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2010 Human Rights Report: Bahrain

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Bahrain is a monarchy with a population of approximately 1,235,000, including approximately 569,000 who are citizens. King Hamad Bin Isa Al-Khalifa is the head of state and all branches of government. The king appoints a cabinet of ministers; approximately half are members of the minority Sunni Al-Khalifa ruling family. The 2002 constitution reinstated a bicameral, legislative body consisting of an upper house, the Shura Council, whose members are appointed by the king, and a lower house, the elected Council of Representatives. Approximately 67 percent of eligible voters participated in the October parliamentary and municipal council elections, the outcome of which was affected by extensive gerrymandering of districts. The opposition, Shia Islamist Al-Wifaq political society won all contested 18 seats in the 40-member Council of Representatives. Security forces reported to civilian authorities.

Citizens did not have the right to change their government. Trafficking in persons and restrictions on the rights of foreign resident workers continued to be significant problems. There were numerous reports of abuse against foreign workers, particularly female domestic workers. There were many reports of domestic violence against women and children. Discrimination on the basis of gender, religion, nationality, and sect, especially against the Shia majority population, persisted. There were multiple allegations of mistreatment and torture, especially of Shia activists associated with rejectionist and opposition groups. Authorities arbitrarily arrested activists, journalists, and other citizens and detained some individuals incommunicado. Some detainees did not always have adequate access to their attorneys. At least two of the detainees were dismissed from their public-sector jobs prior to the commencement of judicial proceedings. The government restricted civil liberties, including freedoms of speech, press, assembly, association, and some religious practices. There were instances of the government imposing and enforcing official and unofficial travel bans on political activists. The Shia are underrepresented in positions of leadership in the civil service, police, and security forces.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices; however, there were multiple allegations during the year that security forces employed them. On February 8, Human Rights Watch (HRW) issued a report asserting that "since the end of 2007, officials have repeatedly resorted to torture for the apparent purpose of securing confessions from security suspects." The former detainees interviewed for the report claimed that security officials and prison guards subjected them to "abusive tactics" during interrogation. In some cases in 2009, Ministry of Health doctors found corroborative evidence of injuries that matched the detainees' claims of mistreatment. According to senior government officials, the government initiated an investigation of HRW's allegations. At year's end the government had not published the investigation's findings.

From August to December, local and international human rights NGOs asserted that security personnel had tortured more than two dozen detainees. During court proceedings from October to December, many of these detainees claimed that officers of the National Security Agency mistreated and tortured them. Detainees claimed that they had been beaten, suspended in painful positions, forced to stand for long periods, deprived of sleep, and subjected to electric shocks. During trial proceedings in October and November, defense lawyers requested an independent investigation into the torture allegations, to include independent medical exams. The prosecutor asserted in December that claims of torture had been investigated. At year's end neither the court nor the government had released the findings of any such investigation.

Local human rights organizations and lawyers also reported alleged instances of abuse by law enforcement authorities in connection with the approximately 200 men and juveniles detained between August and December.

Local human rights activists and attorneys alleged that many of the 23 Shia activists arrested in August and September and charged pursuant to counterterrorism legislation, including a prominent blogger, were beaten, subjected to electric shocks, hung upside down, and beaten on their feet (falaqa). During court sessions in October, November, and December (see section 1.e.), all detainees claimed they were beaten by National Security Agency officers, with some claiming they were subjected to electric shocks, made to stand for long periods of time, and made to sign confessions during or after mistreatment or torture.

Prison and Detention Center Conditions

The government, which maintained that prison conditions met international standards, did not release any detailed information about the prison population or prison and detention center conditions, nor did it permit visits by independent human rights observers. A UN report in March described "suboptimal health conditions" in prisons. In the second half of the year, some detainees alleged that security personnel physically abused them and, in some cases, withheld medical care, including access to medication and medical equipment.

In August approximately 70 prisoners in the country's central prison in Jaw protested their living conditions, and some prisoners went on hunger strike. In response members of the quasigovernmental National Human Rights Authority visited the prison; however, the body did not issue a public report. A local human rights NGO reported that the Jaw prison population was more than 1,300, although the prison had been designed to hold only 500 inmates. According to the Office of the Inspector General of the Ministry of Interior, the Jaw prison held 1,100 inmates.

