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2009 Human Rights Report: Bahrain

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Bahrain is a monarchy with a population of approximately 1,050,000, including approximately 530,000 who are citizens. King Hamad Bin Isa Al-Khalifa is the head of state and all branches of government. The king appoints a cabinet of ministers; approximately half are members of the minority Sunni Al-Khalifa ruling family. The 2002 constitution reinstated a legislative body with one elected chamber, the Council of Deputies, and one appointed chamber, the Shura Council. All registered political societies participated in the 2006 parliamentary and municipal elections, which were marred by allegations of gerrymandering and vote rigging in some races. Civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. The government restricted civil liberties, including freedoms of speech, press, assembly, association, and some religious practices. Domestic violence against women and children persisted, as did discrimination on the basis of gender, religion, nationality, and sect, especially against the Shia majority population. Trafficking in persons and restrictions on the rights of foreign resident workers remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, there were allegations during the year that security forces employed them. Local human rights observers were critical of the tactics used by specialized police units responding to tire burnings and other such disturbances; in some cases, rioters threw Molotov cocktails and other projectiles at police.

On several occasions, police detained dozens of young men in connection with small but frequent skirmishes between police and youths throwing rocks and, at times, Molotov cocktails. These youths routinely alleged that security forces beat them in custody. Security forces denied the accusations, and some opposition political activists expressed doubt about some of the allegations.

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On October 13, a judge acquitted 19 defendants of charges relating to the 2008 death of a police officer in Karzakan. According to local media sources, the presiding judge said that the defendants' claims that they confessed under duress had influenced his verdict. On November 11, the public prosecutor's office appealed the verdict, and at year's end a date for the hearing had not been set.

Following December 2007 protests, security forces arrested and detained dozens of protestors in the Adliya jail. Some detainees reported that judicial interrogators beat and electrocuted them in prison; officials denied the allegations of abuse. A court-appointed medical team examined the detainees, subsequently testifying that they could neither prove nor disprove the defendants' accusations of abuse. In July 2008, the High Criminal Court sentenced 11 of the 15 defendants to between one and seven years' imprisonment; King Hamad subsequently pardoned them on April 11.

Prison and Detention Center Conditions

Prisons and detention center conditions generally met international standards, although the government did not permit any independent inspections by human rights observers. Throughout the year some detainees alleged that pretrial detention facility guards physically abused them, a charge the government denied. Court-ordered medical examinations in 2008 of those alleging abuse were inconclusive. There were no similar reports of abuse from prison detainees.

According to the Bahrain Human Rights Society (BHRS), as of May 9 there were more than 500 prisoners in the system, including 57 women. Total prison capacity is unknown. Men were held in separate facilities from women, and juveniles were held separately from adults.

On May 9, the BHRS inspected the women's prison in Isa Town. The BHRS reported no major problems, although the report indicated the cells were not designed for their current occupancy of eight to 10 women.

On June 3, International Committee of the Red Cross (ICRC) officials provided training to managers of detention facilities and human rights nongovernmental organizations (NGOs) on prison management, health and safety at detention centers, medical ethics, and treatment of prisoners. ICRC officials did not visit prisons during the trip. The country's Red Crescent Society officials reported that ICRC officials had not visited prisons since the release of all political prisoners in 2000.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, although there were some allegations to the contrary.

Role of the Police and Security Apparatus

The Ministry of the Interior (MOI) is responsible for public security. The MOI controls the public security force and other specialized security units that are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats and provides internal security. The security forces were generally effective in maintaining internal order.

A widespread lack of transparency made corruption in the security services difficult to assess. The press reported that in a number of cases, authorities jailed or fined law enforcement officials for misconduct, most often for accepting bribes.

In November 2008, the MOI announced that it disciplined 23 police officers during the year for committing human rights abuses. They received prison time and/or fines. The MOI maintained a hotline for citizens to report police abuses; however, many in the Shia community believed the MOI condoned police misconduct and therefore did not report allegations of abuse. In practice the MOI responded to allegations of abuse and public complaints by establishing temporary investigation committees. These committees did not issue public reports of their findings.

Arrest Procedures and Treatment While in Detention

To apprehend a felon suspect, police must present evidence to a judge who will decide whether to issue an arrest warrant. Police and security forces must transfer suspects to the public prosecutor's office within 48 hours, and they generally respected that requirement in practice. Within seven days of arrest, a detainee must appear before a judge in the public prosecutor's office. Judges may grant bail to a suspect and regularly did so. If the judge decides the suspect is a flight risk or a danger to society, they may allow up to an additional 45 days of detention while the public prosecutor conducts an investigation. This process may continue through subsequent reviews by different judges, but pretrial detention may not exceed six months.

The 2006 counterterrorism law allows the public prosecutor to detain a terrorism suspect for five days. Upon request the public prosecutor may extend this period based on the needs of the investigation for up to 10 more days. At the end of this period, the detainee must be transferred to the public prosecutor and questioned within three days. The public prosecutor must then decide to issue a detention order or to release the detainee. The detention order may not exceed 60 days.

Detainee access to attorneys was often restricted in the early stages of detention; attorneys must seek a court order to confer with clients and then coordinate with officials at the detention facility for access. The state provided counsel to indigent detainees. Detainees were generally allowed prompt access to visiting family members.

