



## Bahrain

### Country Reports on Human Rights Practices - [2002](#)

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On February 14, the country became a monarchy with a Constitution that reinstated a legislative body, one of whose chambers is elected. The new Constitution also confirmed the King as hereditary ruler and strengthened royal executive authority. According to the National Action Charter, the King is the head of the three branches of government: the executive, legislative, and judicial. The Constitution gives the elected Council of Deputies a role in considering legislation, but most legislative authority still resides with the King and he appoints members of the Shura (Consultative) Council. The King chairs the Higher Judicial Council.

The Al-Khalifa extended family has ruled the country since the late 18th century and continued to dominate all facets of its society and government. The King, Shaikh Hamad Bin Isa Al-Khalifa, governs the country with the assistance of his uncle, the Prime Minister; his son, the Crown Prince; and an appointed cabinet of ministers. Members of the Al-Khalifa family hold 9 out of 24 cabinet positions, including all "strategic ministries." The partially elected National Assembly consists of a Council of Deputies and an appointed Consultative Council. The courts were subject to government pressure and occasional accusations of corruption, and there have been very few instances of people trying to bring cases against the Government. However, the courts have ruled against the Government in the past.

Citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting approximately two-thirds of the indigenous population. However, Sunnis predominate politically and economically because the ruling family is Sunni and is supported by the armed forces, the security services, and influential Sunni and Shi'a merchant families who benefit from a relatively open economy under the Al-Khalifas. Apart from violent demonstrations in April, there were few incidents of political unrest and there has not been prolonged unrest since 1996. In May slightly more than half of the country's eligible voters, both men and women, participated in the first elections in more than a quarter of a century, electing members of municipal councils and, in October, electing 40 members of the Council of Deputies.

The Ministry of Interior was responsible for public security. It controlled the public security force (police) and the extensive security service, which were responsible for maintaining internal order. The Bahrain Defense Force (BDF) was responsible for defending against external threats. It also monitored the internal security situation. The security forces committed a few serious human rights abuses during the year.

The country has a population of approximately 650,000, an estimated one-third of whom are noncitizens, many of whom are Asian workers. It has a mixed economy, is a regional financial and business center, and depends on tourism from Saudi Arabia.

The Government generally respected the human rights of its citizens in a number of areas and improved significantly in other areas, particularly concerning respect for political rights; however, its record remained poor in other areas, particularly with respect to impunity of government officials and the independence of the judiciary. The Government denied citizens the right to change their government; however, the election of the Council of Deputies should be a significant step forward in improving citizens' ability to effect change in their government.

All remaining political prisoners were freed and all exiles officially allowed to return in 2001. Although more than 1000 persons still faced problems obtaining proper documentation during the year, the Government managed to resolve these problems and issued the appropriate documents by the end of the year. The Government also assisted in the return of approximately 300 persons that had been forced into exile in the past decades.

Impunity remained a problem, and there were no known instances of security forces personnel being punished for abuses of authority committed during the year or in the past; however, according to the Interior Ministry, its Disciplinary Court convicted a total of 25 police officers during the year and in 2001 for criminal activities. Some were incarcerated. The Interior Ministry also referred 77 additional cases to the Ministry of Justice for prosecution. Under the new Constitution, the judiciary is nominally independent, but it still remained subject to government pressure. The press published credible allegations that some judges were corrupt. The Government continued to infringe to some extent on citizens' privacy rights.

The Government imposed some restrictions on the freedoms of speech and the press, and restricted freedoms of assembly and association. These restrictions increased during the first half of the year. The founding of the country's first independent newspaper in September marked an improvement for freedom of the press. The Government also imposed some limits on freedom of religion and freedom of movement. In July the Government registered the Bahrain Center for Human Rights, the country's second human rights NGO. Violence against women and discrimination based on sex, religion, and ethnicity remained problems. The promulgation in September of a law on unions, which gave workers for the first time the right to organize and bargain collectively, was a significant improvement in the rights of workers. This and other legislation also improved the legal status of foreign workers. Abuse of foreign workers occurred, including numerous instances of forced labor and some instances of trafficking. Bahrain was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings. However, authorities used rubber bullets to disperse a demonstration resulting in the death of a demonstrator. The Government established a committee to investigate the incident, but the committee had not presented evidence or reached conclusions at year's end (see Section 2.b.).

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were some reports of police abuse of civilians during the year. On April 5, during demonstrations near a diplomatic mission, in an effort to disperse a violent demonstration, riot police struck a citizen with a rubber projectile, resulting in his death (see Section 2.b.).

During demonstrations on April 10, police beat a human rights activist who had asked them to stop beating a prostrate demonstrator. The Undersecretary of the Interior promised to investigate the incident and punish the officers responsible. In October the Ministry of Interior reportedly concluded that the incident was the "natural result" of interfering with police work. The process leading to this conclusion was not disclosed. There were no indications that any officers were punished.

In May Department of Military Intelligence (DMI) officers reportedly kidnaped Jassim Ahmed Salman and beat him for 2 hours in retaliation for Salman's participation in an assault on a DMI officer during a small demonstration in May near a diplomatic mission. There were no reports that the Government investigated this case or punished those involved (see 1.d.).

On December 11, lawyers for eight citizens made allegations against former Colonel Adil Jassim Flaifel for routinely engaging in torture and ill-treatment of prisoners. According to Amnesty International (AI), the general prosecutor in the Legal Affairs Bureau did not acknowledge receipt of the complaint. He asserted that the general amnesty issued by the King in February 2001 and reaffirmed in October applied to government employees as well as regular citizens.

In 2001 two Shi'a men reported that the police detained and beat them. Although one of the men admittedly sought the confrontation with the police, the police illegally arrested them without a court-issued warrant (see Section 1.d.).

