



Bahrain

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Bahrain is a monarchy, which in 2002 adopted a constitution that reinstated a legislative body with one elected chamber. The Al-Khalifa extended family has ruled the country since the late 18th century and continues to dominate all facets of society and government. The King, Sheikh Hamad Bin Isa Al-Khalifa, governs the country with the assistance of his uncle, the Prime Minister Sheikh Khalifa Al-Khalifa; his son, the Crown Prince Salman bin Hamad; and an appointed cabinet of ministers. Members of the Al-Khalifa family hold 8 out of 23 cabinet positions, including all strategic ministries. The 2002 Constitution provides that the King is head of the executive, legislative, and judicial branches of the Government. The King also chairs the Higher Judicial Council, which appoints members of the Constitutional Court. The bicameral National Assembly consists of the elected Council of Representatives and the appointed Shura (Consultative) Council. The Constitution gives the Council of Representatives a role in considering legislation, but most legislative authority still resides with the King, and he appoints members of the Shura Council. The Constitution provides for a nominally independent judiciary; however, the judiciary was not independent because courts were subject to government pressure regarding verdicts, sentencing, and appeals.

The Ministry of Interior is responsible for public security. It controls the Public Security Force (police) and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats. It also monitors internal security. The Government maintained effective control of the security forces. The security forces did not commit any serious human rights abuses during the year. 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.

The country had a population of approximately 710,000, an estimated one-third of whom were noncitizens, primarily from Asia. It had a mixed economy, was a regional financial services center, derived income from exports of petroleum and petroleum products, and depended on tourism from Saudi Arabia. The Government estimated Gross Domestic Product (GDP) growth rate at 6.8 percent. Higher average oil prices and increased construction activity fueled by deficit government spending contributed to higher GDP growth during the year. Real wages have been falling for more than 10 years.

Problems remained in the Government's respect for human rights. Citizens did not have the right to change their government. The Government prohibits political parties, and none exist. Impunity of government officials remained a problem, as did the lack of independence of the judiciary and discrimination against the Shi'a population, women, and foreign nationals. The press reported that some judges were corrupt. The Parliament investigated an instance of government corruption involving the government pension funds. The Government continued to infringe to some extent on citizens' privacy rights, and it restricted the freedoms of speech, the press, assembly, and association. Journalists routinely practiced self-censorship. The Government also imposed some limits on freedom of religion and freedom of movement. Violence against women and discrimination based on sex, religion, and ethnicity remained a problem. There was reported discrimination in the job market. In May, the Council of Representatives rejected a law making discrimination a crime punishable under the country's 1976 Penal Code. Abuse of foreign workers occurred, including numerous instances of forced labor and some instances of trafficking.

The Government took initial steps to improve the judiciary process with the transparent recruitment of new judges, training of judges and prosecutors, establishment of an office of mediation, and steps to speed up the court process that automates case management. Five judges were dismissed for corruption. The Government also provided increased human rights training to law enforcement officers.

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 arbitrary or unlawful deprivation of life committed by the Government or its agents.

On April 27, the High Civil Court ordered the Ministry of Interior to pay BD 40,000 (\$106,100) to the family of the 21-year old Bahraini man killed in a demonstration in April 2002.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment. During protests on May 21, two civilians were injured by rubber bullets fired by the police. On October 28, rubber bullets or tear gas canisters fired by the police injured two protestors (see Section 2.b.). There were no known instances of officials being punished for human rights abuses committed either during the year or in any previous year.

Several cases of police abuse remain unresolved since 2002. In April 2002, police beat a human rights activist who came to the aid of another demonstrator. The investigation into this incident concluded that the police were not at fault. In May 2002, the Department of Military Intelligence (DMI) reportedly kidnapped a citizen and beat him in retaliation for his involvement in another demonstration. At year's end, there was no government investigation into this incident nor was any punishment exacted.

In September 2003, three ex-detainees filed a criminal complaint against an ex-senior intelligence official and a retired security intelligence officer, Colonel Adil Jassim Flaifel, accusing them of torturing detainees from 1981 to 1996. Colonel Flaifel denied any wrongdoing, and the Public Prosecutor rejected the detainees' complaint. In 2002, lawyers for eight citizens made allegations against Colonel Flaifel for routinely engaging in torture and mistreatment 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 2001 applied to government employees as well as citizens.

Unlike last year, there were incidents of violent societal abuse by vigilantes. On March 12, following liquor vendors' refusal to suspend operations after their neighbors' demands, between 100 and 200 Shi'a protestors entered 4 houses and destroyed a large number of bottles of liquor. Police eventually defused the violence hours later. The Interior Minister issued a statement that citizens may not take the law into their own hands, and instead should address complaints to the ministry.

On March 17, as many as 150 Shi'a youths attacked a Manama restaurant located near a conservative Shi'a neighborhood. The restaurant was known to serve alcohol and was frequented by foreigners. The youths arrived with knives, rocks, and Molotov cocktails. They set fire to five vehicles and doused the back wall of the restaurant with gasoline. Police were slow to respond and stood outside the restaurant for 20 minutes before engaging the mob. Police arrested 12 teenagers and detained 4 more for questioning; however, the King pardoned all 16 teenagers at the request of their families.

In 2003, credible reports of prisoner beatings and mistreatment surfaced during three strikes at Jaw prison, in the southern part of the country. In August 2003, a prisoner was allegedly beaten in front of his family. News of the mistreatment reached 282 prisoners in Building 4, who proceeded to take over the building and stage a 14-day hunger strike. Press reports stated that the prisoners sought better living conditions, medical treatment, monitoring by human rights organizations, and a halt to beatings by prison guards. The Ministry of Interior negotiated the end of the strikes by promising to establish a joint parliamentary and Ministry of Interior commission to investigate claims. The commission began work in April 2003; however, findings of the commission's investigation have still not been made public. In February, the Ministry of Interior improved medical care, social services, and food at Jaw prison.

In December, several dozen prisoners at Jaw Prison started a hunger strike and called for an end to delays in the justice system. The press reported that some inmates were held for up to 9 months while waiting for the courts to hear their cases. The prisoners claimed that once they started the strike, they were denied hot water, phone calls, and outdoor exercise.

Other prisons in the country generally met international standards.

Women prisoners were housed separately from and in better conditions than men, and juveniles were housed separately from adults until the age of 15 in a section of the women's prison. On April 13, the Labor Ministry announced plans to open a separate center for the care of juvenile delinquents, but it has not yet opened. In August, the International Committee of the Red Cross (ICRC) met with government officials and NGOs. The ICRC did not monitor prisons.

Political and "security" prisoners are not held in special prisons or in special sections of regular prisons. Pretrial detainees are housed separately from convicted prisoners.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. At year's end, there were no reports of government investigations into claims that the Directorate of Military Intelligence (DMI) officers detained and beat a citizen in 2002.

There continued to be no known instances of police officers being punished for human rights abuses committed either during the year or in any previous year. The King ordered an investigation into police conduct at a demonstration in May in which two civilians were injured by rubber bullets (see Section 2.b.).

According to the Interior Ministry, its Disciplinary Court convicted three police officers during the year for criminal activities of property theft and disobedience.

