
U.S State Department Human Rights Report Bahrain 2008



2008 Human Rights Report: Bahrain
Bureau of Democracy, Human Rights, and Labor

2008 Country Reports on Human Rights Practices

February 25, 2009

Bahrain is a monarchy with a population of approximately 1,050,000, including approximately 530,000 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; half are members of the minority Sunni Al-Khalifa ruling family. The 2002 constitution reinstated a legislative body with one elected chamber, the Council of Deputies, and one appointed chamber, the Shura Council. All political societies participated in the 2006 parliamentary and municipal elections. Trained local observers did not report significant problems during the elections, although allegations persisted that the government manipulated general poll center vote counts in some cases and gerrymandered political districts. Civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. The government restricted civil liberties, including freedoms of press, speech, assembly, association, and some religious practices. Domestic violence against women and children persisted, as did discrimination on the basis of gender, religion, nationality, and sect, especially against the Shia majority population. Trafficking in persons and restrictions on the rights of expatriate workers remained problems.

On January 8, the government passed comprehensive antitrafficking legislation that provides for significant fines and jail time for trafficking in persons. On December 23, the government successfully prosecuted its first case under this law.

RESPECT FOR HUMAN RIGHTS

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

There were no reports that the government or its agents committed politically motivated killings during the year; however, in December 2007 Ali Jasem died after participating in a protest where Shia activists clashed with security forces. The official autopsy reported he died of "acute cardiovascular and respiratory collapse" after running more than two miles, but local human rights observers alleged his death was linked to inhaling tear gas used to disperse demonstrators.

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 allegations during the year that security forces employed them.

On several occasions during the year, police detained dozens of young men in connection with small but frequent skirmishes between police and youths throwing rocks and Molotov cocktails. These youths routinely alleged that while in custody, security forces beat them. Security forces denied the accusations, and some opposition political activists expressed doubt about some of the allegations.

Following December 2007 protests, security forces arrested and detained dozens of protestors in the Adliya jail. Some detainees reported that judicial interrogators beat and electrocuted them in prison. One detainee, Maytham Badr al-Shaykh, alleged that interrogators sexually assaulted and electrocuted him. Officials denied the allegations of abuse. On April 6 and 9, a court-appointed medical team examined the detainees, and on April 10, the team testified that they could neither prove nor disprove the defendants' accusations of abuse. The government denied the allegations, and on July 13, the high criminal court sentenced 11 of the 15 defendants to between one and seven years' imprisonment. The 11 lost their appeal on December 28.

Prison and Detention Center Conditions

According to previous reports, prisons generally met international standards, although the government did not permit any independent inspections. Throughout the year some detainees alleged that prison and detention facility guards physically abused them, a charge that the government denied. Court-ordered medical examinations of those alleging abuse were inconclusive.

The quasi-governmental Supreme Council for Women (SCW) conducted the most recent visit of the country's women's prison in Isa Town in 2006. There was no publicly released SCW report on the visit. Although International Committee of the Red Cross (ICRC) officials visited the country during the year, they did not request prison visits. Bahrain Red Crescent Society officials reported that ICRC officials had not visited prisons since the release of all political prisoners in 2000.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions, although there were some allegations to the contrary.

Role of the Police and Security Apparatus

The Ministry of the Interior (MOI) is responsible for public security. It controls the Public Security Force and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats and also monitors internal security. The security forces were generally effective in maintaining internal order.

A widespread lack of transparency made corruption in the security services difficult to assess. The press reported that in a number of cases, authorities jailed and/or fined law enforcement officials for misconduct, most often for accepting bribes.

On November 22, the MOI announced that it disciplined 23 police officers during the year for committing human rights abuses. They received prison time and/or fines. The MOI maintained a hot line for citizens to report police abuses; however, many in the Shia community believed that the MOI condoned police activities and therefore did not report allegations of abuse. In practice the MOI responded to allegations of abuse and public complaints by establishing ad hoc investigation committees. These committees did not issue public reports of their findings.

Arrest and Detention

To apprehend felony suspects, the police must convince a judge based on evidence to issue an arrest warrant, which the police present to suspects upon arrest. Police and security forces must transfer suspects to the Public Prosecutor's Office within 48 hours, and they generally respected that requirement in practice. Within seven days

of arrest, a detainee must appear before a judge in the Public Prosecutor's Office. If the judge decides the suspect is a flight risk or a danger to society, he may allow up to an additional 45 days of detention while the Public Prosecutor's Office conducts an investigation. This process may continue through subsequent reviews by different judges, but pretrial detention may not exceed six months. Judges may grant bail to a suspect and did so regularly.