In the past, there were credible reports that prisoners often were tortured and subjected to cruel, inhuman, or degrading treatment. Before the annulment of the State Security Act in February 2001, the Government had difficulty in rebutting allegations of torture and of other cruel, inhuman, or degrading practices because it permitted incommunicado detention and detention without trial. There continued to be credible reports of prisoners being beaten and mishandled. Government officials and human rights activists stated that these practices resulted more from poor police training and lax supervision rather than from a systematic, extrajudicial effort to punish suspects. There continued to be no known instances of officials being punished for human rights abuses committed either during the year or in any previous year.

There were no allegations that security forces threatened female detainees with rape or inflicted other forms of sexual abuse and harassment on them while they were in custody.

The prisons generally met international standards. Women prisoners were housed separately from men, and juveniles were housed separately until the age of 15. The last visit of the International Committee of the Red Cross (ICRC) to monitor prisons was in 2001, when the last of the country's political prisoners were freed.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution states that "no person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place except in accordance with the provisions of the law and under the supervision of the judicial authorities." The authorities generally observed these provisions in practice, although there was a report of a case where security officials detained a citizen without a legal warrant. In May DMI officers allegedly detained and beat Jassim Ahmed Salman (see Section 1.c.).

In another incident in December 2001, which was reported to the police in January, two Shi'a youths said they had been held by police for 2 days without being charged. The victims were released within the 48-hour time period that the law allows police to hold suspects without a court order. There were no reports of government investigations into these incidents (see Section 1.c.).

Since the 2001 abolition of the State Security Act, courts refused police requests to detain suspects longer than 48 hours, and the police complied with court orders to release suspects. Judges may grant bail to a suspect. However, attorneys still require a court order to visit detainees in jail.

The Ministry of Justice is responsible for public prosecutors, while the Ministry of Interior oversees the police and all aspects of prison administration. Access to attorneys was restricted; in the early stages of detention, prisoners and their attorneys must seek a court order to be able to meet. Prisoners may receive visits from family members, usually once a month.

The Constitution prohibits forced exile, and there were no reports of new cases of forced exile during the year. All remaining political prisoners were freed, and all exiles officially allowed to return in 2001. Although more than 1000 persons in the country faced problems obtaining proper citizenship documentation during the year, the Government managed to resolve these problems and issued the appropriate documents by the end of the year. The Government also assisted in the return of some 300 persons that had been forced into exile in the past decades (see Sections 4 and 5).

The Constitution prohibits stripping a person of nationality except in cases of treason and other such cases as prescribed by the law. In the past, the Government revoked the citizenship of persons whom it considered to be security threats. There were no reports of such actions during the year.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was not independent, and courts were subject to government pressure regarding verdicts, sentencing, and appeals. In past cases, the King, the Prime Minister, and other senior government officials lost civil cases brought against them by private citizens; however, the court-ordered judgments were not always implemented expeditiously. Members of the ruling Al-Khalifa family were well represented in the judiciary and generally did not recuse themselves from cases involving the interests of the Government.

According to the new Constitution, the King appoints all judges by Royal Decree. Once appointed, judges are civil servants who may work for the Government until the mandatory age of retirement (60 years). The King also serves as chairman of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the Public Prosecution office. The Constitution does not provide a legislative branch confirmation process for judicial appointees nor does it establish an impeachment process. Article 106 provides for the establishment of a Constitutional Court to rule on the constitutionality of laws and statutes. The King appoints all judges of this special court by Royal Decree. They serve 9-year terms and cannot be removed before their terms expire. The King may present draft laws to this court before their implementation to determine the extent of their agreement with the Constitution, providing rudimentary judicial review. The Court's determination is "binding on all state authorities and on everyone."

The civil and criminal legal systems consisted of a complex mix of courts, based on diverse legal sources, including Sunni and Shi'a Shari'a (Islamic law), tribal law, and other civil codes and regulations. The King's annulment of the 1974 State Security Act abolished its separate, closed security court system, which had jurisdiction in cases of alleged antigovernment activity.

The BDF maintained a separate court system for military personnel accused of offenses under the Military Code of Justice. The Ministry of Interior had a similar system for trying police officials. Neither court reviewed cases involving civilian, criminal, or security offenses.

Defendants may choose their own attorneys. If they are unable to afford a private attorney, defendants may ask the Justice Ministry to appoint an attorney to represent them in court. In the past, some attorneys and family members involved in politically sensitive criminal cases claimed that the Government interfered with court proceedings to influence the outcome or to prevent judgments from being carried out; however, there were no such reports during the year. There were allegations of corruption in the judicial system.

Civil or criminal trial procedures provided for an open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Criminal court proceedings generally did not appear to discriminate against women, children, or minority groups. Prior to the annulment of the State Security Act in February 2001, there was credible evidence that persons accused of anti-government crimes who were tried in the criminal courts were denied fair trials. Such trials were held in secret, and the defendants were not permitted to speak with an attorney until their appearance before the judge at the preliminary hearing. The annulment of the State Security Act also abolished the State Security Court, which had tried security cases in secret.

There were no reports of political prisoners during the year. In mid-February 2001, the King pardoned and released all political prisoners and detainees. Until that time, the Government held in detention hundreds of Shi'a for offenses involving "national security." In accordance with tradition, the Government releases and grants amnesty to some prisoners on major holidays.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for freedom from arbitrary interference with privacy, home, and correspondence except under the provisions of law and under judicial supervision. Nonetheless, the Government continued to infringe on citizens' right to privacy, although such reports declined significantly during the year. The Government continued to carry out some illegal searches. Telephone calls and personal correspondence remained subject to monitoring. Police informer networks were extensive and sophisticated.

There were no reports during the year of security forces setting up checkpoints at the entrances to villages, conducting vehicle searches, and requiring proof of identity from anyone seeking to enter or exit. A government-controlled proxy prohibited user access to Internet sites considered to be antigovernment or anti-Islamic, but these restrictions were often circumvented (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The new Constitution provides for the right to express and publish opinions "under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused." In practice, the Government limited this right, particularly in the media. However, the establishment of an independent newspaper in September helped expand the freedom of the press.