Amnesty

On April 11, the king announced amnesty for 178 persons, including many charged for rioting. After some initial confusion, the government determined that the defendants in the Ma'ameer attack and the killing of a police officer in Karzakan in 2008 were not covered by the amnesty, and their trials would continue.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

According to the constitution, 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 prosecutor.

The legal system is based on a mix of British civil law, common law, Shari'a, and traditional laws. The judiciary consists of civil law courts and Shari'a courts.

The civil law courts adjudicate all civil and commercial cases, criminal cases, and personal status cases among non-Muslims. The courts of minor cases (the lower courts and the Court of Execution) have one judge, and the high courts have three judges with jurisdiction over felonies, personal status cases, and appeals.

Shari'a courts have jurisdiction over personal status cases involving citizen and noncitizen Muslims. There are separate courts for Sunni and Shia Muslims, each of which has three levels: the Shari'a court, the High Shari'a Court, and the High Shari'a Court of Appeal. The High Shari'a Court of Appeal is composed of a minimum of two judges. In the event of a

disagreement, the Ministry of Justice and Islamic Affairs (MOJIA) provides a third judge, and the decision is based on a majority vote. There are 13 judges in the Sunni Maliki Shari'a courts and 14 judges in the Shia Ja'afari Shari'a courts.

The Constitutional Court provides final and binding ruling on the constitutionality of laws and statutes. The court's membership consists of a president and six members, all appointed by the king to nine-year terms that may not be abridged.

The BDF maintains a separate court system that tries only military personnel accused of offenses under the military code of justice. The MOI has a similar system for trying police officers.

Trial Procedures

According to the constitution, defendants are presumed innocent until proven guilty. Civil and criminal trial procedures provide for an open trial. There are no jury trials. By law and in practice, defendants have the right to prompt consultation with an attorney of their choice within 48 hours, and the government provided counsel to indigent defendants. Defendants are present during trial proceedings, and have the right to present witnesses and evidence on their behalf and question witnesses against them. No law governs defendants' access to government-held evidence, and the government often reviewed evidence prior to defendants' access to it. Defendants have the right to appeal. Women's legal rights varied according to Shia or Sunni interpretations of Islamic law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may bring civil suits before the court seeking cessation of, or damages for, human rights violations; however, the government maintained that the 2001 general amnesty granted immunity for alleged human rights violations committed before 2001.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice except under the provisions of the law and under judicial supervision. The government is required to obtain a court order before monitoring telephone calls, e-mail, and personal correspondence. Many Shia believed there were extensive and sophisticated police informer networks, but they were unable to provide concrete evidence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press "provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused." Freedom of press is also subject to applicable press laws. Both censorship and self-censorship took place.

The law forbids any speech or discussion infringing on public order or morals. In private settings, individuals openly expressed critical opinions regarding domestic political and social issues. There was also considerable freedom of expression on the Internet, in letters to the editor, and occasionally on state-run television call-in shows.

The government did not own any print media, but the Ministry of Culture and Information (MOCI) exercised considerable control over local privately owned print media. The government owned and operated all radio and television stations and

vetted the selection of the country's Al—Jazeera correspondent. Radio and television broadcasts in Arabic, Farsi, and English from countries in the region, including by satellite, were received without interference.

The government enforced, at its discretion, the press law to restrict freedom of speech and press. The law provides for fines of as much as 10,000 dinars (\$26,500) and prison sentences of at least six months for criticizing Islam or the king or inciting actions that undermine state security, as well as fines of up to 2,000 dinars (\$5,300) for 14 other offenses. These offenses include publicizing statements issued by a foreign state or organization before obtaining the consent of the minister of information, publishing any reports that may adversely affect the dinar's value, reporting any offense against the head of a state that maintains diplomatic relations with the country, or publishing offensive remarks toward an accredited representative of a foreign country because of acts connected with the person's position.

Government censorship occurred. MOCI representatives actively monitored and blocked local stories on sensitive matters, especially those related to sectarianism and national security or criticism of the royal family, the Saudi royal family, and judges. Journalists also practiced widespread self-censorship. According to some members of the media, government officials contacted editors directly and asked them to stop writing about certain subjects or asked them not to publish a press release or a story. There were reports that the government paid journalists to represent the 2006 parliamentary elections favorably. In addition the MOCI Press and Publications Directorate reviewed all books and publications prior to issuing printing licenses. The MOJIA reviewed books that discussed religion.

On April 11, the Constitutional Court overturned an article of the press and publication law that held publishing companies and publishers responsible for the content of the publications they distributed. Because of the ruling, the government may only punish publishers if they defy a judicial decision to revoke a publication's license. However, on June 22, the MOCI suspended the publication of Arabic daily *Akhbar Al Khaleej* for one day after the newspaper published an editorial by a Shura Council member criticizing Iranian political and religious leadership.

Internet Freedom

The government restricted use of the Internet, which residents accessed in their home, workplace, or Internet cafes. The number of Internet users more than doubled from 2004 to 2008, rising from 202,000 to 435,000 users.

The government was a major shareholder in the Bahrain Telecommunications Company (Batelco), the country's principal telecommunications company, which prohibited user access to Internet sites considered antigovernment or anti-Islamic. Reportedly, the government did not monitor e-mail use. The government continued to invoke the press code to justify the questioning of some journalists and bloggers. By law Web site administrators face the same libel laws that apply to print journalists, and Web masters are held jointly responsible for all content posted on their Web sites or chat rooms.

