Reprieve published a report last month calling on Northern Ireland to stop training security forces and ministry of the interior staff in Bahrain because of the countries "dire" human rights record.

While I respect the important work of Reprieve, I want to explain why, in this instance, I think that the organisation is wrong.

The Bahrain independent commission of inquiry was established in 2011 by the king, to determine whether the events of February and March 2011 involved human rights violations and to make recommendations. The ombudsman's office was set up in direct response to one of the 26 recommendations made by the inquiry. The office was the first and remains the only one of its kind in the region.

I have worked in Bahrain both on UK foreign office funded projects and as an independent criminal justice adviser. Over the past three years, I have supported the development of operational and investigative procedures and the training of investigators in the Bahrain ombudsman office, under the overarching aim to support the delivery of a fair and just criminal justice system, with human rights at its core.

As a member of the Northern Ireland Policing Board and a former Northern Ireland prisoner ombudsman, if I learned anything, it was that context is everything when it comes to delivering change. There is a conflict in Bahrain, complicated by external, regional influences – and

there is no Belfast Agreement.

There are people who want change but would never engage in violence and there are others who believe that violence against the security forces is justified. While there are many in positions of authority who recognise the need for criminal justice reform and who are working hard to make progress, there are others who do not accept the need for change or struggle with it – particularly when police officers are killed by improvised explosive device. Sound familiar?

In such circumstances the process of change is complex and multifaceted. Parts of the system may make progress more quickly than others. But a policy of practical engagement and assistance can help to bring about change.

The suggestion by some NGOs and human rights organisations that the sharing of experience, best practice and skills should not happen in Bahrain until after the human rights issues have gone away doesn't add up.

I and other overseas experts must always work to the highest standards of individual integrity and red lines must be recognised. But, while it is emphatically the case that experts must never provide cover where there is no intention whatsoever of addressing wrongdoing, that is not the case here.

Establishing the first ombudsman office in a challenging region, with no local directly relevant experience or pool of complaint investigators was a big ask for the ombudsman. The ombudsman has the honesty to admit that mistakes have been made. It remains work in progress.

But three years on, the number of complaints received has increased by 395 per cent and important outcomes have been delivered:



Professor Pauline McCabe, Criminal Justice expert

Children under 18 are no longer held in detention with adults; a new prison-build programme has begun; the use of CCTV in policing and places of detention has increased significantly and the ombudsman has been able to examine CCTV evidence proving alleged mistreatment within hours of receiving allegations; all police vehicles have unique identification numbers; progressively more detainees are accessing education.

I continue to support the efforts of the ombudsman office because I know that the ombudsman and his team are trying to do the right thing. And on balance, I believe we are right to continue sharing our Northern Ireland experience and skills in Bahrain.

The Irish Times, 17/10/2016

* Pauline McCabe was a member and committee chair of the Northern Ireland Policing Board and the prisoner ombudsman for five years. She is a visiting professor at the University of Ulster and was awarded an OBE in 2014 for services to prisoners and criminal justice.

UK Minister's Reply to 'Reprieve':

We Continue to Assist Bahrain's Reform

Reprieve's report has provoked several reactions by the governments attacked or accused by the report, including the British Government, the Government of Northern Ireland and the Government of Bahrain. In this regard, the British MP Mark Durkan, asked the British Secretary of State for Foreign and Commonwealth Affairs, for his assessment and the British Government's response to Reprieve's report on the outcome of the British Government's cooperation with Bahrain through Northern Ireland Co-operation Overseas Ltd (NI-CO) in upgrading the capacity of the Ombudsman Office staff.

Tobias Ellwood, the British Secretary of State for Middle East Affairs, responded by saying that "The UK Government continues to assist Bahrain in their reform agenda including by working with the Northern Ireland Co-operation Overseas (NICO) programme". "Our and NICO's aims are to assist the Government of Bahrain to bring its justice system into compliance with international standards. All of NICO's work in Bahrain is regularly monitored and reviewed and continues to comply with rigorous UK human rights standards, which are in line with international human rights law", added Elwood who concluded that "the impact of their work has been and continues to be positive".

For his part, Simon, Hamilton, the Economy Minister in the Northern Ireland Executive, sent a letter to Reprieve group (published in the North Irish press), rejecting the group's allegations and its request to suspend cooperation and aid work carried by the Northern Ireland Co-operation Overseas Ltd in Bahrain.

The Executive Minister, Hamilton, added that the Northern Ireland Executive was not in a position to suspend the company's work in Bahrain as it didn't award the contract, which was awarded by the Foreign and Commonwealth Office. He also defended NI-CO's work, stating that it "complied with rigorous UK Human Rights standards" and that the impact of its work to date had been positive.

The Minister, Simon Hamilton, went on to say that "for as long as these awarding bodies continue to co-operate and identify the need for contracts in countries where reform

is required, NI-CO will continue to deliver programmes, sharing the learning and experience of Northern Ireland to change attitudes, culture and behaviour, with the ultimate aim of aligning these countries to the relevant international standards". In spite of Hamilton's response, Reprieve insisted on its position and described Hamilton's response as "deeply alarming", and accused him of "passing the buck".

Moreover, Reprieve found support from Front Line Defenders, a human rights organisation based in the Republic of Ireland, which joined the media controversy. Mary Lawlor, founder and executive director of Front Line Defenders, responded to the Irish Times article by the North Irish expert, Pauline McCabe, who said that "the sharing of experience, best practice and skills" is critical for progress. Lawlor's rebuttal argued that "organisations and experts in Northern Ireland who want to see reform in Bahrain cannot disregard local rights experts in the process. Instead of defending the surface level reforms of Bahrain's criminal justice institutions, the Northern Ireland Policing Board ought to be consulting with Bahraini human rights defenders."

Bahrain's Embassy (London) Reply

On another level, the Embassy of Bahrain in London commented on Reprieve's report and its feedback. The Embassy's reply, which was published in the Irish Times, said that "In the past three years with NI-CO's assistance, as part of the Bahrain-UK technical cooperation program, Bahrain has been able to reshape its human rights landscape and strengthen protections and guarantees."