Local press coverage and commentary on international issues was open, and discussion of local economic and commercial issues also was relatively unrestricted. Representatives from the Information Ministry actively monitored and blocked local stories on sensitive matters, especially those fostering sectarianism or criticizing the royal family, and journalists practiced self-censorship. The new independent Arabic daily Al-Wasat's coverage that criticized some Government policies and actions encouraged other papers to attempt to improve their coverage on these matters. Al-Wasat's introduction, and the competition it engendered with the established press, improved the press climate noticeably.

Throughout the year, press censorship on sensitive issues was more apparent than in 2001, but the press remained more open than before the reforms of 2000. Since 2000, the press covered controversial issues such as criticism of government policies, discussion of sectarian issues, unemployment, and housing more freely than before. However, criticism of the ruling family and the Saudi ruling family and fostering sectarian divisions remained largely prohibited.

In January the "Emergency Matters Court" overturned the Information Ministry's October 2001 decision to ban the publications of Hafidh Al-Shaikh, a frequent columnist in local newspapers. The Information Ministry accused Al-Shaikh of fostering sectarian divisions in society, but Al-Shaikh and others claimed that an article he published in a Lebanese newspaper criticizing the country's Crown Prince was the reason for this banning. The Government chose not to appeal the court's decision and Al-Shaikh continued to write and publish.

The decision by four political societies to boycott the October 24 legislative election did not appear in any of the local papers while London-based Al-Hayat, available at newsstands throughout the country, gave the story front-page coverage. When the story did appear in the local newspapers days later, coverage of the decision and its announcement at a press conference was pale and conveyed a strong progovernment slant. However, by October political discussion of the boycott was extensive in Al-Wasat.

In November local media received instructions to avoid commenting on the alleged human rights abuses of a former security official, Adel Jassim Flaifel, who had fled the country because of alleged financial misdeeds. However, some journalists published general statements about these allegations. Many articles discussed the lawsuits connected with Flaifel's alleged financial misdeeds in the country and in Australia. By December there was detailed reporting on specific allegations of human rights abuses by Flaifel (see Section 1.c.).

In November the Government issued Royal Decree number 47, a new law governing the press. Article 1 of the new law states: "Everyone has the right to express his views and to publish them." The rest of the law, which consists of 24 pages and 96 articles, devotes itself largely to placing restrictions on these "rights." Other articles allow prison sentences for three general categories of offenses: criticizing the State's official religion, criticizing the King, and inciting actions that undermine state security. In addition, the law allows fines up to \$5,300 (BD 2,000) for 14 other offenses, including publishing statements issued by a foreign state or organization before obtaining the consent of the Minister of Information, any news reports which may adversely affect the value of the national currency, any offense against a head of state maintaining diplomatic relations with the country, or offensive remarks towards an accredited representative of a foreign country because of acts connected with his post.

The exact legal status of this law was unclear. All newspapers ran articles and editorials criticizing the law, and 1 week after its issuance, the Prime Minister declared the law "frozen," and ordered that the Cabinet review the law. This created some confusion, as the term "frozen" is not defined under law, and it was not entirely clear if this law was being applied. There were reports that two journalists were suspended for 7 to 10 days in December, but it was not apparent if these punishments were handed out under the authority of the new press law.

Persons expressed critical opinions openly regarding some domestic political and social issues in private settings and occasionally on state-run television call-in shows and increasingly in organized public forums. They did not criticize leading government officials. However, public demonstrations increased over issues of family status law, violations of zoning, and human rights abuses. These were covered in the print media but not on government-owned television.

The Election Law promulgated in July regulated candidates' political activities, prohibiting speeches at most public locations and limiting the areas where campaign materials could be placed. However, these regulations were only sporadically enforced (see 2.b.).

The Information Ministry controlled local broadcast media and exercised considerable control over local print media, except Al-Wasat, even though newspapers were privately owned. The Government generally afforded foreign journalists access to the country and did not limit their contacts. However, the Government continued to ban correspondents from the Qatar-based television Al-Jazeera, accusing the station of using sensationalized and one-sided coverage to project unfairly a negative image of the Government.

The Bahrain Journalists' Association, formed in 2000, had a preponderance of government employees from the Information Ministry and was not an independent organization protecting journalists' rights and interests.

The Government owned and operated all local radio and television stations. Radio and television broadcasts in Arabic and Farsi from neighboring countries and Egypt were received without interference. Government approval to access satellite dishes and to import or install dishes no longer was required. The Qatar-based television station Al-Jazeera was available in the country via satellite. Except for the banning of Al-Jazeera's correspondents, there were no complaints by international news services regarding press restrictions.

Access to the Internet was provided through the National Telephone Company (BATELCO). E-mail use was unimpeded, although it was subject to monitoring (see Section 1.f.). Approximately 235,000 residents of the country, slightly more than one-third of the population, used the Internet.

Although there were no formal regulations limiting academic freedom, in practice academics avoided contentious political issues and the university did not have a political science program. University hiring and admissions policies favored Sunnis and others who were presumed to support the Government, rather than focusing on professional experience and academic qualifications. However, there continued to be some improvement in the hiring of qualified individuals in a nondiscriminatory manner during the year, and a few Shi'a professors, including women, were hired. Larger numbers of Shi'a students were accepted into the national university, but this was still a smaller proportion than in the general population.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of free assembly; however, the Government restricted its exercise by requiring that organizers of public events acquire permits, which were not granted in a routine fashion. The law prohibits unauthorized public gatherings of more than five persons. The Government periodically limited and controlled gatherings that might take on a political tone.

From the passage of the National Action Charter in February 2001 until July, gatherings at social and political clubs for political discussions were held regularly and without any obvious obstruction by the Government. However, the Political Rights Law promulgated in July had a negative effect on the freedoms of speech and association (see Section 2.a.). The law, intended to regulate election campaigns, prohibits "election meetings" at worship centers, universities, schools, government buildings, and public institutions. After this law's promulgation, the occurrence of public meetings declined precipitously, and they received little coverage in the local press. One leader of a popular public forum reported that he had been told by a high-level government official to reduce the attendance at meetings and make them "less political."