The 2006 counterterrorism legislation allows the public prosecution to detain a terrorism suspect for a five-day period. Upon request the public prosecutor may extend this period based on the needs of the investigation for up to an additional 10 days. At the end of this period, the detainee must be transferred to the public prosecution and questioned within three days. The public prosecutor must then decide to issue a detention order or to release the detainee. The detention order may not exceed 60 days.

Detainees were generally allowed prompt access to visiting family members. Detainee access to attorneys was often restricted in the early stages of detention; attorneys must seek a court order to confer with clients. The state provided counsel to indigent detainees.

On June 5, authorities released Khalid Nour and Hussain al-Ali on bail; police arrested the two in September 2007 on charges of taking an illegal commission and held them for 48 hours without access to an attorney. At year's end, the case remained pending.

Amnesty

On July 30, the king announced an amnesty for nearly 225 persons, including many charged for rioting. The government required those arrested for rioting to sign a pledge not to riot again. Seventy individuals refused to sign the pledge; they were released on August 2.

On September 2, the king pardoned 136 persons convicted of crimes. Many had been detained and charged with riot-related offenses; others were common criminals.

On January 31, the amnesty for illegal immigrants that began in August 2007 ended. At the end of the amnesty, 12,897 workers had returned to their home countries, 29,804 workers had transferred to a new employer, and 13,641 had renewed their expired visas, all without paying fines.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. In contrast to previous years, the government generally respected judicial independence in practice. During the year the government lost cases or had appeals result in lighter sentences than sought by prosecutors. For example, on January 16, a judge sentenced the defendants in a prominent counterterrorism case to six months' imprisonment over the objections of the public prosecutor and political leaders, who had publicly called for lengthy prison terms. Some nongovernmental organizations (NGOs) alleged that many resident alien judges were susceptible to pressure from the government, a charge the government denied. There were also allegations of corruption in the judicial system; however, those alleging corruption provided no evidence. The constitution provides that the king appoint all judges by royal decree. The king also serves as chairman of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the public prosecution. The legal system is based on a mix of British civil law, common law, Shari'a (Islamic law), and traditional laws. The judiciary is comprised of civil law courts and Shari'a courts.

The civil law courts adjudicate all civil and commercial cases, criminal cases, and personal status cases among non-Muslims. The courts of minor cases (the lower courts and the Court of Execution) have one judge, while the high courts have three judges with jurisdiction over felonies, personal status cases, and appeals.

The Shari'a courts have jurisdiction over personal status cases involving citizen and noncitizen Muslims. There are separate courts for Sunni and Shia Muslims, each of which has three levels: the Shari'a court, the High Shari'a Court, and the High Shari'a Court of Appeal. The High Shari'a Court of Appeal is composed of a minimum of two judges. In the event of a disagreement, the Ministry of Justice and Islamic Affairs (MOJIA) provides a third judge, and the decision is based on a majority vote. There are 13 judges in the Sunni Maliki Shari'a courts and 14 judges in the Shi'a Ja'afari Shari'a courts.

The Constitutional Court provides final and binding ruling on the constitutionality of laws and statutes. The court's membership consists of a president and six members, all appointed by the king to nine-year terms that may not be abridged.

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

Trial Procedures

According to the constitution, defendants are presumed innocent until proven guilty. Civil and criminal trial procedures provided for an open trial. Juries are not used. By law and in practice, defendants have the right to prompt consultation with an attorney of their choice within 48 hours, 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, and the government often reviewed evidence prior to defendants' access to it. Women's legal rights varied according to Shia or Sunni interpretations of Islamic law.

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may bring civil suits before the court seeking cessation of or damages for human rights violations; however, the government maintained that the 2001 general amnesty granted immunity for alleged human rights violations committed prior to 2001.

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

The constitution provides for personal freedom and freedom from arbitrary interference with privacy, home, and correspondence 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 believed police informer networks were extensive and sophisticated but were unable to provide concrete evidence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for restricted freedom of speech and of the press, but the government limited the exercise of these rights in practice. Both censorship and self-censorship took place.

The law forbids any speech or discussion 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.