The government regularly monitored and attempted to block local access to numerous Web sites, including local blogs and chat sites, human rights Web sites, Web sites containing information about Arab Christians, and the Wa'ad political society's Web site. Public discussion of blocked Web sites was widespread, and many users were able to access blocked sites through alternate servers.

On January 14, the minister of culture and information ordered all telecommunications companies and Internet service providers to block a number of political, human rights, commercial, and pornographic Web sites for violating the press and publication law, transgressing local values, and impairing national unity. According to an October 18 article in *Alwasat* newspaper, the government blocked approximately 100 Web sites during the year. The MOCI decree also ordered that proxy servers be blocked, prohibiting their use to bypass the decree. On January 24, the telecommunications regulatory authority threatened to revoke the license of any operator violating the decree. On February 19, Wa'ad filed a civil lawsuit

against MOCI for blocking its Web site, and MOCI ordered the block removed. On April 19, MOCI announced that the government had decided to unblock a number of the Web sites; however, some remained blocked at year's end.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. Some academics self-censored, avoiding contentious political issues.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for the right of free assembly, but the law restricts the exercise of this right, and security forces intervened in some demonstrations during the year. Organizers must submit requests for public gatherings or demonstrations to the MOI at least 72 hours in advance. Three citizens from the proposed demonstration area must sign the application. If there is no response to the request, the gathering may proceed. The law prohibits public gatherings near hospitals, airports, commercial centers, designated security-related facilities, or funeral processions. The law prohibits gatherings between 11 p.m. and 7 a.m., unless the chief of public security or his deputy gives written permission. The law states that funeral processions may not be turned into political rallies and that security officials may be present at any public gathering. The head of public security must notify the organizers about any official changes to the request (such as location, time, or route) at least 48 hours prior to the event. Organizers of an unauthorized gathering face prison sentences of three to six months.

The government specifically limited and controlled political gatherings. The law regulates election campaigns and prohibits political activities at worship centers, universities, schools, government buildings, and public institutions. The government did not allow ma'tams (Shia religious community centers) or other religious sites to be used for political gatherings without permission.

Antigovernment demonstrations occurred regularly in numerous Shia villages around the country. Bands of Shia youth, allegedly instigated by members of the unregistered Haq Movement and the newly organized al-Waf'a Islamic Movement, regularly appeared at both registered and unregistered demonstrations where, according to Shia community members and MOI officials, they burned tires and trash and threw Molotov cocktails and stones at riot police.

Police often dispersed demonstrations with tear gas. Local human rights NGOs alleged that riot police used tear gas against peaceful demonstrators; however, the MOI countered that it used tear gas in response to attacks by demonstrators. Periodically security forces fired rubber baton rounds at the ground to disperse demonstrations, and on a number of occasions, security forces allegedly ricocheted shotgun pellets from the ground to disperse rioters as a last resort.

Freedom of Association

The constitution provides for the right to freedom of association; however, the government limited this right in practice. Although the government does not allow the formation of political parties, it authorized registered political societies to run candidates and participate in other political activities.

The government required all groups to register: civil society groups with the Ministry of Social Development (MOSD), political societies with the MOJIA, and labor unions with the Ministry of Labor (MOL). The government decided whether the group was social or political in nature based on its proposed bylaws. The law prohibits any activity by an unlicensed society and any political activity by a licensed civil society group.

To apply for registration, a political society must submit its bylaws signed by all founding members, a list of all members and copies of their residency cards, and a financial statement identifying the society's sources of funding and bank information. The society's principles, goals, and programs must not run counter to Shari'a law or the national interest, as interpreted by the judiciary, nor may the society be based on sectarian, geographic, or class identity.

A civil society group applying for registration must submit its bylaws signed by all founding members and minutes of the founding committee's meetings, containing the names of founding members, their professions, their places of residence, and their signatures. The law grants the MOSD the right to reject the registration of any civil society group if it finds the society's services unnecessary, already provided by another society, contrary to state security, or aimed at reviving a previously dissolved society. Associations whose applications are rejected or ignored may appeal to the High Civil Court, which may annul the MOSD's decision or refuse the complaint.

The MOSD continued to deny the National Committee for the Unemployed registration as a civil society group because of the political nature of its activities. The MOSD also rejected the Bahrain Youth Human Rights Society's (BYHRS) application, allegedly because of its ties to the dissolved Bahrain Center for Human Rights (BCHR) and because some of its members were younger than 18. The November 2008 legal proceedings filed by the MOSD against the BYHRS president, Mohammed Al-Maskati, who was accused of running an unlicensed NGO, remained pending.

c. Freedom of Religion

The constitution states that Islam is the official religion and that Shari'a is a principal source for legislation. The constitution provides for freedom of conscience, the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings, in accordance with the customs and laws of the country; however, the government placed some limits on the exercise of these rights. The law requires all religious groups to obtain a permit from the MOJIA to operate and hold religious meetings. Depending on a group's activities, it may also need approval from the MOSD, the MOCI, and the Ministry of Education. The constitution prohibits speech considered blasphemous or anti-Islamic.

The Baha'i congregation, repeatedly denied registration in previous years, continued to gather and worship freely without government interference. Numerous Christian churches operated freely, although several could not successfully register and were ordered to close. Most of these cases related to zoning concerns and neighbors' complaints about parking near houses used as unregistered churches. Other religious minorities, including Sikhs and Hindus, practiced freely.

