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Bahrain

Country Reports on Human Rights Practices - [2005](#)

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Bahrain is a monarchy ruled by the Al-Khalifa family since the late 18th century, with a population of approximately 710 thousand. King Sheikh Hamad Bin Isa Al-Khalifa governs the country. His son, Crown Prince Sheikh Salman Bin Hamad Al-Khalifa, is heir apparent; and his uncle, Sheikh Khalifa Bin Salman Al-Khalifa, is prime minister. The king appoints a cabinet of ministers to help him run the government. Members of the Al-Khalifa royal family occupy about half of the cabinet positions, including all strategic ministries. In 2002, the government adopted a constitution that reinstated a legislative body with one elected chamber, the Council of Representatives (COR), and one appointed chamber, the Shura Council. Also in 2002, citizens selected representatives to the COR in free and fair multiparty elections. The constitution provides that the king is head of the executive, legislative, and judicial branches of the government. Civilian authorities generally maintained effective control of the security forces.

The following human rights problems were reported:

- inability to change the government
- political parties prohibited
- impunity
- restrictions on civil liberties--freedoms of speech, press, assembly, and association
- lengthy pretrial detention
- lack of judicial independence
- allegations of corruption in the judicial system
- discrimination based on gender, religion, sect, and ethnicity
- infringement of citizens' privacy rights
- restrictions on freedom of religion and of movement
- violence against women
- trafficking
- restrictions on labor rights

For the first time, the government allowed a local human rights organization to inspect prison conditions.

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 that the government or its agents committed arbitrary or unlawful killings.

On February 28, the Civil High Court of Appeal upheld the April 2004 lower court judgment ordering the Ministry of Interior (MOI) to pay \$105,000 (40,000 dinars) to the family of a 21-year-old citizen killed in a demonstration in April 2002.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment.

At the end of November, Musa Abd Ali, a 24-year-old Shi'a activist with the "Committee of the Unemployed" filed a complaint with police alleging that in the early hours of November 28 plainclothes security personnel abducted him from his home, beat him severely, assaulted

him sexually, and threatened him with further harm unless he ceased his activities on behalf of the Committee of the Unemployed (see section 2.a.). A private doctor could not confirm evidence of a beating during the timeframe alleged by Abd Ali, nor evidence of sexual assault. Following the doctor's conclusions, Abd Ali changed his allegation to attempted sexual assault. Ministry of Interior officials stated publicly and privately that the government had no knowledge of nor involvement in the incident and, after completing an investigation, referred the case to the Attorney General's office. On December 13 Abd Ali withdrew his cooperation with the investigating authorities, after inconsistencies developed in his allegations.

There were no known instances of officials being punished for human rights abuses committed either during the year or in any previous year. Controversy continued over impunity for alleged torturers which the government maintained was granted by the 2001 general amnesty. In May, the Bahrain Human Rights Society (BHRS) and the dissolved Bahrain Center for Human Rights (BCHR) in cooperation with the National Committee for Martyrs and Victims of Torture (NCMVT) briefed the UN Committee Against Torture on their concerns. They focused on impunity for acts of torture committed prior to 2001; rejection by courts of all cases lodged against alleged torturers and of all requests for compensation; and the absence of redress and rehabilitation mechanisms for victims of torture.

Prison and Detention Center Conditions

Prisons in the country generally met international standards, although the BHRS conducted an investigation of one prison during the year and its finding were not yet released at year's end.

On June 4, the MOI granted the BHRS permission to inspect Jaw men's prison and report on conditions in the prison. In August, the MOI reportedly refused a request from opposition political society Al-Wifaq to inspect prisons because it said only officially sanctioned human rights organizations were allowed to conduct such inspections. A team of 15 members of BHRS, including doctors, psychologists, lawyers and academics, visited Jaw prison on December 24 and December 31. Over the two visits the team met with 15 percent of the over 450-person inmate population and with members of the prison staff. The warden provided the team with access to all prisoners including to two inmates on death row. Members of the BHRS met with specified individuals and chose others at random. Under an agreement between the BHRS and the MOI, the BHRS was not free to discuss its findings until it releases a final report early in 2006.

Although the BHRS has not yet inspected the women's prison, reports indicate that female prisoners were housed in similar conditions as men. Juveniles were housed separately from adults until the age of 15. In April 2004, the Ministry of Social Development announced plans to open a separate center for the care of juvenile delinquents, but it had not yet done so by year's end. In August 2004, content of International Committee of the Red Cross (ICRC) discussions with government officials and NGOs was not made public.

The findings of a 2003 joint parliamentary and MOI Commission to investigate claims of prisoner beatings and mistreatment were still not made public by year's end.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The MOI is responsible for public security. It controls the Public Security Force and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats and also monitors internal security. There were no reports of corruption within the MOI and the BDF, although corruption was difficult to assess given the lack of transparency in activities and budgets.

There continued to be no known instances of police officers being punished for human rights abuses committed during the year or in any previous year.

In a May 31 decision, the appellate court acquitted Abdul Raouf Al-Shayeb, president of the NCMVT, of charges of indecency and un-Islamic behavior. Al-Shayeb had been convicted of these charges on February 25 and sentenced to two months in jail. In March 2004, police had arrested him days before his group planned to demonstrate against Law 56, the government decree that gives impunity to past and present government officials responsible for serious human rights abuses. He was denied legal representation for the five days he was detained in jail. The government also released his name and the nature of the case to the local press, violating its own laws on releasing such information in alleged vice cases. Other than his initial five-day detention in 2004, Al-Shayeb did not serve any time in prison.

In May 2004, King Hamad ordered an investigation into police conduct during a demonstration the previous day in which two civilians were injured by rubber bullets. Results of the investigation were not issued by the end of the year (see section 2.b.). There were no reports of investigations of reported police misconduct during demonstrations in June, July, and November in which demonstrators were reportedly beaten.

According to the MOI, its Disciplinary Court convicted three police officers in 2004 for criminal activities of property theft and disobedience. The press reported on a number of cases of police officers facing charges for various crimes, including theft, during the year.

Arrest and Detention

Police must inform a misdemeanor suspect of the charges against him and transfer him to the Public Prosecutor's Office within 48 hours of

arrest. A felony suspect must be charged and transferred to the Public Prosecutor's Office immediately. Within seven days of his arrest a detainee must appear before a judge in the Public Prosecutor's Office to determine the viability of continued detention regarding the case. If the judge decides the suspect is a flight risk or is a danger to society, he may rule for continued detention up to a maximum of 45 days while the investigation is carried out. At the end of 45 days the case must be reviewed by a second judge who may rule for continued detention up to a maximum of 45 days. This process may continue through reviews by a third and fourth judge, but detention may not exceed six months. According to the BHRS, although there are occasional reports of detention for up to one year, these reports are not common. Detainees are allowed prompt access to visiting family members.

