

Bahrain

Bahrain's human rights practices improved significantly following reforms decreed by the king, Shaikh Hamad bin `Isa Al Khalifa, in 2001-02, but the government did not institutionalize in law protection of basic rights such as freedom of assembly, association, and expression. Some new laws ratified in 2006—on counterterrorism and public gatherings, for instance—contain provisions that undermine those rights.

Among the earlier reforms was the establishment of a 40-member elected National Assembly. The government scheduled elections for November 25, 2006. Some opposition political societies that boycotted the first elections, in 2002, planned to participate in the 2006 contest, but others continued to protest what they regarded as the absence of real legislative authority for the elected representatives.

Freedom of Expression

Following the 2001-02 reforms Bahrainis have enjoyed a greater measure of freedom of expression, although the Press Law (47/2002) contains measures that unduly restrict press freedoms, such as prohibitions on insulting the king and on reports that “threaten national unity.” The authorities invoked the law in 2006 to ban coverage of controversial matters. The country now has two independent daily newspapers, but other dailies as well as Bahrain's radio and TV stations are state-run. Journalists exercise a considerable degree of self-censorship, particularly on issues such as corruption implicating the ruling family. The country's sole residential internet service provider, Batelco, is also government-owned; the independent Bahrain Center for Human Rights said in October that the authorities were blocking 17 websites, including its own.

In September 2006 Shaikh Hamad promulgated an amendment to the Penal Code (Act 65/2006) that provides criminal penalties for publishing the names or pictures of accused persons prior to a court verdict without permission of the public

prosecutor. Human rights advocates protested that the law is intended to prevent public campaigns on behalf of persons wrongly charged with criminal offenses.

In remarks on September 2, Prime Minister Shaikh Khalifa bin Salman Al Khalifa warned that “democracy, openness and freedom of opinion should not be used as a pretext to violate the law, sow sectarian sedition, or falsify truths in international arenas, claiming internal liberties are curbed.” Platforms for expressing opinions are open “to accommodate all stances and trends as long as they serve the national interests rather than personal designs,” he said. He also warned against what one Bahraini newspaper termed “misusing the parliament to raise controversial issues.”

Freedom of Assembly

Law 32 of 2006 requires the organizers of any public meeting or demonstration to notify the head of Public Security at least three days in advance. The law authorizes the head of Public Security to determine whether a meeting warrants police presence on the basis of “its subject... or any other circumstance.” The law stipulates that every public meeting must be organized by a committee of at least three members who are responsible for “forbidding any speech or discussion infringing on public order or morals”; it leaves “public order or morals” undefined, however.

Bahraini authorities, citing Law 32/2006, have banned meetings on the grounds that the organizers failed to get authorization and on several occasions forcibly prevented or dispersed meetings. On September 15 police prevented the Movement of Liberties and Democracy (Haq) from holding a public seminar on the group’s petition calling for a new constitution, on the basis that the group had not sought permission from the Ministry of the Interior. On September 22 when the group tried a second time to hold the meeting, police used rubber bullets and teargas to disperse the gathering, reportedly wounding several people.

Counterterrorism Measures

On August 12, 2006, Shaikh Hamad signed into law the “Protecting Society from Terrorist Acts” bill. The UN special rapporteur on human rights and counterterrorism had publicly urged the king to seek amendments to the bill passed by the legislature,

expressing concern that it contained an excessively broad definition 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, heightening the risk of arbitrary detention and torture or inhumane treatment during detention.

Women’s Rights

Women are eligible to vote and stand for office in national and municipal elections.

Bahrain has no written personal status laws. Instead, separate Sharia-based family courts exist for Sunni and Shia Muslims. These courts hear marriage, divorce, custody, and inheritance cases, with judges exercising authority to render judgments according to their own reading of Islamic jurisprudence. Judges presiding over these courts are generally conservative religious scholars with limited formal legal training. Many are unapologetically adverse to women’s equality and persistently favor men in their rulings. The Women’s Petition Committee continued to campaign for codifying Bahrain’s family laws and reforming family courts. In November 2005 the official Supreme Council for Women launched a campaign to raise public awareness of the need for a codified personal status law. In March 2006 the government introduced draft legislation containing separate sections for Shia and Sunni Muslims. Women’s rights organizations continued to call for a unified personal status law.

Human Rights Defenders

The independent Bahrain Center for Human Rights (BCHR), which the authorities ordered dissolved in September 2004 after one of its leaders publicly criticized the prime minister, remained closed. The center’s activists continued to monitor human rights practices, issue reports and statements, and provide legal counsel, but do not have access to the group’s former office or to its funds, which the government confiscated.

The Bahrain Human Rights Society (BHRS), set up by the government in 2002, inspected Jaw prison, a major detention facility, in December 2005, and in May 2006 issued a

report critical of conditions there. The BHRS has also been active in promoting women's rights, and in particular a unified personal status code.

Decree 56/2002 confers immunity from investigation or prosecution on present and former government officials alleged to be responsible for torture and other serious human rights abuses committed prior to 2001. In April 2006 the BCHR and other groups, including the Committee of Families of Martyrs and Victims of Torture, sponsored a seminar on the need for accountability for serious human rights violations such as torture. Government-controlled media harshly criticized the meeting and its organizers, but the authorities took no steps to interfere with the event.

On June 26, the International Day in Support of Victims of Torture, the authorities objected to the planned route for a march sponsored by the Committee of Families of Martyrs and Victims of Torture and prevented the march from taking place. The Ministry of Social Affairs denied local Amnesty International members permission to stage a mock soccer match on June 26 between Guantanamo "detainees" and "guards" intended to highlight inhumane treatment at the US detention facility because the organization was not officially registered with the ministry.

Key International Actors

The United States remains a major ally of Bahrain. In 2001 President George Bush designated Bahrain a Major Non-NATO Ally. Bahrain hosts the headquarters of the US Navy's Fifth Fleet as well as "important air assets." The State Department's Fiscal Year 2007 budget justification submitted to Congress identified access to Bahrain-based military facilities and airspace as "critical" to US military operations in Iraq, Afghanistan, and the Horn of Africa as well as "any contingency operations and/or force projections in the Gulf and Southwest Asian areas." The US provided almost US\$21 million in military and counterterrorism assistance to Bahrain in fiscal year 2005 and an estimated \$19.3 million in 2006. The Bush administration has requested \$17.3 million for fiscal year 2007. The US and Bahrain entered into a Free Trade Agreement in September 2004. US officials did not publicly raise specific human rights concerns during the year outside of the State Department's annual country report.

In May 2006 Bahrain was among the states elected to the first UN Human Rights Council, the body established to replace the Commission on Human Rights. Bahrain is not a state party to the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights, but is a state party to the Convention against Torture, the Convention against All Forms of Discrimination against Women, and the Convention on the Rights of the Child. Following Bahrain's initial report to the Committee against Torture in May 2005, the committee commended Bahrain for a number of positive developments, particularly in bringing an end to systematic torture, but also expressed a number of concerns, including "the blanket amnesty extended to all alleged perpetrators of torture or other crimes by Decree No. 56 of 2002 and the lack of redress available to victims of torture." The committee also expressed concern with provisions of the then-draft counterterrorism law that would "reduce safeguards against torture."