Demonstrations occurred throughout the year, not all of which were approved by the Government. Unless violent, the Government generally did not intervene. On January 7, police dispersed an unauthorized demonstration of 200 youths who were protesting unemployment in the country. When demonstrators ignored police requests to avoid illegal behavior and began blocking traffic, riot police used tear gas to disperse the demonstration and arrested nine persons.

Initially peaceful demonstrations of 2,000 to 3,000 persons on April 5 turned into an assault on the U.S. Embassy in which 1 citizen was killed by local security forces (see Section 1.a. and 1.c.). Emerging from a scheduled, peaceful protest, a well-organized group of 200-300 youths used firebombs, cinder blocks, and slings with metal shot to attack the embassy, endangering embassy personnel and destroying property. After an initially hesitant response, local riot police used tear gas and fired 38mm flexible rubber batons, not rubber-coated steel bullets, to disperse the attackers. One of the rubber projectiles struck

a citizen in the head, and he died of his injuries 2 days later. Following the incident, the Government announced the establishment of a committee to investigate, but there has been no public presentation of evidence or conclusions (see 1.a. and 1.c.).

A violent pro-Palestinian demonstration on April 10 directed towards a diplomatic mission resulted in 60 casualties and 500 persons being hospitalized when security forces used tear gas and rubber bullets to disperse the crowd.

The Constitution provides for the right of free association; however, the Government limited this right in practice, for example, by prohibiting political parties. The Government allowed political societies to run candidates and support them financially. On September 24, the Government took steps to improve significantly the right of association for workers by granting them, for the first time, the right to form trade unions.

During the last 2 years, the Government authorized several NGOs to conduct political activities related to the organizations' purposes, including two human rights organizations. Previously, only the Bahraini Bar Association was exempt from the regulations that require that the charters of all associations include a commitment to refrain from political activity.

### c. Freedom of Religion

The Constitution states that Islam is the official religion and also provides for freedom of religion; however, there were some limits on this right. Thirteen Christian congregations registered with the Ministry of Labor operated freely and allowed other Christian congregations to use their facilities. Other unregistered Christian congregations likely existed, and there was no attempt by the Government to force them to register. There was also a Jewish synagogue and a Hindu temple. The Government subjected both Sunni and Shi'a Muslims to control and monitoring. Members of other religions who practice their faith privately did so without interference from the Government. Every religious group must obtain a permit from the Ministry of Justice and Islamic affairs in order to operate. Depending on circumstances, a religious group may also need approvals from the Ministry of Labor and Social Affairs, the Ministry of Information, and/or the Ministry of Education (if the religious group wants to run a school).

The Government funded, monitored, and subjected all official religious institutions to some controls. These include Shi'a and Sunni mosques, Shi'a ma'tams (religious community centers), Shi'a and Sunni waqfs (charitable foundations), and the religious courts, which represent both the Ja'afari (Shi'a) and Maliki (one of the four Sunni) schools of Islamic jurisprudence. Holding a religious meeting without a permit is illegal. There were no reports of religious groups being denied a permit. At least one religious event was held without a permit, but the Government took no action against the event's sponsor. In October the press reported that a school emphasizing a Shi'a curriculum was established for the first time in the country.

The Government rarely interferes with what it considers legitimate religious observations. The Political Rights Law promulgated in July forbids election speeches in worship centers, but political sermons continued, and there were no reports of the Government closing ma'tams or mosques because of the content of religious services held there (see Section 2.a. and 2.b.). In the past, the Government actively suppressed activity deemed overtly political in nature, occasionally closing mosques and ma'tams for allowing political demonstrations to take place on or near their premises and detaining religious leaders for delivering political sermons or for allowing such sermons to be delivered in their mosques. There were no reported closures of ma'tams or mosques during the year. The Government also may appropriate or withhold funding in order to reward or punish particular individuals or places of worship. There were no reports of the Government withholding funding or closing religious facilities during the year.

Although there were notable exceptions, the Sunni Muslim minority enjoyed a favored status. Members of the royal family are Sunnis, and Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. Public religious events, most notably the large annual Ashura marches by Shi'a, were permitted but were monitored closely by the police. The Shi'a celebration of Ashura is a 2-day national holiday in the country, and the King ordered the Ministry of Information to provide full media coverage of Ashura events. There were no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and holy sites in Iran, Iraq, and Syria. The Government monitored travel to Iran and scrutinized carefully those who choose to pursue religious study there.

The Government discourages proselytizing by non-Muslims and prohibits anti-Islamic writings. However, Bibles and other Christian publications were displayed and sold openly in local bookstores. Some small groups worshiped in their homes. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions readily were available.

One reported instance of societal violence against a minority religion's property occurred during the year. On May 15, 70 graves at the St. Christopher's Church cemetery were desecrated. The King promised not only to restore the graveyard, but to transform it into a monument to the country's history of Christian-Muslim relations. There were no reports of the results of the investigation into this incident.

While the defense and internal security forces predominantly were Sunni, Shi'a citizens were allowed to hold posts in these forces; however, they did not hold positions of significance. In the private sector, Shi'a citizens tended to be employed in lower paid, less skilled jobs. In private conversations, Shi'a consistently complained of discrimination, especially in receiving public

sector jobs and slots at the university. While Shi'a acknowledged that the situation was improving slowly, they still made up a disproportionately high percentage of the country's unemployed. Public discussion of this issue remained taboo and any reference to Shi'a complaints in the press were indirect.

Educational, social, and municipal services in most Shi'a neighborhoods, particularly in villages, were inferior to those found in Sunni urban communities, despite government initiatives beginning to address the problem.

For a more detailed discussion, see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution prohibits restrictions on freedom of movement, except as provided by law and judicial supervision. Banishment is prohibited, as is prevention of return. Bahraini passports were valid for travel to all countries.

