

"Together to create a better practice of Human Rights"

المؤسسة الوطنية لحقوق الإنسان
National Institution for Human Rights



HUMAN RIGHTS

ISSN 2210 - 1276

A MONTHLY NEWSLETTER ISSUED BY THE GENERAL SECRETARIAT OF THE NATIONAL INSTITUTION FOR HUMAN RIGHTS - EDITION 06 - DEC 2013

WELCOME

Ever since the endorsement of the United State's Charter, the principle of "respect for human rights, freedom for all people and advancement of the tenants of freedom without discrimination on between man and woman" has become one of the paramount objectives that the international community is striving to realize. Consequently, the international human rights declaration (1945) embodied the first formal definition for the term "human rights" as stated in the Charter. It was passed in tandem with the International Convention on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights. The human rights declaration and the twin conventions, combined with the elective protocols attached thereto, have become in their totality what is called the "International Legitimacy of Human Rights".

By virtue of Law No. 52 for the year 2006, the Kingdom of Bahrain became a party to the International Covenant on Civil and Political Rights (ICCPR). However, Bahrain had reservations to Articles 3, 18, 23, 9/5 and 14/7. The Kingdom of Bahrain also joined the International Covenant on Economic, Social and Cultural Rights (ICESCR) by virtue of Law No. 10 for the year 2007 and had reservations to Article 8 d (1). Bahrain did not join the optional protocol of both Covenants.



The Council of Commissioners Participates in The Intensive Training Program for Capacity Building in The Field of Human Rights in The United Kingdom

Members of the Council of Commissioners at the National Institution for Human Rights (NIHR) participated in the intensive training program for capacity building in the field of human rights, which was organized by the Human Rights Law Centre at Nottingham University in the United Kingdom.

His Excellency Dr. Abdul Aziz Hassan Abul, Chairman of the NIHR reconfirmed the National Institution's determination to offer training opportunities for its personnel, especially on the subjects related to the propagation of the human rights culture through participation in a number of training courses and conferences both inside and outside the Kingdom of Bahrain with a view to qualifying them in the field of human rights and achieving most of the objectives for which the NIHR has been established.

He said that participation by the NIHR in this training program came as part of gaining benefit from international and regional expertise in the field of human rights, cooperation with international organizations specialized in issues of human rights, pursuant to the provisions of Article 3 of Royal Decree No. 46 for the year 2009, as amended by Royal Decree No. 28 for the year 2012, providing for the establishment of the National Institution for Human Rights, which states as follows: "cooperation with the international organizations and regional and national agencies and the related institutions in other countries concerned with the promotion and protection of human rights in a way conducive to achieving the institutional objectives and development of the relations with these agencies and organizations".

The Chairman lauded the fruitful cooperation between the NIHR and the Human Rights Law Centre at Nottingham University and commended at the same time the training program and the professional expertise of the Centre in the field of human rights.

The training program addressed a number of important topics, including: the concepts and fundamentals of human rights, their sources and the obligations that the human right charters and declarations place on the countries, in addition to the international efforts intended to protect the human rights, the national strategies of human rights, the role of the national institutions of human rights in promoting and protecting human rights at national level.

A delegation of the Human Rights Law Centre at Nottingham University paid a visit last May to the National Institution for Human Rights to discuss ways and means for creation of mechanisms to promote and protect human rights, to identify the training needs related to human rights and to identify the expertise that the Centre can offer to the National Institution for Human Rights.

Nihr's Chairman meets with German Ambassador and German Foundation for International Legal Cooperation



NIHR's Chairman, Dr. Abdul Aziz Hassan Abul, met with Ms. Sabine Taufmann, the Ambassador of the Federal Republic of Germany to the Kingdom of Bahrain, and the delegation of the German Foundation for International Legal Cooperation that included Deputy Director of the Foundation Stefan Hülshörster, Counselor Mohammed

Al-Munttaser Ubaidi, and Dr. Stefan Kirsch. The meeting took place at the NIHR's headquarters at Seef District, and it was attended by HE Mr. Abdulla Ahmed Al-Dirazi, the NIHR's Vice-Chairman and Chairman of the Complaints, Monitoring and Follow-up Committee, and HE Dr. Ahmed Abdulla Farhan, the Secretary-General.

During the meeting, the NIHR's President welcomed the German Ambassador and her accompanying delegation, and discussed aspects of cooperation and coordination between NIHR and the German Foundation for International Legal Cooperation with a view to promote and protect human rights.