From April 17 to 21, 40 ranking law enforcement officers from the Interior Ministry, National Guard, Bahrain Defense Force and the Public Prosecutor's office attended a 5-day U.N. Development Program seminar entitled "Training Course in the Human Rights Field for Law Enforcement in the Ministry of the Interior." This training, the first of its kind for the country's law enforcement officers from these organizations, focused on protecting the rights of suspects and inmates in accordance with international standards.

On March 30, police arrested the President of the National Committee for Martyrs and Victims of Torture days before his group planned to demonstrate against Law 56, the government decree that gives immunity to past and present government officials responsible for serious human rights abuses. Facing charges of un-Islamic behavior and indecency, he was denied legal representation for the 5 days he was detained in jail. This case was still pending at year's end. The Government also broke its own laws and released his name and the nature of the case to the local press. Releasing such information is illegal in alleged vice cases.

Police must inform suspects of the charges against them within 48 hours of the arrest. The law provides a detained person the right to a judicial determination on the legality of the detention within 45 days of the arrest.

Judges may grant bail to a suspect and do so regularly.

The Ministry of Justice is responsible for the assignment and management of public prosecutors, while the Ministry of Interior oversees security and all aspects of prison administration. Access to attorneys was often restricted; in the early stages of detention, attorneys must seek a court order to confer with clients. The state provides counsel if the defendant cannot afford to hire an attorney. After conviction, attorneys require the prison director's permission to visit a client in jail.

Prisoners may receive visits from family members, usually once a month.

Since the 2001 abolition of the State Security Act, courts have refused police requests to detain suspects longer than 48 hours without referring the case to the Public Prosecutor, and police have complied with court orders to release suspects. Prisoners must see a judge within 3 days of arrest. In December, inmates in Jaw Prison went on a hunger strike to protest delays in the judicial system. Some claimed they were spending up to 9 months in cells waiting for the courts to hear their cases (see Section 1.c.).

e. Denial of Fair Public Trial

The Constitution provides for a nominally independent judiciary; however, the judiciary was not independent, and courts were subject to government pressure regarding verdicts, sentencing, and appeals. In the past, 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. The King chairs the Higher Judicial Council, which appoints members of the Constitutional Court.

The country's legal system is based on a mix of British Common Law, Shari'a (Islamic law), tribal law, and other civil codes, regulations, and traditions. The judiciary is organized into two separate branches: the civil law courts; and the Shari'a law courts.

The civil law courts adjudicate all civil and commercial, cases, and all personal status cases involving non-Muslims. The Courts of Minor Causes (the Lower Courts and the Court of Execution) have one judge with jurisdiction over minor civil and commercial disputes. The High Civil Court has three judges with jurisdiction over larger civil and commercial disputes and personal status cases involving non-Muslims. Appeals are made at the Civil High Court of Appeal, which is presided over by three judges. The criminal law courts adjudicate criminal cases. The Lower Criminal Court has one judge and rules on misdemeanor crimes. The High Criminal Court has three judges and rules on felonies. Appeals are made at the Criminal High Court of Appeal, which also has three judges. Both the civil and criminal court systems have a Supreme Court of Appeal (Court of Cassation), the final appellate court.

In September 2003, the High Civil Court considered a lawsuit brought against the Government by the family of a citizen, who died in 2002 during a violent demonstration in front of a foreign embassy. On April 27, 2004, the Court ordered the Ministry of the Interior to compensate the family (see Section 1.a.).

The Shari'a Law Courts have jurisdiction over personal status cases involving citizen and non-citizen Muslims. There are two levels: the Senior Shari'a Court; and the High Shari'a Court of Appeal. At each level is a Sunni Shari'a Court with jurisdiction over

all personal status cases brought by Sunni Muslims, and a Jaafari Shari'a Court with jurisdiction over cases brought by Shi'a Muslims. The High Shari'a Court of Appeal must be composed of a minimum of two judges. In the event of a disagreement, the Ministry of Justice provides a third judge and the decision will be based on a majority vote.

Finally, the 2002 Constitution established the Constitutional Court to rule on the constitutionality of laws and statutes. The Court's membership consists of a president and six members, all appointed by the King's royal decree. These seven judges serve 9-year terms and cannot be removed before their terms expire. The King may present draft laws to the Court to determine the extent of their agreement with the Constitution. The Court's determination is final and "binding on all state authorities and on everyone," according to the Constitution.

The Constitution provides that the King appoints all judges by royal decree. 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.

In March, the Justice Minister dismissed five Shari'a court judges and suspended a sixth for corruption and disreputable behavior.

In February 2003, a citizen lost custody of her two children in a Shari'a court. Her appeal was denied by the original judge on February 21, 2003. On January 11, the Shari'a court overturned its 2003 decision and granted custody of the children to their mother.

In September 2003, a group of women's rights activists, attorneys, and journalists who were critical of various decisions of Shari'a judges published their views in the daily newspaper Akhbar Al-Khaleej. Eleven Shari'a court judges brought slander charges against this group, which was led by Anwar Abdulrahman, editor-in-chief of the newspaper. Abdulrahman challenged the constitutionality of laws for the press, judicial authority, and criminal procedures. In December 2003, the High Shari'a Court of Appeal suspended his trial and passed the case to the Constitutional Court. On July 13, seven of the Shari'a court judges dropped the criminal case against Abdulrahman. The Ministry of Justice dismissed the other four judges on charges of corruption. On October 10, the High Criminal Court rejected the judges' case. A newspaper called the result a "triumph for the press and social reformers" in the country (see Section 2.a.).

The Women's Petition Committee is a group of women who were negatively affected by Shari'a court decisions. Since 2003, they have called for the issuance of a long-promised personal status law. In a petition to the King, they requested that the Supreme Judicial Council intervene in matters of inspection, supervision, and reform of the religious judiciary. There was no response from the Supreme Judicial Council by the year's end; however, the King spoke of the necessity of a personal status law during his address at the opening of Parliament on October 9.

Civil and criminal trial procedures provided for an open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Juries are not a part of the judicial system.

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.

Court procedures do not meet internationally accepted standards for fair trials.

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

There were no reports of political prisoners.

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; however, the Government continued to infringe on citizens' right to privacy. The Government continued to carry out some illegal searches. Telephone calls and personal correspondence remained subject to monitoring. 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.). Police informer networks were extensive and sophisticated.

According to press reports on August 15, the BDF denied one of its high-ranking officers permission to marry a woman from a different sect.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the freedom of speech and of the press, but the Government limited these rights in practice, especially in the media.

Local press coverage and commentary on international issues was open, and discussion of local economic and commercial issues also was relatively unrestricted. However, representatives from the Information Ministry actively monitored and blocked local stories on sensitive matters, especially those related to sectarianism, national security, or criticism of the royal family, the Saudi ruling family, and judges. In April, the country's third independent daily newspaper, Al-Meethaq, issued its first edition and soon discussed the issue of homosexuality, creating a controversial debate throughout the country. The Government did not participate in this debate. In October 2003, the Bahrain Journalists Association (BJA) became a full member of the International Federation of Journalists (IFJ).

In 2002, a press law was issued by royal decree. The Government began implementing the law but "froze" it due to a public outcry. Although suspended, the law continued to be enforced at the Government's discretion. The suspended press law provides for freedom of press and speech; however, it also contains restrictions on these "rights." The law provides for prison sentences in 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 BD 2,000 (\$5,300) for 14 other offenses, including publicizing statements issued by a foreign state or organization before obtaining the consent of the Minister of Information; publishing any news reports which may adversely affect the value of the national currency; reporting any offense against the head of a state which maintains diplomatic relations with the country; or publishing offensive remarks towards an accredited representative of a foreign country because of acts connected with his post.

