

# Bahrain Monitor

A Monthly Newsletter on the Human Rights Situation in Bahrain



**Bahrain Human Rights Monitor**

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## Strong Civil Society, but...

It has been argued that the civil society in Bahrain is the strongest among all six Gulf States. It has certainly exceeded its Kuwaiti counterpart, despite the fact that the Kuwaiti experience is much older and has had more freedom to grow and develop. While the Kuwaiti experience has slowed down, the Bahraini experience on the other hand shows vitality and substantial public participation in public affairs. The experience of civil society in Bahrain-despite its shortcomings- has become a landmark in the Gulf, since the beginning of the political reform project in 2000.

In his first meeting with the members of the National Institution for Human Rights on 7 June 2010, the King expressed his great sense of pride in all the activities of civil society, which he believed represent an important part of social, developmental, cultural, political and trade union life of the country. The King also said that the vitality of Bahraini civil society has always been complimented by his visitors. This was evident in the participation of both Bahraini and Kuwaiti civil society in the Fleet of Freedom, which attempted to break the siege on Gaza. The King also noted that Bahraini civil society and its various activities have relieved the Government of some of its burdens, adding that it was very active even during colonialism in the 1950s when trade unions, political movements and cultural activities had laid their foundations early. Finally, the King stressed that it was the responsibility of the Bahraini Government to provide the appropriate atmosphere and necessary capabilities to ensure the continuation of civil society contributions.

Despite the fact that civil society in Bahrain is ahead of its peers, however, it has still not reached its full potential, and there is still room for improvement in all aspects. Ultimately, we still have some weak societies with poor performances, and our society in general has not given enough of its time, fund and effort. There is also need to establish new civil society organizations that can adopt and take charge of a number of causes, which have yet to be championed. The King strongly stressed his confidence in the ability of Bahraini society to produce and contribute in good deeds inside and outside Bahrain.

In order for a positive turning point to take place, the Government needs to follow words with actions, increase its financial and logistical support for NGOs, and make the necessary amendments to the laws and regulations that govern the NGOs.

### In this issue

- 4 Human Trafficking in Bahrain
- 6 King: No Red Lines for NIHR
- 8 Bahrain Celebrates Int'l Day  
of Torture Victims
- 9 Human Rights Determine  
EU-GCC Relations
- 11 What the NIHR Can Do  
in First Year?

## An Eye on Democracy!

The Club of Democracy, part of the Hiwar (Dialogue) Society, which concerned with youths from both genders, has allocated a prize for the best picture taken by mobile phones or cameras.



The shot should be about any manifestation of democracy in Bahrain. The coordinator of the Club of Democracy project Ali Jalal said that the competition aims to test the creativity and artistic talents of the youth, and encourage them to participate in such projects.

## Women's Union Provides Non-Financial Support to Women

The official spokeswoman of the Women's Union Fatima Rabea denied that the Union had given any financial help to any candidates for the next parliamentary elections. She also said that the Women's Union has put forward a plan to provide workshops to help potential female nominees to overcome any



obstacles. She added that despite not providing financial support, the Union urges and encourages women to take part in the parliamentary elections, adding that the Union believes women are capable of taking leading positions. She also said that women should have already been elected in Parliament,

if not for society's view of women as inferior, which prevented them winning a seat.

## Campaign in Bahrain Promoting Rights of Citizenship

Altajdeed (Renewal) Cultural and Social Society launched an awareness campaign entitled 'the Duty of my Right of Citizenship', with the cooperation of



the Arab Democratic Foundation and the Arab Civil Alliance. The Deputy Head of the Society Jawad Asfoor said that the campaign is a social movement consisting of Arab civil society organizations, working to promote human rights culture and spread

citizenship values. It ultimately aims for the promotion of these values on the ground through citizens' behaviour and national policies and legislations.

## Committee to Support the Press Receives Complaints

The President of the Journalists' Association Isa al-Shajji presided over the first meeting for the Committee to Support the Bahraini Press, since



its establishment in May 2010. The Committee is concerned with the defence of the freedom of press, dissemination of the culture of press freedom and accountability inside the press and the media. It also aims at

## The King and the Prime Minister Meet Members of the NIHR

On 7 June 2010, HM the King of Bahrain met the President and members of the National Institution for the first time. The delegation was headed by Salman Kamal Al Deen.

The meeting lasted about two hours, in which discussions were evolved around the Institution and its expected role. The King stressed the importance of



the NIHR, and its role in protecting the rights and dignity of Bahrainis. The King regarded adhering to Arab and Islamic values as one of the pillars of the Institution and praised the expertise and capabilities of the members of the NIHR in human rights, which will contribute to helping the Institution achieve its objectives confidently. Finally, he thanked them for their efforts in carrying this national responsibility.

On 30 June 2010, His Royal Highness the Prime Minister met

the members of the NIHR, and said that the Kingdom of Bahrain was able to fulfil many of its international human rights commitments. He added that the establishment of

the NIHR represents a positive and important development towards more promotion and protection of freedoms and human rights. The Prime Minister also stressed the Government's desire to continue working to improve human rights and promote fundamental freedoms. This comes in the context of partnership with civil society and through a comprehensive national vision based on respecting and protecting human rights as an inextricable part of social practice.

spreading social awareness regarding the importance of the media and its role in developing a democratic society, and campaigning for the right of the media and press to access and publish information. A sub-committee has been established to deal with complaints from all citizens and institutions, in order to mediate in solving problems that might occur between the media and society. The mission of the Committee is limited to Bahraini citizens' complaints regarding journalists' professional performance.