The government did not own any print media, but the Ministry of Information (MOINFO) exercised considerable control over local, privately owned print media. The government owned and operated all local radio and television stations and vetted the selection of the country's Al-Jazeera correspondent. Radio and television broadcasts in Arabic, Farsi, and English from countries in the region, including by satellite, were received without interference.

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

Government censorship took place. MOINFO representatives actively monitored and blocked local stories on sensitive matters, especially those related to sectarianism and national security or criticism of the royal family, the Saudi royal family, and judges. Journalists also practiced widespread self-censorship. According to some members of the press, 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. There were reports that the government paid journalists to represent the 2006 parliamentary elections favorably. In addition the Press and Publications Directorate at the MOINFO reviewed all books and publications prior to issuing printing licenses.

A 2006 High Criminal Court injunction against the publication of any news, commentary, or other information, including on the Internet, about a report on election manipulation written by Salah al-Bandar remained in effect at year's end.

The government did not pursue a May 2007 libel complaint against Isa al-Shaiji for articles that allegedly criticized Egyptian Islamic Brotherhood preacher Wagdy Ghunaim's views.

In November 2007 the government began granting licenses previously denied for publication of several books pertaining to Islamic history, modern history of the country, and democracy. At year's end four books were still denied publication.

The government restricted use of the Internet. The government was a major shareholder in the Bahrain Telecommunications Company (Batelco), the country's principal telecommunications company, which prohibited user access to Internet sites considered antigovernment or anti-Islamic. Unlike in previous years, e-mail use reportedly was not monitored. The government continued to invoke the press code to justify the questioning of some journalists and bloggers. By law Web site administrators 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.

Most residents had access to the Internet in the home, workplace, or Internet cafes. The number of Internet users increased by 25 percent in 2007, and at year's end there were approximately 86,000 Internet subscribers.

The government regularly monitored and attempted to block local access to numerous Web sites, including local blogs and chat sites, human rights Web sites, sites containing information about Arab Christians, and the Wa'ad political society's Web site. Public discussion of blocked Web sites was widespread. Many users were able to access blocked sites through alternate servers.

On June 22, the prime minister ordered the creation of a committee to monitor Web sites to combat sectarianism and promote national unity and the country's Arab identity. On June 23, the committee, headed by the MOI with MOINFO and MOJIA representatives, ordered three Web sites, two Sunni and one Shia, blocked pending government registration and removal of all sectarian material. The two Sunni sites removed sectarian material and applied for registration, and the government removed the blocks the following day. By year's end the Shia Web site, Awaal.net, had not complied and remained blocked.

On June 28, the government detained six Shia opposition political society members for publishing material on the Internet and in a newsletter that incited "hatred against the government" and sectarianism. Authorities released them after 20 hours. On July 2, the case was suspended in exchange for their promise to post no more inflammatory content.

The constitution provides for academic freedom.
Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events during the year. However, some academics self-censored, avoiding contentious political issues.

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 MOI 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, as well as gatherings between 11 p.m. and 7 a.m., unless the chief of public security or his deputy permits such in writing. The law states that funeral processions may not be turned into political rallies and that 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. Unlike in previous years, there were no reports that the MOI told mosque leaders and owners of ma'tams (Shia religious community centers) to close their doors to prevent meetings from occurring; however, the government did not allow ma'tams or other religious sites to be used for political gatherings without permission.

On May 15, the Amal political society used a ma'tam for internal party elections. On May 18, the MOJIA charged Amal with violating the law and attempted to have its financial aid suspended for 90 days. Amal appealed, and on October 27, the MOJIA announced it had dropped the case.

Government security forces intervened in some demonstrations during the year.

Antigovernment demonstrations occurred in numerous Shia villages around the country on an almost weekly basis during the year. Bands of Shia youth, allegedly instigated by members of the unregistered Haq movement, regularly appeared at the end of both registered and unregistered demonstrations where, according to Shia community members and MOI officials, they burned tires and trash and threw Molotov cocktails and stones at riot police. The police often dispersed demonstrations with tear gas. Local human rights NGOs alleged that riot police used tear gas against peaceful demonstrators; however, the MOI countered that it used tear gas in response to attacks by demonstrators. Numerous organizations, including Al Wifaq National Islamic Society, the Bahrain Human Rights Society (BHRS), and the officially disbanded Bahrain Center for Human Rights (BCHR), alleged that MOI forces used rubber bullets to break up demonstrations. Senior MOI officials said the police used only less dangerous rubber baton rounds.