Ambassador Taufmann and the accompanying delegation lauded the role of the NIHR in protecting, promoting and developing human rights in Bahrain, stressing the importance of cooperation between the NIHR and concerned bodies in Germany on human rights.

Delegation of The National Institution for Human Rights Meets with The Amnesty International



A delegation of the National Institution for Human Rights visited the headquarters of Amnesty

International on the margin of the delegation's participation in the intensive capacity building training program in the field of human rights, which was organized by the Human Rights Law Centre at Nottingham University in the United Kingdom.

The delegation had a meeting with Mr. Said Boumadoha, researcher in the Middle East and North Africa Division of Amnesty International, where they discussed means of joint cooperation and bilateral exchange of views and visions in the field of human rights.

The Chairman of the National Institution for Human Rights praised the prominent and notable role of Amnesty International and its volunteer endeavour in the protection and guarantee of human rights worldwide. He highlighted the keen desire of NIHR to sustain cooperation and communication with the various

international organizations, particularly those concerned with human rights.

The delegation made a presentation on the role undertaken by the National Institution for Human Rights in developing and promoting human rights in the Kingdom of Bahrain.

On his part, Mr. Boumadoha explained that Amnesty International does not operate against any state and that what he hoped for was to obtain the information and facts in a transparent manner from official agencies. He added that communication is the quest sought by all parties. In this context, he expressed appreciation for the visit by the delegation of the National Institution for Human Rights to the premises of Amnesty International and hoped that this visit would serve as a constant communication point with NIHR for further joint cooperation between the two parties.

Nihr's Delegation Meets British Human Rights Foreign Office Director

The National Institution for Human Rights' (NIHR) delegation met with the Director of Human Rights and Democracy Department, Foreign and Commonwealth Office, Luis de Sousa, on the sideline of the participation of the Bahraini delegation in the intensive capacity building training program in the field of human rights, organized by the Human Rights Law Centre of the University of Nottingham, UK.

During the meeting, the NIHR's delegation presented a detailed brief on the NIHR's role, major functions and objectives represented in the dissemination, promotion and protection of human rights culture; the role of NIHR's permanent committees, namely, the Complaints, Monitoring and Follow-up Committee, and how they deal with complaints received and the measures taken in this respect; and the key functions of the Committee on Civil and Political Rights and the Committee on Economic, Social and Cultural Rights.



On her part, Luis de Sousa lauded NIHR's role in promoting, protecting and developing human rights in the Kingdom of Bahrain.

The Executive Committee of The National Institution for Human Rights Holds Its First Meeting



The Executive Committee of the National Institution for Human Rights (NIHR) convened its first meeting at the premises of the NIHR at SEEF District under the chairmanship of His Excellency Dr. Abdul Aziz Hassan Abul, Chairman of the National Institution for Human Rights, and membership of His Excellency Abdulla Ahmed Al-Derazi, Chairman of the Complaints, Monitoring and Follow-up Committee, Her Excellency Jameela Ali Salman, Chairperson of the Civil and Political Rights Committee, Mr. Fawziyah Said Al-Saleh, Chairperson of the

Economic, social and Cultural Rights Committee, and His Excellency Chancellor Dr. Ahmad Abdulla Farhan, the Secretary-General.

The meeting discussed the developments of the annual report of the NIHR, the 2014 training plan and the training program for the members of the Council of Commissioners which was recently organized by the Human Rights Law Centre at Nottingham University, UK.

The meeting also discussed nominations for the Independent Commission of the Rights of Prisoners and Detainees. His Excellency Dr. Abul reconfirmed that the NIHR recently contacted the societies concerned with human rights to nominate their representatives to the Council of Commissioners.

The Chairman reasserted that the Council of Commissioners was in the process of nominating four members as provided for in the Royal Decree, including representatives of the organizations of civil society, as provided for in Decree No. 61 for the year 2013, providing for the establishment of the Independent Commission of the Rights of Prisoners and Detainees. The Executive Committee set Thursday, 5 December 2013, as the deadline for the societies concerned with human rights to nominate their representative so that necessary arrangements may be made.

Complaints, Monitoring and Follow-Up Committee Reviews a Number of Human Rights Issues

The National Institution for Human Rights' (NIHR) Complaints, Monitoring and Follow-up Committee held its 10th meeting under the chairmanship of Mr. Abdulla Ahmed Al-Derazi and membership of Mr. Ahmed Abdul Rahman Al-Saati and Ms. Maria Houry.

The meeting reviewed the reports on the attendance of the trial of the detainees accused of the Dry Dock Detention Center's incident. The reports were prepared by the Secretariat at the behest of the Committee to determine the conduct of the trial.