There were no reports of individuals being detained arbitrarily or secretly without a warrant.

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 MOI oversees security and all aspects of prison administration. Detainee 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.

Jaw prison housed convicted, sentenced prisoners only. According to a BHRS official who conducted visits with inmates at Jaw prison in December, prisoners who describe lengthy pretrial detention up to nine months refer to trials for additional crimes for which they are to be tried while they are serving out a current sentence.

There were no reports of political detainees.

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. The constitution provides that the king appoint 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. The constitution does not provide a legislative branch confirmation process for judicial appointees nor does it establish an impeachment process.

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 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. Three judges hear appeals at the Civil High Court of Appeal. 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 to 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.

The Shari'a (Islamic 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 Maliki Shari'a Court with jurisdiction over all personal status cases brought by Sunni Muslims, and a Ja'afari Shari'a Court with jurisdiction over cases brought by Shi'a Muslims. 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 provides a third judge, and the decision is based on a majority vote. There are 11 judges in the Sunni Maliki Shari'a courts and 12 judges in the Shi'a Ja'afari Shari'a courts.

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. These seven judges serve nine-year terms and cannot be removed before their terms expire. The king may present draft laws to the court to determine their constitutionality. The court's determination is final and "binding on all state authorities and on everyone," according to the constitution.

The Bahrain Defense Force maintains a separate court system which only tries military personnel accused of offenses under the Military Code of Justice. The MOI has a similar system for trying police officials. There were no reports of either court considering cases involving civilian, common criminal or security cases.

Trial Procedures

Civil and criminal trial procedures provided for an open trial, the right to counsel, and the right to appeal. Juries are not a part of the judicial system. Reports continued alleging lack of access to a fair trial. However, an extensive judicial reform program has led to increasing transparency in the process, according to an international NGO familiar with the program.

Defendants may choose their own attorneys. If they are unable to afford a private attorney, defendants may ask the Ministry of Justice to appoint an attorney to represent them in court. There were allegations of corruption in the judicial system.

In 2003, a citizen lost custody of her two children in a Shari'a court, and her appeal was denied by the original judge. In January 2004, the Shari'a court overturned its 2003 decision and granted custody of the children to their maternal grandmother. The children's father then filed a verbal abuse case against human rights activist and head of the Women's Petition Committee, Ghada Jamsheer, who was involved in the custody battle. On June 28, Jamsheer was cleared of all charges.

From 2001-03, nine Shari'a court judges filed three defamation cases against Ghada Jamsheer. Trials for the three cases began in January. On June 26, the High Criminal Court dropped one of the cases, saying that the public prosecution should have tried the cases within three months after they were filed. On September 26, Jamsheer told the press that she had received a letter two weeks earlier from five of the Shari'a Court judges stating that they had withdrawn all three cases filed against her. However, the public prosecutor's office said it would still try the cases. Amnesty International (AI) and Human Rights Watch (HRW) expressed concern that the cases were brought against Jamsheer for her involvement in human rights activities. On December 13 and 28, in the second and third cases, Jamsheer was found not guilty.

Political Prisoners

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 the law and under judicial supervision; however, the government continued to infringe on citizens' right to privacy. The government carried out some illegal searches. Telephone calls and personal correspondence remained subject to monitoring (see section 2.a.). Police informer networks were extensive and sophisticated.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, but the government placed limitations on the exercise of these rights. The election law prohibits speeches at most public locations and limits the areas where campaign materials can be placed.

In 2002, the king decreed a press law. The government began implementing the law but later "froze" it due to a public outcry. Although suspended, the law was enforced at the government's discretion. The suspended press law provides for restricted freedom of speech and press. 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 \$5,225 (2,000 dinars) 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 that may adversely affect the value of the national currency; reporting any offense against the head of a state that maintains diplomatic relations with Bahrain; or publishing offensive remarks towards an accredited representative of a foreign country because of acts connected with the person's position.

Local press coverage and commentary on international issues was open, and discussion of local economic and commercial issues also was relatively unrestricted. Newspapers covered opposition politics in detail and also published Friday mosque sermons, both Shi'a and Sunni, even when critical of the government. However, there was both censorship and self-censorship. Representatives from the Ministry of Information actively monitored and blocked local stories on sensitive matters, especially those related to sectarianism, national security, or criticism of the royal family, the Saudi royal family, and judges. At the same time, newspaper coverage of a wall built illegally by a senior royal family member in a Shi'a village resulted in the government ordering the wall's removal. Public demonstrations over foreign policy, unemployment, personal status laws, housing shortages, human rights abuses, and other issues were covered in the print media but not always on government-owned television. Radio and television broadcasts in Arabic and Farsi from countries in the region were received without interference.

In private settings, individuals openly expressed critical opinions regarding domestic political and social issues. There was also some freedom of discussion on the Internet (chat rooms, discussion forums, individual web logs), in letters to the editor, and occasionally on state-run television call-in shows.

The government owns and operates all local radio and television stations. In 2004, the government lifted its ban on correspondents from the Qatar-based Al-Jazeera satellite television channel, but maintained control over the selection of the locally-based correspondent. Al-Jazeera was available in the country via satellite.

The Ministry of Information 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. In 2003, Dr. Mansour Al-Jamry, editor-in-chief of *Al-Wasat*, was interrogated, fined, and sentenced for allegedly publishing sensitive information about an ongoing investigation of a locally-based terrorist cell. Al-Jamry appealed his case to the Constitutional Court, arguing that laws 42, 46, and 47, which deal with judicial authority, criminal procedure, and the press, were unconstitutional, and in May 2004 the High Criminal Court judge referred Al-Jamry's case to the Constitutional Court. The Constitutional Court upheld the constitutionality of the three laws and sent the case back to the High Criminal Court. At year's end, the case was still pending.

In 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 argued his case before the Constitutional Court, claiming that discrepancies in the procedural enactment of the press, judicial, and criminal laws made 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 2004. On September 28, the court acquitted Al-Mousawi of all charges (see section 5).

