



BAHRAIN

CAPITAL: Manama

POPULATION: 1.2 million

GNI PER CAPITA (ATLAS): \$19,350

SCORES	2006	2010
ACCOUNTABILITY AND PUBLIC VOICE:	2.44	2.16
CIVIL LIBERTIES:	3.64	3.11
RULE OF LAW:	3.67	3.18
ANTICORRUPTION AND TRANSPARENCY:	2.08	2.38

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

Fred H. Lawson

INTRODUCTION

Prospects for political liberalization in Bahrain, which had brightened after influential organizations critical of the country's autocratic system of government decided to participate in the 2006 parliamentary elections, have dimmed in subsequent years. Elected members of parliament (MPs) find their attempts to shape public policy consistently blocked either by the Council of Ministers or by pro-regime MPs. Demands to reform the electoral process to reduce discrimination against the Shiite majority by the ruling Sunni elite have been ignored. Freedoms of association and of the press have deteriorated. Violent confrontations between security forces and opposition groups have increased in frequency, while reliable reports of mistreatment and torture of political activists in custody have resurfaced. Efforts to reduce corruption in public and private enterprises look promising, but deeply entrenched practices keep the country's physical and financial assets in the hands of powerful elites and the ruling family.

Sheikh Hamad bin Isa al-Khalifa, who succeeded his father as ruler in March 1999, ended a large popular uprising that took place from 1994 to 1999 by announcing plans for a comprehensive reform program, including restoration of the constitution and the National Assembly (al-Majlis al-Watani). After winning overwhelming support for the program in a February 2001 referendum, however, the government took steps that restricted democratic participation in

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governance. These included amending the constitution to give the appointed upper house equal legislative powers as the elected lower house, denying MPs the right to introduce bills, revising the Press and Publications Law to be more restrictive, and promulgating a decree conferring full immunity on officials suspected of human rights violations committed prior to 2002.

Liberal and radical critics of the regime were caught off guard by such measures, as well as by the ruler's decision to declare the country a monarchy and himself king. To protest the changes, four major political societies boycotted the October 2002 parliamentary elections.¹ These were the predominantly Shiite Islamic National Accord Society (al-Wafaq) and Islamic Action Society (al-Amal al-Islami), the liberal nationalist National Democratic Action Society (al-Wa'd), and the nominally socialist Progressive National Bloc (al-Tajammu' al-Qawmi al-Taqqaddumi). Two influential Sunni societies, the Islamic Platform (al-Minbar al-Islami) and Purity (al-Asalah), joined the leftist Progressive Platform (al-Minbar al-Taqqaddumi) in contesting the elections and ended up in command of the parliament. The most significant debates in the National Assembly during its initial four-year term pitted the former Muslim Brothers of the Islamic Platform against the more radical (Salafi Sunni) representatives of Purity; neither opposed the government on any fundamental issue.

ACCOUNTABILITY AND PUBLIC VOICE

2.16

FREE AND FAIR ELECTORAL LAWS AND ELECTIONS	2.00
EFFECTIVE AND ACCOUNTABLE GOVERNMENT	2.50
CIVIC ENGAGEMENT AND CIVIC MONITORING	2.00
MEDIA INDEPENDENCE AND FREEDOM OF EXPRESSION	2.14

Bahrain's head of state is nominated and confirmed by the ruling family, the al-Khalifa, with no input from the general population. The country has a long tradition of primogeniture, whereby the ruler's oldest son is expected to accede to power upon his father's death. Thus Sheikh Hamad was immediately endorsed as ruler (emir) upon his father's death, and then named his own son, Sheikh Salman, as crown prince. On February 15, 2002, the emir declared the country to be a hereditary monarchy and assumed the title of king. According to an amended constitution issued the same day, King Hamad appoints the prime minister and other ministers; all judges, governors, and ambassadors; members of the Consultative Council (Majlis al-Shura); and commanders of the armed forces. The king is also empowered to dissolve the National Assembly, draft amendments to the constitution, and issue decrees that enjoy the force of law until they are ratified by the legislature.