The Embassy added "The technical co-operation programme focused on areas of police and security reform and also in areas of the criminal justice system. The Bahrain Independent Commission of Inquiry's (BICI) report recommended the establishment of oversight bodies, such as the Ombudsman Office – a police and prisoner ombudsman – to which there was no equivalent in the



Simon Hamilton



Tobias Ellwood, British Secretary of State

region. As a result, training, standards of procedure and models to adopt were unavailable in the region and there was little, if any, Arabic source material from which to draw”.

Based on that, the Embassy concluded that “the challenges of establishing oversight institutions are quite significant. These institutions have had to go through a phase of defining their legal frameworks, recruiting staff and training them, as well as establishing and refining standards of practice and procedure. The ongoing work between NI-CO and institutions in Bahrain is a critical part of the reform process in direct response to the BICI recommendations. For Reprieve – or any other human rights group – to set an arbitrary timeline for making ample progress is not helpful”.

The Embassy’s statement further added that “disregarding the challenges of establishing of such institutions, the steep learning curves, and the complexities of changing social and institutional cultures robs these institutions of any chance of success. In fact, it is counterproductive and has

to make one wonder what the ultimate goal is – to seek an end to the shared relationship with parties from the United Kingdom rather than strengthen human rights protections”.

According to the statement, joint cooperation between Bahrain and the United Kingdom “has helped to bring about more accountability and oversight in Bahrain, and it would be a shame to see that come to an end over the misguided intentions of people who may have a political agenda that stretches beyond reform. If those calling for reform in Bahrain really want it, they should join in the process and support the efforts of collaboration, retraining and the institution of best practices that result from the co-operation between the UK and NI-CO, and the Kingdom of Bahrain”.

The statement concluded by admitting that “there is an acknowledgement that more needs to be done, but, at the same time, there is demonstrable evidence from the reports of these entities that a lot of progress has been achieved”.

How to Prevent Human Rights Violations

The international human rights community has developed a practical and theoretical approach, to address specific human rights violations. To achieve this end, legislation, mechanisms, approaches, treaties and protocols have been put into place. There are, for instance, treaties and protocols on genocide, war crimes and torture. Nations are often requested to ratify treaties and protocols in this regard.

With respect to the practical methodology, human rights theorists have made achievements in many issues, based on two elements:

- Preventing the incidence of violations in the first place.
- Addressing violations when they occur.

Now, it is intended that this methodology be applied to all types of violations, rather than specific violations. Thus, states can follow all the necessary steps towards taking effective measures and procedures that prevent the occurrence of violations; and also to have in place mechanisms and legislation that would help in addressing the effects of these violations and prevent their recurrence, if they do occur.

The question is how to prevent the occurrence of violations at the outset, based on the proverb: “An ounce of prevention is better than a pound of cure”.

According to UN literature “Direct prevention aims to eliminate risk factors and establish a legal, administrative and policy framework which seeks to prevent violations. It is also contingent on establishing a culture of respect for human rights, good governance and the rule of law, and an enabling environment for a vibrant civil society and free press.”

For example, the prevention of torture and cruel, inhuman and degrading treatment or punishment includes adopting laws prohibiting their use and providing for prosecution of those who violate them. It also includes putting in place procedural safeguards – such as registers in places of detention and video recordings of interrogations – as well as ensuring independent oversight, including regular monitoring of places of detention by independent bodies”.

But, what steps need to be taken by states in the event of incidence of violations, and how can their recurrence be prevented?

The first step is to identify the root causes underlying violations by conducting investigations;

Secondly, the prosecution and punishment of perpetrators according to the law;

Thirdly, to ensure the right of victims to know the truth about violations, as well as their right to an effective remedy, including compensation;

Fourthly, the development of legislation - in case of lack of legislation- covering a specific violation, or amending some legislation to close the legal gaps and hence prevent the recurrence of violations.

In all cases, the responsibility lies almost entirely with the state to prevent violations, and this makes it incumbent on the state to: ratify and implement human rights treaties; to create and promote a tolerant culture that respects human rights; to activate the national institutions and civil society in order to carry out their functions; and finally, the state is responsible for assisting and redressing victims of violations.

Positive Engagement is Bahrain's Way Forward

In an article entitled 'Bahrain deserves a chance to prove itself on Human Rights', published in The Irish Times, on October 17th, 2016, Professor Pauline McCabe, offered an objective assessment of the efforts and progress made by the Ministry of Interior's Ombudsman in Bahrain, despite being a relatively new institution, established in compliance with the BICI recommendations.

Professor McCabe emphasized the importance of the policy of practical engagement in helping countries like Bahrain overcome their shortcomings as far as Human Rights are concerned; such as illustrated by the UK-funded work undertaken by Northern Ireland Cooperation Overseas (NI-CO) in the fields of training and capacity building for Bahrain's security forces and Ministry of Interior's staff.

What lends credence and weight to Professor McCabe's assessment and opinion is the wealth of expertise she has accumulated over the years in the fields of criminal justice development and prisons' reforms. She has assumed the post of Northern Ireland's Prisoner Ombudsman for an initial period of three years in 2008, that was subsequently extended for another two years. It came as no surprise that, in recognition of her exemplary performance and remarkable achievements, she was included in H.M. the Queen's honours list of the New Year 2014, and awarded an OBE.

Furthermore, the work Professor McCabe undertook in Bahrain as an independent criminal justice expert in some projects allowed her a unique opportunity to follow up and engage in the day to day running of things, with respect to Bahrain's efforts to develop the Office of the Ombudsman.

Ms McCabe's first-hand view of the difficulties and challenges imposed

by precarious security and political uncertainties both domestically and on the regional level, as well as her close-range acquaintance of the desire to develop the human rights situation has urged her to continue working towards overcoming the obstacles.

It is hoped that the honest assessment published by Professor McCabe would help persuade major players in the international human rights arena that Bahrain does not lack the political will to effect change. They should view the establishment of human rights institutions such as the Ministry of Interior's Ombudsman Office, Special Investigation Unit (SIU), Prisoners' & Detainees' Rights Commission (PDRC), in addition to the restructuring and strengthening of the National Institute for Human Rights (NIHR), as a clear indication in that respect. Needless to say, for these institutions to bear fruit, there is no substitute for the positive engagement and cooperation with the international human rights community, so as to benefit from them, to gain experience and to acquire rationalization and guidance capabilities which are all available in these institutions, especially UN's human rights mechanisms and key international human rights organisations.