In February, the High Civil Court rejected the BCHR's appeal, and on June 14 an administrative court upheld the High Civil Court's decision. In September 2004, police had arrested Abdulhadi Al-Khawaja, former director of the BCHR, for criticizing and insulting Prime Minister Sheikh Khalifa (the king's uncle) at the Al-Aruba Club during a presentation on poverty. 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 BCHR. In November 2004, Al-Khawaja was sentenced to one year in prison for violating Article 165 (inciting hatred against the regime) and Article 168 (spreading rumors that could undermine state security) of the Penal Code, but was ordered released by the king just hours after sentencing. The BCHR challenged its closure in court and continued to conduct activities. On May 31, the minister of social development warned the dissolved center to cease all activities or face prosecution. The center remains dissolved and its activities banned, although the government has tolerated some human rights activities of some former BCHR members.

The government restricted use of the Internet. A government-controlled proxy prohibited user access to Internet sites considered to be anti-government or anti-Islamic; dedicated, users often circumvented these restrictions, but access to a number of Web sites was impeded for most users. E-mail use was reportedly unimpeded, although it was monitored (see section 1.f.). More than one-third of the population used the Internet, with approximately 140,000 web-based e-mail accounts.

Between February 27 and March 1, authorities arrested three Web site administrators on charges of inciting hatred against the regime and spreading false rumors that could undermine state security, and held them for 15 days. Their Web site, www.bahrainonline.org, had been blocked by the government for several years. Supporters of the administrators held a number of demonstrations against the detentions. The three detainees went on a hunger strike for several days. On March 14, the government released the three men, but prohibited them from traveling. They continued to face charges with a maximum sentence of six years in prison.

In April, the Ministry of Information launched a six-month campaign to register all Bahraini Web sites. Under the new government regulations, Web site administrators face the same libel laws that apply to print journalists, and Web masters are held jointly responsible for all of the content posted on their websites or chat rooms.

On February 22, Ghazi Mohamed was arrested and charged with "provoking and urging enmity of the system" for displaying a banner on his car on which was written "No to 2002 Constitution, Yes to 1973 Constitution." He was released on \$135 (50 dinars) bail the same day he was detained. The case was later dismissed.

From 2001-2003, three Shari'a court judges filed three defamation cases against the head of the Women's Petition Committee, Ghada Jamsheer. The judges alleged that Jamsheer had allegedly used foul language, insulted them and accused one of the judges of hiring prostitutes. On June 26, the High Criminal Court dropped one of the cases, saying that the Public Prosecution should have tried the cases within three months after they were filed. On December 13 and 28, in the second and third cases, Jamsheer was found not guilty (see section 1.e.).

Academic freedom was limited, although there were no formal regulations. Academics avoided contentious political issues, and the University of Bahrain did not have a political science program. The university's hiring and admissions policies favored Sunnis and others who were assumed to support the government. A few Shi'a professors, including women, were hired, yet reportedly only approximately 40 percent of the professors were Shi'a. The proportional representation of Shi'a students was estimated to be approximately that of the Shi'a in the general population.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution provides for the right of free assembly, the law restricts the exercise of this right. The law requires organizers to notify the MOI 72 hours before a public gathering or demonstration takes place and the law prohibits unauthorized public gatherings of more than five persons.

Scores of demonstrations occurred throughout the year, including many that were not approved by the government and in which the government did not intervene. There were allegations that the MOI told the owners of venues to close their premises to prevent meetings from occurring, but it was not possible to determine the number of times this happened. The MOI reported that in the period between July 2004 and May 2005, there were 180 demonstrations, rallies, and sit-ins, the vast majority of which related to domestic issues such as unemployment, housing, and other social issues. Statistics between May and the end of the year were not available.

The Political Rights Law of 2002 regulates election campaigns and prohibits "election meetings" at worship centers, universities, schools, government buildings, and public institutions (see sections 2.c. and 3.). The government periodically limited and controlled political gatherings. On February 10 a second constitutional conference was held, but only representatives of the four political societies that had boycotted the 2002 elections attended. The media reported that several other political societies were involved in the early planning for the conference, including Al-Minbar (Muslim Brotherhood) political society. However, disagreements over the agenda and the perception that the boycotting societies would not accept the views of the others resulted in Al-Minbar and the other political societies voluntarily withdrawing their participation in the conference. There were allegations that the police confiscated posters and banners advertising the conference.

In April 2004, the press reported that the Ministry of Social Development sent letters to the four main opposition political societies threatening legal action if they followed through with their plan to hold a popular petition drive calling for the rejection of the 2002 constitution (see section 3). The minister of social development had previously made public announcements that such action by the societies violated Article 29 of the 1989 Societies Law, which states that only duly constituted organizations and corporate bodies may address public authorities collectively. The four societies held the petition drive in late April. During the event, police stormed the signature-collection stands and arrested 17 petitioners. Fourteen of those detained were released immediately while the other three were released on bail in early May 2004. The case was later dismissed for lack of evidence.

On March 25, opposition political society Al-Wifaq held a rally that the government had banned. The demonstration was peaceful and the police did not intervene. In a subsequent meeting with the minister of social development, Al-Wifaq was warned not to defy government decisions on demonstrations.

Throughout the year, the National Committee for the Unemployed staged numerous rallies calling on the government to find solutions to Bahrain's unemployment problem. As the Committee is not registered with the government, it cannot legally organize activities. (Public advocacy groups are not permitted to register as a civil society group if the government decides that the group is involved in political activities. The definition of political activities is not clear and is open to interpretation by government officials. If unable to register as a civil society group under the Ministry of Social Development, the group must register, if it meets the qualification requirements, as a political society under the Ministry of Justice.) The government warned the Committee on several occasions against holding unauthorized events, and two of its demonstrations turned violent. On June 19, police clashed with approximately 50 representatives of the Committee. According to the press, five protesters sustained injuries that required hospital treatment. Several police officers were also injured. The government did not punish or prosecute demonstrators in this case.

On July 15, 100-150 protesters gathered in Manama with plans to throw rotten food at the parliament building to protest the recently-passed budget because it lacked unemployment benefits. According to the press, police blocked the protesters' path and a confrontation broke out between the security forces and protesters. Ten to twenty protesters and one police officer reportedly suffered injuries. Among the injuries sustained by the protesters included deep welts, broken bones, and back problems. The government did not punish or prosecute anyone in this case.

On December 25 Shaikh Mohamed Al-Sanad was detained upon his return from Qom, Iran. Approximately three weeks earlier Shaikh Al-Sanad's office in Qom had released a statement questioning the legitimacy of the Bahraini government regime and calling for a repeat of a UN referendum conducted in 1971 concerning Bahrain's independence. As Shaikh Al-Sanad was being held at the airport, a group of 100-300 protesters gathered in the airport arrival lounge. Riot police were deployed and clashes between protesters and riot police ensued. Protesters threw airport furniture, resulting in damage to airport facilities. Several individuals were detained but were released within hours. Several days later 21 individuals were rearrested and charged for their involvement in the events at the airport. At the end of the year their cases were ongoing.