Freedom of Association

The constitution provides for the right of 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 (MOSD), political societies with the MOJIA, and labor unions with the Ministry of Labor (MOL). 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 either Shari'a law or the national interest as interpreted by the judiciary, and it may not be based on sectarian, geographic, or class identity.

A civil society organization applying for registration must submit its bylaws signed by all founding members and minutes of meetings of the founding committee stating names of founding members, their professions, their place of residence, and containing their signatures. The law provides the MOSD the right to reject the registration of any civil society 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 MOSD's decision or refuse the complaint.

The MOSD continued to deny the National Committee for the Unemployed to register as a civil society group because of the political nature of its activities and the Bahrain Youth Human Rights Society (BYHRS), likely because some of its members were under 18 years of age and because of its ties to the dissolved BCHR. On November 6, the MOJIA filed legal proceedings against the BYHRS president that superceded the November 2007 MOSD case. At year's end the case was pending.

On August 12, the MOSD appointed Fakhria Dairi chairwoman of the Bahrain Nurses Society (BNS) after the BNS failed to hold regular elections in conformance with its bylaws. The BNS subsequently held an election on August 24, which the ministry determined was illegal because the board failed to notify the MOSD in advance. BNS supporters alleged that the ministry enforced the law as punishment for a BNS threat to strike at the largest public hospital.

c. Freedom of Religion

The constitution states that Islam is the official religion and that Shari'a is a principal source for legislation. The constitution provides for freedom of conscience, the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings, in accordance with the customs and laws of the country; however, the government placed some limitations on the exercise of this right. The law requires all religious groups to obtain a permit from the MOJIA to operate and hold religious meetings. Depending on a group's activities, it may also need approvals from the MOSD, the MOINFO, and/or the Ministry of Education. The constitution prohibits speech considered blasphemous or anti-Islamic.

The Baha'i congregation, repeatedly denied registration in previous years, continued to gather and worship freely without government interference. Numerous Christian churches operated freely, although several could not successfully register. Most of these cases related to zoning concerns and neighbors' complaints about parking near houses used as unregistered churches. Other religious minorities, including Sikhs and Hindus, practiced freely. Immigrants and noncitizens faced no government restrictions on religious observance.

The government funded and closely controlled all official religious institutions, including Shia and Sunni mosques, Shia ma'tams, Shia and Sunni waqfs (religious endowments), and the religious courts, and it may withhold funding to punish particular individuals or places of worship, although reports of this were not common. New mosques were dependent upon the government's nontransparent land allocation process, and allocation reportedly was not proportionate to the Shia community's relative population in the country. At year's end the MOJIA had not approved an application for a Shia ma'tam that was close to the community in Hamad Town, leading individuals in the community to convert parts of their homes into ma'tams. Islamic studies are mandatory for all public school students.

The law prohibits proselytizing by non-Muslims; however, bookstores owned by Bahrainis, other Arabs, and other expats openly sold and displayed religious materials, including Christian Bibles, without fear of government intervention or reprisal.

The government scrutinized carefully those who chose to pursue religious study in Iran.

Societal Abuses and Discrimination

Government and societal discrimination against the majority Shia population remained a problem. Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service, and the defense and internal security forces were predominantly Sunni. Unlike in previous years, there were no reports of religious discrimination in university faculty employment. Although Shia citizens held posts in the security forces, with few exceptions positions were not high ranking. During the year the Ministry of Defense did not recruit Shia for military service; however, the MOI made increasing efforts to recruit Shia into unarmed security agencies such as traffic and community police. In the private sector, Shia tended to work in lower-paid, less-skilled jobs. Educational, social, and municipal services in most Shia neighborhoods were inferior to those found in Sunni communities.

The Jewish community had approximately 36 members, one of whom served in the Shura Council until the king appointed her ambassador to the United States on April 22. Some anti-Jewish political commentary and editorial cartoons appeared, usually linked to the Israeli-Palestinian conflict, without government response. Although the one synagogue was not open due to the small size of the Jewish community in the country, Jews practiced their faith privately without interference from the government.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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 assisting refugees and asylum seekers.

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.

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 law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and there is no 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.

Stateless Persons

Citizenship is derived from one's parents. By law foreign women who marry citizens are eligible for citizenship after five years of marriage; however, foreign men who marry citizens are not entitled to citizenship, and neither are their children. The Bahrain Women's Society (BWS) reported that there were 128 stateless children in the country. In 2006 King Hamad issued a royal decree granting citizenship to at least 372 children of citizen mothers and noncitizen fathers. However, this action did not change the law, so children born after the decree continued to face statelessness.