We do understand and recognise the issues of concern that these international entities raise every now and then. We also share their eagerness for the newly formed national human rights protection mechanisms, to make major tangible achievements and to show more transparency and keenness to publish comprehensive data of the fruits of their labour.

Such transparency is not only necessary to assert their efficiency, but most importantly to gain the trust

of the Bahraini community at large, particularly the aggrieved and their families.

A wider interaction between the nascent institutions and international human rights organisations in the form of joint projects, programs and workshops represents the right approach in the pursuit of consolidating the local human rights infrastructure. Allowing international experts and observers to assess and advice on the performance of the Ombudsman Office could benefit the latter and greatly contribute to responding to the queries of the international community and easing its concerns.

By the same token, we expect from the international human rights entities to demonstrate a more flexible and sensitive attitude towards Bahrain's human rights dossier. They need to adopt a more objective and realistic approach in their reporting and public statements; an approach that does not fail to recognise and acknowledge any progress. This would go a long way in bridging the trust gap by reassuring Bahraini authorities of the good intentions of these organisations, and demonstrate that they are motivated by the desire to defend and promote human rights, not by political agendas.

The Bahraini authorities for their part still feel that international human rights organisations do not appreciate the efforts the newly established national human rights mechanisms exert, in the face of clear challenges.

Finally, it is needless to reiterate, that since both the national and international mechanisms share the target of serving the human rights cause in Bahrain, there is no alternative but to work diligently and cooperate to dispel the lingering distrust, if any.

Areas of UK-Bahrain Cooperation in the Human Rights Dossier

The historical relationship between Bahrain and the United Kingdom is not the only reason why the government of Bahrain sought technical support from its historical ally, in modernizing its human rights institutions and related aspects.

Undoubtedly, the historical relationship does play a role in promoting trust.

But the historical relationship has also resulted in a better British understanding of the reality of the Gulf region and its people, culture and how to conduct reforms in that region.

These days, Gulf nations view the United States as a reckless friend who has no grasp of history or culture, but rather seeks to impose its views in a manner

existing institutions and creating new ones.

During his visit to the United Kingdom last October, His Majesty the King of Bahrain and the Prime Minister, Theresa May, have discussed the subject of reforms in Bahrain, as well as other topics. His Majesty the King, HE the Foreign Minister Sheikh Khalid bin Ahmed Al Khalifa, as well as Downing Street's spokesman and the UK Foreign Office, all stressed on the 200-year historical relations binding the two countries with emphasis on the mutual trust that exists between the two countries, as well as the appreciation of the British reform's methodology which enhances and consolidates the power of the state, while safeguarding the rights of its citizens.

Hence, the United Kingdom has engaged in expanded projects in cooperation with the Government of Bahrain, to bring about fundamental changes in the policing system and assist in the establishment of a number of human rights protection institutions, such as the Office of the Ombudsman, the Prisoners' and Detainees' Rights Commission (PDRC), the National Institution of Human Rights (NIHR) and the Special Investigations Unit (SIU).

According to the British Foreign Office, which oversees, coordinates and finances technical support to Bahrain, the ultimate goal is to "support Bahrain's revival as a stable and reformative state with good Human Rights record" and that the ultimate objective of the British programs is "strengthening the rule of law, social reconciliation and good governance". As for the planned programs in collaboration with the Government of Bahrain, they include:

- Capacity-building support to the Ombudsman's Office through Northern Ireland Cooperation Overseas (NI-CO) to increase accountability;
- UK-based training to the Prisoners' and

Detainees' Rights Commission through Her Majesty's Inspectorate of Prisons (HMIP);

- Supporting local NGOs and youth societies to promote freedom of expression through the Causeway Institute for Peace-building and Conflict Resolution;
- Reforming the youth justice system through Northern Ireland Cooperation Overseas (NI-CO).
- Supporting justice reform through improvements in the court administration system through National School of Government International (NSGI).
- Improving the effectiveness of the Reform and Rehabilitation system in Bahrain through Northern Ireland Cooperation Overseas (NI-CO).
- Improving NGO governance structures and increasing civil society engagement in policy making and legislation-drafting through the Charity Commission for England and Wales.

Extensive Visits & Cooperation

It was noticeable, recently, that mutual visits between the two countries have become more frequent in the pursuit of extending technical cooperation between the two countries and broadening the scope of reforms to include other fields.

On the tenth of last October, Labour and Social Development Minister, Mr. Jameel Humaidan, met a British delegation consisting of three experts in the field of organization and assessment of the work of civil society organizations and NGOs, in cooperation with the Charity Commission for England and Wales, to get acquainted with the British experience in charitable voluntary work, NGOs and social welfare.

A week later, on October 18th precisely, the Minister of Labour Mr. Humaidan, visited UK at the head of a delegation of representatives of non-profit organizations, and members of the volunteer work Development Centre (under establishment). The visit, in accordance with the memorandum of understanding (MOU) signed between the two countries



The Minister Humaidan with the British Minister for Civil Society

that leads to chaos rather than reform and modernization.

That is precisely the reason why the government of Bahrain has accepted British aid as well as assistance from some European countries; but refrained from accepting such assistance from the United States, fearing that the latter's approach could lead to catastrophic consequences.

No wonder, then, that since the events of February 2011, the United Kingdom has had a special role and presence in Bahrain's human rights developments, especially after the release of Bassiouni's report, and the Bahraini government's pledge to implement its recommendations which require many years of reforming

in November 2012, was aimed at viewing and benefiting from the British experience in NGO and voluntary work, as well as exploring areas of technical and supervisory support for civil society organizations, strengthening cooperation in the care, rehabilitation and reintegration of delinquent children into the society, getting acquainted with the laws and regulations adopted in the rehabilitation of juvenile offenders, and the programs for children protection from violence and abuse and care for children exposed to crimes of misuse of the internet and social networking.