Citizens were free to move within the country and change their place of residence or work. Although more than 1,000 persons in the country faced problems obtaining proper citizenship documentation during the year, the Government resolved these problems and issued the appropriate documents by the end of the year. The Government also assisted in the return of some 300 persons that had been forced into exile in the past decades. The Government occasionally grants citizenship to Sunni residents, most of whom are from Jordan, the Arabian Peninsula, and Egypt. This practice was controversial, and several of the candidates for the October legislative elections campaigned publicly against this practice, calling it "random naturalization." The Government did not publish the numbers of Sunnis and Shi'a it naturalized during the year, making it difficult to evaluate these charges.

Under the 1963 Citizenship Law, the Government may reject applications to obtain or renew passports for reasonable cause, but the applicant has the right to appeal such decisions before the High Civil Court. The Government also issued temporary passports, valid for one trip per year, to persons whose travel it wished to control or whose claim to citizenship was questionable. A noncitizen resident may obtain a travel document, usually valid for 2 years and renewable at the country's embassies overseas. The holder of a travel document also required a visa to reenter the country.

The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR), although it has not formulated a formal policy regarding refugees, asylees, or first asylum. The Government usually does not accept refugees due to the country's small size and limited resources. However, there were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their Government or their political system; however, the Constitution provided for the first democratically elected political institution since the dissolution of the National Assembly in 1975. On February 14, the country became a monarchy with a constitution. Elections for the newly established Council of Deputies took place on October 24. The King appoints the Prime Minister, who then proposes Cabinet Ministers that are appointed by the King. Members of the ruling family hold all security-related offices.

In February 2001, an overwhelming majority of eligible citizens (98.4 percent), both male and female, endorsed a government plan called the National Action Charter, to restore constitutional rule. The Constitution was drafted in secret and delivered to the people as a royal grant in February.

In May the country's voters elected municipal councils in the first election among the Arab Gulf states that allowed men and women to participate as both voters and candidates. These councils have authority to allocate resources in their jurisdiction for local services. Funding comes from taxes collected by the Ministry of Municipalities and the Environment. These councils began meeting in September, but their role is still being defined.

The 40 elected members of the Representative Council shared legislative powers with the King and with the 40 members of the Shura Council appointed by the King. Collectively, the two chambers are known as the National Assembly. Either chamber may propose legislation, but the Cabinet's Office of Legal Affairs must draft the actual text of laws. The King may veto laws passed by the National Assembly, which may override a veto by a two-thirds majority vote. If the legislature overrides a veto, the King must promulgate the law within 1 month. The King may dissolve the Representative Council at his discretion, and he retains the power to amend the Constitution and propose, ratify, and promulgate laws. Either council may question government ministers and the Representative Council may pass by a two-thirds majority votes of no confidence that require the minister's resignation. The Representative Council may also introduce a resolution indicating it cannot cooperate with the Prime Minister. The entire National Assembly would then have to pass the resolution by a two-thirds majority that would require the King to either dismiss the Prime Minister or dissolve the Council of Deputies.

The Political Rights and Election Laws promulgated in July placed restrictions on the freedoms of speech and association (see Sections 2.a. and 2.b.). There were no political parties. The Government drew the electoral districts in both the municipal council and the legislative elections to protect Sunni interests by creating several districts with small populations likely to elect a

Sunni candidate. In contrast, districts where a Shi'a candidate was likely to win were drawn to include large numbers of voters, a formula that diluted the voting strength of the Shi'a community. International observers commented that this gerrymandering generally violated the one-man one-vote principle common to most democracies. They also observed that candidates were not allowed to visually observe ballot counting and that there was an incomplete reporting of election results during the election process.

The country held its first elections in nearly 3 decades during the year. In May voters elected municipal councils. In October slightly more than half of eligible voters elected 40 members to the Representative Council. The largest political society, joined by three other smaller societies, chose not to participate in the October elections, citing grievances over the Constitution, especially the provisions that equalize the powers of the elected Council of Deputies and the appointed Shura Council. There were no government candidates. Informed observers reported that the election campaigning and voting was substantially free and fair.

Although women candidates stood in both elections, none were elected to office. However, in the October elections, two women forced their competitors into runoffs in which each woman received more than 40 percent of the vote. The King appointed six women to the Shura Council. There were no women at the ministerial levels of Government. The majority of women who chose to work in the Government did so in a support capacity, and only a few attained senior positions within their respective ministries or agencies. Women may vote and run for elected office. Although no women were elected in either the municipal or legislative elections, the Constitution provides for the right of women to participate and was a consistent refrain in the public statements of both the King and the Crown Prince. Turnout for municipal councils elections in May was approximately 51 percent; just over 52 percent of the voters who turned out for those elections were women. Turnout for the October election was just over 53 percent, according to Government figures; the Government did not publish the number of women voters.

The King appointed one Christian and one Jewish member to the Shura Council. Twenty-one Shura Council members were Shi'a Muslims and 17 were Sunni. Approximately one-third of the cabinet ministers were Shi'a.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Restrictions on freedom of association and expression sometimes hindered investigation or public criticism of the Government's human rights policies. Over 300 NGOs have been registered, helping to facilitate the growth of civil societies and public discourse. The largest proportion were devoted to charitable activities. Some NGOs dealt with concerns of expatriates and others focused on women's issues. There was a human rights component in much of their efforts. Members of these groups met with government officials and the Government has responded on some issues, most notably on exiles and the situation of the stateless bidoons (see Section 1.d.).

Most, if not all, of the members of the Damascus-based Committee for the Defense of Human Rights in Bahrain and the Copenhagen-based Bahrain Human Rights Organization have returned to the country since the 2001 referendum on the National Action Charter. The London-based Bahrain Freedom Movement and the Beirut-based Islamic Front for the Liberation of Bahrain remained active outside the country, but Bahrain Freedom Movement leader Dr. Mansur Al-Jamry returned to the country in December 2001 and established an independent newspaper in September (see Section 2.a.). Previously, Bahrain Freedom Movement leader Dr. Majid Al-Alawi returned in January 2001 to become Assistant Secretary General for the Bahrain Center for Studies and Research, the country's only think tank. On November 11, Dr. Al-Alawi was named Minister of Labor and Social Affairs.

