

## Bahrain

Bahrain's government in 2009 continued to subject freedom of expression, assembly, and association to arbitrary restrictions. The year saw increased confrontations between security forces and demonstrators protesting alleged discrimination by the Sunni-dominated government against the country's majority Shia population. Local rights groups accused authorities of using excessive force against protestors and subjecting detained opposition activists to torture and ill-treatment. In March and April clashes led to the deaths of a Pakistani worker (whose car was hit by a Molotov cocktail) and a Pakistani member of the security forces.

On April 11, Shaikh Hamad Bin Isa al-Khalifa, Bahrain's king, pardoned 178 opposition activists charged with and in some cases convicted of security-related offenses. However, the decree never appeared in the official gazette, leaving it unclear whether charges and prison terms might be revived.

On November 10, in line with a pledge it had made to the United Nations Human Rights Council, Bahrain established a National Institution for Human Rights, a government body charged with reviewing and developing legislation to comply with international human rights instruments.

### Freedom of Expression and the Media

Authorities continue to use the press law (Law 47/2002) to restrict coverage of controversial matters, including official corruption. In May 2008 the government announced a new draft press law that would remove criminal penalties for most journalistic infractions but appeared to retain the option of criminal penalties for certain types of written or spoken comment, including those found to "harm national unity." The draft still awaits approval by the National Assembly at this writing. Several journalists faced criminal prosecution under the current law for articles alleging favoritism and corruption by government agencies.

Several journalists told Human Rights Watch that Ministry of Interior officials contacted them to complain after they published articles that were even mildly critical of government policies, and in some cases intervened to prevent publication of information. In April 2009

authorities ordered the closure of the daily *Akhbar al-Khaleej*, citing violations of the press law, but lifted the ban after 24 hours.

The country's sole residential internet service provider, Batelco, is government-owned. The independent Bahrain Center for Human Rights (BCHR) reported that in 2009 authorities blocked over 1,000 websites, including sites of political forums, blogs, newspapers, and human rights organizations such as the Arab Network for Human Rights Information.

In June 2009 the University of Bahrain, the country's sole public university, punished business student Noor Abbas by revoking one year of her academic record after she circulated a statement criticizing university policies and facilities. The university later reduced Abbas's punishment to "three warnings," meaning one more infraction would result in her expulsion. Abbas consequently ceased her student activism.

In November 2008, after several Bahraini rights and opposition activists held meetings in Washington, DC, Interior Minister Rashid bin Abdullah al-Khalifa threatened them with prosecution for violating article 134 of the penal code, which states that citizens who fail to obtain government permission to attend meetings abroad to discuss Bahraini domestic affairs may be subject to prison terms and fines.

### **Freedom of Assembly**

Law 32/2006 requires the organizers of any public meeting to notify the head of Public Security at least three days in advance, and authorizes that official to determine whether a meeting warrants police presence on the basis of "its subject ... or any other circumstance." The law stipulates that meeting organizers are responsible for "forbidding any speech or discussion infringing on public order or morals," but leaves "public order or morals" undefined.

The BCHR reported that authorities forced the Al-Attar Center to cancel an August 2009 event at which several opposition leaders were scheduled to speak. Interior Ministry officials informed the center's president that they would deploy security forces to stop the event, and pressured the administrator to sign a statement taking personal responsibility if the event was held. On the day of the event, security forces prevented anyone from approaching the center.

### **Civil Society and Freedom of Association**

The government continues to deny legal status to the BCHR, which it ordered to be dissolved in 2004 after its then-president accused the prime minister of corruption and human rights violations. Several other groups, including the National Committee for the Unemployed and the Bahrain Youth Human Rights Society (BYHRS), attempted in 2005 to register with the Ministry of Social Development, as required by law, but at this writing have received no response to their applications. As of October 2009, Muhammad al-Maskati, president of the BYHRS, was facing up to six months in jail and/or a fine on charges related to working for an unrecognized association.