The government controlled and provided funding to official religious institutions, including Shia and Sunni mosques, Shia ma'tams, Shia and Sunni waqfs (religious endowments), and the religious courts. New mosques depended on the government's nontransparent land allocation process. Allocation reportedly was not proportionate to the Shia community's relative population in the country.

Islamic studies are mandatory for all public school students; however, curriculum in the public schools is broadly based on the Sunni Maliki school.

Although the law prohibits proselytizing by non-Muslims, it does allow for distribution of religious publications and other religious media in general, so long as the material is not anti-Islamic.

The government scrutinized carefully those who chose to pursue religious study in Iran.

Societal Abuses and Discrimination

Government and societal discrimination against the majority Shia population remained a problem. Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. The defense

and internal security forces were also predominantly Sunni, and few Shia members attained high-ranking positions. During the year fewer than one percent of new recruits in the armed forces were Shia; however, the MOI increased efforts to recruit Shia into unarmed security agencies such as traffic and community police. In the private sector, Shia tended to work in lower-paid, less-skilled jobs. Educational, social, and municipal services in most Shia neighborhoods were inferior to those in Sunni communities. Unlike previous years, there were no reports of religious discrimination in university faculty employment.

The Jewish community had approximately 36 members, one of whom serves as the country's ambassador to the United States. Jews practiced their faith privately without government interference; due to the small size of the Jewish community, the country's sole synagogue remained closed. Some anti-Jewish political commentary and editorial cartoons appeared, usually linked to the Israeli-Palestinian conflict, without government response.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at <http://www.state.gov/g/drl/rls/irf>.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The 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. In practice authorities relied on determinations of national security when adjudicating passport applications.

The constitution prohibits forced exile, and there were no reports of forced exile or return from exile during the year. Some political oppositionists who refused the 2001 amnesty remained in self-imposed exile.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, and the government has not established a system for providing protection to refugees. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Such individuals generally had access to certain social services, education, and employment.

Stateless Persons

In past years, the government offered citizenship to several thousand stateless "Bidoon" persons, mostly Shia of Persian origin. However, according to Freedom House, Bidoon and citizens who spoke Farsi as their first language continued to encounter discrimination in society and the work force. On October 11, the minister of interior stated that more than 68,000 persons were granted citizenship since 2002 in an effort to resolve the problem of stateless individuals.

Citizenship is derived from one's parents. By law foreign women who marry citizens are eligible for citizenship after five years of marriage; however, foreign men who marry citizens are not entitled to citizenship, and women cannot transmit their nationality to their children. The Bahrain Women Association (BWA) reported that as of September, the organization was aware of 175 women with stateless children. In 2006 King Hamad issued a decree granting citizenship to some children of citizen mothers and noncitizen fathers; however, children born to such families since the decree are stateless.

The law clearly defines naturalization requirements, but the adjudication process for naturalization applications was not transparent. Opposition groups claimed the government regularly ignored naturalization rules to manipulate demographics for voting and to maintain Sunni domination of police and defense forces. According to these opposition groups, the government was more lenient with naturalization requests from foreign residents in the security forces, while Shia and other applicants experienced delays in processing of their cases. The government occasionally granted citizenship to Sunni residents from neighboring countries. The government stated that some Saudis who had received citizenship were the grandchildren of Bahraini citizens who had emigrated to Saudi Arabia and had a legal right to citizenship. Accurate figures for the number of foreigners naturalized in recent years were not readily available. Stateless persons had access to certain social services, education, and employment. Stateless persons were eligible to receive housing and other government services; however, they were excluded from receiving scholarships.

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 Deputies, the lower house of parliament. The king appoints the prime minister, who then proposes cabinet ministers. Members of the ruling Al-Khalifa family held all strategic cabinet ministry positions and approximately half of ministerial slots. The bicameral national assembly consists of the 40-member popularly elected Council of Deputies and the 40-member appointed Shura (Consultative) Council. The king may dissolve the Council of Deputies at his discretion; he also has the power to amend the constitution and to propose, ratify, and promulgate laws. Both councils may question government ministers (except the prime minister), and the Council of Deputies may require a minister's resignation with a two-thirds majority vote of no confidence. The Council of Deputies may introduce a resolution indicating it cannot cooperate with the prime minister, in which case the joint national assembly would have the option to pass the resolution by a two-thirds majority, requiring the king to dismiss the prime minister or to dissolve the Council of Deputies. A no-confidence vote has never arisen.

Elections and Political Participation

All registered political societies, including the four that boycotted the 2002 elections, participated in the 2006 Council of Deputies elections. Although no international observers participated, the government permitted nine local civil society groups, including the Bahrain Human Rights Watch Society (BHRWS) and the Bahrain Society for Public Freedoms, access to poll stations to observe voting. The Bahrain Transparency Society and the BHRS joined efforts to form the Election Monitoring Joint Committee (EMJC) and trained more than 200 local observers. The government asked a foreign organization involved in political party training and election observation to leave the country during the campaign process and elections.

In its February 2007 report, the EMJC stated there were no widespread attempts to influence the outcome of the elections, although it noted that candidates did not cease campaign activities 24 hours before voting opened, as the law required. Official polling station observers did not report significant problems during the voting process, although there were allegations that the government manipulated general poll center vote counts against opposition candidates in several close races. Many opposition figures, including Shia activists, alleged that the government gerrymandered the districts to protect Sunni interests.

