

# **BAHRAIN 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bahrain is a monarchy. King Hamad Bin Isa Al-Khalifa, the head of state, appoints the cabinet consisting of 29 ministers; approximately half are members of the Sunni Al-Khalifa ruling family. The parliament consists of an appointed upper house, the Shura (Consultative) Council, and the elected Council of Representatives. Approximately 17 percent of eligible voters participated in parliamentary by-elections for 18 seats vacated in September 2011. Independent human rights organizations did not consider the elections free and fair. On May 19, the king ratified constitutional amendments broadening the powers of the elected chamber of parliament. Security forces reported to civilian authorities during the year.

The most serious human rights problems included citizens' inability to change their government peacefully; arrest and detention of protesters on vague charges, in some cases leading to their torture in detention; and lack of due process in trials of political and human rights activists, medical personnel, teachers, and students, with some resulting in harsh sentences. Some protesters engaged in lethal acts of violence against security forces, including the use of improvised explosive devices, Molotov cocktails, and other improvised weapons.

Other significant human rights problems included arbitrary deprivation of life; arrest of individuals on charges relating to freedom of expression; reported violations of privacy; and restrictions on civil liberties, including freedom of speech, press, assembly, association, and some religious practices. The government sometimes imposed and enforced travel bans on political activists. Discrimination on the basis of gender, religion, nationality, and sect persisted, especially against the Shia population. There were reports of domestic violence against women and children. Trafficking in persons and restrictions on the rights of foreign workers continued to be significant problems.

Beginning in February 2011, the country experienced a sustained period of unrest including mass protests calling for political reform. In 2011, 52 persons died in incidents linked to the unrest, and hundreds more were injured or arrested. The government prosecuted some police personnel implicated in abuses committed during the year and in 2011. Courts convicted six individuals of crimes related to police abuse, resulting in prison sentences ranging from three months to seven years. It was unclear whether any of those convicted were in prison at year's end.

Many of the trials continued. In the pending cases, charges ranged from misdemeanor assault and battery to murder. The government took some steps to address the “culture of impunity,” which the 2011 Bahrain Independent Commission of Inquiry (BICI) report identified.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

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

There were a number of reports that government security forces committed arbitrary or unlawful killings. Local human rights organizations linked between 23 and 29 deaths to security forces either directly or indirectly. Shia opposition political society Al-Wifaq’s Freedom and Human Rights Department (FHRD) reported three deaths from injuries due to beating or torture, three from birdshot, two from “live ammunition,” and one from delayed and inadequate medical care. Local human rights organizations attributed more than 20 deaths to exposure to tear gas.

On April 21, Salah Abbas Habib was found dead on a rooftop following a night of protests on the second day of the Formula 1 car race, an event persons use to draw international attention to their cause. The Ministry of Interior (MOI) announced Habib died under “suspicious circumstances” and launched an investigation. Accounts of Habib’s death varied. Local human rights activists claimed witnesses saw Habib running from riot police who arrived to disperse protesters. Other activists claimed they and Habib were arrested the night before his death, and they were released, but Habib remained in detention. Rights groups, who attributed Habib’s death to security forces, released photos of his corpse showing injuries from birdshot. A local neurological surgeon not affiliated with the government conducted an independent autopsy of Habib and found injuries consistent with physical abuse, such as a fractured skull, ribs, and clavicle as well as dislocation of the cervical spine, internal bleeding, and birdshot injuries over much of the body. According to the government, the investigation continued.

On January 25, MOI security personnel arrested Mohammed Ibrahim Yacoub for participating in “acts of violence and vandalism.” The following day he died at Salmaniya Medical Complex. Local human rights activists claimed MOI vehicles chased and hit Yacoub after he participated in a protest and that witnesses subsequently observed police beating Yacoub outside the Sitra police station. Human rights activists attributed his death to this abuse. The MOI denied responsibility for Yacoub’s death, announcing on January 27 that he died of

complications from sickle cell anemia at Salmaniya Medical Complex and that his body was “free from injuries.” The MOI released a video of Yacoub in seemingly good health shortly after his arrest. An Information Affairs Authority (IAA) spokesperson told Western media Yacoub complained of feeling unwell during his interrogation and was transferred to a medical center, but his condition worsened “due to internal bleeding and a severe drop in blood pressure.” The spokesperson added the government ordered an autopsy and investigation. The government-directed autopsy noted abrasions on the back, around the eye, forearm, and right knee that occurred at the time of death, but it claimed Yacoub suffered from sickle cell anemia and died due to complications of the disease.

Some local human rights groups reported more than 20 deaths caused by complications from tear gas exposure; however, the government and other human rights organizations disputed this claim. On August 1, the nongovernmental organization (NGO) Physicians for Human Rights (PHR) published a report that characterized the government’s use of tear gas as having “effectively transformed toxic chemical agents into weapons used to assail Shia civilians inside their homes and cars,” noting that tear gas could lead to death if used incorrectly. The MOI stated repeatedly during the year that it used tear gas to disperse crowds and not as a weapon. The IAA said there was no proof that tear gas used by police resulted in fatalities and called on the PHR “to be accurate and search for facts before publishing false allegations.” Humanity for Human Rights, a local NGO affiliated with the predominantly Sunni National Unity Gathering political society, asserted that opposition-aligned human rights groups exaggerated claims of tear gas deaths.

On September 27, a court acquitted two security personnel in the February 2011 deaths of protesters Ali Al-Mumin and Isa Abdulhasan; at year’s end the verdict was under appeal by request of the public prosecutor. Additionally, the government charged MOI riot police officer Hasan Abdulla Hasan Khairi with “beating leading to death” in the February 2011 death of Ali Abdulhadi Al-Mushaima. The government charged MOI security personnel Mohammed Shar Al-Hamza and Abdulhafedh Mana Ali Hamaysan with “killing without the intent to murder” in the February 2011 death of Fadhel Al-Matrook. Both cases continued at year’s end. In all cases the defendants remained free during their trials, and activists maintained they continued to serve as law enforcement officers.

In the case of Hani Abdulaziz Jumaa, who died from gunshot injuries after being pursued by riot police in March 2011, the public prosecutor initially charged Lieutenant Mohammed Al-Khashram with manslaughter, which was increased to murder by the Higher Criminal Court. On September 27, the Higher Criminal

Court judges found Al Khashram guilty of “beating, leading to death,” a charge similar to manslaughter, and sentenced him to seven years’ imprisonment. Jumaa’s family announced they would appeal the decision.

In the case of Isa Radhi Abdali Ahmed Alradhi, who died as a result of excessive use of force in March 2011, the government did not pursue criminal charges as it could not identify a perpetrator during its investigation into Alradhi’s death.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution prohibits “harm[ing] an accused person physically or mentally.” Nevertheless, domestic and international human rights organizations reported numerous instances of torture and other cruel, inhuman, or degrading treatment or punishment. Detainees reported to local human rights activists that security officials continued to use abusive tactics. They alleged that security officials beat them, sometimes while they were blindfolded, and often with clubs, whips, or rubber hoses. Officials reportedly placed detainees in solitary confinement, sometimes in extreme temperatures, and burned body parts with lighters. Detainees claimed officials forced shoes into their mouths, spit on them, or spit into their mouths. Other reports noted a similar pattern of abuse following arrest, including beating without interrogation, beating with interrogation, harassment, and intimidation without further physical abuse. Most detainees were Shia.

Local human rights groups, including the unlicensed Bahrain Center for Human Rights (BCHR), Bahrain Human Rights Society (BHRS), and the FHRD reported that authorities beat and tortured detainees during interrogations and denied medical treatment to injured or ill detainees. Reports indicated that the MOI interrogated detainees about illegal protest activity. Detainees reported mistreatment at official interrogation facilities. The most frequently cited locations for mistreatment included the following MOI facilities: the Adliya Criminal Investigation Division (CID), Isa Town Detention Center for Women, Dry Dock Detention Center, and Jaw Prison. Other official detention facilities less commonly cited included police stations in Al Rifaa, Al Qudaibiya, Samaheej, Al Nuaim, Nabih Saleh, Al Budaiya, and Sitra.

Local human rights groups reported that detainees also complained of abuse and torture at various temporary facilities, including a youth hostel and a tent near the Exhibition Center in the Capital Governorate, an equestrian center in the Northern Governorate, and other locations in the Central and Muharraq governorates. These unregistered detention centers did not comply with the BICI recommendations that require placing cameras and recording equipment in all official detention facilities. The most common techniques included blindfolding detainees; beating, punching, and hitting them with rubber hoses, cables, metal, wooden planks or other objects; electric shock; exposure to extreme temperatures; stress positions; verbal abuse; threats to rape the detainee or family members; sexual assault; preventing detainees from praying; sleep deprivation; and insulting the detainee's religious sect (Shia). Victims also reported security officials used physical and psychological mistreatment to extract confessions and statements under duress or as retribution and punishment. Detainees also reported security forces abused them in their homes.

On February 29, Public Prosecutor Ali Al-Buainain announced the Special Investigation Unit (SIU), a newly created entity under his office's jurisdiction, would investigate torture and mistreatment by government officials. On June 25, Ali Al Shaiba was convicted and sentenced for permanently disabling a protester by shooting him in the leg with birdshot. On November 8, the Higher Criminal Court reduced his initial sentence from five years' to three years' imprisonment. On September 19, the local press reported that the Higher Criminal Court suspended Al Shaiba's sentence "because his health condition makes it difficult to keep him in jail." In a separate case, on May 14, the Higher Criminal Court convicted two MOI personnel, Hasan Abdulla Hasan Khairi and Abdurrahman Fahad Al Jazi, of beating two individuals.

The National Security Agency (NSA) reportedly initiated a general investigation into mistreatment claims in 2011, but only one prosecution resulted from that investigation.

Human Rights Watch reported that on the evening of April 13, riot police chased young protesters who had gathered on the outskirts of Bani Jamra village, cornered at least 18 youth and, according to witness statements, beat them and pushed some off the rooftop before taking them to Budaiya police station. Among those injured was Sadeq Riad Abbas Khamdan, who sustained a broken arm and a skull fracture. Local activists and defense lawyers reported that the youth were released without charge.

According to media reports, on May 30, authorities arrested Adnan Al-Mansi and charged him with criminal arson. Al-Mansi was reportedly subjected to severe physical torture, including beatings to his head that left him temporarily paralyzed. He was also reportedly forced to stand in the sun for hours, denied access to restrooms, deprived of water, and denied adequate medical treatment. Al-Mansi's case was brought before the Higher Criminal Court on December 13; at year's end the case continued.