Freedom of Association

The constitution provides for the right of free association; however, the government limited this right. The government does not allow the formation of political parties, though it has authorized political societies through the new Political Societies Law of July to run candidates and participate in other political activities (see section 3).

The 1989 Societies Law prohibits any activity by an unlicensed society and any political activity by a licensed civil society. The law provides the Ministry of Social Development the right to reject the registration of any society if its services are deemed unnecessary to society, are already being provided by another society, are contrary to state security, or are aimed at reviving a previously dissolved society.

The ministry has permitted several NGOs, including human rights organizations, to conduct political activities.

In September 2004, the Ministry of Labor and Social Affairs, now the Ministry of Social Development, dissolved the Bahrain Center for Human Rights (BCHR) after it held a seminar on poverty in which a BCHR member criticized the prime minister (see section 2.a).

c. Freedom of Religion

The constitution provides for freedom of religion; however, the government placed limitations on the exercise of this right. The constitution declares Islam as the official religion, and all other religious groups must obtain a permit from the Ministry of Islamic Affairs in order to operate and hold religious meetings. Depending on a group's activities, it may also need approvals from the Ministry of Social Development, the Ministry of Information, and/or the Ministry of Education. There are numerous Christian churches of different denominations, four Sikh temples, and several official and unofficial Hindu temples located in Manama and its suburbs. The only synagogue has been closed since 1948.

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 (Sunni) schools of Islamic jurisprudence. The government may appropriate or withhold funding in order to reward or punish particular individuals or places of worship although reports of this were not common. There were no reported closures of mosques or ma'tams during the year.

Sunni and Shi'a waqfs made funding decisions for new mosque construction. Although both Sunni and Shi'a waqfs were reportedly well-endowed and were able to fund mosque construction, new mosques were dependent upon government approval of land allocation. The

government's approval of land allocation for mosques was not transparent and reportedly not proportionate to Sunni and Shi'a communities relative to their populations in the country.

The government rarely interferes with what it considers legitimate religious observances. The government permitted public religious events, most notably the large annual two-day national Shi'a holiday of Ashura, but police closely monitored these gatherings. 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 to 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 vast majority of those who attend Christian churches were expatriates. Events at churches occur frequently and are advertised regularly in the English press, including the hosting of guest speakers from many countries.

The Political Rights Law of 2002 forbids election speeches in worship centers, but political sermons continued (see sections 2.b. and 3). Proselytizing by non-Muslims is illegal and the government prohibited anti-Islamic writings; however, Christian publications, including Bibles, were sold openly. Religious tracts of all branches of Islam, cassettes of sermons delivered by sheikhs from other countries, and publications of other religions were readily available. Christian pastors were permitted to provide literature to Christian inmates and to prison libraries.

Although the Rifaa region constitutes approximately 40 percent of the country's landmass and has numerous Sunni mosques, in April 2004 the Royal Court denied an application for a Shi'a mosque declaring that land in Rifaa cannot be allocated for commercial enterprises.

Thirteen Christian congregations were registered with the government, operated freely, and allowed other Christian congregations to use their facilities.

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

Societal Abuses, Discrimination, and Anti-Semitism

Discrimination against the majority 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 positions of significance.

In private conversations and in Internet forums, whose contents would not be permitted in the mass media, Shi'a consistently complained of discrimination, especially in public sector jobs and positions at the university. Although the percentage of Shi'a students was close to the relative Shi'a population in the country, only about 40 percent of university faculty was Shi'a. In the private sector, Shi'a citizens were employed in lower paid, less skilled jobs. While Shi'a acknowledged that the situation was improving slowly, they still compose a disproportionately high percentage of the country's unemployed. The government initiated programs during the year to improve employment prospects for citizens. Educational, social, and municipal services in most Shi'a neighborhoods, particularly in villages, were inferior to those found in Sunni urban communities.

Fewer than 50 Jewish persons reside in Bahrain, and one Jewish citizen served in the Shura Council. No acts of physical violence or harassment of Jewish persons or community institutions took place. 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.

For a more detailed discussion, see the [2005 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. 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 non-citizen resident may obtain a travel document, usually valid for two years and renewable at the country's embassies overseas. The holder of a travel document also requires 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 keep Shi'a out of the police and defense forces, which are allegedly dominated by naturalized Sunnis from foreign countries. Although naturalization requirements and process are clearly defined, they were not applied impartially, and adjudication of naturalization applications was not transparent. The government reportedly was more lenient with naturalization requests from expatriates in the security forces. Shi'a and non-Arab applicants reportedly experienced longer delays in the processing of their cases. The government complied with a 2003 parliamentary committee's request for official naturalization data. Though the government required the committee to keep personal data confidential, the committee published the statistics in the press (see section 5). The government occasionally granted citizenship to Sunni residents from neighboring countries. The government stated that some of the Saudis who had received citizenship were the grandchildren of Bahraini citizens who had immigrated 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 forced exile during the year. In May 2004, the Royal Court granted 34 citizens living in exile the right to return to the country.

Forty-four former exiles and prisoners who were pardoned in 2001, a number of whom are senior clerics, claimed that they are unable to travel in the region because they remain on blacklists. They alleged that in 1995 the MOI submitted their names to governments in neighboring countries, and that the ministry did not ask to have their names removed from blacklists after they were pardoned. The government denied that pardoned individuals remain on blacklists and reportedly sent letters to governments in the region inquiring about these persons. Although these individuals did not experience any difficulty departing Bahrain, in some cases destination countries refused entry to them. In other cases individuals have been granted entry after contact was made with Bahraini officials.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the government has not established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they fear persecution.

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

Citizens do not have the right to change their government or their political system; however, the constitution 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 royal family held all strategic cabinet ministry positions.

The bicameral National Assembly consists of the 40-member popularly elected Council of Representatives (COR) and the 40-member appointed Shura (Consultative) Council. The Cabinet's Office of Legal Affairs drafts the text of laws, not the COR or the Shura Council. 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 one month. No veto has been exercised and no law has been enacted that was proposed by a member of the legislature since the constitution was adopted.

The king may dissolve the COR at his discretion, and he retains the power to amend the constitution and to propose, ratify, and promulgate laws. Either council may question government ministers, and the COR may pass a two-thirds majority vote of no confidence requiring a minister's resignation. The COR may also introduce a resolution indicating it cannot cooperate with the prime minister. The entire National Assembly would then have the option to pass the resolution by a two-thirds majority that would require the king to either dismiss the prime minister or dissolve the COR. The situation of a no-confidence vote has not arisen since the constitution was adopted.