In March, Sunni religious leaders and several Sunni parliamentarians compelled the Dubai-based Middle East Broadcasting Channel 2 (MBC 2) to halt its production of the reality television show "Big Brother" in the country, despite general public support for the program. The show was to be based on the original Dutch version but with some changes due to Islamic sensitivities. Whereas, in the original, 12 female and male contestants were filmed 24 hours per day as they lived together and periodically took votes to dismiss each other, the local version separated the males from the females so that they interacted only in communal areas. The Information Minister accepted the program in this format, provoking attacks from conservative parliamentarians who demanded his removal from office. Outside parliament, conservative religious leaders denounced the immoral nature of the program. Sunni conservatives organized a public protest that attracted more than 1,000 demonstrators. On March 3, MBC 2 announced that it was halting production. It made no reference to government pressure in its public statement.

In March, the Council of Representatives' Legal and Legislative Affairs Committee approved amendments to the Penal Code that provide for the imprisonment or fine of any person who publicly humiliates members of the National Assembly or who publishes the content of closed sessions.

In May, the Ministry of Information confiscated the May 9-15 issues of Al-Mushahid Al-Siyasi magazine that contained articles on the recent petition for constitutional change (see Section 2.b). Al-Mushahid Al-Siyasi is a well-known Arabic magazine, published in London by the BBC, and has a local circulation of 500 in Bahrain. Many issues of the magazine have been confiscated in the past, particularly ones containing articles critical of the country.

On July 27, the Al-Jazeera Theater staged a political comedy "Mr. MP" under the patronage of Parliament Chairman Khalifa Al-Dhahrani. The play addressed the Parliament's performance over the last 2 years, making fun of individual parliamentarians and their proposals. There were no reports of censorship.

Individuals openly expressed critical opinions regarding some domestic political and social issues in private settings, internet chat rooms, occasionally on State-run television call-in shows, and increasingly in organized public forums. Some citizens criticized leading government officials and one, Abd al-Hadi al-Khawaja, was jailed. On September 25, police arrested al-Khawaja, former Director of the Bahrain Center for Human Rights Executive, for criticizing the Prime Minister, Sheikh Khalifa al-Khalifa (the King's uncle) during his presentation on poverty at the Al-Aruba Club. Al-Khawaja accused the Prime Minister of squandering public money and blocking key economic and social reforms.

Shortly thereafter, the Government temporarily closed Al-Aruba Club and dissolved the Bahrain Centre for Human Rights. On November 21, al-Khawaja was sentenced to 1 year in prison for violating Article 165 (public incitement against the regime) and Article 168 (spreading rumors that could disrupt national security) of the Penal Code. Several hours after the court case concluded, the King suspended al-Khawaja's sentence and ordered authorities to release him. The Bahrain Center for Human Rights challenged its closure. Court proceedings on that case were set to begin in January 2005 (see Section 2.b.).

On October 10, criminal charges of slander were dropped against the editor of Akhbar Al-Khaleej (see Section 1.e.). The other two court cases brought by the Government against the country's newspapers in 2003 under the "frozen law" were ongoing at year's end.

In June 2003, Mansour al-Jamry, editor-in-chief of the independent newspaper Al-Wasat, was interrogated, sentenced, and fined for allegedly publishing sensitive information on an ongoing investigation of a locally-based terrorist cell. Al-Jamry has appealed his case to the Constitutional Court, citing discrepancies in the procedural enactment of laws 42, 46, and 47 which deal with judicial authority, criminal procedure, and the press. In May, a Higher Criminal Court judge referred Al-Jamry's appeal to the Constitutional Court. At year's end, this case was ongoing.

In September 2003, Radhi Mouhsin al-Mousawi, editor-in-chief of The Democrat, a newsletter published by the National Democratic Action Society, appeared before the High Criminal Court on charges of impropriety, breach of trust, fraud, and forgery of a written document after writing an article about corruption in the tourism sector and making allegations against an unnamed tourism inspector. Al-Mousawi also presented his case to the Constitutional Court, claiming that discrepancies in the procedural enactment of the press, judicial authority, and criminal procedures laws renders them unconstitutional. The Constitutional Court rejected Al-Mousawi's case. The High Criminal Court resumed the tourist inspector's defamation case against Al-Mousawi in September.

Public demonstrations increased over foreign policy, unemployment, family status law, housing shortages, and human rights abuses. These were covered in the print media but not always on government-owned television.

The Ministry of Information banned the publication of any news or information regarding six local men detained in July on suspicion of planning terrorist attacks. The Minister of Information issued a written decree, explaining that the measure was intended to protect the suspects' legal rights. The Minister cited articles 19, 21, and 70D of the 2004 Press and Publications law that had not been approved by Parliament. Parliamentarians and commentators asserted that such a ban must be passed through the legislative branch, not the executive branch.

In February 2003, under the 2002 Publication Laws, the Ministry of Information seized copies of "Mohammed's Character," a book considered blasphemous for insulting the character of the Prophet Mohammed. The Ministry also confiscated books and international magazines that featured articles criticizing the 2002 Constitution and articles discussing the naturalization of foreigners, which is called "political naturalization" within the country.

The 2002 Election Law 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.

The Information Ministry controlled local broadcast media and exercised considerable control over privately owned local print media. The most independent of the country's newspapers, Al-Wasat, was subject to occasional Government harassment. 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 Al-Jazeera satellite television channel, accusing the station of using sensationalized and one-sided coverage to unfairly project a negative image of the Government.

The Government owned and operated all local radio and television stations. Radio and television broadcasts in Arabic and Farsi from neighboring and regional countries were received without interference. Al-Jazeera was available in the country via satellite.

In October 2003, a foreign correspondent advised that the Ministry of Information threatened to expel him if he did not retract his draft article on political naturalization in the country. The correspondent reportedly withdrew the story. In December 2003, another foreign correspondent was threatened with expulsion if he did not reveal his source for his story on a December 17, 2003 illegal political demonstration that turned violent when demonstrators attacked police. When he reportedly refused, the Ministry of Interior gave him 24 hours notice to leave the country. The correspondent's regional bureau chief intervened with the Information Minister to keep the correspondent in the country.

The National Telephone Company (BATELCO) provided access to the Internet. E-mail use was reportedly unimpeded, although it was subject to monitoring (see Section 1.f.). More than one-third of the population used the Internet. There were 140,000 web-based e-mail accounts that the Government cannot monitor in the country. Many districts of Manama have cyber cafes, and there are 80 chat rooms visited by more than 1,000 persons daily. It was estimated that 22 percent of the population owned personal computers.

Although there were no formal regulations limiting academic freedom, in practice academics avoided contentious political issues, and the University of Bahrain did not have a political science program. University hiring and admissions policies favored Sunnis and others who were assumed to support the Government, rather than focusing on professional experience and academic qualifications. However, there continued to be some improvement in nondiscriminatory hiring of qualified individuals during the year. A few Shi'a professors, including women, were hired, and a Shi'a female professor was promoted to Dean of the College of Sciences at the University of Bahrain. 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 requires organizers to notify the Ministry of Interior 72 hours before a public gathering or demonstration takes place. The law prohibits unauthorized public gatherings of more than five persons.