In recent years, the Government allowed increasing access of international human rights organizations. During the year, there were no reports of Government harassment of these groups or their members. The U.N. High Commission for Human Rights visited the country in March and praised its democratic reforms, especially those guaranteeing women the right to vote and run for office. Officials from AI and Human Rights Watch visited in February.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. However, in practice these rights were protected unevenly, depending on the individual's social status, ethnicity, or sex.

##### Women

Women's groups and health care professionals stated that spousal abuse was common, particularly in poorer communities. In general, there was little public attention to, or discussion of the problem. Incidents usually were kept within the family. No government policies or laws explicitly addressed violence against women. During the year, a few articles appeared in the local press discussing violence against women and the need for laws to defend women who are abused. There were very few known instances of women seeking legal redress for violence. Anecdotal evidence suggested that the courts were not receptive to such cases. Rape is illegal; however, because marital relations are governed by Shari'a law, spousal rape was not a legal concept within the law.

It was not uncommon for foreign women working as domestic workers to be beaten or sexually abused (see Sections 6.c. and 6.e.). Numerous cases were reported to local embassies and the police. However, most victims were too intimidated to sue their employers. Courts reportedly allowed victims who do appear to sue for damages, return home, or both.

Although prostitution is illegal, some foreign women, including some who worked as hotel and restaurant staff, engaged in prostitution. (see Section 6.f.).

Conditions for women in the country improved during the year, and the Government played a leadership role in promoting the rights of women. The Government publicly encouraged women to work and was a leading employer of women, who constituted a significant percentage of the government workforce and included university professors, public school teachers, and employees in the public health and social sectors. However, in 2001, approximately 17 percent of the total work force was female, and more than half of the female workers were noncitizens. NGOs working on women's issues were very active in encouraging women to vote and to run for office during the municipal council and parliamentary elections. Several of these NGOs were also active on social issues such as health and education, and provision of assistance to women and children, particularly the poor.

Shari'a governs the legal rights of women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the individual's faith, or by the court in which various contracts, including marriage, are made. Some women complained that Shari'a courts were biased against women, especially in divorce cases. In October a group of representatives of women's societies filed complaints with the Minister of Justice and Islamic Affairs against several Shari'a judges, arguing that women were often treated unfairly in these courts. They also called for the issuance of a long-promised Personal Status Law that would more clearly define women's rights.

While both Shi'a and Sunni women have the right to initiate a divorce, religious courts may refuse the request. Although local religious courts may grant a divorce to Shi'a women in routine cases, occasionally Shi'a women seeking divorce under unusual circumstances must travel abroad to seek a higher ranking opinion than that available in the country. Women of either branch may own and inherit property and may represent themselves in all public and legal matters. In the absence of a direct male heir, Shi'a women may inherit all property. By contrast, in the absence of a direct male heir, Sunni women inherit only a portion as governed by Shari'a; the balance is divided among the brothers or male relatives of the deceased. In practice, better-educated families used wills and other legal maneuvers to ameliorate the negative impact of these rules.

In divorce cases, the courts routinely grant Shi'a and Sunni women custody of daughters under the age of 9 and sons under the age of 7, although custody usually reverts to the father once the children reach those ages. Regardless of custody decisions, in all circumstances, except for mental incapacitation, the father retains the right to make certain legal decisions for his children, such as guardianship of any property belonging to the child, until the child reaches legal age. A noncitizen woman automatically loses custody of her children if she divorces their citizen father. A Muslim woman legally may marry a non-Muslim man if the man converts to Islam. In such marriages, the children automatically are considered to be Muslim. Women may obtain passports and leave the country without the permission of the male head of the household. Women were free to work outside the home, to drive cars without escorts, and to wear clothing of their choice.

Women increasingly took jobs previously reserved for men and constituted approximately 17 percent of the workforce. Labor laws do not discriminate against women; however, in practice there was discrimination in the workplace, including inequality of wages and denial of opportunity for advancement. Sexual harassment is prohibited; however, it was a widespread problem for foreign women, especially those working as domestics and other low-level service jobs. The Government has encouraged the hiring of women, enacted special laws to promote their entry into the work force, and was a leading employer of women. Laws do not recognize the concept of equal pay for equal work, and women frequently were paid less than men. Generally women worked outside the home during the years between secondary school or university and marriage.

Women made up the majority of students at the country's universities, although some women complained that admissions policies at the National University aimed to increase the number of male students at the expense of qualified female applicants, especially Shi'a women.

There were a large number of women's organizations that sought to improve the status of women under both civil and Islamic law. Constitutional provisions granting women the right to vote and run for elected office were advances for women's rights. However, some women expressed the view that, despite their participation in the work force and their constitutional rights, in practice women's rights were not advancing significantly because of the influence of religious traditionalists. Other women desired a return to more traditional values and supported calls for a return to traditional Islamic patterns of social behavior.

#### Children

The Government has stated often its commitment to the protection of children's rights and welfare within the social and religious framework of society. It generally honored this commitment through enforcement of civil and criminal laws and an extensive social welfare network. Public education for citizen children below the age of 15 was free. While the Constitution provides for compulsory education at the primary levels (usually up to 12 or 13 years of age), the authorities did not enforce attendance. Limited medical services for infants and preadolescents were provided free of charge.

The social status of children is shaped by tradition and religion to a greater extent than by civil law. Child abuse was rare, as was public discussion of it; the preference of the authorities was to leave such matters within the purview of the family or religious groups. One case that drew public attention was that of a 13-year old girl who was reportedly abused by members of her family and then disappeared. According to local media, the case received attention at the highest levels of the Government, but despite the Prime Minister's public charge to the police to find her, she remained missing at year's end. The authorities actively enforced the laws against prostitution, including child prostitution, procuring, and pimping. Violators were dealt with harshly and may be imprisoned, or, if a noncitizen, deported. In the past, the authorities reportedly returned children arrested for prostitution and other nonpolitical crimes to their families rather than prosecute them, especially for first offenses. There were no reports of child prostitution during the year.