The government did not allow the formation of political parties, but 15 political societies, which received some government funding and operated like political parties, chose candidates for parliamentary and municipal elections, campaigned for political office, developed political platforms, held internal elections, and hosted political gatherings. Political societies were highly critical of provisions in the law requiring them to notify the MOJIA before contacting political groups abroad.

The law prohibits civil society groups from engaging in political matters; however, the government permitted such activity at its discretion.

There were 10 women in the Shura Council and one in the Council of Deputies. Two women served as cabinet ministers, three women sat as judges in the criminal courts, and one was a judge in the Constitutional Court.

Shia and Sunni citizens have equal rights before the law; however, Sunnis dominated political life although Shia comprised the majority of the citizen population. Twenty Shura Council members were Shia Muslims, 19 were Sunni, and one was Christian. Four of the 23 cabinet ministers were Shia, including a deputy prime minister.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and some officials reportedly engaged in corrupt practices with impunity. Significant areas of government activity continued to lack transparency. As in previous years, there was no government agency responsible for combating official corruption. On December 8, the minister of the interior announced plans to establish an anticorruption unit within his ministry's Criminal Investigation Directorate. The law does not require government officials to provide financial disclosures, nor does it provide citizens access to government-held information.

The annual National Audit Bureau report released on November 5 detailed financial irregularities affecting a number of ministries and agencies. The report did not state whether government employees would be prosecuted for corruption.

On June 8, the high criminal court found the former CEO of the quasi-governmental housing bank for trade and finance guilty of embezzling 1.5 million dinars (\$4 million) and sentenced him to 10 years' imprisonment. The ruling was the first guilty verdict in a major corruption case in many years.

On June 21, authorities charged the executive director of the Bahrain Institute for Political Development (BIPD) and two other BIPD officials with fraud and embezzlement. The case remained pending at year's end.

The corruption case against two former managers at the state-owned aluminum firm, Alba, continued. Media reports and information from NGOs indicated that the corruption probe might involve former top executives at the firm, as well as former government officials.

In November 2008, the Lower Criminal Court sentenced the manager of a cleaning company to three years' imprisonment and a 5,000 dinar (\$13,250) fine for attempting to bribe the new minister of municipalities. His lawyer appealed the case, and the appeal process remained pending at year's end.

In 2007 the Ministry of Industry and Commerce filed a complaint with the public prosecutor accusing nine employees of embezzlement. On January 20, the court found four innocent and sentenced the other five to between one and five years' imprisonment. The five appealed the case. The case remained pending at year's end.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Restrictions on freedom of association and expression hindered investigation and public criticism of the government's human rights policies; however, local and international NGOs published reports on human rights during the year. There were three major human rights groups that reported on issues of concern: the BHRS, which, while independent, was widely viewed as allied with the socialist legacy party Wa'ad; the BHRWS, which considered itself independent, although some of its leaders were also members of the royally appointed Shura Council, and its former president serves as an ambassador; and the unregistered BCHR which, although the government dissolved it in 2004, it continued to issue

reports and often coordinated its activities with the unregistered oppositionist Haq Movement. Senior government officials met with civil society organizations to discuss human rights, transparency, and the organizations' reports.

On November 11, the king issued a decree establishing a national institution for human rights. The government-funded entity's stated purposes include protecting human rights in accordance with international commitments, receiving complaints pertaining to human rights, and preparing regular human rights reports. The government planned to announce the composition of the national institution in 2010.

In recent years, the government has allowed increased interaction between local civil society groups and international human rights organizations. During the year, citizen members of Amnesty International carried out several activities without government interference.

Although the law prohibits foreign NGOs from registering with the government, the government generally did not interfere with such NGOs' activities provided it did not perceive these activities as interfering in the political system. In previous years, the government provided written warning to foreign NGOs it believed had interfered in internal political matters.

On April 11, the International Federation of Journalists established its first Middle East regional hub in the country.

On June 3, the ICRC visited the country for the first time since 2002 to conduct training on prison and detention facility management for government officials and local NGOs.

In April 2008, the UN Human Rights Council held a session on the country's human rights practices as part of the Universal Periodic Review mechanism. Some human rights NGOs, including the BHRS, BHRWS, the Bahrain Transparency Society, and BCHR, alleged that the government did not inform them of the deadline for submission of concurrent reports. The NGOs attended the review and submitted their own reports.

The UN Development Program maintained an office in the country, and it advised the government to develop mechanisms to encourage respect for human rights.

Section 6 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. These rights were protected unevenly, depending on an individual's social status, sect, or gender.

Women

Rape is illegal; however, the law does not address spousal rape. Rape was not a major problem in the country. The press reported cases of men arrested for the crime, including a few cases in which fathers of rape victims sought lighter sentences for perpetrators.

No government policies or laws explicitly addressed domestic violence. Spousal abuse of women was widespread, particularly in poorer communities. Women rarely sought legal redress for violence, and there was little public attention devoted to the problem. The Batelco Care Center for Family Violence continued to offer free medical, psychological, legal, and social assistance to victims of violence, primarily women and children. It also operated an abuse hotline that recorded 421 cases (154 men, 352 women, 75 children) involving domestic abuse during the year. According to the center's chairwoman, the center received 491 cases from January through August. According to the Bahrain Women's Union, an independent women's NGO, 72 female citizens reported domestic abuse at the hands of their husbands between September 2008 and this past September.