For his part, the Minister, Humaidan, stressed the importance of cooperation in the development of regulations and legislation related to social protection. Cooperation has also been agreed with the British National Crime Agency (NCA) to promote ways for Bahrain to take advantage of the advanced programs developed by the NCA for protecting children from exposure to exploitation, abuse, crime and

reports.

The Minister, Humaidan, said that his Ministry has been cooperating with the British Charity Commission for years, as it is a prestigious organisation "with an accumulated experience in providing technical and consultation services, training NGOs' staff, as well as risk management and analysis of financial statements. It also provides all kinds of support to protect NGOs from everything that may undermine the security and safety of society"

Before their return, the Minister Humaidan and his accompanying delegation met the British Minister for Civil Society, Rob Wilson, who outlined the British experience in the development and support of civil society, NGOs as well as charitable and social organizations. Mr. Wilson also explained the Ministry's strategy to build an effective participatory relationship between the government and civil society. The British Minister also discussed the programs for developing and building the capacities

and capacity development.

Dr. Al Buainain affirmed the activation of the provisions set forth in the international conventions and treaties to which Bahrain has accessed, including all aspects of judicial cooperation, in combatting crimes, terrorism, corruption and human trafficking, in addition to the exchange of information required by criminal proceedings and execution of judicial assistance requests while taking into account the international human rights principles set forth in national legislation. Other aspects of cooperation include the exchange of expertise, research and studies, and consultation on important and pressing issues in both public prosecutions."

For her part, Alison Saunders, UK's Director of Public Prosecutions, said that "independent prosecutors acting fairly in the interest of justice are essential to an effective system of justice, in which the public have confidence. I am pleased to offer the Crown Prosecution Services Support to the Attorney General of Bahrain in his continuing drive to strengthen criminal justice in Bahrain".



Bahraini Attorney General with his British counterpart Ms. Saunders

delinquency.

The Bahraini minister and his accompanying delegation visited the British Charity Commission and met with both its director and its international program director. They were briefed on the Charity Commission's vision, responsibilities and work mechanisms, and its role in the oversight of NGO activity. They were also briefed on the laws regulating the work of NGOs, the commission's oversight of the movement of their funds to ensure they contribute effectively to achieving national and development goals and social partnership, as well as the inspection procedures and analysis of financial

and personal characteristics of young volunteers, aiming at allowing them to gain life experiences and technical skills as well as enabling them to use such skills in the development of their communities. The visit also explored programs and initiatives aimed at developing and encouraging voluntary work.

During last October, also, and as part of the major UK-Bahrain cooperation project, the Attorney General, Dr. Ali Bin Fadhl Al Buainain, and Ms. Alison Saunders, the British Director of Public Prosecutions, signed a memorandum of understanding regulating aspects of cooperation in the exchange of judicial assistance, expertise

ARK Group in Bahrain

The British Foreign Office organized a visit for a delegation of the British group, Ark, to visit Bahrain to have a closer look at the development needs of the National Institution for Human Rights (NIHR), and to assist it in various fields.

ARK is a British consultancy operating in the field of research, conflict resolution, security, justice, human rights and building institutions, media and civil society in the Middle East and North Africa (MENA).

The organization offers its services in coordination with the British government and the governments of the European Union, the United States and others.

NIHR's Vice chairperson, Mr. Abdullah Al-Derazi, met a number of ARK experts among a delegation headed by Mr. Ben Mathews, Head of Programs Department at the British Embassy. The meeting discussed aspects of cooperation, exchange of experiences and providing consultancy and training programs.

UK Foreign Office:

Our Goal is Justice & Building Effective Human Rights Institutions

The Government of Bahrain has gone to great lengths to create several institutions pertaining to the justice system and human rights. Foremost among these institutions are the bodies concerned with monitoring, investigation and grievances, which include: The Office of the Ombudsman, the National Institution for Human Rights (NIHR), Special Investigations Unit (SIU) and the Prisoners' and Detainees' Rights Commission (PDRC).

Like any fledgling institution, these bodies need time to establish themselves and gain the necessary experience to perform their roles and achieve their objectives.

Several years have elapsed since the establishment of these institutions, during which efforts have been exerted to activate them through training. This was supported by obtaining foreign expertise and enacting relevant legislation.

Now, we think, it is time for the harvest.

The community is expecting these institutions to have a real and effective role.

International human rights organizations, and even countries contributing to the training, also expect these Bahraini institutions to exercise their role in full. They are hoping and counting on Bahraini institutions to bring about real change in the entire human rights path.

It has been observed that these institutions with varying degrees of effectiveness, have begun to address the issues classified as human rights issues. They are increasing their activity from year to year and issuing reports on their activities, including the size of issues dealt with and other information.

NIHR, has documented its activities in its last two annual reports. In the report issued in 2015, NIHR said that it has documented about 88 human rights complaints and achieved positive results in 36 complaints through follow up and other actions.

The Office of the Ombudsman issued its report last June, stating that the number of complaints it has dealt with increased by 375%, which indicates growing public interaction with its activity. This compels the Ombudsman Office to build on this trust; to strengthen communication with the public, and to achieve positive results in the course of justice.

When the Jau prison events occurred in March 2015, the Ombudsman Office received 196 complaints from the families of prisoners. It is a positive indicator, that citizens submit their complaints to these institutions which in turn welcome their complaints and follow them with investigations and taking appropriate actions.

The Special Investigation Unit (SIU), concerned with examining complaints related to allegations of torture and ill – treatment, has charged 70 police officers with torture and/or assault. In some cases, the SIU has appealed lenient sentences given to police officers found guilty.

In sum, realising the big hopes of developing these human rights institutions, requires the following:

1/ Greater transparency in their reports, activities and relationships with citizens.

2/ These institutions need to exert more effort to gain the trust of citizens, especially the families of prisoners and detainees. This is the way to develop an interactive relationship that leads to realising justice and entrenching its tenets.

3/ to continue training their members and allowing them to gain experience, through relations with relevant international organizations.

4/ Maintaining credibility by stressing independence.