Some legal experts called on the Government to establish a separate juvenile court. However, other citizens insisted that the protection of children was a religious, not a secular, function and opposed greater government involvement. Independent and quasi-governmental organizations, such as the Bahraini Society for the Protection of Children and the Mother and Child Welfare Society, played an active part in protecting children by providing counseling, legal assistance, advice, and, in some cases, shelter and financial support to distressed children and families. The Child Care Home, funded from both government and private sources, provided shelter for children whose parents were unable to care for them.

There were very few reports of arrests and detentions of juveniles during the year, and those who were arrested reportedly were released soon thereafter.

#### Persons with Disabilities

The law protects the rights of persons with disabilities and a variety of governmental, quasi-governmental, and religious institutions were mandated to support and protect persons with disabilities. The regional Center for the Treatment of the Blind was headquartered in the country, and a similar Center for the Education of Deaf Children was established in 1994. Society tended to view persons with disabilities as special cases in need of protection rather than as fully functioning members of society. Nonetheless, the Government is required by law to provide vocational training for persons with disabilities who wish to work, and maintains a list of certified, trained persons with disabilities.

The Labor Law of 1976 also requires that any employer of more than 100 persons must hire at least 2 percent of its employees from the Government's list of workers with disabilities; however, the Government did not monitor compliance. The Ministry of Labor and Social Affairs worked actively to place persons with disabilities in public sector jobs, such as in the public telephone exchanges. The Government's housing regulations require that access be provided to persons with disabilities. Greater emphasis has been given in recent years to public building design that incorporates access for persons with disabilities; however, the law does not mandate access to buildings for persons with disabilities.

#### National/Racial/Ethnic Minorities

Most bidoon, a group of approximately 9,000 to 15,000 formerly stateless persons, mostly Shi'a of Persian-origin but including some Christians, were granted citizenship during 2001. During the year, the Government granted citizenship to the approximately 1,300 remaining bidoon (see Sections 1.d. and 2.d.). Approximately 1,000 of these were already living in the country. The Government paid for the return of some 300 others from Iran who were exiled forcibly in the 1980s. Without citizenship, bidoon legally had been prohibited from buying land, starting a business, or obtaining government loans. Bidoon and citizens who speak Farsi rather than Arabic as their first language faced significant social and economic discrimination, including difficulty in finding employment.

#### Section 6 Worker Rights

##### a. The Right of Association

On September 24, the King promulgated a new law on labor unions that grants workers for the first time the right to form and join unions. Previously, the Constitution recognized the right of workers to organize; however, the Government banned independent trade unions. The new law also clearly grants noncitizens the right to join unions. The first union formed under the new law was formed on October 8 at the Gulf Petrochemical Industries Company. Unions can be formed at establishments of any size. Employers and the Government are required to treat unions as independent entities.

Labor leaders reported that unions were forming successfully and had not reported any problems with excessively cumbersome rules and regulations imposed by either the Government or corporate management.

The law established a union federation, the General Federation of Workers Trade Unions in Bahrain (GFWTUB) that replaced the General Federation of Bahraini Workers. All unions will be members of the GFWTUB. The law does not restrict who may be a union official, other than to stipulate that a member of a company's management may not be a union member. The law also states that no more than one union per establishment may be created and prohibits unions from engaging in political activities.

The new law allows union membership for private sector workers, workers in the civil service, and maritime workers. Labor

leaders reported that the law permits all categories of workers except soldiers to join unions.

The law does not mention antiunion discrimination, and no reports of such behavior were reported. Nothing in the law prohibits unions from access to the legal system. The law encourages unions to participate in international labor forums and events; however, none has yet joined an internationally affiliated trade union organization. No internationally affiliated trade union exists in the country.

#### b. The Right to Organize and Bargain Collectively

The new law grants workers for the first time the right to organize and bargain collectively. Previously, the Government had denied this right, allowing only Joint Labor-Management Committees (JLCs), which were not independent mechanisms for representing workers' interests. Unions can be formed at establishments of any size. Employers and the Government are required to treat unions as independent entities.

The new law states that "the right to strike is a legitimate means for workers to defend their rights and interests;" however, the law also places some restrictions on this right. The law requires arbitration before a vote to strike and that three-quarters of a union's members approve the strike in a secret ballot. It was not yet clear if the arbitration was binding. Although government sources say the arbitration provision will not preempt the right to strike, the text of the law does not clearly specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision. Officials from the Government, labor, and business were reportedly comfortable with this ambiguity.

Although there were reports of some workers' protests during the year, there were no strikes.

There were two export processing zones (EPZs). Labor law and practice were the same in the EPZs as in the rest of the country.

#### c. Prohibition of Forced or Bonded Labor

Forced or bonded labor is prohibited by law; however, in practice, the labor laws applied for the most part only to citizens, and abuses occurred, particularly in the cases of domestic servants and those working illegally. The law also prohibits forced and bonded child labor, and the Government enforced this prohibition effectively.

Foreign workers, who make up approximately two-thirds of the workforce, in many cases arrived in the country under the sponsorship of an employer and then switched jobs while continuing to pay a fee to their original sponsor. This practice made it difficult to monitor and control the employment conditions of domestic and other workers. The Government issued new regulations granting foreigners more freedom to change jobs, but the process is legally cumbersome and many foreign workers remained unaware of their rights and obligations under the law. Unskilled foreign workers can become indentured servants, and often lacked the knowledge to exercise their legal right to change employment.

There were numerous credible reports that employers withhold salaries from their foreign workers for months, even years, at a time, and refused to grant them the necessary permission to leave the country. The Government and the courts generally worked to rectify abuses if they were brought to their attention, but they otherwise focused little attention on the problem. The fear of deportation or employer retaliation prevented many foreign workers from making complaints to the authorities (see Section 6.e.).