### Workshop for Developing Monitoring and Documentation Skills

On 18-21 June 2010, the Bahrain Society for Human Rights organised a workshop to develop skills in the field

of monitoring and documenting human rights violations. The Secretary General Abdullah Al Derazi said that the aim of the monitoring was to promote the state's responsibility in protecting human rights, and help in implementing international human rights standards. This in addition to taking legal procedures against violations and referring them to court, spreading awareness, providing protection for victims and providing an early warning system with regards to violations that may occur. A number of Arab experts participated in the workshop, among them Dr. Haytham Al Manaa from the Arab Committee for Human Rights and Nina Ata Allah the President of the Department of Monitoring and Documentation in the Palestinian Haq Institution.



elected its Board of Directors under the slogan 'The female quota is a necessary requirement for women to reach decision-making positions'. The former president of the Society Eman Showayter said in her speech that the quota is a necessary requirement: 'we believe that it is important that women reach decision-making positions in the Council, parliamentary elections, and even in government jobs or the private sector'. She pointed to the fact that the Society officials want to deliver a clear message to officials and the authority that the quota is an important requirement, and a temporary procedure required by the current period as well as the international agreements signed by the Kingdom, in order to empower women.



### Bahrainis in the Fleet of Freedom

Four Bahraini activists participated in the Fleet of Freedom which set sail from Turkey to break the siege on Gaza. The four returned to Bahrain and were received by a large crowd. On 7 June 2010, they were also received by the King and MP Nasir Al Fadala. The four activists are: Shaikh Jalal Al Sharqi, Khalid Bujeri, Yosif Mahmood and Hassan Morad. The King stressed Bahrain's support to our brothers in Palestine in their just struggle and congratulated the four activists on their safe return to their country and families. It is believed that the margin of freedom given to the civil society has allowed human rights activists to become emotionally and practically involved in humanitarian causes in general, especially at the Arab and Islamic levels.

### The Interior Ministry: Gradual Response to Violence

On 1 June 2010, and during his meeting with MPs from Al Wefaq Society to discuss issues related to security, the Minister of Interior said that the response of security forces to violence and riots is subject to its severity, and that a 'gradual response' is adopted in confronting violence. He added that sometimes riots can be controlled quickly, but when the situation requires special attention, it is the officer responsible who makes the ultimate decision. If the lives of policemen are endangered, as is the case with the use of Molotov cocktails, this gives them the right to defend themselves. We regret that any citizen gets injured due to his/her participation in such violent activities.



### Monitoring 2010 Elections

The Bahrain Transparency Society and the Bahrain Human Rights Society have formed a joint committee to monitor the next council and parliamentary elections. This committee has begun preparing workshops to train two hundred observers. 17 trainees were sent to participate in monitoring the Lebanese council elections last May, in order to acquire practical expertise, which allows them to performing their upcoming tasks. The joint Committee had previously supervised the last parliamentary and council elections and issued reports reflecting its findings.

### New Administration for the Bahrain Women's Society

The Bahrain Women's Society

# Bahrain in the U.S. Report on Human Trafficking: Improvement in Performance and Legislation

**On 14 June, the U.S. State Department issued its report on human trafficking in the world. The report positioned Bahrain among the countries that occupy the second category, a classification of countries that their governments are doing their best to adhere to international standards in this regard. The report pointed out that Bahrain does not fully comply with the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. The report added that the government did not show evidence of progress in providing protective services to victims or prosecuting those involved in cases of trafficking in persons. The report also criticized Bahrain for not criminally prosecuting any employers or labour agents for forced labour of migrant labourers, including domestic workers**

This rating represents a development as far as regards Bahrain's dealing with the issue of trafficking in persons compared to the reports issued in the same connection during the past three years, where Bahrain was in the second category in the U.S. report for 2008 and 2009, respectively, while it was classified in the third category in 2007. But this year there has been an evolution as Bahrain has been positioned among the countries that are committed to apply standards against trafficking in persons.

The Government of Bahrain cautiously welcomed the report, which show the recognition of the State Department of the efforts made and the developments that Bahrain has achieved in the fight against trafficking in persons, but at the same time the report did not do justice to Bahrain. The first reaction to the report came from the Undersecretary of the Ministry of Foreign Affairs Abdullah Abdul Latif who said in a press conference held on 14 June that: (We are happy that there are international recognitions of increasing efforts of the Kingdom of Bahrain in the fight against this phenomenon, including praises coming from the High Commissioner for Human Rights, the International Organization for Migration (IOM), as well as the U.S. report itself which featured the efforts of countries in the world in their fight against trafficking in persons). However, the Undersecretary went on to criticize the U.S. report in that the report did not do justice to Bahrain, which issued a report prepared by the National

Committee to Combat Trafficking in Persons in March 2010, which included efforts by the Bahraini government, according to him.

To confirm Bahrain's national and international obligations, Abdullah Abdul-Latif said: (Bahrain will continue its efforts to reach full implementation of all international standards to address the phenomenon of trafficking in persons, and will continue to cooperate with the concerned authorities at the local, regional and international levels in this regard). He also referred to the future plans to combat this phenomenon, including plans for the media aim at increasing awareness among the citizens of the phenomenon of trafficking in persons.