The king and royal family's position is similarly dominant in practice. Since independence in 1971, the most powerful state agencies, such as the Ministry of the Interior and the Ministry of Justice and Islamic Affairs, have consistently been headed by members of the ruling family. The number of al-Khalifa ministers in

the cabinet is presently greater than at any time since 1926.² King Hamad displays a marked propensity to dispense personal favors and benefits to mollify his critics and opponents. Bahraini activist Abdulhadi Khalaf observes that the ruler “remains the only one who possesses the right to set the parameters of the political process, and to chart its path, pace, and scope. The King has remained adamant that he alone should determine which social groups and political networks should have the right to express their opinions on public affairs.”³

It remains illegal to form or belong to any political party. Licensed political societies have taken on some of the functions of political parties, particularly in mobilizing popular support behind candidates for election to the Chamber of Representatives (Majlis al-Nuwwab) and brokering coalitions among representatives during parliamentary debates. Nevertheless, MPs have no formal allegiance to such societies and are not subject to the kind of discipline that might be exercised by actual party organizations. Under the terms of the 2005 law that governs political societies, the Ministry of Justice and Islamic Affairs can petition the High Civil Court to disband any such society.

In the summer of 2006, al-Wefaq announced that it would end its boycott of the parliamentary system and put forward candidates in the upcoming elections for the National Assembly. A majority of al-Wa'd members immediately endorsed such an approach. Preparations for the 2006 parliamentary elections were shaken in late September by the release of a dossier of documents indicating that state officials had engaged in a concerted effort to rig the voting and stir up tensions between the Shiite and Sunni communities. The file, which had been compiled by a former adviser to the Ministry for Cabinet Affairs, was submitted to the king, the crown prince, and several Western embassies.⁴

Overall direction of the campaign was attributed to a senior member of the ruling family, who at the time was acting as both head of the primary intelligence-gathering agency and the commission charged with supervising the elections. The report alleged that the national intelligence agency, the Central Informatics Organization, had disbursed some US\$6 million to fund anti-Shiite articles in the local press, organize counterdemonstrations to public protests orchestrated by al-Wefaq, and spread rumors about leaders of the opposition by means of mobile telephone text messages. The al-Khalifa sheikh who was named in the dossier responded that these activities were not illegal and that the motivation behind the allegations was to “weaken national unity.”⁵ The High Criminal Court immediately issued an injunction that prohibited any discussion of the matter in the local press, while the report’s author was labeled a British spy, deported, and sentenced in absentia to four years in prison.⁶ The entire episode has come to be known as Bandargate, after the name of the individual who compiled the file, Salah al-Bandar.

Although opposition parties participated in the 2006 elections, the polls were ultimately marred by greater government interference and irregularities than the 2002 contest. The campaigning period was blemished by sectarian tensions, hatemongering, and harassment of female candidates.⁷ Shortly before

the voting, Prime Minister Khalifa bin Salman al-Khalifa issued a decree that banned strikes and other forms of public activism in the vicinity of the country's military and civil defense bases, airports, harbors, hospitals, pharmacies, telecommunications facilities, electrical stations, waterworks, educational institutions, bakeries, and oil and gas installations.⁸ There were also reliable reports of vote buying, intimidation of candidates, destruction of campaign offices, and instances of "electioneering in places of worship."⁹ Although local observers reported relatively few problems on election day, the government reportedly ordered soldiers to vote for progovernment candidates and sent 8,000 government-loyal "floaters" to vote in districts with close races.¹⁰ In addition, large numbers of dual Saudi/Bahraini nationals cast ballots at the Saudi border voting station.¹¹ Gerrymandered voting districts and the granting of citizenship to Jordanian, Yemeni, Iraqi, Syrian, and Saudi expatriates by the government prior to the polls, apparently with a view toward manipulating electoral outcomes in favor of the Sunni minority, further undermined the fairness of the vote.

The predominantly Shiite al-Wefaq emerged with 17 of the 40 seats in the Chamber of Representatives. The Islamic Platform and Purity won seven and five seats, respectively. Nine Sunni Islamist independents emerged victorious as well.¹² Islamic parties received strong support overall, winning 30 out of 40 seats, while liberals gained 10.¹³ Some 72 percent of eligible voters cast ballots in the initial round, and 69 percent participated in run-offs, substantial increases compared to four years earlier.¹⁴ None of the other societies that had boycotted the 2002 elections, including al-Wa'd, captured a single seat in the Chamber. King Hamad responded to the dominance of Islamist representatives in the lower house by appointing a majority of secularists to the upper Consultative Council.¹⁵ Ten women were appointed to the upper house, an increase from the four who had served in the 2002 Council.