Prostitution is illegal, although it did occur. Most prostitutes were foreign women, and some were victims of trafficking. Customers were primarily foreign residents and tourists.

Sexual harassment is prohibited by law but remained a widespread problem for women, especially foreigners working as domestics and in other low-level service jobs. The press reported a number of cases of men arrested for sexually harassing women. Article 350 stipulates penalties of imprisonment of up to one year or a fine of 100 dinars (\$265) for committing an "act of indecency with a female."

Reproductive health services, including birth control and maternity care, were available free of charge to all women. Health centers required women to obtain spousal consent in order to undergo sterilization; however, this consent requirement did not apply to provisions of other family planning services.

On January 13, the government asked parliament to enact a bill that would codify and standardize personal status law, or family law, for both Sunni and Shia residents, who have traditionally administered parallel court systems. In response to Shia opposition to the proposed changes in the Shia system, the government withdrew the original bill and sent parliament a new bill that addressed Sunni personal status law only. Parliament passed, and on May 27 the king ratified, the Sunni personal status law. At year's end, the government continued to work with the Shia community toward a new Shia law.

Women faced discrimination under the law. A woman cannot transmit nationality to her spouse or children. Women have the right to initiate divorce; however, religious courts may refuse the request. In divorce cases, the courts routinely granted mothers custody of daughters younger than age nine and sons younger than age seven. Custody usually reverted to the father once the children reached those ages. Regardless of custody decisions, the father retained guardianship, or the right to make all legal decisions for the child, until the child reached the age of 21. A noncitizen woman automatically loses custody of her children if she divorces their citizen father without just cause.

Women may own and inherit property and represent themselves in all public and legal matters. In the absence of a direct male heir, Shia women may inherit all property; however, Sunni women without a direct male heir inherit only a portion as governed by Shari'a, and the brothers or male relatives of the deceased divide the balance. In practice better-educated families used wills and other legal maneuvers to mitigate the negative effects of these rules.

Labor laws prohibit discrimination against women; however, discrimination against women was systemic in the country, especially in the workplace. There were numerous reports of employers mistreating noncitizen women working as domestic servants. The influence of religious traditionalists sometimes hampered women's rights. On December 2008, the central bank stated that women constituted 17 percent of the private sector workforce and 48 percent of the government workforce.

Children

Citizenship is derived from one's parents. Women cannot transmit their nationality to their children; therefore, children of some citizen mothers and noncitizen fathers are born stateless.

Primary education is compulsory for citizens and is provided free of charge to citizens and legal residents. Government-run primary schools are segregated by sex, though children are subject to the same curricula and textbooks. Schooling is compulsory for children through the age of 14, and is provided free of charge to citizens and legal residents through grade 12.

NGOs reported they have observed an increase in the number of child abuse cases in recent years, but it is not clear whether abuse cases have increased or there is greater willingness to report abuse. Shari'a courts, not civil courts, deal with crimes involving child abuse, including violence against children. NGOs expressed concern over the lack of

consistent, written guidelines for prosecuting and punishing offenders and over the leniency of penalties involving child abuse cases. The Be Free Center, an offshoot of the BWA that focuses on child abuse awareness and prevention, received 300 to 400 e-mails each month from child abuse victims.

The government generally honored its commitment to children's welfare through enforcement of related civil and criminal laws and an extensive social welfare network. On June 30, a new law went into effect granting resident children born to citizen mothers and noncitizen fathers free access to some social services, including health care and education, although at year's end some NGOs reported the law was not yet fully implemented.

Trafficking in Persons

The law prohibits trafficking in persons for all purposes, in line with the 2000 UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, which the country ratified in 2004. However, trafficking in persons continued to be a significant problem.

The country was a destination for persons trafficked from Southeast Asia, South Asia, the Horn of Africa, and East European and Central Asian states. Reports also indicated the country was a transit point for workers from these regions to Europe. Some victims were trafficked for commercial sexual exploitation, but victims were most commonly trafficked for unskilled construction and domestic labor.

According to the Migrant Workers Protection Society (MWPS), the principal traffickers were illegitimate recruiting companies in source countries. Traffickers used debt bondage, contract substitution, and threats of legal action against their victims. The MWPS reported that victims often recruited additional victims from their home regions in an attempt to pay off debt.

Under the law, traffickers face fines of 2,000 to 10,000 dinars (\$5,300 to \$26,500) and mandatory prison sentences of as long as 10 years for each offense, with anyone trafficking a person on behalf of a corporation facing a fine of up to 100,000 dinars (\$265,000) and the same mandatory prison sentences. "Aggravating circumstances," including trafficking of a woman or a child younger than 15, double the fine and prison sentence. However, since the promulgation of the January 2008 antitrafficking statute, there has only been one prosecution: a Thai woman was convicted in December 2008 of trafficking three compatriots into commercial sexual exploitation. No Bahraini citizens were charged in this case.

The government established a 10-person unit within the MOI's Criminal Investigation Directorate focused on trafficking in persons. The Ministry of Foreign Affairs (MOFA) headed a committee that set trafficking policy and included representatives from the Ministries of Interior, Justice, Information, and Social Development, as well as the Labor Market Regulatory Authority (LMRA) and three NGOs. The MOSD headed another committee charged with evaluating and determining the status of victims that included representatives from the MOFA, MOI, and the LMRA. During the year, the government's Dar Al-Aman shelter for abused and migrant women housed women who fled from employers, although NGOs indicated that only a fraction of trafficked or runaway women used this facility.