## Legislative Developments against Trafficking in Persons

Although the U.S. State of Department report criticized Bahrain, there are several indicators supporting Bahrain's commitment to international standards, including the opening of an office and a branch by the IOM in Bahrain in January 2008. The IOM initiated a project aims at capacity building and awareness on trafficking in human persons in Bahrain. The project also aims to cooperate with Bahrain's government and civil society institutions to support their capacity with regard to employment protection, data collection and application

of law.

The National Committee to Combat Trafficking in Persons has issued its first report, which was translated into English. The report dealt with the legislative developments in the Kingdom of Bahrain since the issuance of the Bahraini Penal Code in 1976, which dealt since that time with some types of trafficking in persons. The report pointed to 9 articles criminalizing trafficking in persons. It also pointed to the issuance of a number of decrees that strengthen the fight against trafficking in persons, including Decree No. 16 of 1998 on transplants of human organs being a form of trafficking in persons to some extent; and the Decree No. 23 of 1976 regarding the Labour Code, which regulates the employment of juveniles and women.

There are many other legislative developments mentioned in the report such as the Trade Unions Act promulgated by Legislative Decree No. (33) of 2002; and Law No. (19) of 2006 on the organization of the labour market. In August 2009, a law was passed allowing the foreign worker to move into employment with another employer without the consent of the first employer. The law requires the labour market department to take actions that enable the worker to move. Furthermore, the law imposes penalties for violation of its provisions, which aim at combating forms of trafficking in persons, notably forced labour.

In another development, the Government referred to the legislature draft of a new labour law, which contains provisions governing the work of domestic workers. For example, the draft law organizes the form of employment contract, the number of hours and days of work, and also includes sanctions on the employer in case of violating the provisions of the employment contract.

## Practical Measures to Combat Trafficking in Persons

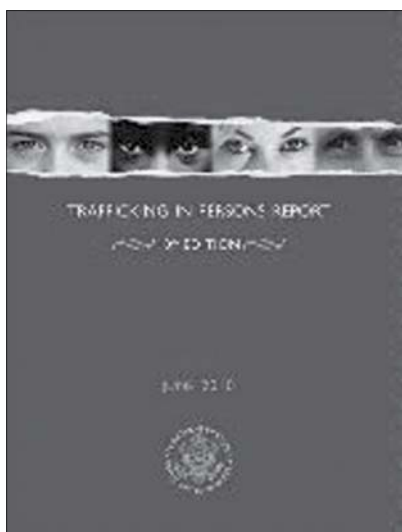
The report of the National Committee to Combat Trafficking in Persons



reviewed measures and decisions taken by government agencies, including the establishment of a specialized unit to combat trafficking in persons at the Ministry of the Interior, where the unit was formed on the recommendation of the National Committee to Combat Trafficking in Persons. The report focused briefly on the key activities to build capacity and increase awareness about trafficking in persons, as well as Bahrain's cooperation with other organizations and agencies of the U.N. in this regard.

Important indicator for the fight against trafficking in persons in Bahrain deals with efforts made by Bahrain to organize the work of foreign workers, especially irregular employment and how Bahrain deals with the issue humanely and according to international standards.

The Minister of Labour issued a decision



to form a High National Committee to address the phenomenon of irregular employment. The Labour Market Regulatory Authority created a system to electronically protect the wages of workers, and to ensure that workers are receiving their wages in full and in time. The electronic system also provides the Regulatory Authority with the necessary database and information about the operations of wages payment in the private sector and to what extent the relevant institutions are committed to pay wages as agreed.

The BHRM noted many of the practical measures and decisions taken by governmental agencies such as the establishment by the Ministry of the Interior of a specialized unit for crimes of trafficking in persons; not deporting

any foreign workers by the General Directorate of Nationality, Passports and Residence except by court orders; receive complaints through the hotline; provide psychosocial support and shelters to victims; coordination with the embassies and offices of foreign workers to overcome the obstacles that may face the workers as well as to reconcile their situation. Also the Labour Market Regulatory Authority issued manuals on the rights of migrant workers in several languages including Hindi, Urdu, Bengali and English. The Ministry of Social Development established a shelter for victims of trafficking in persons; the Attorney-General passed a resolution limiting the investigation of crimes of trafficking in persons to the capital city alone, in order to increase cooperation between the judicial officers and prosecutors; many cases of trafficking in persons were determined by the Bahraini courts, which sentenced to varying prison terms some defendants. For example, an Asian woman was tried in December 2008 on charges of trafficking in persons for exploitation of young Asian women in prostitution and the seizure of their passports. The woman was gaining from the earnings of victim females she was exploiting in prostitution. The court ruled against the woman and sentenced her to three and a half years and fined her 5000 BD. The victims were housed in a shelter house. Two persons (Bahraini and an Asian) were arrested in January 2010 on charges of trafficking in persons, and are currently under pre-trial investigation under the anti-trafficking law. In February 2010, a Bahraini was arrested on charges of trafficking in persons and is currently being investigated.

## Recommendations

The recommendations of the report of the U.S. State Department are objective and practical and included:

- The need to continue to apply the Anti-Trafficking Law of 2008 in order to increase the effective investigation and prosecution of crimes related to trafficking in persons, and to punish violators, especially of crimes related to forced labour,
- Effectively investigate all crimes of trafficking in persons including complaints obtained through the hotline.
- To benefit from the Interior Ministry to identify the victims as a basis for the

establishment and application of formal procedures that help in identifying victims of trafficking among vulnerable groups, such as women working as prostitutes and domestic workers who have fled abusive employers.