The Government periodically limited and controlled political gatherings. On February 14, Bahrain's four main political opposition societies launched a 2-day conference on constitutional reform entitled "Towards a Contractual Constitution for a Constitutional Monarchy." Participants examined changes to the 1973 Constitution. Just prior to the conference, the Government barred 15 international speakers and participants from entering Bahrain, including a prominent MP and former Parliamentary Chairman from Kuwait. The Government alleged that the conference organizers had not obtained permission to hold the event. However, the law requires only that societies notify the Government, which the four opposition societies had done. Publicly, the Minister of Information justified the participation restrictions by stating that it would not allow foreigners to interfere in internal affairs.

On February 21, Al-Ayam fired its foreign news editor and columnist allegedly because he participated in the Constitutional Conference. The columnist claimed that his employer was instructed by the Information Ministry to fire him.

Demonstrations occurred throughout the year, not all of which were approved by the Government. Unless violent, the Government generally did not intervene. During the year, there were four violent incidents of political unrest. Numerous peaceful demonstrations protesting government policies also occurred, many organized by Al-Wifaq National Islamic Society, the country's largest political society. While the Government does not permit political parties, it has permitted some political activity by several political "societies," including Al-Wifaq. Since 2001, gatherings at social and political clubs for political discussions have been held regularly and without any obvious obstruction by the Government.

Citizens peacefully demonstrated against the French law banning the hijab (head scarf) in public schools and government offices in France, the cancellation of the "Big Brother" television show, the frequency of electrical blackouts, the lack of housing, and high unemployment.

On April 6, the press reported that the Ministry of Labor and Social Affairs sent letters to the four main opposition political societies threatening legal action if they followed through on their plan to hold a popular petition on April 21 to call for rejection of the 2002 Constitution. The Labor Minister previously made public announcements that such an action by the societies violated Article 29 of the Law on Societies, which states that only duly constituted organizations and corporate bodies may address public authorities collectively. The four societies held the petition drive on April 30. During the event, police stormed the signature-collection stands and arrested 17 petitioners. Three detainees were released on bail on May 2 for lack of evidence; 14 remained in prison (see Section 3).

In early May, "Relatives of the Constitutional Petition Detainees" organized a series of demonstrations outside Parliament to protest the detention of the 14 petition gatherers. Approximately 150 relatives gathered on several occasions in May to protest silently. During the last protest, four demonstrators were arrested for defying police orders to disperse. Three were released immediately; the fourth was released on bail of BD 200 (\$530) after being charged with calling for unauthorized gatherings and gathering without permission. The law requires persons to notify police in writing 72 hours prior to a gathering. On May 20, the King released the 14 detainees, stressing the importance of democracy in the country. He also announced the opening of a dialogue between the Government and the four political opposition societies aimed at resolving the dispute over the 2002 constitution.

The two violent demonstrations this year focused on international issues. On March 26, demonstrators marched from Al Suboor Mosque to a diplomatic mission after Friday prayers to hold a peaceful protest of the assassination of Hamas' founder and spiritual leader Ahmed Yassin. The crowd of demonstrators grew to 400, and a group of young rioters threw rocks at the police, who responded with tear gas. Rioters then burned refuse, tires, and trees. One demonstrator was injured, and a house reportedly caught fire after tear gas shells exploded inside. Police arrested eight protesters.

On May 21, approximately 5,000 protesters expressed anger at U.S. military operations in Najaf and Karbala as well as U.S. support for Israel. Halfway through the rally, organized by the Islamic Enlightenment Society and the Al-Wifaq National Islamic Society, riot police attempted to redirect the protestors by setting up a roadblock. When the crowd refused to turn back, police fired tear gas and rubber bullets. Protesters responded by throwing stones at the police and burning a police jeep. There were 13 persons injured, including 5 policemen. Shortly after the demonstration, King Hamad appointed a new Interior Minister and ordered an investigation of police conduct at the event. At the same time, he confirmed the people's right to protest (see Section 1.c.).

In August, demonstrators protested against U.S. military operations in Najaf and demanded protection for the Imam Ali shrine. On August 13, a group of 8,000 demonstrators peacefully gathered around 2 main public squares in Manama. Parliament also condemned the attacks in Najaf, and Members of Parliament took part in the protest.

On October 28, more than 1,000 persons demonstrated against the arrest of human rights activist Abd Al-Hadi Al-Khawaja. The protestors formed a "car parade" that disrupted traffic in the capital for hours. The press reported that police blocked the protestors and fired tear gas and rubber bullets to disperse the restless crowd. Two protestors were injured by rubber bullets or tear gas canisters. Twenty-five persons were arrested. All but 13 were released in the following weeks. The King ordered the other 13 released with Al-Khawaja on November 21 (see Section 2.a.).

The Political Rights Law promulgated in July 2002 had a negative effect on the freedoms of speech and association (see Section 2.a.). The law, which the King told political societies to ignore, is intended to regulate election campaigns and 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."

The Constitution provides for the right of free association; however, the Government limited this right by preventing the formation of political parties, although the Government has authorized political societies to run candidates and support them financially, and it has permitted several NGOs, including human rights organizations, to conduct political activities.

The 1989 Societies Law prohibits any activity by an unlicensed society and any political activity by a licensed society. The Ministry of Labor and Social Affairs has the right to reject the registration of any society whose services it deems unnecessary to society, are already being provided by another society, are contrary to state security, or are aimed at reviving a previously dissolved society.

In May, the Ministry of Labor and Social Affairs warned the Bahrain Center for Human Rights (BCHR) for the second time since October 2003 that it would revoke the Center's license if the center continued to conduct activities of a political nature (see Section 4). On September 27, the Labor Minister dissolved the Center after holding a seminar on poverty at which a BCHR member criticized the Prime Minister (see Section 2.a.).

c. Freedom of Religion

The Constitution provides for freedom of religion; however, in practice the Government placed some limitations on this right. The Constitution declares Islam as the official religion, and all other religious groups must obtain a permit from the Ministry of Justice and Islamic affairs in order to operate and hold religious meetings. 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 to manage a school. There were four Sikh temples, a synagogue, and several official and unofficial Hindu temples, located in Manama and its suburbs.

The Government funds, monitors, and subjects 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. Although the region of Rifaa constitutes approximately 40 percent of the country's landmass, the Royal Court, in a letter dated April 27, denied an application for a Shi'a mosque citing that land in Rifaa cannot be allocated for commercial enterprises.

Thirteen Christian congregations that were registered with the Ministry of Labor and Social Affairs operated freely and allowed other Christian congregations to use their facilities. In May, Ministry of Islamic Affairs officials participated in the Conference for Religious Freedom in Qatar. The 3-day seminar focused on Islamic-Christian dialogue. Since 1950, the Mar Thoma Syrian Church of Malabar has sought land from the Ministry of Islamic Affairs to build a church and to hold religious services. Though Mar Thoma is registered with the Government, the Ministry has still not responded to the church's formal applications. The National Evangelical Church allows Mar Thoma's congregation to use its facilities for early morning services; however, the facility can only accommodate half of Mar Thoma's congregation at any time.

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. Religious tracts of all branches of Islam, cassettes of sermons delivered by sheikhs from other countries, and publications of other religions were readily available. However, on April 2, the Ministry of Information banned the film "The Passion of the Christ" because it depicts the prophet Isa (Jesus).