The meeting also reviewed the complaints and assistance requests received by the NIHR during the previous period and measures taken in this regard. Moreover, the meeting discussed the first hearing session of Khalil Marzouq's trial.

Furthermore, the meeting reviewed the efforts made by the NIHR to verify the health status of prisoner Abdul Wahab Hussein and provide him with the necessary treatment. The Committee shall follow up on his health with his family on the one hand, and with the Public Prosecution and the Interior Ministry on the other hand.

The Committee stressed the keenness of NIHR to follow up on every complaint it receives or any violations related



to human rights, in pursuit of the powers granted thereto under Article 3/e of Royal Order No. 46/2009, as amended by Royal Order No. 28/2012, on the Establishment of the National Institution for Human Rights, which reads: "It undertakes, among other things, receiving and studying complaints relating to human rights, referring them to the competent authorities and effectively following them up, or enlightening the concerned bodies regarding the procedures to be followed and assisting them in finding suitable actions."

The Committee came up with a number of decisions which are to be implemented.

Civil and Political Rights Committee Holds its 8th Ordinary Meeting



The National Institution for Human Rights' (NIHR) Civil and Political Rights Committee held its 8th ordinary meeting at NIHR's headquarters at Seef District under the chairmanship of Ms. Jamila Ali Salman, and membership

of Mr. Farid Ghazi Rafea and Mr. Abdul Jabbar Ahmed Al-Tayyeb.

The meeting reviewed the Committee's recommendations on some provisions of Decree Law No. 17/1976 concerning the juveniles as well as the recommendations on the National Strategy for Children (2013-2017), where both subjects were decided to be submitted to the concerned authorities after the approval of the Council of Commissioners.

The Committee also discussed a proposal for an outreach project that aims to protect children from risks they face, particularly those relating to political and social exploitation, where it was decided to mandate the Secretariat to prepare an initial notion on this subject to be presented to the Committee at its next meeting.

Economic, Social and Cultural Rights Committee Holds its 8th Ordinary Meeting

The National Institution for Human Rights' (NIHR) Economic, Social and Cultural Rights Committee held its 8th ordinary meeting under the chairmanship of Dr. Fawzia Saeed Al Saleh and membership of Dr. Mai Suleiman Mohammed Al Otaibi and Mr. Abdul Jabbar Ahmed Al-Tayyeb, at the NIHR's headquarters at Seef District.

The meeting discussed the advisory opinion prepared by the Secretariat on the amendment to the Bahraini Penal Code to include a clear provision that criminalizes sectarian-based political organizations or civil society institutions, in order to comply with the contents of Article (14) of the International Convention on the Elimination of All Forms of Racial Discrimination. The Secretariat was assigned to conduct further study in this regard.

On the other hand, the Committee continued to discuss the mechanism of implementing the activities related to



economic, social and cultural rights, which the NIHR plans to carry out in the next year. These activities include several workshops and dialogue seminars. The Secretariat was asked to set a schedule for such activities.

Vice Chairman of The National Institution for Human Rights (NIHR) visits Mr. Abdul Wahab Hussain at JAW Central Prison to Reassure his Health Condition



His Excellency Mr. Abdulla Ahmed Al-Derazi, Vice Chairman of the National Institution for Human Rights (NIHR) and President of the Complaints, Monitoring and Follow-up Committee, paid a visit to Mr. Abdul Wahab Hussain at Jaw for verification of his health condition following the news circulating in the media that he suffered health indisposition leading to deterioration of his health condition.

NIHR Vice Chairman previously had a meeting with the daughter and brother of Mr. Abdul Wahab Hussain at his home in Nuwaidrat. They expressed concern over the deterioration of his health condition and they asked the NIHR to follow up on his health condition with the competent authorities.

The NIHR immediately approached this morning His Excellency Dr. Ali bin Fadhl Al-Buainain, the Attorney General, and requested permission for a visit to reassure his health condition and to ensure that he receives the necessary medical care. The Office of the General Attorney directly responded to the NIHR request within two hours only from the official request.

His Excellency Mr. Abdulla Ahmed Al-Derazi, Vice Chairman of the NIHR moved to Jaw Central Prison and met with the prison officials for briefing on Mr. Hussain's health condition. During the visit, the NIHR Vice Chairman asked the officials of Jaw Central Province to have a meeting with Mr. Hussain

alone in order to verify his health condition and to ensure his rights are cared for and protected. The prison officials immediately responded to his request, but Mr. Hussain declined to receive the NIHR Vice Chairman.