- To refer victims to protection services, expand government-run shelters, and to ensure non-restriction of the movement of the victims. Also there is need to ensure that the staff working in shelters are qualified and speak the languages of foreign workers.
- To ensure that the non-punishment of victims of trafficking for unlawful acts committed as a direct result of being trafficked, such as illegal immigration or prostitution.
- The need to add a representative from the Ministry of Labour to the Joint Ministerial Committee to combat trafficking in persons.
- The need to consider the appointment of a national rapporteur or a coordinator to combat trafficking in persons.
- To ensure that domestic workers receive the same protection enjoyed by foreign workers under the law.
- To provide the necessary support for the adoption of the ILO Convention to protect the rights of domestic workers.

## Future steps

Fortunately, the State Department's report came at a time when Bahrain has a national institution for human rights and is expected to play a crucial role to combat trafficking in persons. This can only be done through a realistic and practical plan compatible with international standards. This is also indicated by the President of the NIHR Salman Kamal al-Din that the Kingdom of Bahrain is serious in its quest to combat trafficking in persons and has a plan to fight it, but so far does not live up to international standards.

If the efforts to combat this bad phenomenon continue, coupled with the approach of strict application of laws that criminalize trafficking in persons, we will see Bahrain progresses in the report of the U.S. State Department to the first category in the next year. This puts a burden on everyone, especially relevant governmental institutions, the National Committee to Combat Trafficking in Persons, the NIHR, and civil society organizations.

## H.M. the King: No Red Lines for the NIHR

Hasan Moosa Shafaie

Success of the National Institution for Human Rights (NIHR) is dependant on Government cooperation and on its confidence in the NIHR to monitor the Government performance in relation to human rights enshrined in the National Charter, the Constitution and the international treaties signed by Bahrain. The NIHR cannot become a propaganda tool or serve propaganda objectives if it fails in carrying out its duties, and the mere establishment of the Institution does not mean a lot. For example, there are similar institutions in the region which are not respected locally or internationally, and have failed to achieve their intended purpose, let alone to benefit citizens or defend their rights.

These national human rights institutions can sometimes become a source of negative propaganda against the governments that established them, especially if they fail to achieve anything or if they become a cover for governments' mistakes. On the other hand, when they succeed, they can become the best promotion for any regime, even if this regime does not truly believe in human rights principles.

The cooperation of Bahraini Government apparatus with the NIHR is crucial for its success. If the purpose of the establishment of such an institution is to promote and protect human rights, and accepting that the democratic changes in Bahrain and human rights protection compliment each other, then the chances for the success of the NIHR are very high. This is true because the head of the State, the King, has strong desire for the NIHR to be successful. On 7 June 2010, the King spoke with the members of the NIHR (I was one of them) for two hours in a private meeting. He was frank, enthusiastic and

very hopeful regarding the NIHR and the performance of its members. This gave me the impression that the NIHR can really succeed, although no one can be certain of this due to the fact that Government apparatus themselves may fail to implement the Royal will in addition to some shortcomings from the Institution itself and its members, which could limit their success.

During this meeting the King clearly stated his position and visions, for example:

### No Red Lines and the Solutions are Bahraini

The King told the members of the NIHR that they are free to discuss all human rights related issues. He explicitly said that 'there are no red lines or veto on any subject related to human rights', adding that there are many problems, and all should cooperate to solve them in a professional and scientific manner. He stressed that 'there is no need to pretend that we do not have any problems as this is not only unreasonable, but also difficult to believe'. The King also suggested that the members, when questioned, should outline achievements and also admit any problems and propose solutions.

The NIHR faces two kinds of issues: the first regarding 'current allegations of torture, excessive use of force in combating violence and riots, and restrictions on freedom of expression'. Second: the legacy of the past, including discrimination and the victims of torture file.

The King discussed the subject of pre-reform victims of torture, and stressed the importance of finding a solution to



Hasan Moosa Shafaie

it. He also pointed to the Government's past attempts (the establishment of a Committee of Ombudsman in the Royal Court and other channels established by the Ministry of Social Development). However, the whole subject – as the King put it - was politicised, and because of this victims' rights were lost. The King also pointed to the fact that the NIHR can play a crucial role in the closure of such files. He requested the members to present a scientific and reasonable solution to this problem, pledging that the Government would adopt it.

The King also stressed the importance of building a unique Bahraini experience, which benefits from other experiences on human rights, yet should not restrict itself to follow them blindly. This experience should take into consideration the uniqueness of Bahraini society, its religion and values, within the context of international human rights standards, Sharia law, Bahraini laws and constitutional institutions. The King also said in this regard that Bahrain has many competent individuals and 'we do not need to import experiences from abroad'. He pointed to the fact that the members of the NIHR are capable with other competent Bahrainis to create Bahrain's own special experience; what is important in his view is for them to have confidence in themselves and their abilities. He added: 'you have all my support and cooperation', and continued by saying that 'we as officials carry the

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duty of serving the people because as the saying goes (the real master of the people is their servant)'.