Although parliament has no power to draft legislation, since the 2006 elections members of the Chamber of Representatives have sought to exercise greater oversight over the executive, particular with regards to state expenditures. On several occasions, the Chamber has set up special commissions to investigate allegations of mismanagement.¹⁶ Parliamentarians have also called for ministers to come before the Chamber to answer questions concerning alleged misuse of public funds.¹⁷ While such actions have generated greater public awareness of alleged corruption and applied political pressure on the government, the lack of more robust formal parliamentary powers limits their ultimate effectiveness in enhancing government accountability. Indeed, the king and Council of Ministers continue to propose and promulgate important legislation despite the expressed opposition of the parliament. For instance, the Chamber of Representatives was unable to block passage of a 2006 draft law to combat terrorism, although members strenuously objected to the bill when it was first introduced.¹⁸

The government's dominance over policy making is buttressed by sharp divisions in the lower house between pro-regime representatives and critics of the

status quo. In one instance, the Chamber voted in May 2005 to quash a motion put forward by Shiite representatives to challenge the decree granting immunity for pre-2002 abuses before the Constitutional Court.¹⁹ Efforts by al-Wefaq and independent representatives to question the minister of state for cabinet affairs and the minister of agriculture and municipalities have consistently been blocked by representatives of Islamic Platform and Purity.²⁰

Over time, al-Wefaq and its allies have become increasingly frustrated by their inability to significantly influence policy making. The society's representatives have therefore adopted protest tactics, such as exiting chamber sessions in the hope that the resulting lack of a quorum might derail proceedings. Walking out has also been used to express general displeasure with government policies. In May 2008, for example, leaving was used to express incredulity over newly published census figures that indicated the total number of Bahraini citizens had swelled some 42 percent, a number that implicitly acknowledged the scale of Sunni naturalization used by the authorities as a means of offsetting the Shiite majority.²¹

Within Bahrain's civil service, middle- and lower-level administrators, both citizens and expatriates, are comprised largely of well-trained professionals whose expertise and sense of public duty place the country near the top of international rankings related to administrative corruption and overall ease of doing business.²² High-ranking bureaucrats, however, frequently defer to the wishes of the political elite.

Outside parliament, public criticism of government policy is largely channeled through organized political societies, which must be licensed by the Ministry of Justice and Islamic Affairs under the 2005 Political Societies Law. License approval is conditioned on not receiving funding from foreign sources and having all members be 21 years of age or older. Only after it became clear that the authorities intended to declare illegal any association that did not agree to conform to the new regulations, on the grounds that refusing to register was tantamount to challenging the 2002 constitution, did al-Wefaq, the Islamic Action Society, and the National Democratic Action Society register with the ministry.²³ More radical members of al-Wefaq, who insisted that the society should refuse on principle to abide by the new regulations, formed a breakaway society under the name the Movement for Liberties and Democracy, or Truth (al-Haqq) in 2005.²⁴

While nongovernmental organizations (NGOs) voice criticisms of state policy, they have faced increasing official harassment as the government has backtracked from the openness permitted in 2002 and 2003. The 1989 Societies Law prohibits any organization from operating without official permission. In 2007, the Ministry of Social Development drafted a new NGO law that contains some improvements over the current law but still falls short of international standards; it has yet to be submitted to parliament.²⁵ In 2004, the government dissolved the Bahrain Center for Human Rights (BCHR), which had gained prominence for issuing a stream of reports that highlighted widespread

poverty and discrimination against members of the Shiite community. Efforts to reconstitute the organization under a different name have been restricted as the government has not granted a 2005 request to formally register it;²⁶ the organization continues to operate informally and publish reports. International efforts to advance human rights have also come under pressure. In May 2006, the authorities ordered the closure of the local office of the U.S.-based National Democratic Institute. In November 2008, the interior minister warned that in the future, Article 134 of the Criminal Code, which makes it illegal to “participate in meetings abroad or with international bodies to discuss the internal affairs of the Kingdom,” would be more strictly enforced. The announcement was made after several Bahraini activists spoke to the U.S. Congressional Caucus on Religious Freedom and Human Rights.