Since these institutions represent the key foundation to be relied upon in the future development of the human rights situation in Bahrain, the British Government's technical assistance package has focused on aiding these institutions, providing them with expertise and following their progress as much as possible. The British philosophy in this regard is that human rights cannot be protected without professional and effective institutions, equipped with competence, expertise and experience.

This British interest is confirmed by the fact that the periodic human rights reports issued by the British Foreign Office (to monitor developments in human rights situations in UK's priority countries) focus heavily on these emerging Bahraini human rights institutions.

The British FCO Report, which was issued on 21 April, stated that Bahrain has

seen progress on human rights, although challenges remain. The report noted that the Government of Bahrain continues to implement its human rights and reform agenda, while pursuing its socio-economic reform programs to promote and contribute to greater social inclusivity and cohesion across all communities.

As for the technical assistance to Bahraini institutions, the Report pointed out that the support which began in 2012 is aimed at building effective and accountable institutions, strengthening the rule of law and justice reform, in line with the recommendations of the Bahrain Independent Commission of Inquiry (BICI) and the UN's Human Rights Council (UNHRC).

Although the British Foreign Office Report expressed continued concerns regarding freedom of speech and expression and peaceful assembly, as well as concerns about the deprivation of nationality and death sentences; nonetheless the British compass remains strongly focused on human rights institutions and means of ensuring their success.

On this aspect, the British FCO report differs in its approach from the US State Department report which was released around the same period. The latter was more comprehensive, and avoided to a large extent, expressing opinions or judgment; restricting itself to the role of the narrator or conveyor of the positions and views of international human rights organizations on the various aspects of human rights in Bahrain, as well as conveying the corresponding responses or explanations issued by the competent Bahraini authorities.

The bottom line is that emphasis on the role of human rights and supervisory institutions is not just a necessity to achieve Justice, but also an invaluable tool without which none of the human rights conditions can be improved. More important still, is that the government investment which went into the establishment of these institutions should be coupled with granting them the necessary capacities, resources and trust to become a cornerstone in building human rights in Bahrain.

How to Respond to International Questions & Criticism

Criticism is still being levelled against Bahrain by international human rights bodies and by some states at the Human Rights Council (UNHRC).

Several queries are directed to the Government about specific human rights issues. Thus, many problems arise in this regard:

First: Organizations complain about the lack or tardiness of responses.

Second: Responses may be insufficient and do not properly or completely answer the specific questions asked.

Third: It has become clear that there is a problem regarding the persuasiveness of official replies to the questions posed by international human rights bodies. Irrespective of the strength of the official responses, international organisations and institutions may still be inclined to doubt their credibility, due to lack of trust.

In Some cases, the organizations say that official answers amount to mere 'justifications' of Government behaviour rather than 'addressing' the specific human rights issues.

For this the reason, some may have wrongly understood that the Government of Bahrain is either unwilling or evading to answer the questions posed, which is untrue in most cases. Even in cases where the government has strong arguments, they are not presented or submitted.

However, it should be recognised that there is a lack of trust between both sides. The Bahraini Government has little trust in these organisations, in terms of impartiality and independence. On the other hand, there is a professional deficiency in the official answers and in the manner of response. This is more of a shortcoming than a default by the Government.

1/ In official responses a difference is noted between the official position and that of international human rights organisations, in terms of the legal reference and characterization. When a certain case is viewed as relating to freedom of expression by the organisations, the official position sees it as an issue of contempt and incitement. What human rights activists regard as an exercise of the freedom of

assembly is officially characterized as chaos and lawlessness.

Hence, we have two different cultures, drawing upon two sources of legal references, a national reference and an international reference, that follow different sets of standards.

The two references should have been aligned, at least through Bahrain's acceptance of the international law referentiality in certain specific issues related to the agreements signed or accessed to by Bahrain.

Confusion occurs when official responses are based on Bahraini national laws, which do not, necessarily, take into account the international laws, conventions and treaties ratified by Bahrain, nor the relevant international standards.

2/ Official information, responses and data, generally address a local populist audience. However, the official discourse addressing international human rights organisations should have used the human rights language, taking into account that it is addressing a different, non - local mentality which has a distinct cultural and legal reference. Accordingly, the official human rights discourse must be developed, bearing in mind that it should differ from the domestic discourse. The international political and human rights community should be addressed in its own language and according to human rights standards.

3/ Use of generalities and digressions, is a characteristic of Arab discourse in general. The international human rights community, has very specific questions and inquires concerning very specific issues, thus answers must be direct to the point and avoid generalities.

4/ Shortage of evidence and fact-based information: In many cases, the authorities may have evidence which cannot be disclosed for security

reasons, special circumstances or for legal considerations (e.g. in cases that are still pending adjudication) and hence insufficient information is submitted by the authorities. However, mutual agreement can be reached with these human rights organizations on the understanding that the information provided by the authorities, first of all, is not final and secondly, is not meant for publication, due to legal reasons. Providing information and timely responses can help to reduce the trust gap between the two sides. On the other hand, providing incomplete information, or information that does not cover the findings or show evidence, subjects the official responses to criticism and distortion.

5/ Repeatedly making unfulfilled promises (e.g. we shall issue an information



Human Rights Council (UNHRC)

law regulating the freedom of the press, we shall consider allowing the Special Rapporteurs to visit Bahrain, we shall issue a new law for civil societies).

Thus, we conclude that if the official human rights discourse is to be convincing and professional, it has to be supported by evidence proving that the actions, procedures and verdicts taken in specific human rights cases, are in line with international laws and the conventions ratified by Bahrain. It does not help to simply invoke national laws alone, unless these laws are in conformity with international standards and agreements. Therefore, official authorities have to demonstrate, through their responses and discourse, that they have not violated these international laws and standards.

Freedom of Worship & Combating Religious Motivated Violence

Political violence in the name of religion has become widespread in the Arab world which witnesses a proliferation of organizations that use religion to justify violence in the beginning, only to turn it into a political investment in the end.