## **The King is the Guarantor of the NIHR**

According to Article 4 of the Royal Decree No. 46 of 2009 that established the NIHR, the King and the constitutional institutions have the right to refer issues to the NIHR for study and comment. Article 14 states that the NIHR must present its annual report to the King, stating its proposals and recommendations, highlighting obstacles and offering solutions. Based on the constitutional authority of the King, his support represents a guarantee for the success of the NIHR. During his first meeting with the members and leaders of the NIHR, the King did not see himself as a problem-solver without the cooperation of citizens and officials. He repeatedly stressed that he needs their help in promoting democracy, the rule of law and human rights. He also demanded that the NIHR should help in achieving this, adding that 'no one can carry the burden of reform and improving the situation alone'.

Moreover, the King announced openly and humbly that he guarantees that the NIHR's projects be executed successfully. He said that 'the NIHR is able to present practical and professional projects derived from the ethics, national spirit, and traditions of the Bahraini society'. He also added: 'I will guarantee the implementations and success of such projects, and will solve the problems that are facing us with regards to human rights'. The King reassured the members of the importance of continuing the democratic experience, which as he put it 'guarantees social and political stability'. He also saw the necessity of adding maturity and success to the democratic experience, and pointed to the importance of adhering

to the principles which protect citizens' rights and their basic freedoms, stated in the National Charter and the Constitution. The King also stressed the importance of extending freedom of expression, as well as expanding the freedom of the press. He said that he is against the imprisonment of any journalist for their opinion, and talked about the rule and integrity of the law, saying all citizens are equal before the law. The King pointed proudly to the fact that Bahrain guarantees freedom of religion and worship and this makes it special in the Gulf. He explained the benefits of diversity in cultures, sects and religions and said that Bahrain is the only Gulf State that has a Council for both Shia and Sunni scholars.

The King has guaranteed positive responses to any practical and professional projects by the NIHR, and expressed his willingness to remove bureaucratic obstacles. In response to all this, one cannot but be optimistic and hope that the national human rights project will be successful.

## **Violence, Law and Human Rights**

Violence is always a source of concern for any human rights defender, and the continuation of street violence in Bahrain represents a violation of citizens' rights and an insult to their freedoms. The current violence is a result of the incitement of teenagers and youths in order to achieve political goals, and it is in this context that debate arose regarding allegations of Government violations. The continuation of rioting, despite the existence of a political process, is something unnatural. Some expected the patience of the Government to run thin, leading it to confront the rioters and hold them responsible in accordance with the law. The opinion of the King regarding this

issue, which he conveyed to the members of NIHR, is totally different. Although he stressed that the Government is able to solve the street violence by force, he affirmed that the 'Government will not use force to impose law and order, rather it will use reason, compassion and will attempt to increase the awareness of citizens'. He continued by saying that a delegation from the villages, where violence takes place, visited him and demanded the Government to use force in order to put an end to the situation, but he kept advising officials that this is not the right way to solve the problem.

The king stressed the equal treatment of all citizens, saying that 'all areas in Bahrain are equal to us. We do not differentiate or discriminate between them and we do not favour a segment of the citizens over others'. He added that the principle of equality represents one of the most important foundations of the political reform project. This project has come to give all citizens their rights whether they are rich or poor, male or female, children or adults, living in Refaa or Carazcan, or any other village or city in Bahrain.

In summary, the NIHR has a huge chance to succeed, particularly because Bahrain is experiencing a new democratic experience, which provides a protective shield for human rights. Secondly, the political leadership understands the importance of human rights in political development. It insists – as is clear from the King's meeting with the members of the NIHR- on making human rights projects successful. Thirdly, Government apparatus will find themselves obliged to cooperate with the NIHR and its projects. However, all this is not sufficient if the NIHR does not invest in them, turn them into plans and projects and push for their implementation. There are many opportunities to develop human rights and democracy in Bahrain and the success of the NIHR is one of them.

## Bahrain in the International Day in Support of Victims of Torture

On 18 February 1998, the UN General Assembly adopted a resolution proclaiming the 26 June of each year as an International Day in support of victims of torture. The resolution aims for the total eradication of torture and the effective functioning of the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment. Since then, international organizations and civil society organizations in some countries celebrate this day by organizing demonstrations and other activities which condemn all forms of torture, wherever it may be and whoever is responsible for it.

Since the political reforms of 2000 in Bahrain, civil society, human rights defenders, and to some extent the Government, all celebrate this International Day. Torture has become unacceptable in public culture and Government performance, as it negates modern values as well as the current route taken by the Government. While celebrating this Day, citizens remember the many victims of torture in the pre-reform period, and hope the country can turn a new page on the issue, just as it did with the State Security Law and Court. This can be achieved through the closure of the victims of torture file, and by finding an acceptable settlement which guarantees that any systematic violations similar to those of the pre-reform period do not take place again.

Leaving the past behind and forgetting the pain is not only possible but necessary, so that it does not dictate the present or hinder the State and society's future. For this

to happen, the effects of the past period must first be addressed, and this has not yet taken place despite constant attempts. However, there is a hope that the file will eventually be solved, despite the delays and some attempts to use the issue for political gains. The NIHR could have a role in this regard, in the near future.

Bahrain celebrated the 26 June 2010 with a protest in Manama near Al Fateh Mosque, in which human rights and political societies participated as well as MPs. The protestors held the photographs of some victims and banners condemning torture and demanding justice for the victims. At the end of the protest, a statement was issued in which the protestors stressed on keeping the file of victims of torture open until steps are taken to put an end to the suffering of victims and their families.