On January 13, police found Yousef Ahmed Muwali's body floating near his home in Amwaj. Regional media reported that Muwali died of drowning due to the effects of torture, but a government doctor reported the cause of death as drowning and ruled out any external violence. At the behest of Muwali's family, a doctor affiliated with Denmark-based International Rehabilitation Council for Torture Victims conducted an independent autopsy and concluded Muwali was tortured with electric shocks and was unconscious when he drowned. The Danish entity expressed concern that the Public Prosecutor's Office questioned the legitimacy of the second autopsy, and it called on authorities to investigate fully allegations of torture and hold all perpetrators to account. There was no indication of further investigation into Muwali's death.

The government did not fully pursue investigations into cases of torture and mistreatment during the 2011 State of National Safety (SNS), as documented by the BICI, and not all individuals committing these acts were held accountable. However, during the year some members of the security forces were prosecuted on charges related to deaths in detention and abuses that took place during the SNS.

On December 30, the Higher Criminal Court sentenced two NSA policemen to seven years in prison for torturing to death Abdul Karim Fakhrawi. Fakhrawi, cofounder of *Al-Wasat* newspaper, was detained in April 2011, beaten and tortured in jail, and died as a result. The case was being considered for appeal.

The trial of five Pakistani policemen employed by the MOI--Abdulrashid Rasool Bakhsh, Mohammed Ihsan Muthaffar, Riyadh Shahid Habib Allah, Rahat Adeel Mohammed, and Khalid Iqbal Mohammed Iqbal--for the April 2011 deaths of detainees Zakariya Al Asheeri and Ali Saqer continued.

In the case of 14 prominent political activists who reported mistreatment while in NSA custody between mid-March and April 2011, the sole prosecution to date ended in acquittal. On December 19, the court acquitted three unidentified security

officials charged with assaulting Mohammed Habib Al Safaf (also known as Mohammed Habib Miqdad).

Authorities continued investigating the case of medical personnel who filed a motion alleging torture while in CID custody between March and May 2011. Torture included electric shocks, beatings, and threats of rape or injury to family members. Prosecutors initially investigated 15 personnel over the allegations. On October 1, the Public Prosecutor's Office charged two officers, Mubarak bin Huwail and Shaikha Noora bint Ebrahim Al-Khalifa, with torture.

Children were also subjected to torture and other cruel, inhuman, or degrading treatment or punishment. Human rights groups reported that authorities detained children, sometimes under the age of 15--the maximum age the penal code considers a person a child--and subjected them to various forms of mistreatment, including beating, slapping, kicking, lashing with rubber hoses, threats of sexual assault, burning with cigarettes, and verbal abuse. Human rights activists reported that no children under age 13 were being detained. The government reported that 53 juveniles were detained at year's end.

On April 29, police arrested 13-year-old Yassin Shebar in Isa Town; according to local and international media, he was beaten by security officials when arrested. On May 3, he was charged with illegal gathering (participating in an illegal protest or demonstration), rioting, and tearing a policeman's shirt. He was released from custody on May 17. On December 26, the court convicted and sentenced him to one year under judiciary supervision.

According to an Amnesty International (AI) report, police arrested two juveniles, Jehad Sadeq Aziz Salman and Ebrahim Ahmed Radi al-Meqdad, during a July 23 protest in the Bilad Al-Qadeem neighborhood of Manama. The report noted the two juveniles were not allowed to contact their families for nearly 48 hours after their arrests and were interrogated without a lawyer present. The youths told their families they were beaten in detention, according to AI. The youths were charged with intending to murder, burning a police car, illegally gathering and rioting, throwing Molotov cocktails, and attempting to steal a police car. The defendants remained in custody, and their trial continued.

### **Prison and Detention Center Conditions**

There were conflicting reports on conditions in prisons and detention centers, with human rights activists claiming harsh and sometimes life-threatening conditions,

while government officials disputed these charges. There were multiple reports from detainees and human rights organizations of substandard conditions and abuse in official detention centers as well as reports of substandard conditions at the long-term Jaw Prison. The government reported conditions in Jaw Prison met and sometimes exceeded international standards. There were scores of reports of abuse at unofficial short-term detention centers.

Physical Conditions: According to the government, 1,297 convicted male prisoners, 75 female prisoners, and 53 juvenile prisoners were held in prison facilities; 845 male detainees and 37 female detainees also were held. The government claimed convicted prisoners and pretrial detainees were held in separate facilities. Human rights observers reported juveniles and adults were sometimes held in the same facilities.

The Bahrain Rehabilitation and Anti-Violence Organization (BRAVO) documented witness testimonies regarding conditions at detention facilities, including complaints by several detainees that they were refused access to toilet facilities for prolonged periods, most often at the CID and Al Asri short-term detention centers. Although the government reported that potable water was available for all detainees and there were water coolers in all detention centers, there were reports of lack of access to water for drinking and washing, lack of shower facilities and soap, and unhygienic toilet facilities. Detainees were sometimes subjected to extreme temperatures or held in solitary confinement. Other detainees complained they were denied necessary medical treatment, prevented from visiting with family, and denied communication with legal representation. In many cases detainees and lawyers said they were not allowed sufficient, consistent access to their legal counsel and clients, which resulted in inadequate consultations to prepare their defense. Other detainees reported physical abuse, verbal assault, and threats of sexual assault.

In early September the wife of activist and BCHR president Nabeel Rajab publicly complained of poor conditions for her husband at Jaw Prison, including poor food, denial of independent medical care, limited communication with family and legal counsel, and isolated quarters. In a visit to Jaw Prison later that same month, then undersecretary for human rights Saeed Al-Faihani described conditions as “exceeding standards,” stating that prisoners had access to television, kitchen, refrigerator, public phone, and exercise facilities.

No statistics were available on the prevalence of death in prisons, although there were reports that prisoners died as a result of inadequate medical care. For

example, on October 2, Muhammad Mushaima, an inmate in Jaw Prison, died at Salmaniya Medical Center due to complications related to sickle cell anemia; Mushaima was transferred from the prison to the hospital on August 29. Human rights activists claimed authorities denied Mushaima appropriate medical treatment while in custody. There were no reports of deaths of pretrial detainees during the year.

Administration: Ombudsmen were not available to respond to complaints, and it was unclear whether recordkeeping on prisoners was adequate. Community service was proposed as an alternative to sentencing for nonviolent offenders, but it was unknown if such sentencing had been implemented. Prisoners had access to visitors at least once a month, often more frequently. Prisoners were permitted religious services and could file complaints to judicial authorities without censorship, although there were reports that prisoners were sometimes not able to communicate with lawyers and family members.

Monitoring: The MOI signed a memorandum of understanding in 2011 with the International Committee of the Red Cross (ICRC) and Red Crescent to permit the ICRC to visit inmates in prisons and detention centers in accordance with standard modalities. Representatives from the ICRC and Red Crescent were granted access to prison facilities early in the year. According to media reports, the ICRC visited detention centers, including Jaw Prison, in January and February. According to the government, several international organizations and NGO personnel also received access to detention centers to observe detainee conditions. These included the International Federation for Human Rights, Human Rights First, Human Rights Higher Commission, National Commission for Human Rights, the deputy chairman of the International Federation for Human Rights, and a delegation from the EU parliament.

Improvements: On February 28, the newly formed SIU began to act as a mechanism for the public to lodge complaints about prisoner mistreatment or conditions in prisons and detention facilities.

Various ministries within the government reported improved facilities and conditions inside detention centers and prisons. In March Ghazi Al-Isan, head of Police Operations in the Capital Governorate, told international media outlets that new interrogation rooms installed in some police stations had closed-circuit cameras. Al-Isan stated that cameras would be installed in all 33 police stations by October, with space reserved without cameras for detainees to consult with their lawyers. It was unclear whether cameras had been installed in all police stations

by year's end. There were no plans to install cameras for riot police, who usually operated from their own bases.

Following complaints from the families of detainees, the MOI in July installed new air conditioning units at Jaw Prison.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention. However, there were reports from local and international human rights groups of arbitrary arrests and arbitrary detention. Local human rights organizations reported hundreds of arbitrary arrests. In August Senior Public Prosecutor Wael Bualley announced that 923 individuals were in detention and 595 faced prosecution related to the 2011 unrest.

#### **Role of the Police and Security Apparatus**

The MOI is responsible for internal public security and controls the public security force and specialized security units that are responsible for maintaining internal order. The Bahraini Coast Guard is under the jurisdiction of the MOI. The Bahrain Defense Force (BDF) is primarily responsible for defending against external threats, while the Bahrain National Guard is responsible for defending against external threats and is a security force against internal threats. The government also created two new independent ombudsman offices responsible for addressing cases of mistreatment and abuse; however, neither was operational by year's end. On February 29, the king issued a decree to establish an independent ombudsman's office at the MOI and a second decree to create an independent office for the inspector general at the National Security Agency. On August 26, the MOI announced the assignment of Nawaf Al-Ma'awada as its ombudsman. At year's end the government was in the process of establishing those offices and hiring personnel.

Security forces were not completely effective in maintaining order and were often accused of using excessive force. Many human rights groups continued to assert that investigations into police accountability for abuse were slow and ineffective.

The Bahrain News Agency reported on March 14 that the interior minister approved BICI's recommendation for a new code of conduct for police that requires officers to abide by 10 principles, including limited use of force and zero tolerance for torture and mistreatment. According to government officials, the new

code is consistent with international human rights standards and forbids the use of force “except when absolutely necessary.” At year’s end the Royal Police Academy included the code in its curriculum and provided new recruits with copies in English and Arabic. However, it was unclear whether the MOI had mechanisms to enforce the code of conduct.

The MOI maintained a hotline for citizens to report police abuse, but many in the Shia community hesitated to report abuse for fear of retribution. The government reported that the hotline received 872 complaints during the year, not all of which were directly related to police abuse.

The mechanism for investigating allegations of abuse by NSA officials included the announcement of an independent inspector general.

The MOI began training courses with the International Institute of Higher Studies in Criminal Sciences based in Siracusa, Italy. Sixty judges, prosecutors, and investigators took part in three training courses held during the year.

According to the November 2012 BICI follow-up report, 100 female and 255 male recruits were hired in the first round of community policing recruitment to perform police work in all ministry departments.

### **Arrest Procedures and Treatment While in Detention**

Article 55 of the criminal procedures code stipulates that law enforcement officials may arrest individuals who are caught in the act of committing a felony or misdemeanor, punishable by a prison term of more than three months, should sufficient evidence be available to press charges without a warrant. Article 56 of the law stipulates that in other cases, should sufficient evidence exist to charge a person with a felony, theft, fraud, serious assault, or possession or acquisition of illegal narcotics, law enforcement officers may arrest the person without a warrant. Local activists reported that this process was not always enforced.