Authorities generally permitted inmates reasonable access to visitors and religious observance. However, the government temporarily suspended visitation rights for some inmates in the aftermath of the unrest in Jaw prison. In addition the government did not permit family members to visit dozens of detainees arrested on security-related charges for at least several weeks.

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The government did not permit independent monitoring of prison or detention center conditions, nor was there an ombudsman for prison and detainee issues. It is unknown if prisoners could submit complaints about treatment for investigation.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention. However, local human rights activists and attorneys alleged that police and National Guard units arbitrarily arrested or abducted Shia men and youth during the year, particularly from August to October, and that security officials held some incommunicado for days or weeks.

The Office of the Inspector General of the Ministry of Interior received an unknown number of complaints pertaining to pretrial detention, although it was not clear how many of these resulted in investigations or penalties.

Role of the Police and Security Apparatus

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

The Office of the Inspector General of the Ministry of Interior received 246 complaints between January and October, of which 121 were not related to police conduct. Nineteen cases were referred to the Ministry's legal affairs directorate for further action. The ministry maintained a hotline for citizens to report police abuses; however, many in the Shia community believed the government condoned police misconduct and, therefore, did not report allegations of abuse. In practice the ministry responded to allegations of abuse and public complaints by establishing temporary investigation committees, which did not issue public reports of their findings.

Arrest Procedures and Treatment While in Detention

To apprehend a felony suspect, police must present evidence to a judge who will decide whether to issue an arrest warrant. Police and security forces must transfer a suspect's case to the public prosecutor's office within 48 hours, and they generally respected that requirement in practice. Within seven days of arrest, a suspect must appear before a judge in the public prosecutor's office. Judges may grant bail to a suspect and regularly did so. If the judge decides the suspect is a flight risk or a danger to society, the judge may allow as long as an additional 45 days of detention while the public prosecutor conducts an investigation. This process may continue through subsequent reviews by different judges, but pretrial detention may not exceed six months. Detainee access to attorneys was often restricted in the early stages of detention; attorneys must seek a court order to confer with clients and then coordinate with officials at the detention facility for access. The state provided counsel to indigent detainees. While detainees were generally allowed prompt access to visiting family members, many of those arrested on security-related charges between August and December claimed that they were not allowed to see relatives or lawyers for several weeks.

In accordance with the 2006 counterterrorism law, law enforcement agencies must transfer a case to the public prosecutor's office within five days of the suspect's arrest, although the law permits law enforcement agencies to request an additional 10 days before the formal transfer of the case. Prosecutors must commence their formal questioning of a

suspect within three days of receipt of the case. Other pretrial detention procedures are governed by those concerning cases that are not related to terrorism.

From August to December, law enforcement agencies arrested approximately 200 men, including minors, and held some of them pursuant to the 2006 counterterrorism law. Local human rights groups and attorneys, as well as international human rights NGOs, alleged that, in many of these cases, authorities used incommunicado detention, restricted lawyers' access to their clients, and prevented family members from visiting detainees. International and local NGOs, as well as attorneys, asserted that security officials abused and tortured some of these detainees (see also sections 1.c. and 1.e.).

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice; however, the king has control of the judicial system. According to the constitution, the king appoints all judges by royal decree. The king also serves as chairperson of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the public prosecutor.

The trial of 25 Shia activists charged pursuant to the counterterrorism law--two of whom were based in the United Kingdom and tried in their absence--commenced on October 28. The trial was generally open to detainees' family members, journalists, representatives of local and international NGOs, diplomats, and members of the general public, but, in some cases, a number of journalists and human rights activists were denied access to the court. The defendants' lawyers, together with local NGOs, asserted that security personnel subjected the men to mistreatment and torture while in pretrial detention (see section 1.c.), deprived them of adequate access to legal counsel, and prevented them from meeting with family members for several weeks. They withdrew from the case on December 9 to protest the presiding judge's failure to rule on several requests they had made in the first four sessions of the trial, such as an impartial investigation into torture allegations.

The minister of justice and Islamic affairs and endowments appointed 23 new lawyers, and the case was pending at year's end. Human rights activists and attorneys alleged that the detainees' right to a fair, public trial was undermined by the detainees' limited access to legal counsel and the presiding judge's failure to rule on the defense attorneys' requests.