The law clearly defines naturalization requirements, but adjudication of naturalization applications was not transparent. Opposition groups claimed that the

government regularly ignored naturalization rules to manipulate demographics for voting purposes and to maintain Sunni domination of the police and defense forces. According to these opposition groups, the government was more lenient with naturalization requests from expatriates in the security forces, while Shia and other applicants experienced delays in the processing of their cases. The government occasionally granted citizenship to Sunni residents from neighboring countries. The government stated that some Saudis who had received citizenship were the grandchildren of Bahraini citizens who had immigrated to Saudi Arabia and had a legal right to citizenship. The Ministry of Interior reported that it has naturalized 7,012 persons, including formerly stateless children, since 2003.

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 Deputies, the lower house of parliament. The king appoints the prime minister, who then proposes cabinet ministers. Members of the royal family held all strategic cabinet ministry positions and approximately half of all ministerial slots.

The bicameral National Assembly consists of the 40-member popularly elected Council of Deputies and the 40-member appointed Shura (Consultative) Council. Members of either house may propose legislation, but the Office of Legal Affairs, a quasi-independent body linked to the MOJIA, drafts the actual text of bills. The king may veto bills passed by the National Assembly, which in turn may override a veto by a two-thirds majority vote. If the legislature overrides a veto, the king must promulgate the bill into law within one month. Since the reopening of parliament in 2002, the king has not vetoed any legislation, and the government has not submitted any bill to parliament that a member of either council proposed.

The king may dissolve the Council of Deputies at his discretion. He retains the power to amend the constitution and to propose, ratify, and promulgate laws. Either council may question government ministers, and the Council of Deputies may require a minister's resignation with a two-thirds majority vote of no confidence. The Council of Deputies 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 either dismiss the prime minister or dissolve the Council of Deputies. The situation of a no-confidence vote has never arisen.

Elections and Political Participation

All registered political societies, including the four that boycotted the 2002 elections, participated in the 2006 Council of Deputies elections. Although no international observers participated, the government permitted nine local civil society groups, including the Bahrain Human Rights Watch Society (BHRWS) and the Bahrain Society for Public Freedoms, access to poll stations to observe voting. The Bahrain Transparency Society and the BHRWS joined efforts to form the Election Monitoring Joint Committee (EMJC) and trained more than 200 local observers. The government asked a foreign organization involved in political party training and election observation to leave the country during the campaign process and elections. In its February 2007 report, the EMJC stated there were no widespread attempts to influence the outcome of the elections, although it noted that candidates did not cease campaign activities 24 hours prior to the polls as required by law. Official polling station observers did not report significant problems during the voting process, although there were allegations that in some cases the government may have manipulated general poll center vote counts against opposition candidates in close races. The opposition also alleged that the government gerrymandered the districts to protect Sunni interests.

The government did not allow the formation of political parties, but 15 political societies, which received some government funding and operated 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 MOJIA before contacting political groups abroad.

The law prohibits civil society groups from engaging in political matters; however, the government permitted such activity at its discretion.

There were 10 women in the Shura Council and one in the Council of Deputies. Two women served as cabinet ministers, three 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 even though Shia comprised the majority of the citizen population. Twenty Shura Council members were Shia Muslims, 19 were Sunni, and one was Christian. Four of the 23 cabinet ministers were Shia, including a deputy prime minister.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and some officials reportedly engaged

in corrupt practices with impunity. Significant areas of government activity continued to lack transparency. The annual National Audit Bureau report released on November 7 analyzed the accounts of state-owned entities and alleged that oil revenue of more than 232 million dinars (\$615 million) was unaccounted for.

On February 25, the Lower Criminal Court found an officer and a manager of the parastatal ship-building company Arab Shipbuilding and Repair Yard guilty of embezzlement and misuse of company charge cards and sentenced them to one year's imprisonment, suspended, and three years' imprisonment, respectively. The government increased official supervision of the company by appointing the director of customs as chairman of the yard's board.

On November 16, the Lower Criminal Court sentenced the manager of a cleaning company to three years' imprisonment and a 5,000 dinar (\$13,250) fine for attempting to bribe the new minister of municipalities. His lawyer immediately appealed the case, and the appeal remained pending at year's end.