But why has the file not yet been closed? Why do calls for closure arise only on special occasions? And why are public and political initiatives to achieve this absent?

This issue from the pre-reform period has not been solved for several reasons, including:

Firstly: the issue is now in the hands of political societies, rather than human rights bodies. Hence it has been dealt with in a political spirit, to the extent that the issue now resembles a conflict between politicians, in which they attempt to score points against each other.

Secondly: the problem of trust between participants in the political game has expanded, which has led to the failure of several initiatives to solve the problem. This is

further complicated by the political opposition's refusal to accept only financial compensation for the victims; rather it sought political concessions aimed at embarrassing the Government, rather than cooperating with it. The local political atmosphere did not help to achieve such concessions.

Thirdly: there are violent political parties whose interests do not lie in the closure of this file, and are also currently dictating the file of victims of torture, and refusing any proposals for settlements. These parties raised their demands to calling for the complete annulment of the political process, and the overthrow of the political regime.



The torture victims' file was just an excuse to achieve this objective. On the other hand, the continued violence has created doubts in the Government, pushed it to adopt extreme positions, and made it deny sole responsibility for the case.

Fourthly: psychologically, many are unable (or unwilling) to admit the truth, for there have been breaches by both parties, the Government and the opposition, resulting in the loss of many innocent lives. If the Government's responsibility is larger in this regard, then the opposition itself does not seem ready to admit their share, and wants the Government to bear the responsibility for the whole issue.



## Human Rights Govern the EU–GCC Relations

It is true that international relations are mainly governed by interests, whereby many countries in the world tend to sacrifice human rights, and ignore human rights violations when these contradict their interests. Hence, economic interests are no longer an absolute determiner of relations between countries. Due to the active work of international human rights organizations and an increased awareness of human rights principles, human rights have become another determiner of relations between countries. The issue has gradually taken its place next to economic interests and sometimes it has even become more influential. This is reflected in the amount of pressure, which some countries are under, whether from local civil society or international human rights organizations.

All the countries in the world, and especially the Gulf States, must have noticed that the issue of human rights has moved from the margin to the centre of relations between countries. However, some countries resist human rights becoming a core issue in international relations, including not only totalitarian countries, but also some Western ones, who do not wish to give human rights more importance than economic interests. However, international human rights standards have forced these countries to restructure their relations with countries that might have previously been regarded as friends or allies.

The issue of human rights has become part of the laws that organise relations between countries in some Western countries. For example, out of all six GCC states, the U.S. signed the Free Trade Agreement (FTA) only with Bahrain. The reason for this is the

refusal of these states to link economic relations with human rights, in addition to lacking the suitable human rights foundation. The Agreement with Bahrain was approved after a close study by the U.S. Congress where several things were checked including: the existence of trade unions and an elected legislative authority, the existence of transparency and freedom of expression, respect of human rights in general, developed laws and legislation system.

The EU also wants to sign the FTA, but the meetings that took place in recent years with all GCC states did not yield anything. The reason is the refusal of some Gulf States to include human rights standards as an integral part of the agreement. The countries of the EU insist that their laws do not allow them to develop free trade in areas where a suitable human rights' ground does not exist. This is in addition to increasing pressure by local and international human rights organizations to guarantee that human rights principles are included as an essential part of their trade and economic relations, as well as political and security ones.

The last ministerial meetings between the EU and the GCC took place last June. The EU guaranteed that the subject of respecting human rights would be part of the Agreement. The FIDH welcomed this move in a statement issued in Brussels on 11 June 2010, and pointed to the European Parliament's decision in April 2008, which stressed on including human rights articles in any free trade agreement signed by the EU.

The GCC countries made a minor concession in April 2009, when they reaffirmed that they share the

universal values of respecting human rights and democratic principles, which are an essential part of their relations. They also reiterated their continued commitment to the promotion and protection of human rights and other fundamental freedoms. This compromise was not enough and was just words and ink on paper. The FIDH remains concerned about the general pattern of human rights violations in the GCC countries, for very few steps have been taken by the authorities in the GCC countries to improve the enjoyment of human rights on their territory.

The FIDH urged both the GCC and EU to give specific attention to the following priorities: adopting



concrete measures to protect the rights of migrant workers and women's rights, taking effective measures to improve the enjoyment of freedom of association and establishing societies, developing the situation of human rights defenders, guaranteeing freedom of expression, taking effective measures to guarantee non-discrimination on religious or sectarian basis.

In summary, it is difficult for the GCC countries as well as the other countries to avoid their commitments regarding human rights. It is best for them to reform themselves instead of allowing others to impose reforms on them, or put themselves in an embarrassing situation. Perhaps, human rights could be used as an excuse for interference in their internal affairs.

## What the NIHR Can Do in its First Year?

**No one doubts the significant tasks entrusted to the National Institution for Human Rights (NIHR), and the aspirations of the regional and international human rights organizations, as well as the hopes of the Bahraini citizen in this institution. Therefore, the NIHR need to engage as quickly as possible in a well established work and according to a clear approach and plan. The objectives of the NIHR, as mentioned in the Royal Decree that had established it, can not be achieved until a strategic plan and clear, realistic and achievable objectives are in place.**

In an interview with the newspaper al-Ayyam daily newspaper on 23 June 2010, the President of the NIHR, Mr. Salman Kamal al-Din confirmed the need to develop a national plan for human rights from which to draw the future features for the NIHR. Kamal al-Din laid the foundation for the priorities of the next phase for the NIHR comprising spreading and publicizing a human rights culture as the primary guarantor to enable citizens to acquire and defend their rights as well as recognizing their duties.