This issue is not purely cultural; nor is it just a historical legacy brought about by warring sectarian and denominational communities. Religious violence is also, first and foremost, a phenomenon which has current roots, and its players do not belong to the distant past, but are actually living among us. The environment in which this violence is practiced in the name of religion has changed because of the emergence of the nation state, which undertook among its duties, the protection of its citizens from religious violence, blocking it from the outset and combating it through various means. At the forefront of these means is the adoption of the freedom of worship and belief as a fundamental right, which constitutes part of the solution of the problem.

In an attempt to rein in violence in the name of religion, the Human Rights Council (UNHRC) condemned "all forms of violence, intolerance and discrimination on the basis or in the name of religion or belief, and violations of the freedom of thought, conscience, religion or belief, as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means".

Although the phenomenon of violence in the name of religion almost

exists in specific countries or regions, it has now expanded to become more of a global issue than a regional or local phenomenon. Advocates of religious violence have sought to send messages to the outside world, through humiliating images of victims who are religiously different. These acts have been staged with a level of brutality that is unprecedented in modern history in order to gain global media exposure.

This religious violence, which is mostly politicized, has taken many forms, such as attacking places of worship, targeting individuals belonging to different sects, suicide attacks during religious or social seasons. But certain states may also exercise religious violence or violence that uses religion as justification, against segments of the community that differ in religion or sect. Their atrocities include mass killings, mass expulsion, enforced disappearances, extrajudicial executions, sexual assaults, torture and other atrocities (e.g. Rohingya in Myanmar). Moreover, some states may deprive certain segments of the community of their rights of worship by invoking religious arguments (e.g. Christian minorities in some countries). These states may enact repressive or discriminative legislation against religious minorities thus creating a climate for violently targeting them by spreading a culture of hatred and promoting it through official media.

But violence practiced by segments belonging to the religious majority, may easily target members of the same religion, under the pretext that those members are too moderate or do not sufficiently adhere to the

tenets of religion. The prevalence of religious violence diminishes the space available for debate and criticism on religious issues. Thus, normal debate could lead to charging co-religionists holding a different view with blasphemy and even targeting them with violence, invoking the same justifications used against followers of other religions.

This invariably proves that protection of religious freedoms, freedom of worship and the recognition of religious groups, is not only a necessity for strengthening internal harmony in societies with diverse sects and denominations but is also a necessity to protect the religious majority from being harmed and fragmented by blind religious violence.

Violations of religious freedoms are often the trigger of all evils, because they can easily spill out into other political, social, cultural and service-related areas. Religious violence that claims to protect religion through disgraceful bloody acts, is not aware of the fact that religion does not need anyone's protection. Protection is actually needed by human beings and citizens as they go about their daily life. How can the protection of religion, for instance, be served when someone hurls acid on the face of an unveiled woman?

The violent and bloody aggressiveness used against members of different religions, cannot be religiously justifiable or deemed as adherence to religious requirements. Otherwise, it would be possible to justify civil wars waged along sectarian lines, as well as collective assault and enslavement of

women and subsequent sale in slave markets. In some cases, there are some who put this form of senseless violence in the context of sectarian historical wars, whether among Muslims or between Muslims and others. All this is used to conceal the current local political goals behind this violence.

There are non-religious factors, unrelated to history, which fuel and justify this religious violence. There are also some social groups or specific figures which regard religious violence as a means of securing political gains.

We must always pay attention to these factors, which may include: political tyranny; the existence of poverty and social, cultural, economic and political discrimination factors; the existence of official exclusion and marginalization policies against certain groups; inequalities between citizens; fragmentation of the social fabric; endemic corruption and political nepotism and widespread dissatisfaction with public policies. Under these conditions politicians may resort to converting political differences and basic human rights demands into sectarian and denominational differences.

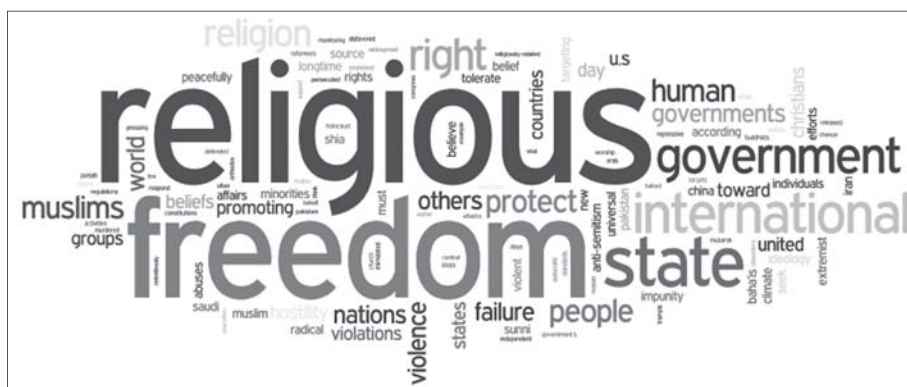
Also Among the factors are the loss of trust in the state's weak and ineffective institutions, the prevalence of a culture of impunity, denial of serious violations and the existence of sectarian charging pumps both external and internal, through religious and media channels. In most cases, specifying a state's religion is often exploited in persecution and prejudice against other minorities.

Accordingly, we should not accept superficial analyses of the phenomenon of religious violence, but should rather go beyond the

surface to examine the underlying social, political, psychological and cultural factors, to find the true causes of the phenomenon and the means of addressing them.

The perpetrator of violence is a human being, not a religion. Thus, it is an unacceptable generalization to stigmatize religions as violent or intolerant. It is true that there are multiple religious interpretations generated by humans and that some or few of them justify violence. In other words, it is recognized that some religious violence has religious motives, but in many cases, these motives are mixed with political and economic designs.

The question is, how can countries



prevent the growth of a culture of religious violence, and prevent the country from slipping into internal wars and massacres etc.?

First, we have to recognize that the State is responsible in terms of protecting its citizens from attacks, crimes against humanity and all forms of incitement, by optimizing its media and educational institutions. For example, school textbooks should not contain stereotypes and prejudices which could encourage discrimination or fuel hostile sentiments against any religious group.

The state is again responsible for developing a comprehensive national

culture capable of accommodating the other sub - cultures, and should also conduct educational and awareness drives to strengthen the mutual respect between religious cultures and the appreciation of religious pluralism within the community.