Two men faced trial in November and December, accused of assaulting an editor of the progovernment *Al Watan* newspaper on August 25. The two men were arrested less than 48 hours after the attack, shortly after which senior government officials announced that the men had confessed. Most newspapers carried photographs of the two men, referring to them as assassins or terrorists. The trial commenced in November. The men were released on December 12 after the victim of the assault testified in court that the two defendants were not the men who assaulted him. The judge agreed to the prosecutor's request that the court examine other evidence in a hearing scheduled for January 2011.

Trial Procedures

According to the constitution, defendants are presumed innocent until proven guilty. Civil and criminal trial procedures provide for an open trial. There are no jury trials. By law and in practice, defendants have the right to prompt consultation with an attorney of their choice within 48 hours (unless they are charged pursuant to counterterrorism legislation), and the government provided counsel to indigent defendants. Defendants are present during trial proceedings, and they 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. Defendants 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 alleged that some of those arrested on security charges from August to December were targeted because of their political activism. Many of the prominent detainees are leaders of, or affiliated with, political groups.

On August 17, authorities arrested Muhammad Saeed al-Sahlawi, a member of the board of the Bahrain Center for Human Rights (BCHR). Human rights groups report that Al-Sahlawi, a dentist and human rights activist who supervises the BCHR's Web site, was arrested at his home during a wave of arrests targeting political and human rights activists. Al-Sahlawi was previously arrested in 2006 for distributing publications demanding political reform and in 1997 for contacting oppositional and international organizations abroad.

Also on August 17, according to the BCHR, authorities arrested Sheikh Abdul-Hadi Abdullah Al-Mokhadur and Sheikh Mirza Al-Mahroos, both clerics involved in activities promoting human rights, in Manama.

On September 4, authorities arrested and detained a popular Internet Web site writer and administrator of a Web site, Ali Abdulemam, and charged him with involvement in a "terrorist network," together with 24 other men (section 1.e.). This group of 25 also included a board member of a local human rights organization and political dissenters.

Civil Judicial Procedures and Remedies

Citizens may bring civil suits before the 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.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice, except under the provisions of the law and under judicial supervision.

The government is required to obtain a court order before monitoring telephone calls, e-mail, and personal correspondence. Many Shia citizens believed there were extensive police informer networks, but they were unable to provide concrete evidence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press "provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused." The government limited freedom of speech and press through press laws, libel and slander laws, and national security-related laws. Both censorship and self-censorship took place.

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

A Shia cleric aligned with a rejectionist group was temporarily banned from giving Friday sermons in October. The Ministry of Justice and Islamic Affairs and Endowments deemed some of the cleric's sermons to "threaten civil peace."

The government did not own any print media, but the Information Authority--established in July as an associated element of the Ministry of Culture and Information--and other government entities exercised considerable control over domestic, privately owned print media. The government owned and operated all domestic radio and television stations. In August,

September, and October, the Information Authority threatened to shut the Web sites of a number of newspaper and media outlets unless they stopped broadcasting video content. The Information Authority stated that it was illegal for media outlets to broadcast video content until a law regarding online video broadcast is promulgated by the national legislature.

Radio and television broadcasts in Arabic, Farsi, and English from countries in the region, including by satellite, were generally received without interference. However, in May the Ministry of Culture and Information temporarily closed the Al Jazeera office in Manama and banned an Al Jazeera news crew from entering the country. The ministry accused Qatar-based Al Jazeera of "flouting the laws regulating the press and publishing" and requested the network to enter into a memorandum of understanding with the government regarding their activities in the country. At year's end the two sides remained engaged in negotiations, and there was no Al Jazeera representative in the country.

At least one journalist faced violence during the year. On August 25, two men attacked an editor of the progovernment *Al Watan* newspaper, who was slightly injured. Security forces arrested two men and tried them for the assault, but a judge released them after the victim of the attack testified that the men were not his assailants (see section 1.e.).

Government censorship occurred. Information Authority representatives 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 also practiced widespread self-censorship. According to some members of the media, government officials contacted editors directly and asked them to stop writing about certain subjects or asked them not to publish a press release or a story. In September Bahraini newspapers inaccurately conveyed an official U.S. government statement about the country, allegedly at the behest of government officials. In the lead-up to the elections, observers noted that political debate was largely absent from media outlets. Domestic and international human rights groups alleged that the government imposed a media restraining order.