Given the need to inform the public in Bahrain and involve it in the future work of the NIHR, and in commitment to the principle of transparency as far as possible, we have seen in the BHRM to think loudly about the development of initial national strategy for human rights that enables the NIHR to work around it for the upcoming year. What we are proposing here is simply a brainstorm to build upon and stir discussion around it because of the need for the plan and the need for the views of opinion makers and human rights community with a view to initiate public debate with them about the plan.

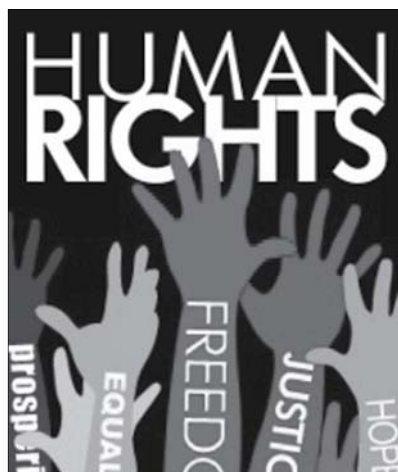
The BHRM proposes to focus on four key directions during the first year of the work of the NIHR, namely: protection and promotion of human rights in Bahrain; dissemination and promotion of human rights education; harmonization of all strategies related to human rights; establishment and completion of the internal structure of the NIHR.

### **Firstly: Protection and Promotion of Human Rights in Bahrain**

In this area the NIHR should develop an action plan to improve the human rights

situation. The plan should include the following topics:

- Handling outstanding legal issues which have been a cause of the tensions, such as: victims of torture file.
- Reviewing articles of the Constitution and laws with a view to harmonize them with international human rights conventions ratified by the Kingdom of Bahrain.
- Adopting measures to protect the right of personal security and protection from torture



and other cruel, inhuman or degrading treatment as well as dealing with all the files relating to torture allegations.

- Making sure that the mechanisms of arrest and detention in Bahrain compatible with the international human rights standards so as to prevent arbitrary arrest and detention.
- Providing recommendations on practical steps to address the issue of societal violence against women.
- Providing practical recommendations for the protection of labour to ensure the application of the principle: the right to work in appropriate circumstances, adequate remuneration, as well as equality and non-discrimination, social

security, and protect working women from economic exploitation.

- Providing appropriate treatment through the development of feasible measures for further improvement of the rights and welfare of workers, and help trade unions in achieving their objectives.
- Protecting freedom of opinion and expression, and to recommend measures for the protection and promotion of this right in particular with regard to the profession of journalism, media and ensure the personal security of employees.
- Protecting the right of peaceful assembly and peaceful demonstrations.

### **Secondly: Dissemination and Promotion of a Human Rights Culture**

The BHRM fully agrees with the President of the NIHR that to promote human rights awareness among the various segments of society, is one of the most important guarantees that contribute to the reduction of human rights violations. In this context, there are some objectives that lead to achieve the overarching goal, including:

- The need to focus on the right of political participation in the management of public affairs and participation in the elections. The evolution of human rights on the ground depends mostly on what is available from the political freedoms provided by the political system, and exercised by the public. Therefore, the vitality of the political process and protection of human rights are linked, and that any setback to one of them is likely to cause a setback in the other.
- Incorporate human rights concepts and principles in the various educational curricula including university.
- Cooperate with the media and raise its efficiency in the area of human rights knowledge in order to be able to contribute in spreading a human rights culture.
- Reach out to youth and women's organizations and strengthen their capacity to defend women's rights in particular, as well as disseminating and publicizing a human rights culture.
- Provide human rights awareness programs and training to the legislative institutions, and law enforcement agencies including the police,

prosecutors and regular forces.

### **Thirdly: Harmonization of all Strategies related to Human Rights in a Unified Strategy**

The BHRM values all the efforts made by various official and private bodies to develop strategies to protect and promote human rights in various areas in Bahrain. In the view of the BHRM it is time to gather the plans and different pieces of legislation adopted by the societies and institutions in one national strategy. This means to compile laws, legislation, plans and programs and then revise them as appropriate. Each society or institution will then be entrusted to contribute in the implementation of part of that national strategy. This approach is supposed to serve the following objectives:

- Unifying forces, human rights societies and institutions around agreed visions and common goals.
- Rationalization and better use of resources in order to avoid dealing with the same subject from multiple views.
- Remove the state of confusion caused by the multiplicity of similar activities by different actors.
- To facilitate the monitoring and follow-up and evaluation of the work and activities of human rights.
- Optimum use of the potential of human rights societies and institutions, each according to their potential human and financial resources.

### **Fourthly: Internal Structure of the NIHR**

Although this topic should be discussed within the internal framework of the NIHR, but it is important to enlighten the public about the internal issues of the NIHR. This is also important for openness and transparency in the work of the NIHR for more trust between the NIHR and the public. For these reasons we are encouraged to deal with the topic publicly.