By law an arrested individual must be interrogated immediately by the arresting authority and cannot be detained for more than 48 hours, after which the detainee must either be released or transferred to the Public Prosecution for further questioning. The Public Prosecution is required to question the detainee within 24 hours, and the detainee has the right to legal counsel during questioning. To hold the detainee longer, the Public Prosecution must issue a formal detention order based on the charges against the detainee. Detention may be extended for a period

of up to seven days for further questioning. If any further extension is required, the detainee must be brought before a judge, who may authorize a further extension not exceeding 45 days. Any extensions beyond that must be authorized by the Higher Criminal Court and renewed in 45-day intervals. In the case of alleged acts of terror, law enforcement officials may detain individuals for five days, with a 10-day extension granted by the Public Prosecution, and the initial detention authorized by the Public Prosecution can be 60 days. There was a functioning system of bail that provided maximum and minimum bail amounts based on the charges. The bail law allows the presiding judge to determine the amount within these parameters on a case-by-case basis. In most cases attorneys must seek a court order to confer with clients. The state provided counsel to indigent detainees.

According to reports by local and international human rights groups, some detainees were held for weeks with limited access to the outside world. There were cases in which detainees were denied access to lawyers, sometimes for long periods and at times until the day of their trials. In addition the government sometimes withheld information from detainees and their families about the detainees' whereabouts for days or weeks. In a few cases, the government failed to acknowledge it was holding individuals in detention for a period of days. In contrast with 2011, detainees were not held incommunicado for weeks or months.

Arbitrary Arrest: The MOI (in particular the CID and the Public Security Forces, which include the riot police) arbitrarily arrested numerous individuals. Many detained individuals reported being arrested and not shown warrants by arresting forces. There were many reports that security forces raided homes and damaged property without providing compensation while searching for suspected criminals.

On July 4, security forces arrested Fakhriya Ahmed and her Pakistani husband and raided their home; the couple was accused of hiding activists sought by authorities. Ahmed and her husband were arraigned on September 4 on charges of "hiding a wanted felon." The case was adjourned until September 16, and the court decided to release them on bail of 100 dinars (\$265). The case continued at year's end.

According to reports, retired BDF army colonel Mohammed Al Zayani, who is affiliated with Sunni Salafist groups, was detained on July 18 and released on August 13. The government made no official statement about the reason for his detention, and he was not assigned an attorney at the time of his detention. He was sentenced to six months in jail allegedly for an interview that was posted in the *Bahrain Mirror*, but he was released before completing his sentence.

On January 18, three charges against former minister of parliament Mattar Mattar for spreading false news, inciting hatred of the regime, and inciting persons to disobey government orders were dropped. On February 20, the minor criminal court acquitted Mattar of charges of illegal gathering and disseminating false news. No appeal was filed.

#### **e. Denial of Fair Public Trial**

Although the constitution provides for an independent judiciary, the king controls the judicial system. In accordance with the constitution, the king appoints all judges by royal decree. He also serves as chairperson of the Supreme Judicial Council, the body responsible for supervising the work of the courts, and the public prosecutor. In 2011 the government used a hybrid military-civilian court to try civilians, including opposition leaders, political activists, rights activists, and others who supported or were perceived as supporting the protest movement. Following recommendations put forward in the BICI, cases heard in the military-civilian court were retried in civilian courts, but many of the trials had not been completed by year's end, and there were widespread accusations the judiciary was highly politicized and not independent.

In the high-profile trial of 13 political activists charged with attempting to overthrow the regime, defense attorneys and local and international human rights groups noted a number of irregularities. On July 15, the head judge placed a gag order on media coverage and declared all further sessions closed. Defense lawyers noted that confessions extracted through torture remained admissible in the court case. They also asserted the verdicts were politically motivated and based on the defendants' opposition to the government.

On August 16, BCHR president Nabeel Rajab was convicted of three separate counts of "illegal gathering" (participating in an illegal protest or demonstration), receiving three one-year sentences. By comparison lawyers reported that many protesters charged with illegal gathering received sentences ranging from 45 days to three months in prison. Rajab's lawyers asserted that the government orchestrated a media smear campaign against him that contravened the law protecting defendants' identities. On August 18, government spokesperson Sameera Rajab stated in a press conference that Nabeel Rajab was guaranteed his rights to due process and the right to a free trial. She added that his lawyer had access and regular communication with Rajab and ample time and opportunity to present all aspects of his defense. She also referred to the illegal gatherings in which Rajab participated and noted that his actions compromised public order and

citizen safety through use of petrol bombs and other weapons resulting in damage to public and private property and injury to police officers. She further stated that these charges were “documented and supported by video and photographic evidence” and showed a video montage of Rajab, which defense lawyers claim was heavily edited to incriminate their client. In rebuttal they presented the unedited videos to the court for evidentiary consideration. On December 11, the Higher Criminal Court reduced Rajab’s sentence from three years to two years; one year for the first charge, six months for the second, and six months for the third charge of illegal gathering. Rajab was also cleared in a separate case where he was charged with insulting the Ministry of Interior and fined 300 dinars (\$800).

### **Trial Procedures**

According to the constitution, defendants are presumed innocent until proven guilty. There is a right to be informed promptly and in detail of charges. By law detainees should be informed about the charges against them upon arrest. Civil and criminal trial procedures provide for a public trial. There are no jury trials. Rulings are made by a panel of three judges. Defendants have the right to prompt consultation with an attorney of their choice within 48 hours (unless they are charged pursuant to counterterrorism legislation). The government provided counsel at public expense to indigent defendants. Defendants 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 such evidence was available at the discretion of the court. Defendants are not compelled to testify or to confess guilt and have the right to appeal. Women’s legal rights varied according to Shia or Sunni interpretations of Islamic law (see section 6).

### **Political Prisoners and Detainees**

Human rights organizations reported that many of those arrested during the reporting period were targeted because of their political activism.

Mohammed Al Buflasa, a former BDF member arrested during the 2011 unrest and detained for more than five months for delivering a speech highly critical of the government, was rearrested in June on sexual molestation charges. Al Buflasa claimed the charges of sexual molestation, filed by his daughter, were politically motivated and the result of his political activism. The public prosecutor ordered Al Buflasa detained for one week for investigation; however, he was released after his

daughter withdrew the charges against him. Al Buflasa maintained that these charges were fabricated in an attempt to smear his name and silence his activism.

According to local human rights groups, many individuals were detained or imprisoned for activities related to the unrest (see section 1.d.). A number of the political detainees from 2011 were leaders or prominent members of political groups and societies. These included Ibrahim Sharif, secretary general of the secular, pansectarian Wa'ad political society, and Shaikh Mohammed Ali Al Mahfoodh, secretary general of the dissolved Shia opposition political society Amal (see section 2.b.). Many of these political detainees remained in prison throughout the year. On September 4, the Higher Appellate Court upheld Sharif's five-year sentence on charges that included participating in a plot to overthrow the regime. On December 2, Sharif appeared before the Court of Cassation to appeal his verdict, and the final decision was postponed until January 2013. On November 28, Al Mahfoodh's appeal of his 10-year sentence on charges that included "seeking to overthrow the regime by force, inciting public hatred, and spreading false news" continued in the Higher Court of Appeal, and his sentence was reduced from 10 years to five years. Both men remained imprisoned during their appeals.

Some political prisoners were not given access to international human rights organizations, although others were allowed to meet with representatives of selected human rights and humanitarian organizations. On September 11, a member of the French-based International Federation for Human Rights met with Nabeel Rajab at Jaw Prison (see sections 2.a. and 5).

### **Civil Judicial Procedures and Remedies**

Citizens may bring civil suits before a court seeking cessation of or damages for some types of human rights violations. However, in many such situations, the law prevents citizens from filing civil suits against security agencies.

In August 2011 the king announced a compensation fund for individuals who were "materially, morally, or physically harmed" by security forces or public officials during protests that year. In March the minister of justice announced creation of the Civil Settlement Initiative, a compensation fund that set aside 10 million dinars (\$26.6 million) to compensate families of citizens or expatriates killed or injured during the unrest. On August 28, the minister of justice said that families of more than 35 individuals who died would be compensated and noted that the ministry had disbursed funds of one million dinars (\$2.6 million) to 17 families of deceased

individuals. According to the November BICI follow-up report, 44 persons applied for compensation for death. Thirty-nine families received 2.34 million dinars (\$6.2 million) in two phases. The compensation was distributed through the Civil Settlement Office, and all recipients accepted the settlements in full, according to the BICI follow-up report. Thirty-five of 39 cases were cited in the BICI report, while four cases were outside the BICI's scope. There were 409 applications for compensation for injuries; 116 cases were selected for the first phase, and the BICI reported that "action is currently taken in coordination with other Government of Bahrain entities." There were reports from human rights activists that some families refused to accept the compensation due to conditions placed upon the funds.

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

Although the constitution prohibits such actions, the government violated these prohibitions. Human rights organizations reported that security forces entered homes without authorization and destroyed or confiscated personal property, including cars, electronics, and furniture. Reports indicated that security forces failed to identify themselves; inform the arrested individual of the reasons for arrest; show arrest warrants; inform family members of the reasons for arrest or location of arrested individuals; and acted in an aggressive and, at times, terrorizing manner towards individuals in households. Local activists estimated that during the year approximately 800 homes were raided--sometimes the same house multiple times--including 311 in June and July.

The government is required to obtain a court order before monitoring telephone calls, e-mail, and personal correspondence. Many local opposition groups believed the government monitored the activities of individuals and groups thought to threaten national security. Many Shia citizens and human rights organizations believed there were extensive police informer networks.

In one case a high profile human rights lawyer representing political activists reported opponents obtained a copy of videos of his intimate activity with his wife at his residence and attempted to use it for blackmail. He said he received a copy in the mail and was told to stop his advocacy work. The video was distributed on social media and video sites shortly after he returned in May from a Universal Periodic Review session in Geneva and was repeatedly redistributed online.

Reports also indicated the government used computer programming to spy on political activists and members of the opposition inside and outside the country (see section 2.a.).

According to local and international human rights groups, security officials threatened detainees' family members with reprisals, including sexual assault, for their unwillingness to cooperate during interrogations and refusal to sign confession statements.

Security forces also threatened individuals if they were believed to constitute a risk to national security. In the case of Ahmed Ismail, a citizen journalist and videographer, the threats resulted in a fatal attack (see section 2.a.).