The Ministry of Islamic Affairs has repeatedly denied a Baha'i congregation a license to operate. The Ministry views Baha'ism as an inauthentic offshoot of Islam, and it therefore refuses to recognize the congregation. The Baha'i congregation continued to practice its faith without government interference.

The Government rarely interferes with what it considers legitimate religious observations. Public religious events, most notably the large annual 2-day national Shi'a holiday of Ashura, were permitted but monitored closely by police. 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 chose to pursue religious study there.

The Political Rights Law promulgated in July 2002 forbids election speeches in worship centers, but political sermons continued (see Sections 2.a. and 2.b.). 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.

In April 2003, the Ministry of Interior lifted its ban on policewomen wearing veils, or headscarves. In July 2003, the King granted veiled women the right to drive, ending a decade-long ban. In July 2004, the Ministry of Defense lifted its ban on growing beards, a practice common among many Muslims. All military personnel who had been terminated for growing beards were reinstated. In August, the Cabinet reviewed a proposal to permit men to grow beards and women to wear veils while working for government departments.

Discrimination against the Shi'a population remained a problem. Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. The royal family is Sunni, and the defense and internal security forces were predominantly Sunni. Shi'a citizens were allowed to hold posts in these forces, though not in positions of significance. In September, the Interior Ministry established a community police program to train 500 Shi'a men and women to patrol Shi'a neighborhoods. 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 public sector jobs and positions at the university. While Shi'a acknowledged that the situation was improving slowly, they still compose a disproportionately high percentage of the country's unemployed. Educational, social, and municipal services in most Shi'a neighborhoods, particularly in villages, were inferior to those found in Sunni urban communities.

There were no acts of physical violence or harassment of Jewish persons or acts of violence against or vandalism of Jewish community institutions, such as schools, synagogues, or cemeteries. The Government has not enacted any laws protecting the right of Jews to religious freedom; however, it has not interfered with their religious freedom. The Government makes no effort to specifically promote anti-bias and tolerance education. Some anti-Semitic political commentary and editorial cartoons appeared, usually linked to the Israeli-Palestinian conflict.

On April 30, unknown assailants vandalized the Zainab mosque. The mosque restrooms were rendered inoperable. The assailants destroyed all water faucets, fans, electrical switches, lamps, microphones, clocks, and audiotapes. The Director of the government agency responsible for managing government-held Shi'a properties sought police assistance to investigate the crime. At year's end, there were no results of the investigation.

For a more detailed discussion, see the [2004 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 and prevention of return are prohibited. The Government generally respected these rights. Citizens were free to move within the country and change their place of residence or work.

The 1963 Citizenship Law provides that 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. 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 Constitution permits the Government to revoke citizenship only in the cases of treason and other such cases "according to the law." The Government has not revoked the citizenship of any person under the 2002 Constitution.

Opposition groups claimed that the naturalization process was politically driven to manipulate demographics for voting purposes and to avoid addressing the question of discrimination against Shi'a in sensitive government positions where employment is allegedly dominated by non-indigenous groups. The Government complied with a 2003 parliamentary committee's request for official naturalization data with the understanding that the committee keep the data confidential. The Government occasionally granted citizenship to Sunni residents, most of whom are from Jordan, Syria, the Arabian Peninsula, and Egypt. The Government stated that Saudis who recently received citizenship are the grandchildren of citizens who had emigrated to Saudi Arabia. According to the country's Nationality Law, these persons have a legal right to citizenship.

The Constitution prohibits forced exile, and there were no reports of new cases of forced exile during the year. In May, the Royal Court granted 34 citizens living in exile the right to return to the country.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution.

The Government has not established a system for providing protection to refugees.

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 provides for a democratically elected Council of Representatives, the lower house of Parliament. The King appoints the Prime Minister, who then proposes Cabinet Ministers who are appointed by the King. Members of the ruling family held all security-related Cabinet positions.

The bicameral National Assembly consists of the elected Council of Representatives and the appointed Shura (Consultative) Council. Either of these chamber may propose legislation, but the Cabinet's Office of Legal Affairs must draft the text of laws. The King may veto laws passed by the National Assembly, which in turn 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 a two-thirds majority vote of no confidence that requires a minister's resignation. The Council of Representatives 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 Representatives.

In 2002, the country held its first national elections in nearly 3 decades. Fifty-three percent of eligible voters elected 40 members to the Council, who shared legislative powers with the King and with the 40 members of the Shura Council appointed by the King. The country also elected municipal councils, whose role is still being defined.

There were no government candidates in the 2002 elections. Informed observers reported that the election campaigning and voting was generally free and fair; however, some candidates were not allowed to visually observe ballot counting, and there was incomplete reporting of election results. The Bahrain Transparency Society monitored the elections, in addition to a number of other local NGOs. Significantly, 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.

Women accounted for 52 percent of voters in the 2002 municipal election. The Government did not publish the percentage of women voters in the legislative election. Although no women were elected in either election, two of the six women that ran for the Council of Representatives forced their competitors into run-offs in which each woman received more than 40 percent of the vote.

Political parties are prohibited, but a number of "societies" operate much like political parties, holding internal elections, campaigning for public support, and hosting political gatherings (see Section 2.b.). Al-Wifaq National Islamic Society, the country's largest political society, was joined by three other political societies in boycotting the elections, citing grievances over the constitutional provisions that equalize the powers of the elected Council of Representatives and the appointed Shura Council. On June 7, the Parliament defeated a political parties draft law. The Political Rights and Election Laws restrict the freedoms of speech and association (see Sections 2.a. and 2.b.).

On April 30, police arrested 14 opposition society youths for distributing pamphlets and collecting signatures for a petition calling for constitutional reform (see Section 2.b.). The youths were charged under Articles 160, 165, 166, and 169 of the 1976 Penal Code, all of which pertain to "crimes against the internal security of the state." Specifically, the Public Prosecutor accused them of not limiting signatures to society members and using coercive language in the pamphlets. One newspaper reported that many elderly and illiterate citizens were brought to centers to sign the petition despite not understanding its content. The Minister of the Royal Court also stated that collecting signatures on a petition is illegal because only the King and the National Assembly may call for constitutional change.

The parliamentary investigation into the alleged financial corruption involving management of government-controlled pension funds continued. The director general of the General Organization for Social Insurance first raised concerns about the funds in April 2003 when he announced that the organization would be bankrupt by 2023. According to the investigation's initial findings in January 2004, the Government lost BD 750 million (\$ 1.9 billion) due to poor investments and administrative mismanagement. The Parliamentary Investigative Committee demanded that the Government repay the lost funds, implement oversight, and restructure fund boards. The Prime Minister publicly endorsed the Committee's recommendations. This investigation was marked by open discussion of this financial scandal. The Prime Minister personally appointed directors-general to each fund and restructured the pension fund board to consist of 15 members. The country's labor federation, the General Federation of Bahrain Trade Unions (GFBTU), criticized the Cabinet for changing the pension fund laws without its consultation, and segments of the public called for the dismissal of the ministers responsible for the mismanagement. The Parliament did not call for a vote of no confidence to remove the three ministers involved.

The King has appointed six women to the Shura Council. The Ministry of Cabinet Affairs reported that women held nine percent of senior civil service posts. Health Minister Dr. Nada Haffadh, appointed April 27, was the first female minister in the country. There were four female assistant secretaries and 52 female general directors in the Government. Four women were appointed as Bahrain's first female prosecutors, representing 15 percent of all public prosecutors.