Thirdly, the state is responsible for respect of the freedom of religion and belief, and all other human rights, and for abolition of legislation which ignores the rights of some religious communities so as to give them the legitimacy to stay and practice their religions. The state is responsible for the elimination of discrimination between citizens along sectarian or ethnic lines, because such

The High Coordinating Committee for Human Rights in Bahrain (HCC)

With the continuing ascendancy of the Human rights and its widespread impact on the international relations arena, it has become necessary for states to exert greater efforts to improve their human rights affairs, in accordance with the principles and criteria agreed upon by the international community, and later included in agreements, treaties and protocols that are binding to all parties signatories to them.

By virtue of their memberships in international conventions, treaties and protocols, states automatically become subject to the international mechanisms designed to ensure their fulfilment of their obligations. This compels the states concerned to establish national mechanisms, capable of cooperating and interacting with international human rights mechanisms, as well as meeting their respective state's obligations in connection with the submission of periodic reports and follow up the implementation of all the recommendations issued by international human rights mechanisms.

It is obvious that each state has the right to choose the national mechanism it deems convenient for interacting and dealing with the various human rights mechanisms and bodies established under UN treaties.

According to UN literature, there are four types of national mechanisms: The first, ad hoc, is created for a limited purpose, such as the preparation of a report or for follow-up and is then disbanded. The second, ministerial, is based in a particular ministry, which is often the Ministry of Foreign Affairs or the Ministry of Human Rights; the third is the Joint mechanism (or Inter-ministerial mechanism) between a number of the state's ministries and departments and the fourth is the 'institutionally and administratively separate mechanism'.

The Kingdom of Bahrain has initially adopted the 'joint mechanism', before creating the Ministry of Human Rights in 2011 and consequently adopting a national 'ministerial mechanism'. However, in August 2012 Bahrain opted to go back to the 'joint mechanism' and its Prime Minister issued a decision to establish the High

Coordinating Committee (HCC) for Human Rights, which was later restructured in May 2014, to include representatives of relevant ministries and government departments.

There is no doubt that the national mechanism's functions primarily require a high degree of coordination with the relevant state ministries and entities, such as the statistics department, the legislature (parliament), the judiciary, and others. The national mechanism is also required to discharge its functions in consultation with the national human rights bodies and civil society institutions.

It is also clear that the national mechanism acquires its effectiveness based on the extent of the powers granted to it, and the degree of high level official recognition of the importance of its role. Added to that, national mechanism staff needs to have the necessary competences and expertise which could be accumulated through continuity.

Effectiveness of the National Mechanism

According to international experts, there are four key capacities that a national mechanism should have, if it is to become effective:

1- Engagement: This is the capacity to engage and liaise with international, regional and national human rights bodies, in terms of the ability to maintain interactive dialogues or to organize and facilitate the preparation of reports to international and regional human rights mechanisms, and to respond to communications and follow-up questions and recommendations/decisions that may be received later from such mechanisms;

2- Coordination Capacity: refers to its capacity and authority to organize and coordinate information gathering and data collection from government organs, ministries, institutions and other entities, for the purpose of reporting and following up the progress of implementation of recommendations. Of course, this coordination process gains greater

momentum when it receives ministerial support, whether it comes through the executive committee of the mechanism, or through the direct involvement of the ministers or undersecretaries (e.g. in the mechanism's meetings);

3- Consultation Capacity: refers to its capacity to foster and lead consultations with the country's national human rights organisations and civil society institutions, in a manner that provides an opportunity to openly discuss draft reports required by international and regional human rights bodies (such as the Universal Periodic Review reports), and in a manner that allows for the involvement of those rights holders that are most affected, including disadvantaged groups, which will assist the government in preparing strong, accurate and comprehensive reports. This, in turn, will greatly enhance the state's transparency and accountability;

4- Information management: This refers to the capacity to track the issuance of recommendations and decisions by the international and regional human rights mechanisms; to systematically sort and tabulate these recommendations and decisions in a user-friendly format; to identify responsible government ministries and/or agencies for their implementation and to develop follow-up plans, including timelines, with the relevant ministries and/or agencies to implement these recommendations and to provide the necessary information required for preparing the requested periodic reports.

Bahrain has chosen a national mechanism based on the joint coordination system between the ministries and government departments under the name: High Coordinating Committee for Human Rights (HCC). This requires the presence of the representatives of these ministries at the same table, which facilitates the process of dialogue and exchange of views to reach a common vision and specific decisions on the issues at hand.

However, the success and effectiveness of the HCC remains dependent on the availability of indispensable elements:

- HCC's members should be equipped

with complete know-how on the rules of work in the international human rights field; and to be cognizant, at least generally, with the nature of human rights discourse, as well as being able to identify the key human rights players in the international scene, including organizations, states and UN institutions and specialized agencies. They should also be cognizant of local human rights entities from among the civil society institutions.

Members should also have a general knowledge of international human rights law and the impacts of human rights on international relations; and should acquaint themselves, as much as possible, with the international conventions, treaties and protocols, as well as the mechanisms and international bodies overseeing their implementation and compliance status. Moreover, members should be familiar with the provisions of these conventions, treaties and mechanisms and their significance to

Bahrain, as well as Bahrain's obligations towards them and the potential negative effects in case of failure or laxity in fulfilling those obligations.

- There is a crucial need to accumulate experience and expertise, and this requires an element of continuity; in the sense that the Committee's member representing the ministry or department, should be stable and not be substituted by another person except under force majeure.
- A committee member should be vested with sufficient powers from the ministry or agency he represents in decision-making, without needing to refer back to it for every single detail. Since this Committee has been described as a 'high' committee in the decree which created it, international authorities expect it to have a representation at the level of ministers, undersecretaries or directors, who have the powers to take final decisions, concerning the aspects relevant to their ministries or departments, with

respect to the implementation of the specific commitments imposed by the requirements to respond to the recommendations of international or regional human rights mechanisms.