On July 1, to eliminate some of the practices involved in labor trafficking, the LMRA implemented new visa rules for migrant workers in the public and private sectors to reduce the incidence of employers holding workers' passports or otherwise restricting their movement. The new rules also targeted the illegal practice known as "free visas," whereby an employment sponsor enabled a laborer to enter the country under the cover of working for the sponsor and then allowed the worker to find other work, at an often exorbitant fee payable to the sponsor. On August 1, new rules went into effect that allow foreign workers to change jobs without employers' permission, subject to certain time limits. In practice, however, some employers continued to hold foreign workers' passports and used other such coercive measures to prevent mobility. Moreover, these reforms did not cover the country's approximately 70,000 migrant domestic workers, the group that was most vulnerable to trafficking.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

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. New public buildings in the central municipality must include facilities for persons with disabilities. The law does not mandate access to nonresidential buildings for persons with disabilities.

There were no reports of discrimination against persons with disabilities in employment, education, or access to health care. Children with learning disabilities, physical handicaps, speech impediments, and Down syndrome were enrolled in specialized education programs in public schools. The government did not fund private programs for children with disabilities who could not find appropriate programs in public schools.

The law requires the government to provide vocational training for persons with disabilities who wish to work. The law also requires any employer of more than 100 persons to hire at least 2 percent of its employees from the government's list of workers with disabilities; however, the government did not monitor compliance. The government placed persons with disabilities in some public sector jobs.

National/Racial/Ethnic Minorities

The law grants citizenship to Arab applicants who have resided in the country for 15 years and non-Arab applicants who have resided in the country for 25 years. There was a lack of transparency in the naturalization process, and there were numerous reports that the citizenship law was not applied uniformly. For example, there were allegations that the government allowed foreign Sunni employees in the security services that had lived in the country for less than 15 years to apply for citizenship. There were also reports of Arab Shia that had resided in the country for more than 15 years and non-Arab foreign residents that had resided more than 25 years who had not been granted citizenship.

Although the government asserts that the labor code for the private sector applies to all workers, the International Labor Organization has noted that, in practice, non-national migrant workers faced discrimination in the workplace.

On March 21, a Sunni Pakistani civilian, Mohammed Riyadh, died of burns he suffered after Shia rioters firebombed his vehicle on March 7. Due to his ethnicity, attackers assumed the victim was an undercover police officer monitoring activity in the village. Ten Shia men were subsequently arrested and charged with murder. At year's end, the trial remained ongoing.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not criminalize homosexual relationships between consenting adults at least 21 years of age; however, lesbian, gay, bisexual, and transgender activities were not socially accepted, and discrimination was common. There were no reports of violence specifically targeting individuals based on their sexual orientation or gender identity.

Other Societal Abuses and Discrimination

The media reported on few cases of HIV/AIDS. There were no reports of societal violence or discrimination based on persons with HIV/AIDS. The government mandated screening of newly arrived migrant workers for infectious diseases, including HIV/AIDS; migrant workers found to be HIV-positive faced deportation.

Section 7 Worker Rights

a. The Right of Association

The law grants workers, including noncitizens, a limited right to form and join unions. Members of the military are prohibited from joining unions. In the private sector, workers may form unions without prior authorization. Public sector workers may join private sector trade unions and professional societies, but trade unions are prohibited in the public sector. All unions must join the General Federation of Bahrain Trade Unions (GFBTU). The law allows for the establishment of additional federations; however, at year's end, there were none. According to the GFBTU, approximately 18 percent of the labor force was unionized, with employees from the six major state-owned firms making up 52 percent of total trade union membership.

The law prohibits unions from engaging in political activities, although union officials participated in public forums regarding workers' rights. The GFBTU did not report any government interference in its activities.

The law states that the right to strike is a legitimate means for workers to defend their rights and interests; however, this right was restricted. The law prohibits strikes in certain sectors the government deemed essential. They included the oil, gas, education, telecommunication, transportation, and health sectors, as well as pharmacies and bakeries. For workers permitted to strike, the law requires a lengthy process of conciliation followed by mandatory arbitration. Workers must approve a strike with a two-thirds majority in a secret ballot and provide two weeks' notification to the MOL before conducting a strike. There were four legal strikes and no illegal strikes during the year. Although government sources held that the arbitration provision did not preempt the right to strike, the law does not specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively. Employers and the government are required to treat unions as independent judicial entities. In the private sector, the law prohibits antiunion discrimination and employer interference in union functions. The government generally protected this right. The law also provides protection to workers who are terminated for their union activities.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly among domestic workers and those working in the informal sector. There were no reports of forced or compulsory child labor.

Foreign workers, who made up 56 percent of the workforce (76 percent of the private sector workforce), were particularly vulnerable to forced labor. In some cases, foreign workers arrived in the country under the sponsorship of an employer and then switched jobs, while continuing to pay a fee to their original sponsor, which made it difficult to monitor and control their employment.

In numerous instances, employers withheld salaries from foreign workers for months or years and refused to grant them permission to leave the country. The government and the courts generally worked to rectify abuses that were brought to their attention. The fear of deportation or employer retaliation prevented many foreign workers from making complaints to authorities.