The majority of women in Government worked in positions of lower significance; only a few attained senior positions within their respective ministries or agencies. In May, the Ministry of Defense promoted two women officers to the rank of colonel. They were the first women to hold this rank in the BDF.

The majority of 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. 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.

The King appointed a Christian and a Jewish member to the Shura Council. Twenty-one Shura Council members were Shi'a

Muslims and seventeen 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. There are 386 NGOs registered in the country. NGOs must report to the Ministry of Labor when their members participate in international NGO events.

In July, the Bahrain Human Rights Society (BHRS) released its second annual report in which it praised the Government's commitment to human rights and the democratic process; however, the report pointed out insufficient legislation in various sectors. The report noted for instance that the law does not adequately protect domestic servants against abuse. The report also criticized political societies for mixing politics with religion and using mosques and community centers to promote their agendas. The BHRS offered recommendations, which included amending legislation to bring it in line with the principles of the constitution and international resolutions, ratifying international resolutions, and implementing domestic law to protect the rights of expatriate workers.

On May 12, the Labor Ministry sent a letter to the BCHR stating that it would revoke the Center's license if it continued to conduct political activities, which are prohibited according to Article 18 of the Law on Societies. The letter did not specify the political activities in which BCHR had engaged. However, on April 30, the BCHR had organized a peaceful protest calling for the release of 25 persons detained for petitioning for constitutional change. On June 27, the Labor Ministry sent a letter instructing BCHR to stop working on establishing a victim assistance shelter, citing that this activity is not within the purview of its bylaws; however, with the endorsement of the Ministry of Foreign Affairs, BCHR raised more than BD30,000 (\$75,000) to establish a shelter for abused runaway housemaids. On September 27, the Labor Ministry issued a press release to the local newspapers announcing the dissolution of BCHR prior to any notification to BCHR President or the board. The property was locked and bank accounts frozen. The BCHR challenged its closure, and the case remained in the courts at year's end (see Section 2.a.).

In recent years, the Government has allowed increased access between civil society and international human rights organizations. During the year, there were no reports of Government harassment of these groups or their members.

On March 15, the ICRC held its fourth annual Middle East and North Africa (MENA) conference in the country.

In March, an official from Human Rights Watch (HRW) participated in a BCHR fundraiser for a victim assistance shelter and spoke at a BCHR public forum on human rights.

In August, Amnesty International visited the country to gather information on violence against women.

There are no parliamentary human rights committees; however, the efforts of a Shura Council member led to the establishment of the Bahrain Human Rights Watch Society (BHRWS) on December 11. The Society planned to monitor and report on the human rights situation in the country.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Spousal abuse was widespread, particularly in poorer communities. In August, a prominent clinical psychologist, based on a study of 605 women of varying ages, social statuses, and educational backgrounds, concluded that 30 percent of the country's married women have been subjected more than once to verbal, physical, or psychological spousal violence. However, there were very few known instances of women seeking legal redress for violence, and 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. Rape is illegal; however, because marital relations are governed by Shari'a, spousal rape is not illegal.

It was not uncommon for foreign women working as domestic workers to be beaten or sexually abused by their employers and recruiting agents (see Sections 6.c. and 6.e.). Numerous cases were reported to local embassies, the press, and the police; however, most victims were too intimidated to sue their employers. Courts reportedly allowed victims who did 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.). In September 2003, the National Democratic Action Society (a political society that boycotted the 2002 elections) alleged that the Ministry of Tourism's Inspectorate Division was corrupt and had allowed a flourishing trade of trafficking in persons and prostitution. The Government refuted the charge, and the author of the article has been charged with defamation of character under the press law (see Section 2.a.).

In July, authorities rounded up hundreds of women from Uzbekistan, Ukraine, and Bulgaria who had entered the country on 2-week multiple entry visas. They were charged with overstaying their visas. Some runaway housemaids resorted to prostitution because they were unable to legally secure a new employer. On July 10, the Central Security Directorate raided an establishment that held four runaway housemaids engaged in prostitution.

Female genital mutilation (FGM) is not practiced in the country. There is no specific law that prohibits FGM.

Women's specific legal 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. Since 2002, women have filed complaints with the Ministries of Justice and Islamic Affairs against several Shari'a judges, arguing that women were often treated unfairly in these courts. In March, the Justice Minister dismissed five Shari'a court judges and suspended a sixth for corruption and disreputable behavior (see Section 1.e.).

Shi'a and Sunni women have the right to initiate a divorce; however, 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 sect 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. In 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 use wills and other legal maneuvers to ameliorate the negative effect of these rules.

In divorce cases, the courts routinely grant Shi'a and Sunni mothers custody of daughters under age 9 and sons under age 7, although custody usually reverts to the father once the children reach those ages. Regardless of custody decisions, 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 the legal age of 21. 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 are automatically considered to be Muslim. Women may obtain passports and leave the country without the permission of the male head of the household.

In July, Parliament amended Article 13 of the 1975 Passports Law and granted a married woman the right to apply for a passport without her husband's consent. On August 7, the Government announced that children born to citizen mothers and foreign fathers would receive citizenship.

In February, the Public Works and Housing Minister issued an order granting widows, divorcees, and other women with child dependents the ability to apply for government housing and loans. The Government also granted divorcees the right to remain in their ex-husband's home while they raised their children. However, the new regulation applies only to homes granted by the Ministry or built with loans from the Ministry. In December 2003, more than 100 protesters, including many divorced women, staged a sit-in outside of the Ministry of Public Works and Housing, demanding the settlement of their housing and loan requests. The protesters claimed that the distribution of housing was discriminatory; thousands of persons had been on the waiting list for 15 to 20 years while some recent applicants received housing immediately. On October 4, in response to parliamentary demands, the Prime Minister announced plans to reduce the waiting period for families to receive housing, to make more land available for construction of new housing units, to devote more attention to the housing demands of low income families, and to ease the housing loan process. He said that the cost for these plans will be reflected in the 2005-06 national budget.

On September 19, the Government approved a plan to establish an alimony fund for divorced women with children whose ex-husbands did not pay required alimony. The fund had not been established at year's end.

According to the Ministry of Commerce, women constituted 16.6 percent of the total workforce. The Government has publicly encouraged women to work and was a leading employer of women, who constituted 40.4 percent of the government workforce and included university professors, public school teachers, and employees in the public health and social sectors. In August, the Traffic Directorate started training women to become traffic police. On September 6, the Ministry of Interior accepted applications for 100 women to serve on community police forces.

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, and the influence of religious traditionalists sometimes has hampered women's constitutional rights despite their participation in the work force.

Laws do not recognize the concept of equal pay for equal work, and women frequently were paid less than men. In November, the Cabinet Affairs Ministry reported that women hold 9 percent of senior civil service posts, up from 7 percent in 2003. In December 2003, the BCHR released a report on employment discrimination. According to the report, Shi'a citizens, who account

for 66 percent of the country's citizens, held 101 of 572 (18 percent) high-ranking posts.

Sexual harassment is prohibited; however, it was a widespread problem for women, especially foreigners working as domestics and other low-level service jobs. In May, a Lower Criminal Court official dropped a case of sexual harassment against a Member of Parliament when the general prosecutor's office sent a letter to the court stating that the MP had immunity. The offenses allegedly took place in 2001 before he became a parliamentarian in 2002.