## **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 and sectarianism are not aroused." In practice the government limited freedom of speech and press through active prosecution of individuals under libel, slander, and national security laws; firing or attacking civilian and professional journalists; and proposing legislation to limit speech in print and social media.

Freedom of Speech: The law forbids any speech that infringes on public order or morals. While individuals openly expressed critical opinions regarding domestic political and social issues in private settings, those who publicly expressed such opinions often faced repercussions. The government reported that it dropped and no longer pursued charges or cases involving freedom of expression following BICI recommendations. However, during the year the government suppressed acts of civil disobedience, which included critical speech, under charges of unlawful assembly. Lawyers asserted that, as in the trial of 13 political activists convicted of attempting to overthrow the regime, prosecutors continued to pursue charges against their clients related to expression (see section 1.e.).

On August 12, a criminal court sentenced an unnamed man to two years in prison for blasphemy. According to media reports, the Shia Muslim defamed Aisha, a wife of the Prophet Mohammed, on the Internet. There was no information

regarding the identity of the individual, and the court refused to repeat the comments claiming they were “too dirty and degrading.”

On February 6, authorities released Fadhila Mubarak Ahmed from prison. In 2011 authorities convicted her of illegally gathering and possessing items (including audio recordings) that incited hatred against the regime. A court sentenced her to 18 months in prison. She was released, although her sentence was upheld.

Freedom of Press: The government did not own any print media, but the IAA and other government entities exercised considerable control over privately owned domestic print media. Unlike in the previous year, independent newspaper *Al-Wasat* published unhindered; in 2011 the newspaper was attacked and then suspended by the IAA.

The government owned and operated all domestic radio and television stations. Radio and television broadcasts in Arabic, Farsi, and English from countries in the region, including by satellite, were generally received without interference. The IAA reviewed all books and publications prior to issuing printing licenses. The Ministry of Justice and Islamic Affairs reviewed books that discussed religion.

Violence and Harassment: According to NGO Bahrain Watch, there were 29 reports of journalists being harassed, arrested, or attacked due to their reporting during the year. The government refused visas to some international media representatives. However, some Shia journalists returned to their positions after having been fired from their jobs in February 2011 and blacklisted from being rehired in Bahrain or Saudi Arabia.

On April 1, unknown assailants shot and killed journalist and videographer Ahmed Ismail Hassan. According to the Committee to Protect Journalists, witnesses reported that Hassan was shot in the upper thigh from a distance of 400 meters (438 yards) while filming protests in Salmabad. The witnesses said the shooters used pistols and rifles with laser scopes to target individuals and fired from a dark-colored Toyota Land Cruiser. According to human rights activists, prior to his death, Hassan told friends he had received threats to stop filming protests; some of Hassan’s footage showed injured demonstrators in the Salmaniya Medical Complex, tear gas canisters used by security forces, and security forces entering Salmabad. Local activists claimed the weapons used in the shooting were “difficult and rare” for a civilian to acquire. The MOI investigated the case but did not identify any suspects; it concluded the Land Cruiser was a civilian vehicle but could not verify the vehicle’s owner.

The International Press Institute, which expressed concern over repression of journalists covering protests during the April Formula 1 racing event, documented instances in which journalists were denied entry visas, harassed, detained, and occasionally assaulted. For example, Danish journalist Rasmus Tantholdt, of Danish channel TV2, was denied entry twice despite having recently visited the country. Members of Britain's Channel 4 News reported their driver was "beaten up" and "taken away" and that their team was arrested and deported. The team acknowledged that it was operating in the country without accreditation or permission. In a third case, Colin Freeman with the *Sunday Telegraph* reported that he and his Bahraini colleague Mohammed Hasan were "stopped and arrested on suspicion of attending an illegal demonstration" on April 22 but later released. On April 22, police temporarily arrested two Japanese journalists with *Asahi Shimbun* newspaper.

Bahraini photojournalist Mazen Mahdi of European Pressphoto Agency reported that riot police threatened to break his camera and arrest him for filming protests. On December 28, Mahdi was arrested but released an hour later.

On September 9, the Higher Criminal Court heard witness testimony on the alleged abuse of journalist Nazeera Saeed during her detention and interrogation in May 2011. The female police officer charged with the abuse, Sarah Mohammed, was acquitted on October 22. Saeed filed an appeal, which continued at year's end.

Censorship and Content Restrictions: Government censorship occurred. IAA personnel actively monitored and blocked stories on matters deemed sensitive, especially those related to sectarianism, national security, or criticism of the royal family, the Saudi royal family, or the judiciary. Journalists widely practiced self-censorship. According to some members of the media, government officials contacted editors directly and told them to stop writing about certain subjects or told them not to publish a press release or a story.

Government authorities banned several books that were part of the country's international book fair, held between March 22 and April 1. Index on Censorship, an international NGO that supports freedom of expression, reported the IAA's Press and Publications Directorate banned and confiscated all copies of the book *Political Organizations and Societies in Bahrain*, coauthored by Bahraini writer Abbas Almurshid, and another book by Almurshid, *Bahrain in the Gulf Gazetteer*. Additionally, a number of books remained banned from 2010, including the Arabic

translation of *The Personal Diary of Charles Belgrave and Unbridled Hatreds: Reading in the Fate of Ancient Hatreds*, by Bahraini author Nader Kadim.

Libel Laws/National Security: The government enforced libel and national security-related laws restricting freedom of the press. The penal code prohibits libel, slander, and “divulging secrets” and stipulates a punishment of imprisonment for no more than two years or a fine of no more than 200 dinars (\$530).

Application of the slander law was selective. National security-related law provides for fines of as much as 10,000 dinars (\$26,600) and prison sentences of at least six months for criticizing the king or inciting actions that undermine state security, as well as fines of up to 2,000 dinars (\$5,300) for 14 related offenses. Punishable activities include publicizing statements issued by a foreign state or organization before obtaining the consent of the IAA, publishing any reports that may adversely affect the dinar’s value, reporting any offense against a head of a state that maintains diplomatic relations with the country, and publishing offensive remarks about an accredited representative of a foreign country because of acts connected with the person’s position.

BCHR president Nabeel Rajab was arrested on multiple occasions for separate charges related to the content of his social media posts and illegal gatherings. On May 5, Rajab was arrested upon arrival from Beirut at Bahrain International Airport. The MOI filed a complaint with the public prosecution against Rajab based on Twitter posts that reportedly suggested the MOI did not properly investigate civilian killings connected to the February-March 2011 demonstrations and other criminal acts. On May 20, Rajab was granted bail but kept in detention on a separate, unrelated charge of illegal gathering. On May 28, he was released after posting bail of 300 dinars (\$800) but was banned from travel. On June 28, the Lower Criminal Court found Rajab guilty of insulting the MOI on Twitter and ordered him to pay a fine equal to his bail. Rajab appealed the verdict, and on December 11, the Higher Criminal Court of Appeals dropped the charge (see section 1.e.).

On June 6, Rajab was arrested and charged with libel after a group of retired BDF army and MOI security officers filed a complaint over another Twitter posting in which they claimed Rajab “insulted the people of Muharraq.” On June 27, he was released on bail after defense attorneys submitted a letter signed by 400 Muharraq residents claiming they did not find Rajab’s statements insulting. On July 9, the Lower Criminal Court found Rajab guilty of the charge and sentenced him to three months in prison. Rajab appealed on July 18 and was acquitted on August 23, but he remained in prison after being convicted of illegal gathering.

The government dropped a libel suit against the British newspaper *The Independent* from June 2011.

### **Internet Freedom**

The government restricted Internet freedom and monitored individuals' online activities, including via social media leading to legal action and punishment of some individuals during the year.

On September 10, the MOI announced efforts to clamp down on online smear campaigns and slandering. The ministry urged citizens to report cyber violations to a ministry Web site to permit legal actions against slanderers and their web platforms and stop cyber defamation. The acting general director of Corruption Combating and Electronic and Economic Security claimed an alarming increase in cyber defamation; the misuse of communication technologies prompted the ministry's action. Members of civil society expressed concern regarding the new measures.

The governmental Telecommunications Regulatory Authority ordered service providers to block Internet users' access to Web sites officials considered antigovernment, anti-Islamic, or likely to incite sectarian tensions. Many blocked Web sites featured live-streaming audio or video content. Bahrain Watch reported the government blocked the Web sites of the BCHR, the online newspaper *Bahrain Mirror*, and a social forum. Other Web sites reportedly blocked included sites that provided proxy or anonymity tools. On September 14, the MOI announced it coordinated efforts to block any Web sites showing the film *Innocence of Muslims*. The MOI also encouraged all citizens to "prevent the spread of the film" by refraining from posting, uploading, or sharing the film on social media sites.

In January Wifaq reported that its Web site was no longer blocked.

According to reports published by Bloomberg News, an unknown source sent spyware to activists via e-mail in April and May. According to the press report, the e-mails, which appeared to come from close associates, were sent from the hacked accounts of activists' associates and contained messages about events in the country with malware disguised as hyperlinks. The report indicated the spyware could harvest sensitive personal data from targeted computers. The spyware producer stated it did not sell its program in the country.

## **Academic Freedom and Cultural Events**

The government restricted academic freedom and cultural events. The government dismissed professors and suspended or expelled hundreds of university students for their participation in demonstrations and political activities in 2011. All students not charged with violent crimes were reinstated but were required to sign loyalty pledges and received warnings not to engage in political activity on campus. Some academics engaged in self-censorship, avoiding discussion of contentious political issues.

The University of Bahrain suspended and subsequently dismissed 19 academics on charges ranging from participation in demonstrations to spreading false news; all 19 academics had been reinstated at year's end.

There were reports of cultural institutions declining to offer programs considered politically sensitive during the year.

The government banned books featured at a book fair during the year (see section 2.a.).

## **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 against many demonstrations during the year. According to the MOI, organizers must submit requests for permission to hold public gatherings or demonstrations at least 72 hours in advance. The law outlines the locations and times in which functions are prohibited, including areas close to hospitals, airports, commercial locations, and security-related facilities. The law states that every public gathering shall have a committee comprised of a head and at least two members. The committee is responsible for supervising and preventing any illegal acts during the function. According to the law, the MOI is not obligated to provide justification as to why it approves or denies requests for protests. The penal code penalizes any gathering “of five or more individuals” that is held for the “purpose of committing crimes or inciting others to commit crimes.” Lawyers asserted demonstrations could not be prevented in advance based on assumptions that crimes would be committed.