Despite constitutional guarantees for freedom of expression, press freedom remains significantly restricted in practice. The government maintains a monopoly on all broadcast media outlets. Six privately owned newspapers, four in Arabic and two in English, publish daily, and some are critical of the government. Sawt al-Ghad, the country’s first private radio station, which was launched in 2005, was shut down by the authorities in 2006. Though privately owned, print media remain constrained by the 2002 Press and Publications Law, under which journalists can be imprisoned for up to five years or face heavy fines for criticizing Islam or the king, publishing information that threatens state security, or encouraging sectarianism. In a positive development, the Ministry of Information introduced a revised Press and Publications Law in May 2008 that would substantially reduce the penalties for printing objectionable material and limit the government’s power to impose sanctions. The ministry also hinted that it might permit private television and radio stations to operate, though they would first be required to obtain a license.²⁷ The Consultative Council quickly passed the revised law, but it has yet to pass the lower house, where it faces opposition from conservative Sunni Islamists.

In the meantime, journalists critical of the government continue to face charges under provisions of the penal code and 2006 antiterrorism law.²⁸ Journalists who cover contentious issues such as protests, government scandals, corruption, and human rights are subject to arrest and prosecution. In recent years, the total number of cases brought against journalists has increased. According to the Bahrain Journalists Association, 27 cases of alleged defamation were brought against journalists in 2006 and 32 in 2007. The government has been especially aggressive in its campaign against those writing about the 2006 Bandargate scandal.²⁹ Physical assaults against journalists have also occurred on occasion.

Bahrain has one of the highest internet penetration rates in the Middle East, reaching nearly 35 percent in mid-2009. In recent years, the country’s blogosphere has become popular as an arena for political and social discussion, eluding restrictions on print media.³⁰ Partly in response, the government imposes restrictions on the flow of information online. All websites are required

to register with the Ministry of Information, and site administrators face the same libel laws as print journalists and are held jointly responsible for content posted on their websites or related chat rooms. In recent years, several dozen websites featuring content critical of the government have been blocked by the authorities. Many Bahrainis reportedly used proxy servers, however, to circumvent such censorship. In January 2009, the government further tightened restrictions, issuing decrees that reportedly led to pervasive filtering of content.³¹ The Ministry of Information monitors websites, particularly content related to relations between Shiites and Sunnis.³² The government has detained several bloggers in recent years, though none has as yet been sentenced to prison.³³

CIVIL LIBERTIES

3.11

PROTECTION FROM STATE TERROR, UNJUSTIFIED IMPRISONMENT, AND TORTURE	3.13
GENDER EQUITY	3.00
RIGHTS OF ETHNIC, RELIGIOUS, AND OTHER DISTINCT GROUPS	2.50
FREEDOM OF CONSCIENCE AND BELIEF	3.67
FREEDOM OF ASSOCIATION AND ASSEMBLY	3.25

The 2002 constitution prohibits long-term detention without trial and protects citizens from torture. It bars the use of information obtained through torture in judicial proceedings. Nevertheless, in recent years, the authorities have increasingly disregarded such protections as torture and arbitrary detention of political activists have increased.

Individual activists have faced increased harassment, including arrest, in recent years. In February 2007, security forces raided the residences of the former head of the BCHR, Abd al-Hadi al-Khawaja and the leader of al-Haqq, Hasan Mushaima, and took the two men into custody along with a third outspoken critic of the regime. The three were charged with “advocating a change of the government system in illegal ways” and “using indecent language to describe the regime.” All three were released after two days in detention following large-scale popular protests on their behalf.³⁴ Increasingly active women’s rights NGOs have also been subject to harassment. In 2005, the government brought criminal charges against Ghada Yusuf Jamsheer, president of several women’s rights groups, for defaming the Islamic judiciary.³⁵ Although the charges were dropped in 2006, the government subsequently placed her under surveillance.³⁶

More broadly, beginning in late 2005 the government initiated a violent crackdown on Shiite and opposition activists. In September 2006, the Special Security Forces (SSF) raided a seminar organized by al-Haqq and used tear gas and rubber bullets against participants.³⁷ Security forces arrested five Shiite protesters for involvement in a series of December 2007 protests in which demonstrators and security forces clashed violently. While some were immediately

released, 15 were kept in detention, placed in solitary confinement, and allegedly tortured during interrogation.³⁸ In July 2008, five of the detainees were sentenced to five to seven years in prison on charges of stealing a weapon and burning a police vehicle, six were sentenced to one year and subsequently granted a pardon by the king, and four were cleared of all charges. Large-scale protests continued to erupt throughout 2008 and 2009, with some turning violent.³⁹