Elections and Political Participation

In 2002, the country held its first national elections in nearly three decades. Fifty-three percent of eligible voters elected the 40 members to the Council of Representatives, who shared legislative powers with the king and the Shura Council. The country also elected 10 members to each of 5 advisory municipal councils. Five appointed governors and the Ministry of Municipal Affairs oversee and control most of municipal functioning.

There were no government candidates in the 2002 elections. The Political Rights Law and the Election Law, both promulgated in 2002, restrict the freedoms of speech and association (see sections 2.a. and 2.b.). Approximately 250 trained local volunteers from Bahrain Transparency Society, BHRS, and others not affiliated with any political society, observed both municipal elections and both rounds of the parliamentary elections. They reported that the election campaigning and voting was generally free and fair. They also reported that some candidates were not allowed to visually observe ballot counting and that there was incomplete reporting of election results.

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. Observers commented that this gerrymandering generally violated the one-man, one-vote principle common to most democracies. According to the Carnegie Endowment for International Peace, divergence in the electoral population per district are great: the number of citizens per elected representative can vary by a factor of 10, or even 20.

Political parties are prohibited, but 15 political "societies" operate much like political parties and hold internal elections, campaign for public support, and host political gatherings (see section 2.b.). The government began recognizing political societies in 2002 and placed them

under the jurisdiction of the 1989 Societies Law. Though the 1989 law prohibits societies from engaging in political matters, the government permitted such activity.

In July, a Political Societies Law replaced the 1989 law as the governing law for organized political activity. The law gives political societies legal authority to operate and defines rules that they must follow. Political societies were highly critical of provisions in the law that require them to notify the Ministry of Justice before contacting political groups abroad; prohibits foreign funding or training; raised the minimum membership age from 18 to 21; and gives the Ministry of Justice the authority to reject an application for registration.

Al-Wifaq, the country's largest political society, and three other political societies boycotted the 2002 parliamentary elections, citing grievances over the constitutional provisions that equalized the powers of the elected COR and the royally-appointed Shura Council. During the year, all political societies, including the four boycotting societies, registered under the new Political Societies Law, a required first step toward participation in the 2006 elections.

The Ministry of Social Development suspended an opposition group, the Islamic Action Society (IAS), for 45 days after a June 29 seminar in which the IAS allegedly praised 73 persons convicted of a 1980s coup attempt in Bahrain. The ministry accused the IAS of "defaming the constitution, national symbols, and the political leadership; tolerating incitement; and distributing pamphlets unlicensed by the Ministry of Information.

Women have the right to vote and run for public office. Women accounted for 52 percent of voters in the 2002 municipal council election. The government did not publish the percentage of women voters in the legislative election. No women were elected in either election.

The king has appointed six women to the Shura Council. The Ministry of Cabinet Affairs reported in 2004 that women held 9 percent of senior civil service posts. Minister of Health Dr. Nada Haffadh, appointed in April 2004, was the first female minister in the country. Minister of Social Development Dr. Fatima Al-Belooshi, who was appointed in January, is the second. Two female officers hold the rank of colonel in the Bahrain Defense Force.

In July, the government and the UN Development Program launched an initiative associated with the Supreme Council for Women to train women as candidates in the 2006 elections. By year's end, 82 women had participated in the program.

Almost all citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting approximately 70 percent of resident citizens. Members of the two sects have equal rights before the law. However, Sunnis predominate politically and economically. The royal family is Sunni and is supported by the armed forces and the security services, both of which contain very few Shi'a, and influential Sunni and Shi'a merchant families.

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. Five of the 20 cabinet ministers were Shi'a.

Government Corruption and Transparency

Significant areas of government activity continued to lack transparency, although there is evidence that the government is slowly encouraging a climate of greater openness. New legislation increased transparency in Central Bank transactions and activities, increased disclosure responsibilities for the 47 companies listed on the Bahraini stock exchange, and increased vigilance in areas of finance vulnerable to money laundering. Publication of the Audit Bureau's second report revealed indications of corruption within Bapco (Bahrain Petroleum Company). During the National Assembly debate on the 2006-2007 government budget, figures and details were publicly debated, bringing new transparency to the government's budgetary process.

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

Restrictions on freedom of association and expression hindered investigation or public criticism of the government's human rights policies. There are more than 400 NGOs registered in the country, most of which were sports clubs and charitable organizations. NGOs must report to the Ministry of Social Affairs when their members participate in international NGO events. In recent years, the government has allowed increased interaction between local civil society groups and international human rights organizations. In December Freedom House partnered with BHRS to organize a conference on family law issues. In October and November members of domestic NGOs participated with international NGOs in four thematic conferences leading up to the Forum for the Future conference. A local human rights activist organized a "parallel" Forum for the Future conference for regional NGOs. Bahrain Transparency Society had regular contact with parent organization Transparency International. Civil society members traveled regularly to attend conferences in the region, in Europe, and in the Americas.

The Bahrain Center for Human Rights (BCHR) was one of the most active NGOs in the country from 2002 to 2004. The group produced reports, supported victims of trafficking, held seminars, and organized other events. Since 2003, government ministries had warned the Center against conducting activities that were outside of its bylaws. In September 2004, the Ministry of Social Development issued a press release to local newspapers announcing the dissolution of the BCHR. The government locked the Center's property and froze its bank accounts. The BCHR challenged its closure in court, but lost the case and subsequent appeals (see section 2.a.). The BCHR's activities remained suspended.

The Bahrain Human Rights Watch Society (BHRWS), established in December 2004, conducted a number of human rights activities throughout the year, including organizing conferences and awareness campaigns on women's rights, children's rights, and labor rights. On December 10 BHRWS announced the establishment of a new coalition called "Respect" to focus on the twin issues of the need for a family law and the protection of abused domestic workers.

In May, the government submitted a report to the UN Committee Against Torture (CAT), having missed due dates of 1999 and 2003. Three local NGOs, including the banned BCHR, submitted shadow reports to the CAT (see section 1.c.). On May 26, several thousand people attended an NGO-sponsored seminar in Manama focusing on the CAT's recommendations.

On June 4, the BHRS received permission from the government to inspect prison conditions. A delegation visited Jaw prison on December 24 and December 31.