The government limited and controlled political gatherings, and permits for organized demonstrations were regularly denied. From mid-June through late August, the government stopped granting permits for protests. On October 30, the MOI temporarily banned all protests and gatherings, citing “repeated abuse” of the rights to freedom of speech and expression that could no longer be accepted. The MOI noted that it would permit protests only when security and stability were “sufficient to maintain national unity.” On December 13, Chief of Public Security Major-General Tariq Hassan Al-Hassan announced the MOI had lifted the ban on rallies and demonstrations the previous week.

The government often denied gatherings and demonstrations on the basis that they would hinder traffic flow, disrupt economic activity, or were a threat to civilians. The government established a committee to identify suitable and sustainable demonstration locations, but these were not identified by year’s end. The February 14 Youth Movement and other groups conducted numerous unregistered protests against the government and blocked roads with debris, threw Molotov cocktails, and shot iron bars and other projectiles at security personnel, resulting in severe injuries and civilian and police deaths. On October 19, a device exploded in Al-Ekr, killing police officer Omran Mohammed Ahmed. A second policeman died on October 25 from injuries sustained in April in a clash in Karzakan village. On November 5, two South Asian workers also were killed by improvised explosive devices. Security forces often responded, sometimes with excessive force.

The law states that funeral processions may not be turned into political rallies and security officials may be present at any public gathering. Organizers of an unauthorized gathering face prison sentences of three to six months. The minimum sentence for participating in an illegal gathering is one month, and the maximum is two years. Longer sentences are reserved for cases where violence is used in an illegal gathering. The maximum fine is 200 dinars (\$530). The law regulates election campaigning and prohibits political activities at worship centers, universities, schools, government buildings, and public institutions. The government did not allow mosques, maatams (Shia religious community centers), or other religious sites to be used for political gatherings. In an ongoing case from 2011, SNS courts prosecuted Mahdi Abu Deeb and Jalila Al-Salman, respectively the president and vice president of the Bahrain Teachers’ Society, for conducting political activities at schools. In 2011 the SNS court convicted and sentenced Abu Deeb to a 15-year prison sentence, while Al-Salman received a three-year sentence. The two appealed their sentences and claimed their confessions were obtained by torture. On October 21, the Higher Criminal Court reduced Abu Deeb’s sentence to five years and Al-Salman’s sentence to six months. Al-Salman

completed her sentence, and authorities released her on November 25. At year's end both Abu Deeb and Al-Salman had filed an appeal with the Court of Cassation, but the court had not yet ruled on their cases.

While the government tolerated some spontaneous gatherings, application of the law was uneven. In several instances gatherings of largely Sunni Islamist groups were allowed to demonstrate without permission. Conversely, spontaneous opposition gatherings were generally not allowed. On September 9, a group of Sunni Salafists demonstrated unimpeded for several hours in front of the Ministry of Justice courthouse on behalf of a defendant on trial. In contrast the government regularly denied or dispersed planned demonstrations in the same location by opposition groups.

On several occasions government forces used unnecessary and disproportionate force to disperse protesters. On June 22, security forces used tear gas, sound bombs, and birdshot to disperse a Wifaq-organized demonstration in Khamis that had been denied a permit. The demonstration consisted of approximately 25 or 30 persons, including Wifaq secretary general Shaikh Ali Salman, and was confronted by a similar number of MOI riot police. After a brief warning, police fired tear gas and sound grenades into the group. According to an MOI statement, the group refused to disperse peacefully, and security forces "took the necessary measures in accordance with the law." Several demonstrators, including senior opposition politicians, were injured; one protester sustained a serious head injury from the impact of a tear gas canister fired from a few yards away.

### **Freedom of Association**

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

The government required all groups to register: civil society groups with the Ministry of Social Development, political societies with the Ministry of Justice and Islamic Affairs, and labor unions with the Ministry of Labor. The government decided whether a group was social or political in nature, based on its proposed bylaws. The law prohibits any activity by an unlicensed society as well as any political activity by a licensed civil society group. In practice a number of unlicensed societies were active in the country.

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 Sharia or national interest, as interpreted by the judiciary, nor may the society be based on sectarian, geographic, or class identity. In practice a number of societies operated outside of these rules, and some functioned on a sectarian basis.

A civil society group applying for registration must submit its bylaws signed by all founding members, together with minutes of the founding committee's meetings containing the names, professions, places of residence, and signatures of all founding members. The law grants the Ministry of Social Development 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 ministry's decision or refuse the appeal.

Many NGOs and civil society activists asserted the Ministry of Social Development routinely exploited its oversight role to stymie the activities of NGOs and other civil society organizations. While some local NGOs asserted bureaucratic incompetence characterized the ministry's dealings with NGOs, many others stated that officials actively sought to undermine some groups' activities and imposed burdensome bureaucratic procedures on NGO board members and volunteers. Funding from international sources must be vetted by the Justice Ministry.

On June 4, the Ministry of Justice filed a case against the Islamic Action (Amal) political society, commonly referred to as the Shirazi grouping, on charges that Amal "failed to convene a general conference for more than four years" and that the most recent conference was invalid because it was "held in a place of worship." The society was also charged with basing its political decisions on senior religious leaders abroad who "call for violence and incite hatred," and for not submitting a copy of its annual budget to the ministry. On July 9, the administrative court dissolved the society. On July 10, media reported that the government would liquidate all assets of the society. On November 19, the Court of Appeals adjourned the case regarding dissolution of Amal until December 31 and then further adjourned it without action until 2013.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. However, the government did not always respect 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 (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: The law provides that the government may reject for “reasonable cause” applications to obtain or renew passports, but the applicant has the right to appeal such decisions before the High Civil Court. Individuals reported that they were banned from travel due to unpaid debt obligations or other fiduciary responsibilities with lending institutions. Authorities relied on determinations of “national security” when adjudicating passport applications. Authorities prevented several activists from leaving the country in a few instances.

There were reports that authorities influenced the governments of other countries to deny entry to Bahraini citizens. According to local press reports, in August Egyptian authorities denied Maryam Al-Khawaja, BCHR acting president, entry at Cairo International Airport. In November Nada Dhaif, chairwoman of the Bahrain Rehabilitation and Anti-Violence Organization, alleged that Kuwaiti authorities denied entry to her and her family. In both cases there were reports that the respective governments based their decisions on requests by the Bahraini government.

Citizenship: On November 6, citing the Citizenship Law, the Ministry of Interior announced the revocation of citizenship for 31 Shia Bahrainis, including two former ministers of parliament--brothers Jawad and Jalal Fairouz--a number of citizens and clerics of Persian descent residing in the country, and a number of ethnic Arab citizens residing abroad. At year's end it was unclear if the 31 persons could appeal the decision or how the loss of citizenship would affect their dependents.

## **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, 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**

Citizenship is generally derived from the father. Noncitizen men who marry citizen women are not entitled to citizenship, and as a result children from such marriages are not granted citizenship. The government states that children of a Bahraini woman married to a non-Bahraini man hold the nationality of the father. It was unknown how many stateless persons resided in the country. Stateless persons had access to limited social services, education, and employment. They were eligible to receive housing and other government services but 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 Representatives, the lower house of parliament. A constitutional amendment ratified on May 3 permits the king to dissolve the Council of Representatives, but it requires that he first consult the presidents of the upper and lower houses of parliament as well as the head of the Constitutional Court. The king also has the power to amend the constitution and to propose, ratify, and promulgate laws.

## **Elections and Political Participation**

Recent Elections: The September 2011 Council of Representatives by-elections were marred by irregularities. The by-elections were for the seats of 18 members from Wifaq who resigned in February 2011 to protest government action against protesters. Several registered political societies declined to participate and urged their supporters to boycott. Opposition political societies asserted the government

gerrymandered the 40 electoral districts in 2002 to provide for a progovernment, mostly Sunni majority in the Council of Representatives. Approximately 17 percent of eligible voters participated in the two rounds of voting. The majority of the winning candidates were self-declared independents, with only two candidates claiming ties to official political societies.

Many alleged that the government engineered the victory of some female and Shia candidates by encouraging their competitors to withdraw from the race, and there were accusations that some opposition political societies attempted to intimidate voters. Some candidates alleged a concerted effort by Shia election boycotters to force them to withdraw from the race.

During 2011 a number of elected municipal councils suspended several Wifaq political society municipal councilors because of their participation in antigovernment protests. In municipal councils where Wifaq members constituted a minority, Sunni members voted for their expulsion, sometimes in violation of council bylaws. On June 25, the Court of Appeal rejected reinstatement of the five municipal council members who were expelled; the dismissed council members contested the court's decision in the Court of Cassation. A case was pending at year's end.

Political Parties: The government did not allow the formation of political parties, but more than a dozen "political societies" developed political platforms, held internal elections, and hosted political gatherings. Individuals active with opposition political society groups faced repercussions during the year. In July the government dissolved Amal, alleging it had committed "grave violations." Amal appealed the decision, and a court session on December 31 was adjourned until January 2013 to permit the public prosecutor to provide evidence. Separately, six members of the general secretariat and four other Amal members were tried and convicted in an SNS court in 2011; at year's end the defendants remained imprisoned. On November 28, the Higher Court of Appeals issued a verdict reducing the sentence for nine of the 10 and acquitting one. The defendants appealed their verdicts to the Court of Cassation, but no date for the hearing was set. On September 30, the High Administrative Court rejected a lawsuit by the Wifaq political society requesting that the IAA's denial of permission to publish the society newsletter be rescinded. The court stated the society's newsletter included false news and instigated hatred of the government.

Participation of Women and Minorities: Parliament's lower elected house included four women in its 40 members. The Shura Council, the appointed 40-

member upper house, included 11 women. Three women served as cabinet members; there were no female judges on the criminal courts, but there was one female judge on the Constitutional Court.

Although Shia and Sunni citizens have equal rights before the law, Sunnis dominated political life even though the majority of citizens were Shia. The Shura Council included 17 Shia members, including the chairman, as well as one Jewish member. Six of the 29 cabinet ministers were Shia, including one of the four deputy prime ministers.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and some officials reportedly engaged in corrupt practices with impunity. A law passed in September 2011 makes government employees at all levels subject to prosecution if they use their positions to engage in embezzlement or bribery, either directly or indirectly. No cases were brought under the law during the year. Penalties can be up to 10 years of imprisonment.

In interviews with local press, the Bahrain Transparency Society stated that while progress had been made, there remained concerns about corruption in parastatal companies. In February the former head of Aluminum Bahrain (ALBA) was charged in the United Kingdom with corruption and money laundering between 1999 and 2006. His trial was scheduled for 2013; no charges were filed against him in Bahrain.

In January a royal pardon freed two former managers of the ALBA aluminum firm, convicted in 2011 of money laundering and embezzlement and sentenced to seven years each. The government's sovereign wealth fund is the majority stockholder, and the former managers were widely regarded as scapegoats for high-level corruption.