The government conducted an extensive awareness campaign, yet many foreign workers were unaware of their rights under the law. The government published pamphlets on foreign resident workers' rights in several languages, provided manuals on these rights to local diplomatic missions, and operated a telephone hotline for victims.

On August 1, new rules went into effect to allow migrant foreign workers (excluding domestic workers) to change jobs without employers' permission, subject to certain restrictions. LMRA officials report that some workers have changed employers under the new rules, although local NGOs asserted that many in the construction industry are unaware of this change.

Labor laws do not fully cover domestic workers. There were numerous credible reports that domestic workers, especially women, were forced to work 12-to 16-hour days, had to give up their identity documents to employers, had little time off, were malnourished, and were subject to verbal and physical abuse, including sexual molestation and rape. Between 30 and 40 percent of attempted suicide cases in the government's psychiatric hospitals were foreign domestic workers.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor and establishes protections for children from workplace exploitation, and the government effectively enforced these laws. Some children were believed to work in family-run businesses, but the practice was not widespread.

The minimum age for employment is 16 years. The MOL makes rare exceptions on a case-by-case basis for juveniles between the ages of 14 and 16 who have an urgent need to assist in providing financial support for their families. Minors may not work in industries the Ministry of Health deems hazardous or unhealthy, including construction, mining, and oil refining. Minors may work no more than six hours a day and may be present on the employment premises no more than seven hours a day. These regulations do not apply to family-operated businesses in which the only other employees are family members.

According to NGOs, MOL inspectors enforced child labor laws effectively in the industrial sector; child labor outside that sector was monitored less effectively. During the year, the ministry employed 43 labor inspectors. In March the MOL organized a workshop for law enforcement officers, judges, prosecutor, lawyers, NGOs, and employers to discuss child labor.

e. Acceptable Conditions of Work

There is no national minimum wage. Unskilled foreign laborers in particular did not earn as much as their home countries' guidelines suggested. For example, the Philippines imposed a minimum wage of 80 dinars (\$212) for domestic workers and required a contract signed by the two parties and approved by the Philippines Embassy. The law allows employers to consider benefits for foreign workers such as annual trips home, housing, and education bonuses as part of the salary.

The MOL enforced the labor law and mandated acceptable conditions of work for all adult workers except domestic workers, including a maximum workweek of 48 hours, with special permission required by MOL for work in excess of 60 hours per week. By law Muslims may not be required to work more than six hours per day and 36 hours per week during Ramadan. Workers are entitled to one day of rest after six consecutive days of work and to annual paid vacations of 21 days after one year of service. Work in excess of 48 hours per week is to be paid at a rate of 25 percent above the normal wage if conducted during the day and 50 percent if completed at night. In practice many foreign domestic workers worked more than 60 hours per week and did not receive overtime. The labor inspectorate conducted periodic comprehensive inspections of private sector enterprises, including verification of employee hours and wages.

According to NGOs, workplace safety standards were adequate, but inspection and compliance were substandard. The MOL set occupational safety and health standards and sporadically enforced them with a team of eight engineers from multiple specialties. Inspectors had the authority to levy fines and close worksites if employers did not improve conditions by specified deadlines. During the year, the media reported several workplace deaths owing to a combination of

inadequate safety procedures, worker ignorance of those procedures, and inadequate safety standards for equipment. Exact figures were not available. Particularly hazardous sectors included construction and automotive repair.

In 2008 trained inspectors visited labor camps to verify whether workers' accommodations met required safety and hygiene standards. During the year, inspectors visited 1,316 labor camps, of which 113 failed the inspection because of safety issues such as gas and electricity problems, overcrowding, poor hygiene, and general disrepair. Inspectors cited poor hygiene in warnings issued to 138 camps, as well as part of their rationale for the closure of 28 camps. The inspectors were authorized to inspect only premises that had a commercial registration, not private homes where most domestic workers resided and worked, or unregistered "private" camps where many unskilled laborers lived.

Reports of employers and recruiting agencies beating or sexually abusing foreign women working in domestic positions were common. Numerous cases were reported to local embassies, the press, and police; most victims were too intimidated to sue their employers, although they had the right to do so. If the victim brings a suit against the employer, the plaintiff cannot leave the country for the duration of the case. The MWPS continued to support several victims who took their cases to court, but compensation to victims was reportedly low.

When a worker lodges a complaint, the MOL opens an investigation and often takes remedial action. The MOL reportedly received 4,216 complaints during the year, including complaints from domestic workers. On average there were 11 complaints from domestic workers per month. Ministry officials stated that they were able to resolve most of these cases through mediation in the ministry. The public prosecutor took up the remaining cases for investigation. Complaints brought before the MOL that cannot be settled through arbitration must be referred to the court within 15 days.

On January 4, the government delayed until May 1 implementation of a 2008 decree requiring companies to transport workers in buses as of January 1. A few companies continued to transport foreign resident workers in open trucks on benches, and accidents, sometimes fatal, resulted. Authorities issued 213 citations for violating the ban during May and June. Penalties ranged from 40 to 120 dinars (\$106 to \$318).

A ministerial decree prohibits outdoor work between the hours of noon and 4 p.m. during July and August. Health officials reported a decrease in the number of heatstroke cases from 1,154 cases in 2007, prior to the decree, to 814 during the year. According to the MOL, it fined 29 companies 50 to 300 dinars (\$132 to \$792) per worker for allegedly violating the ban during the year, an increase from 21 in 2007.