The number of women holding business licenses has increased 41.7 percent from 2001-03 and 7 percent from 2003-04. According to the Ministry of Commerce, commercial registrations for women accounted for 31 percent of all registrations.

The president of the University of Bahrain is a woman. Women compose 70 percent of the students at the country's universities, although some women complained that admissions policies at the University of Bahrain discriminated against qualified female applicants, especially Shi'a women. This year, 68 percent of new students accepted into the university were women.

Large numbers of women's organizations seek to improve the status of women under both civil and Islamic law. Some of the most active women's groups are the Bahrain Businesswomen Society (BBS), Bahrain Women's Society (BWS), and the Mustaqbal Society. The Supreme Council of Women was established by royal decree and is directed by the First Lady, Her Highness Shaikha Sabika bint Ebrahim Al-Khalifa.

Children

The Government has often stated 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. Starting in the 2004-05 academic year, "family education" will be taught to both boys and girls in the last year of primary school. Previously, only girls were instructed in this subject, which covers reproductive education and nutrition. According to the U.N. Children's Fund (UNICEF), 85 percent of school-aged children are enrolled. Most students finish secondary school.

Limited medical services for infants and preadolescents were provided free of charge. Non-citizen adults and children pay less than \$3 per visit for care at health centers. Fees for operations vary according to the costs of the hospital.

Civil law based on tradition and religion shape the social status of children. 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. In 2002, a 13-year old girl disappeared after reportedly being abused by members of her family. According to the local media, the case received attention at the highest levels of Government, but despite the Prime Minister's public charge to the police to find her, she remained missing.

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. There were no reports of child prostitution during the year.

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 the Government and private sources, provided shelter for children whose parents were unable to care for them. The Bahrain Women Society has established a "healing center" to offer counseling, workshops, and therapy to victims of child abuse. The Society implemented a 24-hour hotline for victims of sexual and physical abuse.

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

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 and Eastern Bloc 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. Up to half of low and unskilled expatriate workers were subjected to contract substitution and this was often due to the duplicity of recruiting agents in the worker's home country. Victims of this form of trafficking experienced withholding of passports by employers, alteration of contracts without their consent, nonpayment of salaries, or extremely long working hours.

There were also allegations from runaway housemaids that recruitment agencies make it a practice to rape incoming housemaids.

Frequently, citizen traffickers within the country--including those within influential families--bribed new workers to pay a substantial fee (up to \$1,200) to receive what turned out to be fraudulent visas for nonexistent jobs. The Government has taken measures to fight this illegal practice. In June, 10 companies faced court action for selling over 150 fraudulent visas. On August 3, the Ministry of Labor and Social Affairs (MOLSA) referred 43 business owners to the Public Prosecutor on allegations of selling fraudulent visas.

On July 17, MOLSA revoked the licenses of two manpower agencies for overcharging housemaids for processing work contracts. Two other agencies were under investigation for allegations of raping housemaids.

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 and 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 has taken positive steps to combat trafficking; however, trafficking remains a problem. A "National Task Force" committee published pamphlets on expatriate workers' rights in several languages, provided manuals on these rights to local diplomatic missions, and installed a telephone hotline for victims. Victims of trafficking may seek assistance from their embassies, although the Government did not provide direct assistance to victims. On July 18, the Labor Ministry established a joint subcommittee with the Pakistani, Bangladeshi, Filipino, and Indian Ambassadors. The committee will meet semiannually to address labor issues affecting foreign workers.

In 2003, the Labor Ministry increased the number of inspectors from 9 to 40 and granted them the authority to inspect foreign labor camps. During the year, MOLSA trained an additional 30 inspectors. There were an additional 20 inspectors for entertainment outlets under the Information Ministry's Tourism Affairs Office.

In December 2003, the Parliament ratified the U.N. Convention against Transnational Organized Crime and two protocols to prevent, suppress and punish trafficking in persons, especially women and children and smuggling of migrants by land, sea, and air.

Persons with Disabilities

The Labor Ministry estimated the number of persons with disabilities at 7,000 in 2002, but the International Labor Organization (ILO) estimated that persons with disabilities accounted for 4 percent of the population – approximately 24,000 persons.

There were no reports of discrimination against persons with disabilities in employment, education, or access to health care. The law protects the rights of persons with disabilities and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect persons with disabilities.

The Government's housing regulations require that access be provided to persons with disabilities, although enforcement is random. 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 non-residential buildings for persons with disabilities.

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 it maintains a list of certified, trained persons with disabilities. The Directorate of Social Welfare and Rehabilitation announced that 577 students with disabilities will start vocational training at centers for persons with disabilities, an increase of 87 students from last year and 187 from 2 years ago.

The 1976 Labor Law 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 does not monitor compliance. The Ministry of Labor and Social Affairs placed persons with disabilities in public sector jobs, such as public telephone exchanges.

A 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.

National/Racial/Ethnic Minorities

Article 3 of the 1963 Citizenship Law grants naturalized citizenship to Arab applicants residing in the country for 15 years and to non-Arab applicants residing in the country for 25 years.

In 2003, the Council of Representatives formed a committee to investigate the naturalization process and allegations that the Government illegally naturalized persons who did not reside in the country. On January 25, the Committee reported to the press that citizenship was granted to more than 300 persons who did not have permanent residence in the country. The committee's report pointed out that political naturalization has a negative impact on security and socio-economic conditions. It recommended amending the law and restructuring the Citizenship Directorate. On March 13, six political societies submitted detailed reports and photographic samples of naturalized passports to the Undersecretary of Immigration and Passports. To date, the Government has not responded.

Section 6 Worker Rights

a. The Right of Association

In 2002, the King promulgated a new law on labor unions that, for the first time, granted workers the right to form and join unions. The law also grants noncitizens the right to join unions. There were 39 trade unions in the country. In June 2003, the King confirmed the right to form unions at government ministries. Since then, five public unions have been established. This law and the Labor Union Law also improved the legal status of foreign workers.

The Labor Union Law established a union federation, the General Federation of Bahraini Workers (GFBW) which provides that all unions be members of the GFBW. During the year, the GFBW board renamed the federation the General Federation of Bahrain Trade Unions. 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. As of September, only one federation of trade unions existed in the country, despite criticism from the ILO, which called for multiple federations.

The law allows union membership for private sector, civil service, and maritime workers; however, soldiers (or members of the military) are prohibited from joining workers in unions of the civil service, and of maritime workers.

The law does not address anti-union 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 have yet joined an internationally affiliated trade union organization. No internationally affiliated trade unions exist in the country.

Women activists have been trying since 2001 to establish the Bahrain Women's Union and continued to face setbacks during the year. The Labor Ministry refused to issue the license because it insists that the group change their name to the Bahrain Women's Society. The women disagreed with the name change since the union would bring together 12 societies to advocate women's rights, press for legislative changes, and prepare women for political roles. One of the group's priorities is the creation of a personal law to protect the rights of families, women, and children. In September, the preparatory committee filed a civil suit against the Government. To date, this case has not been decided.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively. Unions can be formed at establishments of any size. Employers and the Government are required to treat unions as independent juristic entities.

The 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 is not yet clear whether the arbitration is 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 labor and business sectors and from the Government have examined this ambiguity but are not interested in changing it.