On July 29, the BHRS released its 3rd annual report, covering 2004. The BHRS recommended amending the 1989 law governing civil societies to allow for greater protection from government intervention and for freedom to assume a more central role in societal development. It called for an amended constitution, to grant more rights and freedoms to the people. BHRS also recommended that election districts be redrawn and suggested ways to reform the judiciary.

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, these rights were protected unevenly, depending on the individual's social status, sect, or gender.

Women

Spousal abuse of women was widespread, particularly in poorer communities. In August 2004, a prominent clinical psychologist conducted a scientific study of 605 women of varying ages, social statuses, and educational backgrounds, and concluded that 30 percent of the country's married women had been subjected more than once to verbal, physical, or psychological spousal violence. There were very few instances of women seeking legal redress for violence, and there was little public attention towards or discussion of the problem. Incidents usually were kept within the family.

On June 14, the quasi-government Bahrain Telecommunications Company (Batelco) opened the Center for Family Violence and began offering free medical, psychological, legal, and social assistance to victims of violence, including women and children. The center runs a hotline that abused persons can call for assistance.

No government policies or laws explicitly addressed violence against women. Rape is illegal and the press reported some cases of men being arrested for rape. The law does not address spousal rape. Although the number of convictions was not available, during the year there were 331 cases of sex-related crimes referred to the public prosecutor, including sexual harassment, sexual assault, and rape. In 2004, 374 cases were referred to the public prosecutor's office.

It was not uncommon for foreign women working as domestics to be beaten or sexually abused by their employers and recruiting agents. Numerous cases were reported to local embassies, the press, and the police; however, most victims were too intimidated to sue their employers, although they had the right to do so. Courts reportedly allowed victims who registered complaints to sue for damages or return home. If the victim brings a suit against the employer, the plaintiff cannot leave the country for the duration of the case. The Migrant Worker Protection Society (MWPS) has supported several victims who have taken their cases to court, but awards to victims were reportedly very low. In 2003 Anita, a 28-year-old Indian domestic servant, was hospitalized after being abused by her employer for 3 months. She had received less than one month's full pay. She sued her employer for damages and back pay. By year's end the case was still not resolved. Although Anita has repeatedly indicated her desire to return to her family in India, she is not permitted to travel unless her former employer signs Anita's exit papers, which she will only agree to do if Anita drops the charges.

Although prostitution is illegal, some women, mostly foreigners, engaged in prostitution. In 2003, an opposition political society's newsletter alleged that the Ministry of Information's tourism inspectorate division was corrupt and had allowed a flourishing trade of trafficking in persons and prostitution. The government refuted the accusation, and the author of the article was charged with defamation of character (see section 2.a.). On September 28, the court acquitted the author of all charges.

There is no specific law that prohibits female genital mutilation (FGM). BHRS received several reports of cases during the year, but there were no available statistics on the prevalence of FGM. The Supreme Council for Women, a government body that promotes women's rights, called on the Ministry of Health to conduct a study on the prevalence of FGM.

Women's 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, were 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 their courts. In March 2004, the minister of justice suspended six Shari'a court judges indefinitely. According to the ministry, the judges reportedly had lost the trust of the community due to their misconduct and could no longer serve the community successfully (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 divorces 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. Sunni women without a direct male heir 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 nine and sons under age seven. Custody usually reverts to the father once the children reach those ages. Regardless of custody decisions, the father retains guardianship, or

the right to make all legal decisions for the child--until the child reaches the legal age of 21. A non-citizen woman automatically loses custody of her children if she divorces their citizen father. A Muslim woman legally can marry a non-Muslim man if the man converts to Islam. In such marriages, the children are automatically considered to be Muslim.

Married women have the right to apply for a passport without their husband's consent. Women have the right to travel abroad without gaining prior consent.

By law foreign women who marry citizens are eligible for citizenship after five years of marriage. Foreign men who marry citizens, however, are not entitled to citizenship, and neither are their children. On July 14, the Bahrain Women's Society launched a campaign to promote full citizenship rights for foreign husbands and their children. Over the past two years the society has run a registration campaign to record the personal information of the more than 1,800 children (infant to age 21) who were born to citizen mothers and do not have citizenship.

Widows, divorcees, and other women with child dependents have the right to apply for government housing and loans. The government gives divorcees the right to remain in their home while they raise their children if the dwelling is government housing.

According to the Ministry of Commerce, women constituted 17 percent of the total workforce and 40 percent of the government workforce. The government has encouraged women to work and was a leading employer.

Labor laws prohibit discrimination against women; however, discrimination existed in the workplace, including inequality of wages and denial of opportunity for advancement. The influence of religious traditionalists sometimes has hampered women's constitutional rights despite their participation in the work force. On January 15, a new law granted women working in the public sector 42 days maternity leave, not including weekends. Women in the private sector are entitled to 45 days maternity leave, including weekends.

Sexual harassment is prohibited; however, harassment was a widespread problem for women, especially foreigners working as domestics and in other low-level service jobs. The press reported a number of instances of men being arrested for sexually harassing women.

Women accounted for 11 percent of all business license registrations. Another 33 percent were filed jointly by a man and a woman or groups including women.

The president of the University of Bahrain is a woman. Sixty percent of students at the University of Bahrain are women, although some women complained that admissions policies discriminated against qualified female applicants, especially Shi'a women. However, since admissions were based on published high school exam results, admission policies were mostly transparent.

Several women's organizations seek to improve the status of women under both civil and Islamic law. Throughout the year, the government and NGOs sponsored a number of conferences related to women's rights. Some of the most active women's groups are the Bahrain Businesswomen Society (BBS), the Bahrain Young Ladies Association, the Bahrain Women's Society (BWS), and the Al-Mustaqbal Society. The Supreme Council for Women was established by royal decree and is directed by the wife of the king, Her Highness Shaikha Sabika Bint Ebrahim Al-Khalifa.

Women activists have been trying since 2001 to establish the Bahrain Women's Union and continued to face setbacks during the year. The union seeks to bring together numerous societies to advocate for women's rights. One of the group's priorities is the creation of a personal status law to protect the rights of families, women, and children. The government has continuously rejected the union's application on technical grounds, saying that the activities of the union are political in nature.

On January 8-9, Bahraini NGOs, in cooperation with Amnesty International, hosted the Conference on Violence and Discrimination Against Women in the Gulf Cooperation Council. Dozens of activists from the region discussed problems facing women in the Gulf and made recommendations on how to advance women's rights.

Children

The government has often stated its commitment to the protection of children's rights and welfare. It generally honored this commitment through enforcement of related civil and criminal laws and through an extensive social welfare network.