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

The Information Authority reviewed all books and publications prior to issuing printing licenses. The Ministry of Justice and Islamic Affairs reviewed books that discussed religion. The government banned at least one book by a domestic author, Nader Kadim, entitled *Unbridled Hatreds*. In June the government banned the Arabic translation of the diaries of Charles Belgrave, a British colonial officer in the country from 1926 to 1957.

In August and September, the government-run Bahrain News Agency (BNA) and most daily newspapers repeatedly published photographs of suspects and detainees. Members of the quasigovernmental National Human Rights Institution, human rights activists, and detainees' attorneys asserted that such actions, prior to the commencement of judicial proceedings, violated the constitution and penal code.

Internet Freedom

While the government generally respected Internet freedom, there were some government restrictions. The government's Telecommunications Regulatory Authority (TRA) ordered service providers to block Internet users' access to certain sites. In the lead-up to the elections, the government banned opposition Web sites. In August, September, and October, the

Information Authority threatened to shut the Web sites of a number of newspaper and media outlets. Reportedly, the government did not monitor e-mail use. Internet penetration among citizens exceeded 80 percent

The government regularly monitored users' online activities and blocked residents' regular access to numerous Web sites that officials considered to be inciting sectarian tensions, were antigovernment, or were anti-Islamic. The government also blocked the Web site of at least one human rights NGO during the year, and it blocked the Web sites of the two main opposition political societies, Al-Wifaq National Islamic Society and the National Democratic Action Society (also known as Wa'ad), during campaigning for the October national elections. Public discussion of blocked Web sites was widespread, and many users were able to access blocked sites through alternate servers.

One of the country's most popular oppositionist Internet forums was blocked in August and September, although officials permitted the site to operate freely thereafter. On September 4, authorities arrested the site's administrator, Ali Abdulemam, who is also a popular blogger, and charged him with involvement in a "terror network" together with 24 other citizens (see section 1.d.).

The government continued to invoke the press code to justify the questioning of some journalists and bloggers. Web site administrators legally face the same libel laws that apply to print journalists, and Web masters are held jointly responsible for all content posted on their Web sites or chat rooms.

Academic Freedom and Cultural Events

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

The government banned at least one film, the Indian-produced *Lamhaa*, for its political content.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

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

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

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

Freedom of Association

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

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

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

A civil society group applying for registration must submit its bylaws signed by all founding members and minutes of the founding committee's meetings, containing the names of founding members, their professions, their places of residence, and their signatures. The law grants the 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 complaint.

Many NGOs and civil society activists asserted that 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 that bureaucratic incompetence characterized the ministry's dealings with NGOs, numerous other local NGOs stated that officials in the NGOs directorate actively sought to undermine some groups' activities and to impose burdensome bureaucratic procedures on NGO board members and volunteers.

In September the Ministry of Social Development effectively shuttered the prominent local human rights organization Bahrain Human Rights Society, when a ministerial decree ordered the dissolution of the society's board of directors and appointed a ministry employee to be the group's interim head. Soon thereafter the group's ousted chief filed a lawsuit against the ministry; the case was pending at year's end. In October the ministry filed a lawsuit against the ousted board of directors of BHRS but withdrew the suit shortly afterwards. In December the former BHRS leadership issued a human rights report for 2009 in the name of the BHRS; the government did not interfere in the report's release or dissemination.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/rls/hrrpt/2010/nea/154459.htm.

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

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

The law provides that the government may reject applications to obtain or renew passports for "reasonable cause," but the applicant has the right to appeal such decisions before the High Civil Court. In practice authorities relied on determinations of national security when adjudicating passport applications.

On September 19, authorities announced they had revoked the citizenship of a naturalized Shia cleric, Ayatollah Sheikh Hussain al-Najati, his wife, and their three children. The government restored the family's citizenship in November.

In October authorities prevented three activists from leaving the country. All three were permitted to travel within one to two weeks.

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

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol relating to the Status of Refugees, 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; however, noncitizen men who marry citizen women are not entitled to citizenship; as a result, children from such marriages are stateless. The Bahrain Women's Association reported that as of December the organization was aware of 213 women with stateless children.