The privatization of public land continued to be a concern among opposition groups. Significant areas of government activity, including the security services and the BDF, lacked transparency. The press reported that in many cases authorities jailed or fined law enforcement officials for misconduct, most often for accepting bribes. While an anticorruption unit was established in the MOI in 2011, the government did not announce any investigations or convictions during the year.

The law does not require government officials to make financial disclosure statements.

The law does not provide citizens access to government-held information. Most companies and ministries have public Web sites, but specific budgetary information, such as individual expenditures and income, was not available. Internal efforts within some parts of the government to improve transparency were resisted by other officials.

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

Restrictions on freedom of association and expression continued, and government scrutiny and harassment during the year hindered investigation and public criticism of the government's human rights policies.

A variety of domestic human rights groups operated without significant government restrictions. The BHRS, the primary independent and licensed human rights organization in the country, continued to issue numerous reports and had strong ties to international human rights NGOs. The BCHR, which the government officially dissolved in 2004, continued to issue numerous reports and had strong ties to international human rights NGOs. Domestic and international human rights groups faced difficulties operating freely. A number of international human rights representatives reported being barred from entering the country. In March the government implemented a five-day "working week" visa to representatives from international human rights organizations, despite local organizations' objections that the majority of protests and incidents occurred during the weekend and the five-day visa program would prevent foreign observers from accurately documenting and reporting on events.

The government arrested and harassed NGO leaders. In addition to the detention of Nabeel Rajab (see section 2.a.), the government detained and questioned BCHR's head of documentation, Sayed Yousif Al-Muhafadha, several times during the year. The government detained Al-Muhafadha on December 18 for spreading false news on Twitter. The public prosecutor ordered Al-Muhafadha to remain in detention for seven days pending investigation. On December 25, the public prosecutor extended Al-Muhafadha's detention for another 15 days; at year's end he remained in custody.

A BCHR associate organization, the Bahrain Youth Society for Human Rights (BYSHR), continued to operate as an unregistered NGO. On October 16, the government detained overnight the head of BYSHR, Mohammed Al-Maskati, who participated in a protest in Manama. Al-Maskati was awaiting arraignment in court at year's end.

Other local human rights organizations included the independent Migrant Workers Protection Society and several women's rights NGOs, notably the Bahrain Women's Association, the Bahrain Women's Union, and the Young Ladies' Society. The Bahrain Human Rights Watch Society generally supported government policies but occasionally issued critical reports during the year. Other local organizations included the Bahrain Transparency Society, which focused on corruption, and BRAVO, which addressed the rights and rehabilitation of torture victims. Political societies also actively monitored and reported on human rights problems. The National Unity Gathering established a human rights department entitled Humanity for Human Rights. Wifaq's human rights body, FHRD, also reported on human rights abuses.

During the year the Human Rights Council conducted its second Universal Periodic Review (UPR) of the country's human rights situation. The review at the 13th UPR session in Geneva in May and June, with a follow-up review session in September, identified 176 recommendations for the country to implement and consider. Many recommendations paralleled BICI recommendations. The government fully accepted 145 recommendations, partially accepted 13, and rejected 18. Following the May session, a number of local human rights activists, who participated in the session and criticized the government, reported local press and government officials harassed them as a result of their participation. Press reports indicated the Ministry of Interior stated that those returning from Geneva could be investigated for having slandered their country, but the government did not release further information about these investigations. Other activists also reported that local progovernment press outlets, including the Arabic language daily newspaper *Al Watan* and English language daily newspaper *Gulf Daily News*, labeled them "traitors" and "disloyal." Activists also reported individual attacks through social media. As part of the UPR process, the government was instructed to coordinate with human rights groups, NGOs, and civil society to analyze an implementation strategy for the 176 UPR recommendations. Some civil society activists reported the government did not attempt to work or coordinate efforts with civil society groups. According to press reports, in September Minister of Human Rights Affairs Salah Ali Abdulrahman stated that the government did not accept any violation of human rights or pressure on human rights activists, noting

that negative press against activists did not represent the government's official position.

UN and Other International Bodies: The government repeatedly refused entry to representatives of international human rights organizations. The government also barred entry to representatives of foreign NGOs working to strengthen institutions, civil society, and labor organizations. On March 2, Amnesty International (AI) announced that it canceled a visit due to restrictions on monitoring by rights groups. AI noted that the five-day visa was a "serious impediment" to its ability to perform human rights work and criticized the requirement for a sponsor to obtain the visa. In January Richard Sollom, deputy director of Physicians for Human Rights, said he was barred from attending the trial of 20 medical personnel. On January 19, Freedom House reported that the government barred its delegation from entering the country. Brian Dooley of Human Rights First (HRF) also reported in January that the government initially denied but subsequently issued his visa request; Dooley visited the country in mid-March. HRF's president Elisa Massimino visited the country in October. Human Rights Watch reported that a legal consultant affiliated with the organization was refused entry at the airport on May 4. In late September delegations from the AFL-CIO and the International Labor Organization (ILO) were denied entry when seeking to attend a General Federation of Bahrain Trade Unions labor congress.

Government Human Rights Bodies: The government reorganized and restructured the country's human rights ministry and announced the restructuring of its human rights institute.

On April 23, the government decreed the establishment of a Human Rights Ministry, distinct from the Ministry of Social Development, led by Minister Salah Ali Abdulrahman. On September 11, the king also decreed the reestablishment of the National Human Rights Institute as the National Human Rights Organization (NHRO). According to the decree, 15 members appointed to the NHRO would serve a four-year term that could be renewed once. At year's end there was no further action in selecting NHRO members.

In June 2011 the government convened the BICI, whose staff included international human rights experts, and tasked it with investigating allegations of human rights violations in February and March 2011. It presented recommendations for reform in November 2011, describing a "culture of impunity" in the security services and documenting excessive use of force, including torture, and a range of other human rights violations by security forces

during the unrest. On March 20, the 19-member, royally appointed National Commission constituted to follow up on implementation of the BICI recommendations completed its work and issued a report detailing its assessment of the government's progress on BICI implementation. On May 29, local press reported the justice minister established the BICI Follow-Up Unit, headed by Dana Al-Zayani, to advise on the implementation of outstanding BICI recommendations.

The government made some progress on implementing BICI recommendations, including reinstating dismissed workers and students and reforming elements of the security law. However, local and international observers expressed concern that the government did not make significant progress on other BICI recommendations, including dropping charges for individuals engaged in nonviolent political expression, criminally charging security officers accused of abuse or torture, and integrating Shia into security forces.

## **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. The law does not specifically prohibit discrimination based on race, gender, disability, language, sexual orientation and gender identity, religion, sect, or social status. The law deprives foreign workers, who make up approximately half the population, of many fundamental legal, social, and economic rights.

### **Women**

Rape and Domestic Violence: Rape is illegal. The law does not address spousal rape. Penalties for rape include life imprisonment and execution in cases where the victim is a minor younger than 16 years old or in cases where the rape leads to the victim's death. The government reported 17 cases of rape; three of those cases were referred to the court, but there were no convictions. There were numerous reports of employers raping female domestic workers, but most victims did not seek legal redress since guilt cannot be proven in court without the testimony of witnesses to the crime. The Migrant Worker Protection Society does not track sexual harassment and rape statistics, but it estimated 10 to 15 cases of sexual harassment or rape among its shelter residents and estimated that hundreds of cases went unreported.

No government policies or laws explicitly address domestic violence. Human rights organizations alleged that spousal abuse of women was widespread. Women rarely sought legal redress for violence due to fear of social reprisal or stigma. Little public attention was devoted to the problem. The government provided the Dar Al-Aman Shelter for women and children who were victims of domestic violence. The shelter had 16 apartments with accommodations for two women in each apartment. Citizens and noncitizens were accommodated; however, a police station must refer domestic workers to the shelter. The shelter provided transportation for children to attend schools. A policewoman was stationed at the shelter, which was not marked or identified on its exterior, to provide additional security.

The licensed NGO Bahrain Women's Union (BWU) addressed domestic violence and held workshops to assist women seeking legal recourse for spousal abuse. During the year BWU recorded cases of abuse from 2011 for which women did not receive legal redress, specifically 98 cases including one case of sexual abuse and 24 cases of physical violence. BWU also organized a committee composed of representatives from local women's groups to review the status of family law legislation and advocate for legislative changes.

Sexual Harassment: The law prohibits sexual harassment with penalties of up to one year imprisonment or a fine of 100 dinars (\$265) if the victim was between 14 and 21 years old, and up to three months in prison and a fine of 20 dinars (\$53) if the suspect is convicted of insulting or committing an indecent act towards a female in public. The government stated that there were 86 cases of reported sexual harassment, 16 of which were transferred to court, five of which resulted in convictions. Although the government sometimes enforced the law, sexual harassment remained a widespread problem for women, especially foreigners employed as domestic workers and in other low-level service jobs.

Reproductive Rights: The government did not interfere with the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of children and to have the information and means to do so free from discrimination, coercion, and violence. Reproductive health services, including birth control, prenatal care, and postpartum maternity care, were available without charge to all women. Health centers required women to obtain spousal consent to undergo sterilization; this consent requirement did not apply for provision of other family planning services.

Discrimination: Women faced discrimination under the law. A woman cannot transmit nationality to her spouse or children (see section 2.d., Stateless Persons). Women have the right to initiate divorce proceedings, but both Shia and Sunni religious courts may refuse the request, although the refusal rate was significantly higher in Shia courts than in Sunni courts, with Shia courts often refusing to grant the divorce due to differences in legal codes. 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 girls and boys reached the ages of nine and seven, respectively. Regardless of custody decisions, the father retains guardianship, or the right to make all legal decisions for the child, until a child reaches the age of 21 years old. A noncitizen woman automatically loses custody of her children if she divorces their citizen father “without just cause.”

Family law is based on Sharia as interpreted by Sunnis and Shia. However, only Sunni family law is codified, while the Shia maintain separate judicial bodies composed of religious jurists charged with interpreting Sharia. Family law is further complicated by numerous Sunni-Shia marriages in which it is not always clear which courts have jurisdiction.

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 of their husband’s property, while Sunni women inherit only a portion, as governed by Sharia, and the brothers or other male relatives of the deceased divide the balance. In practice better-educated families used wills and other legal tools to mitigate the negative effects of these rules.

Labor laws prohibit discrimination against women. However, discrimination against women was systemic, especially in the workplace. Although women held positions of authority in the government and private sector, they were underrepresented. Cultural barriers and religious tradition sometimes hampered women’s rights.