Labor laws do not apply to domestic servants. There were numerous credible reports that domestic servants, especially women, were forced to work 12-or 16-hour days, given little time off, malnourished, and subjected to verbal and physical abuse, including sexual molestation and rape. Between 30 and 40 percent of the attempted suicide cases handled by the Government's psychiatric hospitals were foreign maids (see Section 6.e.).

There were persistent reports that some foreign women working as hotel and restaurant staff were locked in a communal house or apartment when not working and driven to work in a van. Many reportedly traded sexual favors with hotel managers in exchange for time off from work (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 14 years of age. Juveniles between the ages of 14 and 16 may not be employed in hazardous conditions or at night, and may not work more than 6 hours per day or on a piecework basis. Child labor laws were enforced effectively by Ministry of Labor inspectors in the industrial sector; child labor outside that sector was monitored less effectively, but it was not believed to be significant outside family-operated businesses, and even in such businesses it was not widespread.

#### e. Acceptable Conditions of Work

The country does not have an official minimum wage. However, the Government issued guidelines that the public and private sectors should pay workers no less than \$397.88 (150 dinars) per month, and the Government observed this standard in paying its employees. Compliance with these guidelines was not actively monitored, and few unskilled foreign laborers earned as much as the guidelines suggest. For foreign workers, employers considered benefits such as annual trips home, housing, and education bonuses as part of the salary. However, these guidelines did not provide a decent standard of living for a worker and family. The Labor Law, enforced by the Ministry of Labor and Social Affairs, mandates acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week) and occupational safety and health.

The Ministry enforced the law with periodic inspections and routine fines for violators. The press often performed an ombudsman function on labor problems, reporting job disputes and the results of labor cases brought before the courts. Once a worker lodges a complaint, the Ministry of Labor and Social Affairs opens an investigation and often takes remedial action. The Fourth High Court has jurisdiction over cases involving alleged violations of the Labor Law. Complaints brought before the Ministry of Labor and Social Affairs that cannot be settled through arbitration by law must be referred to the Court within 15 days. In practice, most employers preferred to settle such disputes through arbitration, particularly since the court and labor law generally were considered to favor the employee.

Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

The Labor Law specifically favors citizens over foreign workers and Arab foreigners over other foreign workers in hiring and firing. Because employers included housing and other allowances in their salary scales, foreign workers legally may be paid lower regular wages than their citizen counterparts, although they sometimes received the same or a greater total compensation package because of home leave and holiday allowances. Western foreign workers and citizen workers were paid comparable wages, with total compensation packages often significantly greater for the former. Women in most jobs were entitled to 60 days of paid maternity leave and nursing periods during the day. However, women generally were paid less than men.

In 1993 the Government strengthened the Labor Law by decree of the King, announcing that significant fines and jail sentences would be imposed upon private sector employers who failed to pay wages required by law. This law applied equally to employers of citizens and foreign workers and was intended to reduce abuses against foreign workers, who at times were denied the required salaries (see Section 6.c.). The law provides equal protection to citizen and foreign workers; however, all foreign workers require sponsorship by citizens or locally based institutions and companies. According to representatives of several embassies with large numbers of workers in the country, the Government was generally responsive to embassy requests to investigate foreign worker complaints regarding unpaid wages and mistreatment. However, foreign workers, particularly those from developing countries, often were unwilling to report abuses for fear of losing residence rights and having to return to their countries of origin. Sponsors were able to cancel the residence permit of any person under their sponsorship and thereby blocked them for one year from obtaining entry or residence visas from another sponsor; however, the sponsor may be subject to sanctions for wrongful dismissal. Legislation introduced in July allowed all workers except domestics to change jobs without obtaining a "No Objection" letter from their employers. However, the process for utilizing these new rules was not well understood among expatriate workers. They were also often unwilling to challenge their employers for fear of being punished or deported. In addition, domestic workers were exempted from this legislation, and many of them remained in essence indentured workers, unable to change employment or leave the country without their sponsors' consent (see Section 6.c.).

Foreign women who worked as domestic workers often were beaten or sexually abused (see Section 5). Between 30 and 40 percent of attempted suicide cases handled by the Government's psychiatric hospitals were foreign maids (see Section 6.c.). Unverified reports also suggested that unskilled foreign laborers were also at risk of suicide.

A long-term goal of the Government is to replace foreign workers with citizens throughout all sectors of the economy and to create new jobs for citizens seeking employment.

#### f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that some foreign workers were recruited for employment on the basis of fraudulent contracts and then forced to work under conditions different from what was promised.

Workers from Southeast Asia, South Asia, Ethiopia, and the former Soviet Union reported being forced into conditions that amounted to trafficking. Some of these victims reported being sexually exploited or being forced to work as prostitutes; however, the most common forms of trafficking in persons involved unskilled construction laborers and domestic workers. Victims of this form of trafficking experienced withholding of passports by employers, alteration of contracts without their consent, nonpayment of salaries, or being forced to work extremely long hours.

Although prostitution is illegal, some foreign women, including some who worked as hotel and restaurant staff, engaged voluntarily in prostitution. There were also reports that some women were forced into prostitution. When the Government discovered this kind of abuse, it generally responded by prosecuting the offender, often the victim's sponsor or employer. There were persistent reports that some women working in hotels and restaurants were locked in a communal house or apartment

when not working and driven to work in a van (see Section 6.c.).

The Government began to take steps to combat trafficking. It recognizes that trafficking is a problem and in February created an interministerial National Task Force committee to formulate a comprehensive plan to combat trafficking. The committee was considering plans to deliver pamphlets on workers' rights to expatriate workers in the country, provide manuals on these rights to local diplomatic missions, create a dedicated entrance for workers arriving in the country, and install a telephone hot line for victims. Victims of trafficking may seek assistance from their embassies. The Government did not provide assistance to victims.