The law clearly defines naturalization requirements, but the adjudication process for naturalization applications was not transparent. Opposition groups claimed the government regularly ignored naturalization rules to manipulate demographics for voting and to maintain Sunni domination of police and defense forces over Shia. According to these opposition groups, the government was more lenient with naturalization requests from foreign residents in the security forces, while Shia and other applicants experienced delays in processing of their cases. The government occasionally granted citizenship to Sunni residents from neighboring countries.

Stateless persons had access to limited social services, education, and employment. Stateless persons were eligible to receive housing and other government services; however, they were excluded from receiving scholarships.

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

Citizens do not have the right to change their government or their political system; however, the constitution provides for a democratically elected Council of Representatives, the lower house of parliament. The king appoints the prime minister, who then proposes cabinet ministers. Members of the ruling Al-Khalifa family held all strategic cabinet ministry positions and approximately half of ministerial slots. The bicameral national assembly consists of the 40-member Council of Representatives and the 40-member appointed Shura (Consultative) Council. The king may dissolve the Council of

Representatives at his discretion; he also has the power to amend the constitution and to propose, ratify, and promulgate laws. Both councils may question government ministers (except the prime minister), and the Council of Representatives may require a minister's resignation with a two-thirds majority vote of no confidence. The Council of Representatives may introduce a resolution indicating it cannot cooperate with the prime minister, in which case the joint national assembly would have the option to pass the resolution by a two-thirds majority, requiring the king to dismiss the prime minister or to dissolve the Council of Representatives. A no-confidence vote has never arisen.

Elections and Political Participation

Almost all registered political societies participated in the October elections for the Council of Representatives and municipal councils. Sixty-seven percent of eligible voters participated in the two rounds of voting on October 23 and 30. The opposition Shia Islamist political society, Al-Wifaq, won all 18 races it contested for the Council of Representatives. Two progovernment, Sunni Islamist parties won a combined five seats (down from 15), and independents won 17 seats. Most opposition groups and other activists alleged that the government gerrymandered electoral districts in 2002 to provide for a progovernment, mostly Sunni majority in the Council of Representatives.

Political tensions flared in the weeks preceding the October 23 balloting, largely given the government's arrests of more than 200 Shia men it accused of inciting or involvement in, the street violence. Those arrested included some, but not all, of the leaders of two fringe, rejectionist groups, Haq and Wafa', which had called for a boycott of the elections. The government charged 23 of those arrested with involvement in a "terror network" pursuant to the 2006 counterterrorism law (see section 1.e.). The electoral process was also marred by the government's banning of the two main opposition parties' Web sites and newsletters. The government did not allow international observers to monitor the elections.

The government did not allow the formation of political parties; however, more than a dozen political societies, which operated somewhat like political parties, chose candidates for parliamentary and municipal elections, campaigned for political office, developed political platforms, held internal elections, and hosted political gatherings. Political societies were highly critical of provisions in the law requiring them to notify the government before contacting political groups abroad. The law prohibits civil society groups from engaging in political matters.

The newly elected Council of Representatives includes one woman, who previously won election as an independent in 2006. Only one of the major political societies fielded female candidates for the Council of Representatives. An independent female candidate won a seat on a municipal council. The newly appointed Shura Council contains 11 women. Two women served as cabinet ministers, five women sat as judges in the criminal courts, and one was a judge in the Constitutional Court.

Shia and Sunni citizens have equal rights before the law; however, Sunnis dominated political life, although Shia comprised the majority of the citizen population. Government and societal discrimination against the Shia population remained a problem. Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. The defense and internal security forces were also predominantly Sunni, and few Shia members attained high-ranking positions. There were 18 representatives of the mainstream Shia political society, Al-Wifaq, in the elected Council of Representatives. The appointed Shura Council included 19 Shia members, including the speaker, as well as one Jewish member and one Christian member. Five of the 25 cabinet ministers were Shia, including one of four deputy prime ministers. The Jafaari Sharia Court consisted of 13 Shia scholars.

Section 4 Official Corruption and Government Transparency

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. Significant areas of government activity, including

the security services, continued to lack transparency. The press reported that, in a number of cases, authorities jailed or fined law enforcement officials for misconduct, most often for accepting bribes. An anticorruption unit was established in the Ministry of Interior; however, the government did not announce any related investigations. The law does not require government officials to provide financial disclosures, nor does it provide citizens access to government-held information.

In response to a bipartisan parliamentary inquiry into alleged illegal or improper sales of public property worth billions of dollars, the government formed an interministerial committee to investigate the matter.