In 2007 the Ministry of Social Development drafted new legislation on civil society organizations, but at this writing the ministry has not yet submitted the draft to parliament. The draft law contains some improvements over the existing Law 21/1989, but includes numerous provisions incompatible with international standards. A version of the draft law circulated in November 2007 authorizes the Ministry of Social Development to close any organization for up to 60 days without a court order if it deems the organization to have violated any Bahraini law, including the associations law.

Bahrain has ratified some International Labour Organization conventions, but neither of the two core conventions governing freedom of association. Law 33/2002 permits workers to form and join trade unions. Contrary to recommendations of the ILO Committee on Freedom of Association, a November 2006 edict by the prime minister remains in force prohibiting strikes in numerous sectors of the economy on the grounds that they provide essential services.

### **Migrant Worker Rights**

There are an estimated 462,139 migrant workers in Bahrain, primarily from South Asia. In May 2009 Minister of Labor Majeed al-Alawi announced a proposed revision to Bahrain's *kafala* (sponsorship) system designed to reduce the risk of exploitation and abuse of migrant workers. The former system tied migrants' work visas and immigration status to their employers, enabling employer abuses and preventing workers from changing jobs or leaving the country. Under the amended law, which was adopted on August 1, the government officially sponsors each worker, allowing him or her to more easily change employers. At this writing it remains unclear whether the reform has been fully implemented. Bahrain's business community strongly opposed the changes, and workers still need the de facto sponsorship of an individual or company in order to remain in the country legally. Migrant workers complain that some employers illegally withhold passports and fail to pay wages.

The amended law excludes migrant domestic workers, who are at especially high risk of abuse due to their isolation in private homes. In 2009 prominent cases involved physical abuse, forced confinement, and the death of domestic workers.

## **Women's Rights**

In May 2009 Bahrain passed its first written personal status law (Law 19/2009), but it applies only to Sunnis. Shia religious scholars demand a constitutional guarantee that the personal status law cannot be amended, while women's groups are pressing for a unified personal status law for all citizens. The government said that it is working toward social consensus in order to pass a personal status law applicable to Shia as well.

Sharia court judges—generally conservative religious scholars with limited formal legal training—decide marriage, divorce, custody, and inheritance cases according to their individual reading of Islamic jurisprudence and without reference to codified law. They consistently favor men in their rulings and are unapologetically adverse to women's equality. It remains unclear whether codification has alleviated these problems for Sunni women.

In July 2009 the semi-official Supreme Council for Women launched a campaign calling for equal nationality rights. Article 4 of the Citizenship Law of 1963 does not allow Bahraini women married to non-Bahraini men to pass on their nationality to their children, discriminating against more than 2,000 families in Bahrain. The king endorsed Law 35/2009, which mandates that children of Bahraini women married to non-Bahrainis pay the same fees as citizens for government services such as health, education, and accommodation.

## **Counterterrorism Measures**

In August 2006 the king signed into law the "Protecting Society from Terrorist Acts" bill, despite concerns expressed by the UN special rapporteur on human rights while countering terrorism that it contained excessively broad definitions of terrorism and terrorist acts. The law also allows for extended periods of detention without charge or judicial review.

In February 2009 judicial authorities charged several high-profile opposition figures under the counterterrorism law. They were among those freed as a result of the king's April pardon.

## **Torture and Ill-Treatment**

Local rights groups reported numerous allegations of due process violations, including 11 televised confessions that appeared to have been coerced. The government denied that

officials had subjected any detainees to torture or inhumane treatment. In its submission to the UN Human Rights Council's Universal Periodic Review mechanism in April 2008, Bahrain stated that "there are no cases of torture in the kingdom."

Decree 56/2002, which confers immunity from investigation or prosecution on government officials alleged to be responsible for torture and other serious human rights abuses committed prior to 2001, remains on the books.

### **Key International Actors**

Bahrain hosts the headquarters of the United States Navy's Fifth Fleet and provides logistical support for military operations in Iraq and Afghanistan.