- It would be commendable if each member of the HCC could establish a special human rights unit within the ministry or department he represents, to primarily undertake the completion of reporting the aspects related to the ministry, in the context of preparing the periodic review reports required by international human rights mechanisms; as well as undertaking the task of implementing the resulting recommendations. These specialized human rights units within the ministries and departments could become a source of human rights enlightenment among the staff of the ministry or department concerned, in a manner that allows the human rights culture and literature, to gradually seep into the veins of the State's apparatus.

The Role of a Lively Society in Public Affairs

One of the major features and characteristics of lively and advanced communities is the extent of their participation in public affairs. By 'public affairs' we refer to those matters which go beyond individual interests. This includes any public concern shared by the people, whether it is a political matter or any other matter of public interest.

Some states do not wish to see their peoples involved in public affairs. These are mostly authoritarian states, whose dominance begins with keeping their communities away from political affairs, and then extend their hegemony to other fields, such as social, cultural, sporting and charitable activities. Under these conditions, collective popular action cannot materialize, which in turn leads to the fragmentation of the popular will and to its failure to agree on any single subject, irrespective of how positive it is, even in sports.

That is why we see in these countries that civil society dies or find it hard to even take shape. Authoritarian regimes do not allow the formation of the institutions needed both by the community and the state, as long as it involves popular participation in decision-making, at any level.

In these dictatorial states, parliamentary institutions, if any, become little more than empty structures among other weak institutions, with popular control virtually non-existent, except such control which the authoritarian regime creates to protect itself.

Thankfully, and contrary to what is prevalent in the region, the Bahraini society is a truly lively society. It has not been stifled by the political authority, which allowed and encouraged the creation of civil society institutions and allowed the popular will to be expressed politically through parliamentary elections, and service-wise through municipal elections.

For this and other reasons, we believe that the Bahraini society is

by far livelier than neighbouring peoples, in terms of participating in public affairs.

The political system for its part recognizes the value and importance of people's participation in public affairs, in respect of the help it could provide in fulfilling aspirations and the role it could play in public accountability and in assisting the state in carrying out its duties. Popular participation plays a fundamental part in launching and directing public energies towards construction. The political system is also aware of the importance of all this in achieving political stability and security, and enhancing the legitimacy of the political system.

However, there is a problem in managing such a lively community which may often become a source of disturbance and confusion to the authorities themselves. But I suppose that this problem is 'purely administrative'. You cannot manage a lively and educated society, with a long-established legacy in civil and public service, using the same tools used to manage a people who do not enjoy these attributes.

The state has banked on the lively Bahraini community's role in construction and development, and opened the way for launching its energies in regulatory channels; it should thus bank again on the community's ability to reach adulthood. This society will inevitably reach political and social maturity, because it has an accumulated awareness that, enhanced by its experience, would allow it to reach that stage and to rectify some of its behaviours that transgress against the law.

Hence, it is necessary to help the Bahraini society to achieve this level of maturity, through more guidance and through involving it further in public activity; and not by restricting or restraining it, as such an approach could be detrimental to the state and the society.

Standards of Good Governance

No governance is good without respect for human rights

This is an axiom in the definition and assessment of good governance and its performance.

The subject of human rights has become part of the details of everyday public life. Human rights themselves have not only become an approach which governments are required to abide by, but also a measure of the type and viability of governance, and even a mean of evaluating its future.

The term 'good governance' may be new in Arab literature, but is extensively used as a genuine human rights term.

Good governance is governance in which the following conditions are met:

- Availability of democratic institutions, which allow individuals to participate in public affairs.
- Successful delivery of state services to the people, such as the services of education, health, housing, employment and others, which are among the rights of people.
- Governance based on the rule of law, which means that laws should apply to everybody without discrimination. The law is applied fairly and in a manner that preserves the rights of individuals. It is the law that protects the fundamental freedoms of society and provides a haven for individuals against the predominance of the executive authority.
- Finally, good governance is one that combats corruption, including the wastage of public funds, transgression of the law and nepotism in favour of certain segments or members of the

society. By curbing corruption, good governance is realized in terms of having effective institutions which discharge their functions properly, to serve the public interests.

Based on the above features, seeking good governance, is a continuous and ongoing pursuit. Some regimes may develop and acquire the description of 'good governance', while others may deteriorate and hence be described as 'lacking good governance' (e.g. corrupt, authoritarian, etc.).

Hence, countries are not only required to persistently work towards integration and the improvement of conditions in order to gain the satisfaction of the people and be renowned for 'good governance', but they are also required to monitor their status, lest they slip backwards and lose what they have achieved.

Good governance according to the above standards can only be a protector of human rights, in their multiple fields. Not only protects the individual from being harmed by the authorities, but also protects them in their pursuit to acquire and exercise political, civil, social, economic and cultural rights, just as expressed in the Universal Declaration of Human Rights and the two international Covenants (ICCPR & ICESCR). Thus, any application of 'good governance' standards will necessarily serve human rights directly.

Despite the fact that the concept of 'good governance' is linked to the concept of 'human rights', the latter is separate and not a part of the former, and needs extra attention. For example, 'good governance' needs to exert great efforts in the development of legislative frameworks, policies and programs and budget allocations, etc.,

to enable the respect and development of human rights.

Good governance is responsible for providing the favourable environment for human rights and enabling their cultural and practical concepts to seep into the state institutions and the community. It is noticeable that the principles of human rights are almost identical to the principles underpinning good governance, with respect to achieving: (accountability, transparency, equity, non - discrimination, participation, equality, adoption of efficiency, etc.). On this basis, it could be said, without reservation that: Good governance is the governance which protects, preserves and defends human rights..

There is a final noteworthy point, which is that many countries are keen on providing their citizens with public services (which are among the human rights the responsibility of providing falls on the state) such as health, education, accommodation, employment etc. But these countries may be reluctant to provide the political rights of the community. In this respect, governance that fails to provide political rights is not considered as good governance, and in that case the drawbacks of preventing the political participation of citizens may have detrimental effects even on the state's performance in providing the other services.

In other words, the existence of political participation, the rule of law and the provision of services to citizens, are all interlinked. Thus, it is impossible to combat corruption, achieve the rule of law or provide services properly and continuously without allowing every citizen to have an opinion, a position and participation in public affairs.