In June 2007 the Ministry of Industry and Commerce filed a complaint with the public prosecution accusing nine employees of embezzlement. A few days later authorities arrested the individuals. The court released the nine on bail, and the case remained pending at year's end.

The law does not provide citizens access to government-held information or require government officials to provide financial disclosures.

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

Restrictions on freedom of association and expression hindered investigation or public criticism of the government's human rights policies; however, local and international NGOs published reports on human rights during the year. There were three major human rights groups that reported on issues of concern: the independent BHRS, which was widely viewed as allied with the socialist legacy party Wa'ad; the BHRWS, which considered itself independent, although some leaders were also members of the appointed Shura Council and its former president was appointed in April as an ambassador; and former members of the dissolved BCHR, which often coordinated its activities with the unregistered oppositionist Haq movement.

In recent years the government has allowed increased interaction between local civil society groups and international human rights organizations. During the year citizen members of Amnesty International, who have not registered as an NGO with the MOSD, carried out several activities without interference by the government. On January 24, the Public Prosecution authorized the BHRS to visit some detainees from the December 2007 riots, as long as physicians did not accompany the BHRS. On January 26, the public prosecutor withdrew permission when the BHRS insisted that physicians accompany the inspection team.

On April 27, the government submitted its report as part of the UN's periodical review of human rights. Some human rights NGOs, including the BHRS, BHRWS, Bahrain Transparency, and members of the disbanded BCHR, alleged that the government did not inform them of the deadline for submission of concurrent reports. The NGOs attended the review and submitted their own reports.

Although the law prohibits foreign NGOs from registering with the government, the government generally did not interfere with their activities provided it did not perceive these activities as interfering in the political system. In previous years the government provided written warning to foreign NGOs it believed had interfered in internal political matters. In 2006 the government declined to renew the residence permit of an NGO chief who had become the focus of controversy, with the result that the NGO's local office closed. The NGO resumed operations in 2007 from a regional hub office located outside the country, and in partnership with a local NGO.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. However, these rights were protected unevenly, depending on the individual's social status, sect, or gender.

Women

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 was no information on the number of rape and sexual assault cases brought to the public prosecutor or any resulting convictions.

No government policies or laws explicitly addressed domestic violence against women. 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, and it operated an abuse hot line that recorded 728 cases involving domestic abuse during the year. Prostitution is illegal, but it occurred. Most prostitutes were expatriate women, and some were victims of trafficking. Customers were primarily expatriates.

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

Women faced discrimination under the law. Women have the right to initiate a divorce; however, religious courts may refuse the request. In divorce cases the courts routinely granted mothers custody of daughters under age nine and sons under 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. A Muslim woman can legally marry a non-Muslim man if the man converts to Islam.

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 Shari'a, while 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. The influence of religious traditionalists sometimes hampered women's rights. According to the Central Bank, women constituted 16 percent of the private sector workforce and 46 percent of the government workforce in 2007.

Children

The government generally honored its commitment to children's welfare through enforcement of related civil and criminal laws and an extensive social welfare

network. Children born to citizen mothers and noncitizen fathers were not entitled to citizenship and were not eligible for certain social services.

According to the BWS, child abuse was common. The BWS "Be Free" Campaign, which has sponsored a Web site for victims of child abuse since 2002, reported that during the year it received between 300 and 400 e-mails per month from persons reporting to have been victims of child abuse.

Trafficking in Persons

On January 8, the government enacted a comprehensive law that prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The country was a destination for persons trafficked from Southeast Asia, South Asia, the Horn of Africa, and the former Soviet Union. Reports also indicated that the country was a transit point for workers from these regions to Europe. Some victims were trafficked for commercial sexual exploitation, but victims were most commonly trafficked for unskilled construction and domestic labor.

According to the Migrant Workers Protection Society (MWPS), the principal traffickers were illegitimate recruiting companies in source countries. Traffickers used debt bondage, contract substitution, and threats of legal action against their victims. The MWPS reported that victims often recruited additional victims from their home regions in an attempt to pay off debt.

Under the January 8 antitrafficking law, traffickers face fines of between 2,000 and 10,000 dinars (\$5,300 and \$26,500) and mandatory prison sentences of up to 10 years for each offense, and anyone who trafficks a person on behalf of a corporation faces a fine of up to 100,000 dinars (\$265,000) and the same mandatory prison sentences. "Aggravating circumstances," including if the victim is a woman or less than 15 years of age, double the fines and prison sentences.

