

## Bahrain

Human rights conditions in Bahrain deteriorated in 2008. Despite the important reforms that the king, Shaikh Hamad bin `Isa al-Khalifa, adopted in 2001-02, the government has done little to institutionalize human rights protections in law. The government continues to subject freedom of expression, assembly, and association to arbitrary restrictions. People detained after demonstrators and security forces clashed in Manama in December 2007 alleged they were tortured.

Opposition political societies that boycotted the first National Assembly elections in 2002 participated in 2006 elections, but some groups have since boycotted the Assembly, protesting what they regard as the absence of real legislative authority for the elected representatives.

In June 2008 the government executed a Bangladeshi man convicted of murder, the third execution in two years. Except for a single execution in 1996, a time of great political turmoil, Bahrain had not executed anyone since 1977.

### Freedom of Expression and Information

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 was awaiting approval by the National Assembly as of November 2008.

In July the independent Bahrain Center for Human Rights (BCHR) reported that six journalists from publications affiliated with opposition political movements had been detained briefly and faced charges of inciting sectarian strife.

The country's sole residential internet service provider, Batelco, is government-owned. The BCHR in October estimated that the authorities were blocking at least 22 discussion forums and other websites, including its own.

## **Freedom of Assembly**

Law 32 of 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.

In December 2007 security forces and protesters clashed in and around Manama following the death of a protester in an earlier confrontation with security forces. Several demonstrators affiliated with opposition political movements subsequently faced charges, including those of illegal assembly, attacking security forces, and arson relating to the torching of a police vehicle during the clashes. Relatives of the detainees and several men detained briefly in connection with the clashes told Human Rights Watch that interrogators had tortured detainees and sexually assaulted at least one. Several detainees said interrogators abused them to elicit confessions. A court-ordered medical inquiry in April 2008 concluded that the men may have had injuries consistent with the abuses they described, but that delayed medical examinations made it impossible to verify claims of torture. In July Bahrain's High Criminal Court sentenced 11 of the detainees to jail terms ranging from one to seven years. Several of those convicted were subsequently pardoned; five were appealing their sentences as of November 2008.

## **Impunity**

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. Despite the efforts of local human rights groups to establish a means for addressing such violations, the government insists that the matter is closed. In its submission to the United Nations

Human Rights Council's Universal Periodic Review (UPR) mechanism in April 2008, Bahrain stated "there are no cases of torture in the kingdom."

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

The government continues to deny legal status to the Bahrain Center for Human Rights, which it ordered to be dissolved in 2004 after the BCHR's president publicly criticized the prime minister. Several other groups, including the National Committee for the Unemployed and the Bahrain Youth Human Rights Society, attempted in 2005 to register with the Ministry of Social Development, as required by law, but at this writing had received no response to their applications.

In 2007 the Ministry of Social Development drafted new legislation on civil society organizations, but at this writing the ministry had not submitted the draft to the parliament. The draft law contains some improvements over the existing Law 21/1989, but includes numerous provisions incompatible with international standards and best practices regarding freedom of association. For example, 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. It also appears to leave open the possibility of criminal penalties by stipulating that all Bahraini law applies to violations of 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 unions, but the General Federation of Bahrain Trade Unions (GFBTU) filed a complaint with the ILO in June 2005 protesting what it said was the government's repeated refusal to register six trade unions in the public sector. In 2007 the GFBTU filed another complaint protesting a November 2006 edict by the prime minister prohibiting strikes in numerous sectors of the economy on the grounds that they provide essential services. In March 2008 the ILO's Committee on Freedom of Association called on Bahrain to amend its trade union law and the prime minister's ruling, including providing a more limited definition of "essential services." But in April Bahrain's UPR submission noted that "trade union pluralism can weaken and split the trade union movement," and "all States tend to place

restrictions on pluralism and limit the number of trade unions and federations, placing them under the umbrella of a single entity so they can address economic challenges.” In September six Bahraini rights groups said Bahrain’s Ministry of Education circulated a warning that month to employees that they risk termination if they take part in unauthorized demonstrations or advocate strikes in vital industries.

### **Migrant Worker Rights**

Migrant workers face the risk of exploitation, despite some formal protections under Bahraini law including the right to join unions. In practice, foreign workers’ dependence on their employer’s sponsorship for legal residence curtails their ability to pursue legal remedies in labor disputes. Existing labor law does not extend to domestic workers, over whom employers exercise inordinate power to withhold wages and passports. Bahrain’s labor minister has vowed to abolish the sponsorship system by the end of 2008.

### **Women’s Rights**

Bahrain has no written personal status law. Instead, separate Sharia-based family courts for Sunni and Shia Muslims hear marriage, divorce, custody, and inheritance cases. Family court judges, who are generally conservative religious scholars with limited formal legal training, render judgments according to their individual reading of Islamic jurisprudence. They have consistently favored men in their rulings and are unapologetically adverse to women’s equality. In October three Bahraini women with pending divorce and custody cases met with representatives of the Ministry of Justice and Islamic Affairs to urge them to establish a committee charged with reviewing the decisions of these courts. Women’s rights organizations continue to call for a written unified personal status law.

### **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 the promotion and protection of human rights while countering terrorism that it contained excessively broad definitions of terrorism and terrorist acts. Article 1 prohibits any act that would “damage national unity” or “obstruct public authorities from performing their

duties.” Article 6 prescribes the death penalty for acts that “disrupt the provisions of the Constitution or laws, or prevent state enterprises or public authorities from exercising their duties.” The law also allows for extended periods of detention without charge or judicial review. A group of Bahraini and foreign defendants accused of preparing terrorist attacks, the first people tried under the law, were sentenced in early 2008 to jail terms of several months but then released on the basis of time served in pretrial custody.

### **Key International Actors**

Bahrain hosts the headquarters of the United States Navy’s Fifth Fleet and figures in logistical support for military operations in Iraq and Afghanistan. The United States designated Bahrain a major non-NATO ally in 2002.

Bahrain was the first country to undergo the UPR in April 2008. Its voluntary pledges to the Human Rights Council include the establishment of a national human rights institution, expected to be in place by January 2009. Bahrain won a seat on the HRC in May 2008. Local and international NGOs also urged its government to ratify treaties and instruments including the Optional Protocol to the Convention against Torture and ILO conventions including Nos. 87 and 98 on freedom of association and collective bargaining.