The Vice Chairman of the NIHR said that he had asked the prison officials to verify that Mr. Hussain declined to meet him. "He was directly contacted by telephone and during the call he reiterated his refusal to meet me. He also thanked NIHR for its interest and asked that his health condition be followed up with his family."

The Vice Chairman added that the NIHR would continue to be in touch with his family in this regard.

The Vice Chairman thanked the Ministry of Interior, the Office of the Attorney General and the officials of the Jaw Central Prison for their cooperative and transparent policy and for facilitating the visit. He reconfirmed that the NIHR will continue to communicate with the Ministry of Interior and the Office of the Attorney General to ensure that the detainees will continue to enjoy their rights in accordance with the international human rights conventions.

Article 2, Paragraph "e" of Royal Decree No. 46 for the year 2009, as amended by Royal Decree No. 28 for the year 2012, providing for the establishment of the National Institution for Human Rights, enumerates the prerogatives and powers of the NIHR for realization of its objectives, including acceptance of complaints as follows: "acceptance and review of complaints related to human rights and referral thereof to the competent authorities as it deems fit for effective follow-up or otherwise inform the concerned and interested parties of the actions to be taken and assisting them in this regard or otherwise assist in settling them with the concerned authorities".

The powers of the Complaints, Monitoring and Follow-up Committee also include paying field visits to detention areas and locations where violations of human rights are likely to take place.

The National Institution for Human Rights Organizes a Lecture on “Basic Rights and Freedom in The Constitution of The Kingdom of Bahrain”



Fareed Ghazi Rafi, Member of the Council of Commissioners of the National Institution for Human Rights (NIHR), reconfirmed that the stages of the history of Bahrain constitution and the amendments introduced thereto were evidence of the keen desire of the Kingdom of Bahrain to reinforce the principle of comprehensive political reform in the State's systems and establishment of the pillars of a modern civil state, which are based on the concept of correct democracy to keep pace with well-established democracies worldwide. This came in the introduction of a lecture entitled “Basic Rights and Freedoms in the Constitution of the Kingdom of Bahrain” delivered by Dr. Badr Mohammed Adil, Assistant Law Professor at the Faculty of Law, University of Bahrain. The lecture was organized by the NIHR with the participation of representatives of ministries, civil society organizations, legal institutions and official agencies concerned with the issues of human rights in the Kingdom of Bahrain.

The member of the Council of Commissioners highlighted the chronological sequence of the establishment of the Bahraini Constitution, beginning in 1973 up to the current year 2013.

He drew attention to the fact that the Kingdom had witnessed a quantum leap which began after His Majesty King Hamad bin Isa Al-Khalifa assumed the reigns of governance in the Kingdom, which ushered in a new phase in the political and constitutional history in Bahrain, including the constitutional amendments which kept abreast of the democratic life in Bahrain.

On his part, Dr. Badr Mohammed Adil, Assistant Law Professor at the University of Bahrain, addressed the basic concepts of rights and freedoms and definition of the righteousness and freedom and the relationship between them as well as the difference between the basic rights and freedom, their types and divisions.

Dr. Badr Adil referred to the most significant basic rights and freedoms in the Constitution of the Kingdom of Bahrain, such as the freedom of residence and movement, the sanctity of homes, the freedom of religion and creed and the freedom of opinion, stressing that the right in the absence of any guarantees has no value whatsoever.

The Assistant Law Professor at the University of Bahrain made it clear that all people had equal rights to freedoms, but were not equal in rights owing to their differing legal

stance. He pointed out that the legislator was required to recognize this right and protect it.

He asserted that the international charters are concerned with basic rights and they do require the states to commit to respect the bare minimum of the rights. He further stated that the basic rights give rise to other rights. He pointed out that the Bahrain constitution does include several public rights and freedoms post the amendments introduced thereto and that it had witnessed momentous development in the field of rights and freedoms, such as the third generation of rights including the right of the environment and others.

Dr. Badr Adil added that the enforcement of the right and freedom differ by venue and time, the position of an individual in society and that it is imperative to reconcile the demands of the society with the freedom of an individual as well to reconcile the public rights and freedoms with the dictates of public order.

The Bahrain University Assistant Law Professor drove home the message that the legislator had no right to confiscate or hijack a right recognized by the constitution and that the legislator's role is restricted to organizing and streamlining this right. He also pointed out that every person has the right to litigate against any state which does not provide him or her with his basic rights as opposed to social rights.