On December 23, the government found Arfa Ching guilty of trafficking in persons and sentenced her to three and a half years' imprisonment and a 5,000 dinar (\$13,250) fine.

The government established a 10-person unit within the MOI's Criminal Investigation Directorate to combat trafficking in persons. The Ministry of Foreign Affairs (MOFA) headed a committee that set trafficking policy and included representatives from the Ministries of Interior, Justice, Information, and Social Development, as well as the Labor Market Regulatory Authority (LMRA) and three NGOs. The MOSD headed another

committee charged with evaluating and determining the status of victims, which included representatives from the MOFA, MOI, and the LMRA.

Fear of deportation or employer retaliation deterred many foreign workers from making complaints to the authorities. Many foreign workers were unaware of their rights under the law. The government published pamphlets on expatriate workers' rights in several languages, provided manuals on these rights to local diplomatic missions, and operated a telephone hot line for victims.

On July 1, the LMRA implemented new visa rules for migrant workers in the public and private sectors to reduce the incidence of employers holding workers' passports or otherwise restricting their movement. The new rules also targeted the illegal practice known as "free visas," whereby a sponsor enabled a laborer to enter the country under the cover of working for the sponsor and then allowed the worker to find other work, at an often exorbitant fee payable to the sponsor.

During the year the government shelter for abused and migrant women housed women who ran away from employers. The government also collaborated with a foreign NGO to help train its antitrafficking unit and personnel at its shelter for female migrant workers.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law protects the rights of persons with disabilities, and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect persons with disabilities. 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 reports of discrimination against persons with disabilities in employment, education, or access to health care. Children with learning disabilities, physical handicaps, speech impediments, and Down syndrome were enrolled in specialized education programs in public schools.

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

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. However, there was a lack of transparency in the naturalization process, and there were reports that the citizenship law was not applied uniformly. For example, there were allegations that the government allowed expatriate Sunni Arabs who had served less than 15 years in the security services to apply for citizenship. There were also reports of Arab Shia who had resided in-country for more than 15 years and non-Arab expatriates who had resided more than 25 years who had not been granted citizenship.

In past years the government offered citizenship to several thousand stateless "Bidoon" persons, mostly Shia of Persian origin. However, according to Freedom House, Bidoon and citizens who spoke Farsi as their first language continued to encounter discrimination in the society and work force.

Other Societal Abuses and Discrimination

The law does not criminalize homosexual relationships between consenting adults of at least 21 years of age.

While discrimination against homosexuality and HIV/AIDS was not common or apparent, both attributes were socially taboo and not widely covered in the media.

Section 6 Worker Rights

a. The Right of Association

The law grants workers, including noncitizens, a limited right to form and join unions. Members of the military are prohibited from joining unions. Public sector workers may join private trade unions and professional societies, but public sector unions are illegal. The General Federation of Bahrain Trade Unions (GFBTU), which all unions were required to join, recognized seven public sector unions that the government considered illegitimate. Approximately 28 percent of the private-sector labor force was unionized. The GFBTU did not report any government interference in its private sector activities, and the law restricted the right to strike.

The law allows for the establishment of additional federations; however, there were none. The law prohibits unions from engaging in political activities.

The law holds the right to strike is a legitimate means for workers to defend their rights and interests; however, this right was restricted. The law prohibits strikes in

certain vital sectors, which, by decree, include the oil, gas, education, telecommunication, and health sectors, as well as pharmacies and bakeries. For workers permitted to strike, the law requires arbitration before a vote to strike and a two-week notification that a union intends to strike. Although government sources held that the arbitration provision did not preempt the right to strike, the law does not clearly specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision.

In July 2007 Batelco fired two trade-union organizers, including the union's vice president, for engaging in a work stoppage that it deemed in violation of the ban on such action in the telecommunications sector, even though the union did not call for or attempt a strike. On March 12, Batelco reinstated the employees in compliance with a court order.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively. Employers and the government are required to treat unions as independent judicial entities. Unions did not generally practice collective bargaining. In the private sector, the law prohibits antiunion discrimination and employer interference in union functions, and the government generally protected this right. The law also provides protection to workers terminated for their union activities.