Children born to Bahraini mothers and non-citizen fathers are not entitled to citizenship. The Bahrain Women's Society reported in June that there are approximately 1,800 children of Bahraini women who reside in the country but do not have citizenship. These children are ineligible for certain educational and healthcare benefits and other rights of citizens.

Public education for citizen children below the age of 15 is free. The constitution provides for compulsory education at the primary levels (usually up to 12 or 13 years of age). In recent years, authorities did not enforce compulsory education rules. However, the Education Act, which came into effect on August 18, imposed fines on parents whose children failed to go to school and outlined other measures to encourage school attendance. According to the UN Children's Fund (UNICEF), 92 percent of school-aged children are enrolled. Most students finish secondary school.

Limited medical services for infant and preadolescent citizens were provided free of charge. Non-citizen adults and children pay less than \$3 per visit for care at public health centers.

Child abuse was not uncommon, although public discussion of it was rare. The Bahrain Women's Society's "Be Free" Campaign, which has

posted a web site for victims of child abuse since 2002, reported that during the year there were on average 50 email postings per month from Bahraini children, youth and adults alleging to be abuse victims or to have been victims of child abuse in the past.

Child prostitution is illegal and there were no reported cases during the year.

Independent and quasi-governmental organizations played an active part in protecting children by providing counseling, legal assistance, advice, shelter, and financial support to distressed children and families.

On July 29, the press reported that the Ministry of Social Affairs blocked the Bahrain Child Society from holding a gathering. A representative of the ministry told the press that the society had not registered with the government and therefore was not authorized to organize activities. A member of the society's preparatory committee claimed that they had applied for registration 11 months before but had not yet received approval from the ministry.

Child marriage was rare. The press reported that on June 12 an 11-year old was allegedly kidnapped by family members and forced to marry a 30-year old relative. Police found the girl and returned her to her mother. The police detained one suspect in the case who was convicted of kidnapping and sentenced to prison. The length of his prison term was not available.

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. According to government statistics, foreigners make up approximately 60 percent of the workforce. Workers from Southeast Asia, South Asia, Ethiopia, and the former Soviet Union and Eastern Bloc reported being forced into conditions that amounted to trafficking (see section 6.c.). 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. There are approximately 50,000 foreign housemaids working in the country, and labor laws do not apply to 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 trafficking experienced withholding of passports by employers, alteration of contracts without their consent, nonpayment of salaries, inadequate meals, physical abuse, and/or extremely long working hours. There were also allegations from runaway housemaids that some recruitment agencies make it a practice to rape incoming housemaids.

Frequently, citizen traffickers—including some from influential families—tricked new workers into paying up to \$1,200 (450 dinars) for fraudulent visas and nonexistent jobs. The government has taken measures to fight this illegal practice. The Ministry of Labor more than doubled its number of labor inspectors to investigate reports of visa abuse.

Prostitution is illegal, but some foreign women engaged voluntarily in prostitution. There were also reports that some foreign women were forced into prostitution. In cases of forced prostitution, the government generally prosecuted the offender and often the victim's sponsor or employer. There were 78 cases involving prostitution referred to the Public Prosecution during the year, down from 184 cases in 2004. Statistics on convictions and sentences were not available. The fear of deportation or employer retaliation prevents many foreign workers from making complaints to the authorities. Many foreign workers are unaware of their rights under the law, such as the right to change employers without the consent of the original employer after working two years in a position.

Throughout the year the press carried occasional stories of expatriate workers committing or attempting suicide. Exact statistics of attempts and deaths were unavailable.

In March, Indian tailor Madhu Babu committed suicide after his employer, a factory that makes clothing for J.C. Penney, allegedly held him in solitary confinement for 15 days when he contracted chicken pox and then forced him to work while he was still sick. Company officials claim Mr. Babu was provided with air-conditioned accommodation during his quarantine and said that he was visited by a doctor daily. After Mr. Babu's suicide, 400 workers rioted and caused significant damage to the factory. Representatives of the MWPS and the Bahrain Human Rights Watch Society met with Ministry of Labor officials to discuss the suicide and worker safety.

Trafficking remained a problem, although the government has taken positive steps to combat it. The government can fine employers guilty of forced labor up to \$2,600 (1,000 dinars). Although 2005 statistics were not yet available, in 2004 the Ministry of Justice brought over 300 cases against employers. The rules also require sponsors to put up a deposit of \$265 (100 dinars) for each runaway worker. The government published pamphlets on expatriate workers' rights in several languages, provided manuals on these rights to local diplomatic missions, and operated a telephone hotline for victims. The government does not provide direct assistance to victims.

On June 26, Meena Raj Kumar Dolare was sentenced to 3 months in jail and fined \$1,330 (500 dinars) for severely assaulting her maid in 2003. Though Dolare reportedly admitted to the abuse, she was released on \$1,330 (500 dinars) bail and vowed to appeal the ruling. Rights activists praised the ruling, but reported that it was the only conviction in more than 20 rape and physical abuses cases filed by foreign housemaids in the past two-and-a-half years. The MWPS reported that at least a dozen foreign women have dropped abuse cases against their employers because the courts delayed proceedings for months or even years and they wanted to return to their home countries.

The Embassy of the Philippines reported that 210 distressed Filipino workers were repatriated in the first 6 months of the year. The workers claimed that they faced a range of problems including maltreatment, physical and sexual abuse, and non-payment of salary. The Philippine Embassy's shelter for victims of abuse reported that it received 466 individuals (mostly women, but also a number of men) who ran away from their sponsors for reasons of alleged abuse. Statistics on other nationalities were not available.

Several NGOs provided assistance to trafficking victims with the government's approval. They include the MWPS, The Art of Living Foundation, the Indian Community Relief Fund, and the BHRWS. The MWPS, which operated a shelter for victims, reported that it received up to 20 pleas of help from expatriate workers in distress every month. On average, the MWPS said that 40 percent of the cases constituted severe abuse.

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. In 2001 the Central Informatics Organization conducted the national census and determined that there were 3,963 disabled citizens. The labor ministry estimated the number of persons with disabilities at 7,000 in 2002, but in 2003 the International Labor Organization (ILO) estimated that persons with disabilities accounted for 4 percent of the population--approximately 24,000 persons. More recent statistics were not available.

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. Children with learning disabilities, physical handicaps, speech impediments, and Down Syndrome were enrolled in specialized education programs in public schools.

The government required public housing to provide access for persons with disabilities, although enforcement was sporadic. Greater emphasis has been given in recent years to public building designs that incorporate access for persons with disabilities; however, the law does not mandate access to non-residential buildings for persons with disabilities.