In March, Seef Properties fired 34 employees without notice or severance. The President of the workers' union negotiated the highest compensation package ever paid to a dismissed private sector employee, a 6-month severance package. Union negotiators hoped for re-employment.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory 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 Government also prohibits forced or compulsory child labor, and there were no reports that such practices occurred.

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 remain unaware of their rights and obligations under the law. After 1 year in a position, a foreign worker is allowed to break this contract and look for other work. Prospective employees must present the new employer with a "No Objection Certificate" (NOC) from the previous employer. After 2 years in a position, expatriate employees may change jobs locally without the approval of the original sponsor and within the duration of their contract period, provided the original employer was notified in writing months in advance. Many foreigners have been unable to obtain NOCs to get a new job.

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 withheld salaries from their foreign workers for months and even for years, 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.).

Statistics provided by the Bahrain Center for Human Rights Migrant Workers Group indicated that 22 construction workers committed suicide in 2003. In the first 3 months of the year, 11 expatriate workers committed suicide. According to the report and related press articles, many of these workers were under financial strain, suffered exhaustion, and missed their families back in their home countries.

In May, 10 Filipino retail workers presented their case to the Justice Ministry charging their employer with contract substitution, unpaid overtime, and sexual harassment. The case was settled amicably. At the workers' request, the employer gave them their overdue salaries and paid for their plane tickets to the Philippines.

On July 5, BCHR negotiated a BD 15,000 (\$40,000) settlement with employer Al Owainati Construction Company to pay 22 Indian runaway workers their overdue salaries, unpaid overtime, leave entitlement, and indemnity pay.

On July 5, the Cabinet approved legal action to establish a Control Bureau to resolve disputes between workers and employers through negotiations.

The Government worked to decrease instances of abuse by passing a law assessing a BD 500 to BD 1,000 (\$1,300 to \$2,650) fine for employers found guilty of forced labor. Claims of runaway workers in the country have dropped dramatically since May 2003. The new rules require sponsors to pay a BD 250 (\$600) deposit per employee for each report of a runaway.

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 to 40 percent of the attempted suicide cases handled by the Government's psychiatric hospitals were foreign maids (see Section 6.e.).

It was estimated that there were 50,000 foreign housemaids working in the country who are predominantly of Sri Lankan, Indonesian, Indian, and Filipino origins. During the year, there were 19 incidents of seriously abused housemaids reported in the press and another 50 cases that have been reported directly to the Philippine Embassy. In 2003, the Philippine, Indian, and Bangladeshi embassies proposed a four-point agenda to ensure the protection of housemaids. The agenda included creating a separate labor law for housemaids, formulating a standard contract guiding the hiring of housemaids, setting a standard minimum wage, and abolishing the practice of employers retaining the housemaids' passports. This agenda has not yet been introduced to the National Assembly.

Housemaids that have no embassy representation in the country (Indonesian and Sri Lankan) are often subject to the worst types of physical and sexual abuse. With no diplomatic mission to protect them and no established victim assistance shelter, runaway housemaids have often been returned by untrained police to abusing employers.

Since February 2003, the Philippine Embassy has requested that all Filipinos register with the embassy so it can track "undocumented" workers. Registration with the Philippine Embassy allows them certain benefits, including scholarships for vocational courses and medical insurance.

In August, the Indian Embassy held an open house to register all Indian workers in the country. The mission announced its disappointment with the low turnout.

As in 2003, there were numerous reports of employers and recruiting agents raping and beating housemaids. Some housemaids also suffered injuries escaping employers. On February 8, two Indian housemaids who were physically abused fled their employers. They lived on the street for two months before church staff found them and referred them to the Bahrain Center for

Human Rights.

On March 6, a 13-year old Indonesian housemaid (whose passport indicated she was 24 years old) was found severely beaten and burned wandering downtown Manama. The same night a Sri Lankan housemaid was dropped off at a manpower agency after her employer tied her to a table and raped her repeatedly at knife-point.

On March 14, an Indian housemaid committed suicide in her employer's home.

On July 4, a man visited a recruitment agency in search of work. There he saw an Indian housemaid who was beaten and locked in the back room. He reported it to BCHR and the police. Police visited the agency and received assurances from the agency owner that he would take the housemaid to the Indian embassy. Instead, he took her to the airport where she was arbitrarily deported. The BCHR filed a case with the Public Prosecutor. The case is pending.

On July 26, a Filipino housemaid fell four stories from the window of a manpower agency while attempting to escape after being locked for days in the agency offices. She suffered serious spinal and leg injuries.

On July 27, a Bangladeshi housemaid accused her employer of rape. The employer's brother-in-law turned him in to the police.

On August 9, police took a citizen owner of a manpower agency into custody after an Indonesian housemaid alleged he raped her.

On August 20, an Indian housemaid who was locked in her room for 3 months was freed by police after alerting them by screaming from her window.

On January 28, the Higher Civil Appellate Court commuted the sentence of the Ethiopian maid who killed her employer in 2003 from death to life in prison.

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 5, Trafficking). In September 2003, the press reported allegations of corrupt Ministry of Tourism inspectors. The inspectors' job ensures hotels' compliance with tourism and labor laws. To date, an investigation into the problem remained pending.

d. Prohibition of Child Labor 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.

The law prohibits forced and compulsory child labor, and the Government enforced this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The country does not have an official minimum wage; however, the Government issued guidelines in 2002 that the public and private sectors should pay workers no less than BD150 (\$398) 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 suggested. 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 is enforced by the Ministry of Labor and Social Affairs and mandates acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (a maximum of 48 hours per week) and occupational safety and health. Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

In June 2003, the Ministry of Labor and Social Affairs established a hotline to take calls to respond to complaints about working conditions, delay in salary payments, and other related issues. A separate hotline was established to receive information about illegal workers. Due to limited training for staff, it was reported that sometimes calls went unanswered. In December, an international NGO trained the hotline staff.

The Ministry enforced the law with periodic inspections and routine fines for violators. In February 2003, the first group of 11 new labor inspectors graduated from training. In May 2003, the Ministry of Labor and Social Affairs increased the number of

inspectors to 40. These trained inspectors will also visit labor barracks to ensure that workers' accommodations meet the necessary safety and hygiene standards. The inspectors are only authorized to inspect premises that have a commercial registration.

Most of the 50 Asian workers who filed complaints at the Ministry of Labor and Social Affairs after falling victim to fraud by a local company were repatriated.

The press often performed an ombudsman function on labor problems, reporting job disputes and the results of labor cases brought before the courts. The BCHR has also volunteered to assist the Ministry of Labor and Social Affairs with inspections and monitoring. 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 consists of three labor courts and 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 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 are considered to favor the employee.

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. Some 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.

The law provides that 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.

Legislation permits all workers except domestics to change jobs without obtaining a NOC 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). In 2003, 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 suggested that unskilled foreign laborers were also at risk of suicide.

The Government has set occupational health and safety standards and identified agencies responsible for enforcement. Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment, but during the year there were no reports of workers attempting removal.

On April 10, a Bangladeshi construction worker died when he fell from a four-story building. On July 17, a housing camp for 60 construction workers collapsed. No one was injured in the collapse but the 60 workers had to find temporary shelter. On July 26, three construction workers suffered extreme exhaustion, collapsing from working in excessive heat.

The Government and NGOs held several occupational safety seminars throughout the year.