The National Audit Bureau's annual report resulted in the formation of two parliamentary investigation committees, one of which studied problems affecting Gulf Air, the other of which investigated problems at Mumtalakt, the sovereign wealth fund. No prosecutions arose from the findings of these committees.

In June 2009 the high criminal court found the former chief executive officer of the quasigovernmental housing bank for trade and finance guilty of embezzling 1.5 million dinars (four million dollars) and sentenced him to 10 years' imprisonment. The ruling was the first guilty verdict in a major corruption case in many years. An appeal was pending at year's end.

In June 2009 authorities charged the executive director of the Bahrain Institute for Political Development (BIPD) and two other BIPD officials with fraud and embezzlement. The case remained pending at year's end.

On November 9, a court issued a verdict in the corruption case against two former managers of Alba, an aluminum firm majority-owned by the government's sovereign wealth fund, sentencing the men to seven years' imprisonment and imposing large fines. The two former managers appealed the verdict; a hearing was scheduled for January 2011. Activists alleged that the men were scapegoats for more senior Alba and government officials who engaged in illegal and corrupt activity.

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

Restrictions on freedom of association and expression and increased government scrutiny and harassment during the year hindered investigation and public criticism of the government's human rights policies; however, local and international NGOs continued to publish reports on human rights.

In September the government effectively shuttered BHRS, a prominent human rights NGO (see section 2.b.). The government also exerted considerable pressure on other NGOs to stymie their activities.

Several women's rights NGOs, notably the Bahrain Women's Association (BWA), the Bahrain Women's Union, and the Young Ladies Society, advocated for enhanced political, economic, and social rights for women and girls. In July police officers questioned two BWA volunteers after they were interviewed by Al Jazeera.

The Migrant Workers Protection Society (MWPS) provided protection services for at-risk migrant workers, including operating a small shelter for runaway female domestic workers, and advocated for domestic workers' rights, which are not protected by current labor laws. According to local and international NGOs, a senior official in the Ministry of Social Development threatened to take administrative action against MWPS after a domestic employee working for the official sought refuge in the society's shelter.

The Bahrain Center for Human Rights (BCHR), which the government officially dissolved in 2004, continued to issue reports and had strong ties to international human rights NGOs. The BCHR occasionally coordinated its activities with leaders of political rejectionist groups. On August 16, the government arrested one of the BCHR's board members, Mohamed Saeed, a dentist, and charged him with involvement in a "terror network" (see section 1.e.). The case was

pending at year's end. On September 4, the government-run Bahrain News Agency, together with progovernment newspapers, temporarily labeled BCHR president Nabeel Rajab a "terrorist," and on September 27, authorities prevented Rajab from leaving the country. He was permitted to travel two weeks later.

On April 5, a court fined the head of the Bahrain Youth Human Rights Society (BYHRS) 500 dinars (\$1,325) for operating an unregistered NGO. According to the BYHRS, the Ministry of Social Development did not respond to the group's request to register as an NGO.

The government-aligned Bahrain Human Rights Watch Society (BHRWS), headed by a former Shura Council member, undertook a number of advocacy campaigns during the year, including highlighting abuses against foreign workers and organizing an elections monitoring initiative.

The government generally welcomed visits by representatives of international human rights organizations. Representatives of HRW and Amnesty International had multiple meetings with government ministers and other senior officials. Other international NGOs, such as Front Line, met with senior government officials. However, journalists with close ties to senior government officials repeatedly attacked representatives of international human rights organizations. On at least two occasions in September and October, a progovernment newspaper published a series of articles attacking HRW representatives.

In April and September, the government barred two representatives of a foreign NGO working on institution-building and civil society strengthening from entering the country.

The UN Development Program (UNDP) maintained an office in the country, and it advised the government on developing mechanisms to encourage respect for human rights. The government welcomed visits by both the UN high commissioner for human rights and the UNDP administrator.

On April 25, the king appointed the 23 members of the National Human Rights Institution, a government-backed commission created by royal order in December 2009. Many of the members are government employees and former or current members of the Shura Council. The institution's chairman, Salman Kamalaldine, a former BHRS leader, resigned in September to protest the institution's failure to address allegations of mistreatment of detainees arrested during the August and September government reaction to demonstrations. National Human Rights Institution members staunchly defended the government's human rights record in public fora, both domestically and internationally.