In January, the Central Municipal Council decided that all new public buildings in the municipality must include ramps, elevators, special lavatories, and other facilities for persons with disabilities.

Society tended to view persons with disabilities as persons 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 who are eligible for employment as jobs become available. The 1976 Labor Law 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 does not monitor compliance. The government placed persons with disabilities in some public sector jobs. A Ministry of Social Development representative told the press on May 6 that more than 400 persons with disabilities had been employed in the past two years.

In January, the government began distributing \$130 (50 dinars) per month to eligible persons with disabilities. By August, more than 2,000 persons were receiving this assistance monthly.

The Center for the Treatment of the Blind and the Center for the Education of Deaf Children both operated in the country. Throughout the year, the government and NGOs sponsored numerous conferences and workshops on issues related to persons with disabilities.

National/Racial/Ethnic Minorities

Article 3 of the 1963 Citizenship Law grants citizenship to Arab applicants who have resided in the country for 15 years and to non-Arab applicants who have resided in the country for 25 years. There were reports that the citizenship law was not applied uniformly, and that the government allowed expatriate Sunni Arabs who had served less than 15 years in the security services to apply for citizenship. There were also reports of Arab Shi'a who had resided in-country for more than 15 years and non-Arab expatriates who had resided more than 25 years who had not been granted citizenship. It was unclear how many of these cases were delayed due to the lack of required documentation.

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 (see section 2.d.). The committee's report pointed out that political naturalization has a negative impact on security and socio-economic conditions. On April 5, the undersecretary testified before parliament and vowed to correct any violations of the nationality law. To date the MOI has reported no progress in this regard.

According to BHRS, reports of violence or discrimination against homosexuals or persons with HIV/AIDS were not common. However, reports of crimes in the media did not regularly specify if a victim of a crime was an alleged homosexual or had HIV/AIDS. Bahraini law does not criminalize homosexual relationships between consenting adults of at least 21 years of age.

Section 6 Worker Rights

a. The Right of Association

The Workers Trade Union Law grants workers, including non-citizens, the right to form and join unions. There were 47 private-sector trade unions in the country. Nineteen percent of the private-sector labor force belonged to unions. The union law established a union federation, the General Federation of Bahrain Trade Unions (the Federation), which all unions are required to join. 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 states that no more than one union per establishment may be created and it prohibits unions from engaging in political activities.

Members of the military are prohibited from joining unions. The law allows union membership for private sector, civil service, and maritime

workers. In June 2003, the king confirmed the right of civil servants to form unions. Since then, five public sector unions have been established, but they are still not recognized by the government. In February, the High Civil Court rejected a case filed by the Federation on the right of civil servants to organize.

The law does not address anti-union discrimination, and no reports of such behavior were reported. The law encourages unions to participate in international labor forums and events. The Federation is affiliated with International Confederation of Free Trade Unions (ICFTU) and the International Confederation of Arab Trade Unions (ICATU).

In May, the Ministry of Labor issued a decree requiring any employer of a Federation board member or a union head to give the union member compensated time away from work to attend to union duties. Federation board members, and presidents and vice-presidents of unions in companies with 1,000 or more workers, are completely exempt from reporting to their normal work duties. Presidents of unions in companies with 100-299 workers are given 2 days a week away from their normal work duties. Presidents of unions in companies with 50-99 workers are given 1 day a week away from regular duties.

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 restricts 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 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.

On May 17, forty workers in an Olayan Kimberly-Clark plant went on strike after four colleagues were fired. The four workers claimed that they were dismissed a few days after they had notified management of the intention to form a labor union. Company officials claimed that the workers were fired for poor performance. The workers were re-instated June 1 after the Federation and Ministry of Labor intervened.

On June 8, the press reported that Gulf Air warned the newly elected head of the workers union to resign or face termination of employment. At year's end, Gulf Air, the union, and the government were negotiating a resolution to the conflict.

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 in cases of domestic servants and those working illegally (see section 5). There were no reports of forced or compulsory child labor.

Foreign workers, who make up approximately 60 percent 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 one 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 two 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.

In numerous instances, 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.).

The government worked to decrease instances of abuse by passing a law assessing a \$1,300 to \$2,650 (500 to 1,000 dinars) fine for employers found guilty of forced labor. Claims of runaway workers in the country have dropped dramatically since 2003. The new rules require sponsors to pay a \$265 (100 dinars) 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, were malnourished, and were 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, Bangladeshi and Filipino origins. During the year, there were several incidents of seriously abused housemaids reported in the press.

Housemaids who 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.

d. Prohibition of Child Labor and Minimum Age for Employment

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

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. Ministry of Labor inspectors enforced child labor laws effectively in the industrial sector; child labor outside that sector was monitored less effectively, but it was not believed to be significant outside of family-operated businesses. Even in such businesses, it was not widespread.

e. Acceptable Conditions of Work

There is no official minimum wage; however, in 2002 the government stated that the public and private sectors should pay workers no less than \$398 (150 dinars) per month. Compliance with these guidelines was not actively monitored in the private sector, and the guidelines did not provide for a decent standard of living for a worker with family. Unskilled foreign laborers in particular did not earn as much as the guidelines suggested. The Labor Law allows employers to consider benefits for foreign workers such as annual trips home, housing, and education bonuses as part of the salary. On July 24, the government raised its lowest pay grade to \$520 (200 dinars) per month for its civilian employees.

The Labor Law is enforced by the Ministry of Labor 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.

The ministry enforced the Labor Law with periodic inspections and routine fines for violators. Trained inspectors visited labor barracks to ensure that workers' accommodations met required safety and hygiene standards. The inspectors are only authorized to inspect premises that have a commercial registration.

When a worker lodges a complaint, the Ministry of Labor opens an investigation and often takes remedial action. The Fourth High Civil 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 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 the Labor Law generally are considered to favor the employee.

The Labor Law provides for fines and jail sentences for private sector employers who failed to pay wages as required by the law. The law applies equally to employers of citizens and of foreign workers. 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.

Women covered by the Labor Law in most jobs were entitled to compensated maternity leave and nursing periods during the day. Women generally were paid less than men.

The government has occupational health and safety standards and agencies responsible for their enforcement. The government and NGOs held several occupational safety seminars throughout the year.

The press often performed an ombudsman function on labor problems, reporting on job disputes and the results of labor cases brought before the courts.

The press reported that at least 12 workers were killed in construction sites during the year. Numerous workers reportedly suffered injuries on the job. In July, the Ministry of Labor recommended that construction companies give their workers a midday break during the summer months. The ministry's recommendations were not binding, and numerous workers reportedly suffered heatstroke.

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