On the freedom of consciousness, Dr. Badr Adil stated that the Bahraini Constitution recognizes the absolute freedom of consciousness but practicing religious rituals comes within the framework of the obligation on the state to recognize the three heaven-revealed religions and anybody who embraces a religion other than these three heaven-revealed religions has no right to demand documentation of his religious belief in his/ her identification papers.

The Bahrain University Assistant Law Professor reasserted that the Bahrain Constitution provides for the right of public meetings on the condition that such meetings be peaceful and should not violate public morality. The law also organizes the right of three day prior notification and formation of a tripartite committee to organize the meeting and maintain public order and prevent any digression from the public order.

At the end of the lecture, Dr. Abdul Aziz Hassan Abul, Chairman of the National Institution for Human Rights, presented a plaque to Dr. Badr Mohammed Adil as a gesture of appreciation of his efforts in delivering the lecture.

NIHR'S STATEMENT ON THE INTERNATIONAL DAY FOR TOLERANCE



The United Nations celebrates the International Day of Tolerance on November 16 of each year. In 1996, the UN General Assembly invited UN Member States to observe the International Day for Tolerance on 16 November with a view to achieving peace and ensuring a decent life for the people in different cultures and religions through mutual respect and appreciation among themselves. Tolerance is the strongest foundation for peace and reconciliation. It is a solid structure built on massive bases for the sake of establishing developed civil societies believing in peaceful coexistence on one land.

This action came in the wake of the United Nations Year for Tolerance, 1995, proclaimed by the General Assembly in 1993 (Resolution 48/126). The year was declared on the General Conference of UNESCO's initiative. On November 16, 1995, the UNESCO member states adopted the Declaration of Principles on Tolerance and Follow-up Plan of Action for the year.

The UN General Assembly's Declaration of Principles emphasizes that tolerance is the only thing that guarantees the survival of humanity as long as diversity and difference are inherent to human existence and considered an inevitable universal attribute. The Declaration of Principles stresses on defining tolerance by denying the erroneous understanding attributed thereto; it does not mean indifference nor acceptance of everything unreservedly, but it means to respect, accept and appreciate the rich diversity of our world. This involves, in essence, a recognition of the human rights of others.

On this occasion, the NIHR hopes that this Day would be an opportunity for all - peoples, governments and NGOs - to incorporate the principle of tolerance in their activities, programs and plans for a better world where peace, cooperation, dialogue and acceptance of others prevail, while exclusion and intolerance vanish. It should also be noted that the value of tolerance, embraced by all religions and cultures, not only prevent wars and violence, but also stimulate creativity, innovation, renovation and discovery.

The NIHR requires everyone to consider tolerance as a necessity for the survival and evolution of humanity. In the modern world, tolerance is more essential than ever before, as it makes communities live together in peace, security, love and harmony away from any cultural, religious or policy issues.

NIHR'S STATEMENT ON THE INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

At its 54th Session in 1999, the United Nations General Assembly designated 25 November as the International Day for the Elimination of Violence against Women, under Resolution No. 48/104 on the adoption of the Declaration on the Elimination of Violence against Women. The first article of the Declaration defines 'violence' as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

The resolution also recalls the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On the occasion of the International Day for the Elimination of Violence against Women, the UN's resolution invites governments, international organizations and NGOs to organize activities designed to raise public awareness of the problem of violence against women.

In his message on the International Day for the Elimination of Violence against Women, UN Secretary-General Ban Ki-moon stressed that "violence against women and girls directly affects individuals while harming our common humanity. In response to this global challenge, I launched my UNiTE to End Violence against Women campaign in 2008. Since then, partners around the world have joined our drive to protect the human rights of women and girls to live free from violence... We make a special effort to organize and combat violence against women, an egregious human rights violation."

The Kingdom of Bahrain ratified the accession to the Convention on the Elimination of All Forms of Discrimination against Women by Decree-Law No. 5/2002. Through the Supreme Council for Women, the Kingdom is currently reconsidering its reservations, provided that the lifting thereof shall not conflict with Islamic Law. Moreover, the Legislative Authority pays attention to the enactment of strict laws to combat domestic violence.



On this occasion, the NIHR stresses the need to combat violence against women as an integral part of human rights, and calls for enacting laws to criminalize violence and develop long-term strategies aimed at raising community's awareness of the issue of violence.

NIHR invites civil society institutions and non-governmental organizations to organize awareness programs and activities and legal courses to shed light on violence against women and promote community's awareness of all rights and duties, thus contributing to the protection of women from abuse and violence to which they may be exposed.