The NIHR must start by establishing an administrative structure commensurate with the importance of the role assigned to it. The first step begins according to the Royal Decree to create a (Secretariat) to deal with the daily work of the NIHR, including the recruitment of staff members according to specific job descriptions and rewarding wages, as the case with other national institutions in Arab and foreign countries. There is no doubt that a lot of talented and experienced Bahrainis are eligible to take up administrative positions in the NIHR. The NIHR should also determine the rules of procedure governing the work of its various committees, functions of its members, and how to manage meetings.

If the NIHR is able to focus on these four key directions in its first year, it will make great strides in establishing itself as a professional institution. And then the second year will be vital for the NIHR to develop a national strategy for four or five years following the completion of internal structure.

These are broad lines of a general and on-going plan, which can be carried over for next year because the objectives cannot always be fully completed. The NIHR can benefit from the civil society institutions in proposing and shaping the strategic plan. What the NIHR needs in its first year is to start quietly, with determination and clear objectives in order to avoid any unexpected problems.

## **Human Rights Watch Held Meetings in Bahrain**

On 1-4 June 2010, the Middle East Program of HRW organised its annual conference in Manama. The Conference discussed several human rights files in the region, including the situation in Gaza.

The organization's delegation, headed by the Director of the Middle East Program Sara Leah Whitson and her Deputy Joe Stork, met with a number of officials and ministers. This was in order to follow the latest developments in the human rights situation in Bahrain including the report issued by HRW on torture, which triggered controversies regarding its credibility.

The delegation also met the Undersecretary of Foreign Affairs, Ambassador Abdul Latif Abdullah, and discussed with



him the issue of protecting migrant workers and human trafficking. The delegation was briefed of the Government's measures. They also met the Undersecretary of the Ministry of Interior, and discussed with him issues of mutual concern.

Moreover, Joe Stork met the Foreign Minister, and discussed possible ways of cooperation between HRW and the Bahraini Government. The Minister briefed him about the latest human rights developments, and stressed that Bahrain respects and protects fundamental freedoms. The Minister also pointed to the Government's revision of laws to bring them in conformity with international standards.

On 7 June 2010, both Sarah Whitson and Joe Stork met with the Minister of Interior, who stressed that the revision and editing of information in HRW's report lacked objectivity. The Minister explained that what was mentioned in the report with regards to discrimination in Bahrain was incorrect. He also objected to the use of the phrase "second class citizens". Furthermore, he stressed that his Ministry is committed to human rights principles, both verbally and on the ground, demanding at the same time, that international organizations be fair and just in their assessment of various points of views.

Finally, on 7 June 2010, HRW's delegation met with the Minister of Labour, and discussed the rights of migrant workers and the developments in the labour market reform project. The Minister stressed that the International Labour Organization has chosen Bahrain as one of eight countries in the world which are committed to a decent work program, and provide a working environment, which meets international standards. Furthermore, Joe Stork demanded that necessary legislations be introduced to protect the rights of domestic workers.

Finally, the delegation met the president of the NIHR Salman Kamal Al Deen, and discussed with him the possibilities of joint cooperation.

## **Human Rights Meetings**

■ On 8 June 2010, the President of the BHRM Hasan Shafaei met the Minister of Health Dr. Faisal Yacob Al Hamer, with the presence of his Assistant Undersecretary, Dr. Mariam Al Jalahma. During the meeting, the issue of the closure of the Nursing Society's office and the sacking of Abdulaziz Shabib were discussed. This nurse had failed to comply with the Ministry of Health's regulations which states that the information of any injured patient should be recorded. Instead, Shabib had secretly provided treatment to an injured patient involved in recent violence, and had circumvented computer programs.

Shafaei listened to the Minister of Health's opinion regarding the closure of the Society, which he said had nothing to do with providing equal treatment to all those injured in incidents of violence. The issue in his opinion related to administrative breaches by the Society, and its use of the Central Hospital's building, which the Ministry needs.

Shafaei presented to the Minister information and reports issued by international human rights organizations regarding the matter. He stressed that it was necessary for the Ministry to explain its position to those organizations which had publically condemned the decision to close the Nursing Society, and they lacked knowledge of the legal and administrative background of the incident.

■ On 9 June 2010, a workshop lasting two weeks was organised to raise the level of professionalism of NIHR members at the UN House in Manama. The workshop was supervised by the Senior Consultant at the Office of the UN High Commissioner for Human Rights, Peter Hosking. Hosking is one of the important figures who had prepared the Paris Principles regarding the national institutions for human rights in 1993.

■ On 9 June 2010, the President of the BHRM met the First Secretary and Political and Economic Counsellor Steven R. Butler at the U.S. Embassy. The meeting was attended by the Political Officer and observer of the U.S. Foreign Ministry's annual human rights report, Ludovic Hood; Salman Hubail, an employee at the Embassy; and MEPI Coordinator, Anjali Thadani. During the meeting, human rights in Bahrain were discussed in addition to the latest developments regarding the NIHR, particularly the future developments of the human rights situations.

■ Finally, the President of the BHRM met the Secretary General of the Bahrain Human Rights Watch Society, who is also a member in NIHR, Faisal Fulad, at the Society's Headquarter in Manama. Among the issues discussed were human trafficking in Bahrain, monitoring and documenting violation cases, and the need to provide support for the victims. Both parties expressed their willingness to cooperate in human rights issues in the future.



*With the Minister of Health*



*Dr. Mariam Al Jalahma*



*NIHR workshop with Peter Hosking*



*With US Embassy's Officials*



*With Faisal Fulad, BHRWS*