## **Children**

Birth Registration: Citizenship is derived from one’s father. Women cannot transmit their nationality to their children, rendering stateless some children of citizen mothers but noncitizen fathers (see section 2.d., Stateless Persons). Births are not registered immediately. From birth to the age of three months, children are registered with the mother’s primary health-care provider. Upon reaching three months, the birth is registered with the Ministry of Health Birth Registration Unit,

which then issues the official birth certificate. Children not registered before reaching one year old must obtain a registration by court order. The government will not provide public services to a child without a birth certificate.

Education: Schooling is compulsory for children up through age 14 and is provided free of charge to citizens and legal residents through grade 12. Government-run primary schools were segregated by gender, although girls and boys were educated with the same curricula and textbooks.

Child Abuse: NGOs reported an increase in the number of child abuse cases in recent years but were unsure whether it reflected actual increases in abuse or greater willingness to report it. Sharia courts, not civil courts, address crimes involving child abuse, including violence against children. NGOs expressed concern over the lack of consistent, written guidelines for prosecuting and punishing offenders and the leniency of penalties involving child abuse cases. The Be Free Center, an associate of the Bahrain Women's Association that focuses on child abuse awareness and prevention, dealt with approximately 90 cases of child abuse.

Child Marriage: According to the law, the minimum age of marriage 15 years of females and 18 for males, but special circumstances allow marriages below these ages with approval from a Sharia court.

Sexual Exploitation of Children: The law prohibits exploitation of a child for various crimes, including prostitution. Penalties include imprisonment of no less than three months if the accused used exploitation and force to commit the crime and up to six years if more than one child was exploited, as well as penalties of at least 2,000 dinars (approximately \$5,) for individuals and at least 10,000 dinars (approximately \$26,600) for organizations. Penalties vary depending on the specific law involved. The law also prohibits child pornography. There is no minimum age of consensual sex, as the law assumes there is no consensual sex outside of marriage. Cases of commercial sexual exploitation of children were uncommon.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

According to community members, there were between 36 and 40 Jewish citizens in the country (six families.) Some anti-Jewish political commentary and editorial cartoons appeared in print and electronic media, usually linked to the Israeli-Palestinian conflict, without government response.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Law 74 of the 2006 Disabilities Law stipulates that persons with disabilities are to be treated equally with regard to employment and violations of the law are punishable with fines. The law does not address discrimination in education, air travel and other transportation, access to health care, or the provision of other state services. It was unclear whether the government enforced these laws. According to the government, a committee, originally formed in 2011 to care for persons with disabilities, was reestablished during the year and included representatives from all relevant ministries, NGOs, and the private sector. The committee is responsible for monitoring violations against persons with disabilities; it was unclear whether the committee acted on any incidents during the year.

A variety of governmental, quasigovernmental, 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 outline specific criteria for what is required for facilities to be accessible for the persons with disabilities. The law does not mandate access to other nonresidential buildings for persons with disabilities.

There were no official reports of discrimination against persons with disabilities in employment, education, or access to health care. According to anecdotal evidence, however, such persons routinely lacked access to education and employment. The one government school for children with hearing disabilities did not operate past the 10th grade. Some public schools had specialized education programs for children with learning disabilities, physical handicaps, speech impediments, and Down syndrome, but the government did not fund private programs for children 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 employers of more than 100 persons to hire at least 2 percent of its employees from the government's list of workers with disabilities. 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. There were allegations that the government allowed foreign Sunni employees of the security services that had lived in the country for fewer than 15 years to apply for citizenship. There were also reports that Arab Shia, who had resided in the country for more than 15 years and non-Arab foreign residents who had resided more than 25 years, had not been granted citizenship. There were reports of general discrimination, especially in employment practices, against Shia citizens of Persian ethnicity (Ajam).

According to local media reports, on August 25, foreign citizens formed the country's first coalition for noncitizens, the Federation of Expat Associations. According to press reports, the Ministry of Social Development stated that the founding organizations included the Bahrain-German Friendship Society, the Kerala Catholic Association, and the Egyptian Expat Community. The federation's stated goal is to facilitate cooperation among civil societies for foreign citizens to promote common interests. It seeks to strengthen relations between all communities in the country by engaging them in activities and by providing its members with assistance in health care, accommodation, work permits, travel bans, and the legal rights of workers.

Although the government asserted that the labor code for the private sector applies to all workers, the ILO and international NGOs noted that foreign workers faced discrimination in the workplace (see section 7).

There were reports of South Asians being attacked during the year. On October 1, six Asian workers suffered injuries when vandals attacked their labor camp with wooden sticks. According to the BICI, in mid-March 2011 rioters beat to death two South Asians and attacked 87 others. The SNS courts convicted a group of defendants in 2011 in the death of one of the South Asians; the other case went

unsolved. It was unclear whether the defendants appealed. According to testimony provided to the BICI, the attackers targeted the individuals due to their ethnicity.

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

The law does not criminalize consensual same-sex sexual activity between consenting persons who are at least 21 years of age. However, lesbian, gay, bisexual, and transgender (LGBT) activities were not socially accepted, and discrimination based on sexual orientation or gender identity was common.

The media reported that police charged an unidentified young male citizen with indecent behavior and encouraging debauchery; on April 4, the Lower Criminal Court sentenced him to one month in prison for public cross-dressing on Exhibition Road. There was no additional information on the case at year's end.

In a 2011 case, the Lower Criminal Court convicted 49 male Gulf nationals for allegedly practicing prostitution and other illicit acts while attending a gay wedding, according to local press reports. The Higher Criminal Court upheld the charges in December and sentenced the men to six months' imprisonment.

### **Other Societal Violence or Discrimination**

The media reported few cases of HIV/AIDS. There were no known reports of societal violence or discrimination against persons based on HIV/AIDS status, but medical experts acknowledged publicly that discrimination existed. The government mandated screening of newly arrived migrant workers for infectious diseases, including HIV/AIDS. Migrant workers found to be HIV-positive were at times deported in the past, but the status of deportations during the year was unclear.

According to the November BICI follow-up report, the Ministry of Social Development continued to implement the national social and economic reconciliation plan (Wi'da Wa'da) in collaboration with ministries and public and private sector associations. According to the report, the plan seeks to promote national unity among members of society, founded on the consolidation of citizenship and peaceful coexistence of the various segments and sects. The ministry implemented two of the phases, and the third was being implemented in partnership with government and quasi-governmental entities.

Additionally, according to local media reports, the Ministry of Education signed a Memorandum of Understanding with UNESCO in December to provide training to teachers and curriculum specialists at the Ministry of Education on preparing curriculum and activities related to human rights principles and citizenship.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and labor code recognize the right to form independent trade unions and the right to strike, with significant restrictions. The right to collective bargaining is not protected by law.

The law prohibits trade unions in the public sector. Public sector workers may join private sector trade unions and professional associations, although these entities cannot bargain on their behalf. Members of the military services also are prohibited from joining unions. Foreign workers, who made up approximately 60 percent of the workforce, may join unions, although they typically do not play leadership roles. The law prohibits unions from engaging in political activities and requires all trade unions to affiliate with one of the country's two legal federations, the General Federation of Bahrain Trade Unions (GFBTU) or the Bahrain Labor Union Free Federation (BLUFF). The law excludes domestic workers from these protections.

The law specifies that only a trade union can organize and declare legal strikes and imposes excessive requirements for legal strikes. The law prohibits strikes in 10 "vital" sectors, the scope of which exceeds international standards, including the oil, gas, education, telecommunications, transportation, and health sectors, as well as in pharmacies and bakeries. Workers must approve a strike with a simple majority by secret ballot and provide 15 days' notification to the employer before conducting a strike.

Law 35, passed in March, significantly amended the labor code as it pertains to trade unions and federations. The law allows multiple trade union federations but prohibits multisectoral labor federations and bars individuals convicted of violating criminal laws leading to trade union or executive council dissolution from holding union leadership posts. The amendment gives the minister of labor, rather than the unions, the right to select the federation to represent workers in national-level

bargaining and international forums. The law does not prohibit antiunion discrimination, nor does it require reinstatement of workers fired for union activity.

The government did not respect freedom of association, and relations between the main federations and the Ministry of Labor were publicly contentious. The government sometimes interfered in GFBTU activities. For example, in October several international labor leaders and representatives from the ILO were denied entry to the country after being invited to attend the GFBTU's annual congress. The GFBTU also alleged the legal amendments allowing the minister of labor to select a representative union were intended to undermine its position as the country's representative labor federation. However, at year's end GFBTU continued to serve as the country's representative labor federation.

The GFBTU was considered independent by most observers. Many labor and human rights activists, as well as outside observers, considered BLUFF (which emerged as an apparently well-funded entity despite a very small membership base in June, following the implementation of Law 35), as favored by the government.

During the year the government made efforts to ensure the reinstatement of workers dismissed or suspended during the 2011 State of National Safety. It established a tripartite committee, formed in December 2011 and consisting of a representative from the Ministry of Labor, the Bahrain Chamber of Commerce and Industry, and the GFBTU, to address dismissals and reinstatements as part of the government's response to recommendations set forth in the November 2011 BICI.

On March 12, the parties agreed that 1,520 workers were dismissed from the public-private or parastatal sector and "more than 697" were dismissed from the private sector; they could not come to agreement on civil servant dismissal figures. The committee established a timeline for reinstatement of parastatal and private sector employees to their positions and agreed those unable to return to their same positions would be eligible for compensation and social insurance benefits. Parastatal companies and public organizations also agreed to remove any documents (including "loyalty pledges" and "final warnings") related to the 2011 unrest from all reinstated employees' files.

Disagreement over the number of workers dismissed or reinstated continued throughout the year. The GFBTU defined a case as resolved only when the employee returned to the same position; the government considered the case resolved when an employee returned to work, regardless of the position. By year's end the government asserted 100 percent of the cases in the public sector cases had

been resolved and less than 1 percent of the private sector cases remained unresolved and subject to litigation. The GFBTU maintained that several hundred cases remained unresolved.

In addition to some workers not being reinstated to their same or equivalent positions, some reinstated workers alleged that some companies insisted they sign loyalty pledges and agreements not to strike, despite such requirements being illegal. Groups of workers continued to protest at the Ministry of Labor and elsewhere to demand reinstatement to their original positions. Workers reported many cases of discrimination in hiring and promotion, including in the public sector. Some civil service employees, including in the Ministry of Education, reported being questioned about their outside activities.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor except in national emergencies, but the government did not effectively enforce the law. There were reports of forced labor in the construction and service sectors. Foreign workers are covered by labor laws, but enforcement was lax, and cases of debt bondage were common (see section 7.d.). There were also reports that forced labor practices occurred among domestic workers and others working in the informal sector, most of whom are not protected by labor laws. In July the government made an additional amendment to the labor law that expanded the rights of domestic employees, who previously had not been covered. The government did not undertake specific efforts to enforce laws against forced labor.