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 deprives foreign workers, who make up approximately half the population, of many fundamental legal, social, and economic rights.

Women

Rape is illegal; however, the law does not address spousal rape. The press reported cases of men arrested for the crime, including a few cases in which fathers of rape victims sought lighter sentences for perpetrators. There were numerous reports of employers raping female domestic workers, but most victims did not seek legal redress since local courts require witnesses to prove guilt for such assaults.

No government policies or laws explicitly addressed domestic violence. Human rights organizations alleged that spousal abuse of women was widespread, particularly in poorer communities. Women rarely sought legal redress for violence, and there was little public attention devoted to the problem. The Batelco Care Center for Family Violence continued to offer

free medical, psychological, legal, and social assistance to victims of violence, primarily women and children. It also operated an abuse hotline that recorded 206 cases from June to November.

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

Reproductive health services, including birth control and maternity care, were available without charge to all women. According to the Ministry of Health, maternal mortality was 9.5 per 1,000 births. The UN Population Fund estimated that the maternal mortality ratio in 2008 was 19 per 100,000 live births. Health centers required women to obtain spousal consent in order to undergo sterilization; however, this consent requirement did not apply to provisions of other family planning services. There was no information as to whether women receive equal diagnosis and treatment for sexually transmitted infections, including HIV.

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

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

Labor laws prohibit discrimination against women; however, discrimination against women was systemic in the country, especially in the workplace. There were numerous reports of employers mistreating noncitizen women working as domestic servants. The influence of religious traditionalists sometimes hampered women's rights. The Labor Market Regulatory Authority stated that women constituted 20.5 percent of the labor force, although these statistics excluded the approximately 75,000 domestic workers, a majority of whom are women.

Children

Citizenship is derived from one's father. Women cannot transmit their nationality to their children; therefore, children of some citizen mothers and noncitizen fathers are born stateless (see section 2.d., Stateless Persons).

Government-run primary schools are segregated by gender, although children are subject to the same curricula and textbooks. Schooling is compulsory for children only through the age of 14, but it is provided free of charge to citizens and legal residents through grade 12.

NGOs reported an increase in the number of child abuse cases in recent years but were unsure whether abuse is on the rise or whether there is 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 over 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 2,371 cases of child abuse victims during the year.

From August to December, there were numerous reports that security forces detained boys under the age of 18, including some arrested in their homes. There were reports that boys were prosecuted and convicted for security-related crimes, including two 12-year-old cousins who, after four months of pretrial detention, each received six-month prison sentences, which the government said would be served in a juvenile detention facility run by the Ministry of Social Development.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html. as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

There were no reports of anti-Semitic acts in the country.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law protects the rights of persons with disabilities, and a variety of governmental, quasigovernmental, and religious institutions are mandated to support and protect persons with disabilities. In June the Ministry of Social Development announced a partnership with the UN Development Program (UNDP) to develop and implement a National Strategy for Persons with Disabilities.

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

There were no official reports of discrimination against persons with disabilities in employment, education, or access to health care, but according to anecdotal evidence, persons with disabilities routinely suffered lack of access to education and employment. The one government school for children with hearing disabilities did not operate past the 10th grade. Certain 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 with disabilities who could not find appropriate programs in public schools.

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

There were no restrictions on participation in political and electoral processes for persons with disabilities.

National/Racial/Ethnic Minorities

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

apply for citizenship. There were also reports of Arab Shia who had resided in the country for more than 15 years and non-Arab foreign residents who had resided more than 25 years who had not been granted citizenship.

Although the government asserted that the labor code for the private sector applies to all workers, the International Labor Organization and international NGOs have noted that, in practice, nonnational migrant workers faced discrimination in the workplace.

In March 2009 a Sunni Pakistani civilian, Mohammed Riyadh, died of burns he suffered after rioters firebombed his vehicle. Due to his ethnicity, attackers assumed the victim was an undercover police officer monitoring activity in the village. On July 5, seven Shia men, who had been charged under the counterterrorism law, were sentenced to life imprisonment for their role in the death.