On July 23, employees of the public bus company Cars went on strike to demand higher wages. At the behest of the government and GFBTU, the workers successfully employed collective bargaining and achieved a salary increase. Although strikes in the transportation sector are prohibited, the government did not enforce the prohibition.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly in cases of domestic workers and those working illegally. There were no reports of forced or compulsory child labor.

Foreign workers, who made up 59 percent of the workforce (78 percent of the private sector workforce), in some cases arrived in the country under the sponsorship of an employer and then switched jobs, while continuing to pay a fee to their original sponsor, which made it difficult to monitor and control their employment.

In numerous instances employers withheld salaries from their foreign workers for months and even for years and refused to grant them the necessary permission to leave the country. The government and the courts generally worked to rectify abuses if they were brought to their attention, but they otherwise focused little attention on the problem. The fear of deportation or employer retaliation prevented many foreign workers from making complaints to the authorities. 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, given little time off, were malnourished, and were subjected to verbal and physical abuse, including sexual molestation and rape. Between 30 to 40 percent of the attempted suicide cases handled by the government's psychiatric hospitals were foreign domestic workers.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace and prohibits forced and compulsory child labor, and the government enforced this prohibition effectively.

The minimum age for employment is 16 years of age. The MOL 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 deemed hazardous or unhealthy by the Ministry of Health. When employed, 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. MOL inspectors enforced child labor laws effectively in the industrial sector; child labor outside that sector was monitored less effectively, but it was not believed to be significant outside family-operated businesses. Even in such businesses, it was not widespread.

e. Acceptable Conditions of Work

There is no national minimum wage. Unskilled foreign laborers in particular did not earn as much as the guidelines suggested. The law allows employers to consider benefits for foreign workers such as annual trips home, housing, and education bonuses as part of the salary.

The MOL enforced the labor law and mandated acceptable conditions of work for all adult workers, except domestic workers, including a maximum of 48 hours per week.

Except for Muslims during Ramadan when work should not exceed six hours per day and 36 hours per week, 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. The labor law for the private sector permits 12 hours of overtime per week that 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. Special MOL permission is required for anyone working more than 60 hours per week. The Labor Inspectorate conducted periodic, comprehensive inspections of private sector enterprises, including verification of employee hours and wages.

Workplace safety standards are adequate, but inspection and compliance were substandard. The MOL set occupational safety and health standards and sporadically enforced them by performing workplace inspections. The ministry employed a team of eight engineers from multiple specialties that it trained as safety inspectors and gave the authority to levy fines and close work sites if employers did not improve conditions by specified deadlines. During the year the press reported several workplace deaths owing to a combination of inadequate safety procedures, worker ignorance of those procedures, and inadequate safety standards for equipment, but exact figures were not available. Trained inspectors visited labor camps to verify if workers' accommodations met required safety and hygiene standards. During the year, inspectors visited 1,287 labor camps, of which 106 failed the inspection because of safety issues such as gas and electricity problems, overcrowding, poor hygiene, and the general state of disrepair. Inspectors cited poor hygiene in warnings issued to 126 camps, as well as part of their rationale for the closure of 23 camps. The inspectors were authorized to inspect only premises that had a commercial registration, not private homes, where most domestic workers resided and worked, 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 the police; however, most victims were too intimidated to sue their employers, although they had the right to do so. If the victim brings a suit against the employer, the plaintiff cannot leave the country for the duration of the case. The MWPS continued to support several victims who took their cases to court, but compensation to victims was reportedly very low.

When a worker lodges a complaint, the MOL opens an investigation and often takes remedial action. The MOL reportedly received 3,426 complaints during the year, including those from domestic workers. On average there were nine complaints from domestic workers per month. Ministry officials said that they were able to resolve more than half of these cases through mediation in the ministry. The public prosecutor took up the remaining cases for investigation. Complaints brought before

the MOL that cannot be settled through arbitration must be referred to the court within 15 days.

A few companies still transported expatriate workers in open trucks on benches, despite a ministerial decree banning the practice. Accidents, sometimes fatal, resulted. On April 13, the cabinet approved a decree instructing all companies to transport workers in buses, prohibiting even covered trucks, by the end of the year.

A ministerial decree prohibits outdoor work between the hours of noon and 4 p.m. during the months of July and August. As a result, health officials reported a decrease in the number of heatstroke cases from 1,154 cases in 2007 to 981. According to the MOL, it fined 26 companies between 50 to 300 dinars (\$132 to \$792) per worker for allegedly violating the ban during the year, an increase from 21 in 2007.

<http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119113.htm>