In many cases employers withheld passports, restricted movement, substituted contracts, or did not pay wages; some employers also threatened workers or subjected them to physical and sexual abuse. In December newspapers reported the case of five Ghanaian women who had been stranded in the country and imprisoned by the employer for days with little food and water. According to the Migrant Workers Protection Society, after paying between 300 to 600 dinars (\$800 to \$1,600) to an agent to secure employment, the women were deceived about the nature of their jobs and the salaries promised. The contracts they received in their own country (for jobs as waitresses, hairdressers, and housemaids) were replaced upon their arrival with different contracts, written in Arabic, which the women could neither read nor write. The women claimed that they refused to engage in prostitution and were then imprisoned and mistreated.

Estimates of the proportion of migrant workers in the country under illegal “free visa” arrangements--a practice that can contribute to debt bondage--ranged from 10 to 25 percent. In numerous cases employers withheld salaries from foreign workers for months or years and refused to grant them permission to leave the country. The fear of deportation or employer retaliation prevented many foreign workers from complaining to authorities.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment is 15 years, and the minimum age for hazardous work is 18. Children under 18 may not work in industries that the Ministry of Health deemed hazardous or unhealthy, including construction, mining, and oil refining. Minors under the age of 18 may work no more than six hours a day--no more than four consecutively--and may be present on the employment premises no more than seven hours a day. The Ministry of Labor made rare exceptions on a case-by-case basis for juveniles between the ages of 14 and 15 who have an urgent need to assist in providing financial support for their families. Child labor regulations do not apply to family-operated businesses in which the only other employees are family members.

In general the government effectively enforced these laws. Labor Law 36, which went into effect in December, requires that before the ministry makes a final decision, the prospective employer must present documentation from the minor’s guardian giving the minor permission to work, proof that the minor underwent a physical fitness examination to confirm suitability, and assurance from the employer that the minor will not be working in an environment that the ministry has deemed hazardous.

Some non-Bahraini children were employed as domestic servants. Some Bahraini children were believed to work in family-run businesses, but the practice did not appear widespread.

According to NGOs, government labor inspectors monitored and enforced child labor laws effectively in the industrial sector.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

### **d. Acceptable Conditions of Work**

There is no national private sector minimum wage. A standardized government pay scale covers public sector workers, with a set minimum of 300 dinars (\$800) pay per month. Citizens who earned less received a government stipend to offset the difference. There is no minimum wage for foreign workers in the public sector, although the government issued “guidelines” advising employers in the public and private sector to pay a minimum of 150 dinars per month (\$400). There was no official poverty level.

Subject to the provisions of the new private sector law, a worker may not be employed for more than 48 hours per week. Muslim workers may not be employed during the month of Ramadan for more than six hours per day, or 36 hours per week. The standard workday is eight hours, with a maximum of 10 hours worked. Overtime rates are time-and-a-quarter during the day and time-and-a-half during the evening. It is mandatory for workers to be given 24 consecutive hours off per week, and the day set for weekly rest is Friday. If a worker is required to work on a mandatory rest day, the worker will be paid at time-and-a-half. A worker may not work on mandatory rest days for two weeks in a row without personal written consent.

The Ministry of Labor sets occupational safety and health standards. The labor law and relevant protections apply to citizens and noncitizens alike, with the exception of domestic workers. Labor Law 36 improved the legal situation for many workers as it pertains to access to contracts and additional holidays, although it exempts domestic workers from the majority of protections.

The Ministry of Labor is responsible for enforcing the labor law and mandating acceptable conditions of work. During the year the ministry employed 24 labor inspectors. The ministry enforced occupational safety and health standards; it also used a team of six engineers from multiple specialties primarily to investigate risks and standards at construction sites, which make up the vast majority of worksites.

Inspections were triggered by a complaint made to the ministry; notification of a new worksite made to the ministry; a news article about a new worksite; or when an inspector discovered a new worksite in an assigned geographic area.

Inspectors had the authority to levy fines and close worksites if employers did not improve conditions by specified deadlines. The new law significantly raised the penalties for violators to a range between 500 dinars (\$1,) to 1,000 dinars (\$2,) per violation and/or per worker affected, as determined by a judge. Additionally, a judge may also sentence violators to jail, with a minimum of three months in

prison. For repeat violators, the penalties may be doubled. The ministry reported an unspecified number of violators were serving sentences related to labor condition violations during the year.

Despite the improvements, however, NGOs feared that resources for enforcement of the laws remained inadequate for the number of worksites and workers, that many worksites would not be inspected, and that the regulations would not necessarily deter violations.

For example, an existing ministerial decree prohibits outdoor work between noon and 4 p.m. during July and August. The ban was enforced among large firms, but according to local sources, violations were common among smaller businesses. The Ministry of Labor reported 99 percent of inspected companies were in compliance with the summer outdoor work ban during the year, significantly increased from 2007, when only 85 percent of companies were in compliance.

The government and the courts generally worked to rectify abuses brought to their attention. Workers could lodge complaints with the Ministry of Labor. The ministry reported that it received 2,266 complaints, including joint complaints, brought during the year by 542 female and 2,217 male workers. Labor officials stated they were able to resolve most cases through mediation. The public prosecutor took the remaining cases for investigation. By law complaints that cannot be settled through arbitration must be referred to the court within 15 days. However, the vast majority of cases involving abused domestic workers did not reach the Ministry of Labor or the public prosecutor.

During the year inspectors visited 821 labor camps to verify that workers' accommodations met required safety and hygiene standards. It reported violations were found in 328 camps; 80 establishments received final warnings, 172 received a written warning, 159 received verbal warnings, and in 82 establishments, no violations were found.

Limited access to private homes and the limited number of inspectors impeded full enforcement of standards, particularly in the informal sector and among domestic servants. Ministry of Labor inspectors are authorized to inspect only premises that have a commercial registration and could not inspect private homes, where most domestic workers lived and worked, or unregistered "private" camps, where many unskilled foreign laborers lived and where conditions were the worst. The Ministry of Labor advised the Ministry of Municipalities and the Ministry of Housing when it received complaints of poor conditions in such housing.

The government continued to conduct workers' rights awareness campaigns. It 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. Additionally, the Ministry of Labor held several meetings in conjunction with relevant diplomatic missions to bring together workers and discuss issues in their native languages, and provide materials that explained their rights for both the formal and informal economy. In November the ministry held an Occupational Safety and Health Conference that brought together key stakeholders, including employers, to explain the laws and work to improve safety standards.

Violations of wage, overtime, and occupational safety and health standards were common in sectors employing foreign migrant workers, such as construction, automotive repair, and domestic service. Unskilled foreign workers, mostly from South and Southeast Asia, were approximately 60 percent of the total workforce (76 percent of the private sector workforce). These workers were also vulnerable to dangerous or exploitive working conditions. According to NGOs workplace safety inspection and compliance were substandard.

A 2009 study by the country's Labor Market Regulatory Authority found (and local sources still confirmed) that 65 percent of foreign workers had not seen their employment contract and that 89 percent were unaware of their terms of employment. Some 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. Some employers illegally charged workers exorbitant fees to remain in the country and work for other employers.

The labor law does not protect domestic workers, and this group was particularly vulnerable to exploitation. In July the government made an additional amendment to the labor law that expanded the rights of domestic employees, who had not been covered under the previous law. Labor Law 36 requires domestic employees to be employed under "clear contractual terms" and provides for penalties for violators. However, the amendments do not accord domestic employees all of the rights that Law 36 implemented for other private sector workers, including limits on daily and weekly working hours and weekly days off.

There were credible reports that many of the country's 70,000 domestic workers, most of them women, were forced to work 12- to 16-hour days, had to give their

identity documents to employers, had little time off, were malnourished, and were subject to verbal and physical abuse, including sexual molestation and rape. Reports of employers and recruitment agents beating or sexually abusing foreign women working in domestic positions were common. Numerous instances were reported in the press and to embassies and police. The Ministry of Labor reported it received three complaints from domestic workers per month, and ministry officials stated they were able to resolve most cases through mediation. It also reported it conducted eight inspections of private homes during the year following complaints by domestic workers, although it was unclear what, if any, action was taken following the inspections.

The vast majority of cases involving abused domestic workers did not reach the Ministry of Labor or the public prosecutor for a variety of reasons. Most victims were too intimidated to sue their employers, although they had the right to do so. NGOs also reported that the court system made it difficult for workers (who frequently did not have home addresses) to receive notices about their cases once they have filed them. Although victims may assign power of attorney to someone in the country to permit the victim to return home, most did not use this option due to financial constraints prohibiting employees from working for a new sponsor until the case with the previous sponsor is resolved.

During the year the Migrant Workers Protection Society shelter assisted 124 female domestic workers with temporary housing requirements and assistance with their cases. The Migrant Workers Protection Society continued to support victims who took their cases to court, but by law victims can receive only outstanding unpaid wages--no criminal damages are possible unless the victim has filed a case of a crime found in the criminal penal code, such as physical abuse or rape. NGOs confirmed that while some cases were successful, compensation was meager.

During the year there were at least five workplace deaths owing to a combination of inadequate enforcement of standards, blatant violations of standards, inadequate safety procedures, worker ignorance of those procedures, and inadequate safety standards for equipment. According to NGO sources, most accidents were in the construction sector, which employed more Bangladeshis and Pakistanis than other nationalities. Exact figures were not available. In March a Pakistani man died after a fall into a four-meter (approximately 12 feet) trench at a construction site; according to local contacts, the victim was a so-called free visa worker.

In July international media reported 26 Indian workers committed suicide between January and July. Many were subjects of a "travel ban" placed by a local

construction company, which accused the workers of not fulfilling their contracts; the ban was in effect from 2010 until July but was then resolved. Local contacts report that suicides, particularly by Indian workers, remained a problem, and the total for the year exceeded 40. Local contacts confirmed that employers used travel bans as a threat, but no new cases were reported or alleged during the year.

Conditions in the many unregistered or illegal worker camps were often poor. In May, 10 Bangladeshi workers died of carbon monoxide poisoning after a fire at an unregistered labor camp. Safety of accommodations and quality of life for workers were problems that continued to be a major concern at source country embassies. According to local contacts, the number of complaints about living conditions continued to rise during the year.