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

The law does not criminalize homosexual relationships between consenting adults at least 21 years of age; however, lesbian, gay, bisexual, and transgender activities were not socially accepted, and discrimination was common.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law grants workers, including noncitizens, a limited right to form and join unions as long as the union is for lawful objectives and does not disturb the fundamentals of the religion and public order is not disturbed. Members of the military are prohibited from joining unions. In the private sector, workers may form unions without prior authorization. Public-sector workers may join private sector trade unions and professional societies, but trade unions are prohibited in the public sector. Foreign workers, excluding domestic workers, are allowed to join unions and many do so, but they are not allowed to engage in collective bargaining. Only one trade union is permitted in each workplace. The Shura Council vetoed a law that would allow more than one trade union per company. All unions must join the General Federation of Bahrain Trade Unions (GFBTU). The law allows for the establishment of additional federations; however, at year's end, there were none. According to the GFBTU, approximately 18 percent of the labor force was unionized with employees from the six major state-owned firms making up 52 percent of total trade union membership.

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

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

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively; however, foreign workers, who make up approximately 60 percent of the workforce, are not permitted to engage in collective bargaining. Employers and the government are required to treat unions as independent judicial entities.

In the private sector, the law prohibits antiunion discrimination and employer interference in union functions. The government generally protected this right.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly among domestic workers and those working in the informal sector, many of whom are not fully protected by the legal code. There were no reports of forced or compulsory child labor; however, there were reports of children trafficked into the country for domestic service and sexual exploitation.

Foreign workers, mostly from South and Southeast Asia, who made up approximately 60 percent of the workforce (76 percent of the private-sector workforce), were particularly vulnerable to forced labor and in some cases were subject to withholding of passports, restrictions on movement, contract substitution, nonpayment of wages, threats, physical and sexual abuse. 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.

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

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

In August 2009 new rules went into effect to allow migrant foreign workers (excluding domestic workers) to change jobs without employers' permission, subject to certain restrictions. During the year the government reported that more than 7,000 workers switched employers under the new rules.

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

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor and establishes protections for children from workplace exploitation, and the government effectively enforced these laws. Some children were believed to work in family-run businesses, but the practice was not widespread. There were reports of children trafficked into the country for domestic service and sexual exploitation. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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

According to NGOs, government labor inspectors monitored and enforced child labor laws effectively in the industrial sector. During the year the Ministry of Labor employed 43 labor inspectors.

e. Acceptable Conditions of Work

There is no national minimum wage. Unskilled foreign laborers in particular did not earn as much as their home countries' guidelines suggested and were at times subject to nonpayment of wages. The Philippines imposed a minimum wage of 80 dinars (\$212) for domestic workers and required a contract signed by the two parties and approved by the Philippines Embassy. However, in practice many such employees were paid less than 80 dinars (\$212).

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

According to NGOs, workplace safety standards were adequate, but inspection and compliance were substandard. The Ministry of Labor set occupational safety and health standards and sporadically enforced them with a team of 11 engineers from multiple specialties. Inspectors had the authority to levy fines and close worksites if employers did not improve conditions by specified deadlines. There were reports of employers being fined for violations. During the year the media reported several workplace deaths owing to a combination of inadequate safety procedures, worker ignorance of those procedures, and inadequate safety standards for equipment. Exact figures were not available. Particularly hazardous sectors included construction and automotive repair.

During the year inspectors visited labor camps to verify whether workers' accommodations met required safety and hygiene standards. In 2009 inspectors visited 1,419 labor camps, of which 126 failed the inspection because of safety issues such as gas and electricity problems, overcrowding, poor hygiene, and general disrepair. Inspectors cited poor hygiene in warnings issued to 148 camps, as well as part of their rationale for the closure of 31 camps. The inspectors were authorized to inspect only premises that had a commercial registration; they could not inspect private homes where most domestic workers lived or unregistered "private" camps where many unskilled laborers lived.

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

When a worker lodges a complaint, the Ministry of Labor opens an investigation and often takes remedial action. The ministry reportedly received 5,132 complaints during the year, including complaints from domestic workers. On average there were 11 complaints from domestic workers per month. Ministry officials stated that they were able to resolve most of these cases through mediation. The public prosecutor took the remaining cases for investigation. 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 Prosecution.

A ministerial decree prohibits outdoor work between the hours of noon and 4 p.m. during July and August. The Ministry of Labor reported it fined 36 companies each 50 to 300 dinars (\$132 to \$792) per worker for allegedly violating the ban in 2009, an increase from 29 cases in 2008.

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