Reflecting an apparent increase in the use of physical violence by security forces, credible allegations have repeatedly surfaced in recent years of protesters being tortured in police custody, including being subjected to electrical shocks and beatings during interrogation.⁴⁰ In April 2008, a doctors' report submitted to the High Criminal Court confirmed cases of abuse.⁴¹ In addition to opposition activists, human rights defenders—including those affiliated with the Bahrain Human Rights Society, which generally enjoys fairly close ties with the government—have increasingly also been victims of abuse following peaceful demonstrations and advocacy efforts.⁴² There have been no significant efforts on the part of the government to thoroughly investigate and punish those responsible for abuses, a fact condemned by the UN Human Rights Council during its 2008 Universal Periodic Review of Bahrain.⁴³

According to the U.S. State Department, prisons generally met international human rights standards, though this was difficult to confirm as the International Committee of the Red Cross had not visited such facilities since 2000.⁴⁴ Nevertheless, while few reports of routine mistreatment of prisoners came to light between 2004 and 2007, some of the above-mentioned cases of alleged torture took place at prison facilities.

Bahrain's long tradition of petitioning the ruler to express public grievances has diminished in recent years, as such criticisms are expressed more frequently in speeches before the National Assembly or popular demonstrations. No significant petitions were submitted to the Royal Court between 2007 and 2009.⁴⁵

The incidence of criminal violence and overall street crime remains low in Bahrain.⁴⁶ In August 2006, the king promulgated a new antiterrorism statute, the Protecting Society from Terrorist Acts Law. The statute permits the security services to hold anyone suspected of engaging in terrorism for up to 90 days without judicial review. The law's definition of "terrorist activity" remains vague, however, listing actions such as behavior that might "damage national unity" as punishable and allowing the death penalty to be imposed for actions that "disrupt provisions of the Constitution or laws, or prevent state enterprises or public authorities from exercising their duties."⁴⁷ Since its passage, the law has been applied against nonviolent critics of the government. In January 2009, three men, including the leader of al-Haqq, were arrested and threatened with charges of inciting terrorism, which could have carried a life sentence, though they were ultimately released through royal pardon three months later.⁴⁸

The government has taken important steps in recent years to combat human trafficking, though reports persist of forced transportation and exploitation of

household staff, construction laborers, and sex workers.⁴⁹ In January 2008, the government enacted comprehensive legislation that prohibits all forms of human trafficking and carries punishments ranging from substantial fines to lengthy prison terms. The judicial system subsequently handed down its first trafficking conviction in December 2008.⁵⁰

The 2002 constitution states that “people are equal in human dignity, and citizens are equal before the law.... There shall be no discrimination among them on the basis of sex, origin, language, religion or creed.” Nevertheless, legal protection for women’s rights remains ambiguous. While Article 5 of the constitution guarantees full equality between men and women, the same article also notes that gender equality is bounded by “the provisions of Islamic canon law (Sharia).” Similarly, while Bahrain has adhered to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it has also stipulated that the treaty’s implementation must conform to the tenets of Islamic law and that traditional restrictions on the movements of female family members be retained.

Eighteen women stood as candidates in the 2006 Chamber of Representatives elections. Only one woman, a progovernment candidate who ran unopposed, won a seat.⁵¹ Women remain underrepresented in government positions, political parties, and the judicial system. Outside parliament, women have become increasingly organized and active in recent years. An informal group that calls itself the Women’s Petition Committee has played a leading role in orchestrating public protests against the resurgence of Islamic law in family matters.⁵² Discrimination against women persists in the workplace and legal system. The penal code does not specifically address violence against women. Incidents of violence often go unpunished, in part due to the fact that women rarely report such crimes, though the Batelco Care Center for Family Violence, which offers assistance to victims of domestic abuse, has reported an increased willingness to report mistreatment. While rape is punishable by life in prison and honor killings are banned, marital rape is not a crime under Bahraini law.⁵³

Women are subject to discrimination in family matters such as divorce, child custody, and inheritance due to the absence of a codified family law and the handling of such matters in Sharia courts.⁵⁴ Attempts by the government to draw up a unified civil code to govern family affairs have generated concerted opposition from both Shiite and Sunni community leaders. As occurred in 2005,⁵⁵ a draft family law introduced to the National Assembly in December 2008 drew serious objections from the Shiite Islamic Council of Scholars, whose members demanded that any code regulating family matters be authorized by the highest authorities in the Shiite world, including Grand Ayatollah Ali Sistani in Iraq.⁵⁶ In May 2009 parliament passed a version of the law that will apply only to Sunnis.

The 2002 constitution stipulates that citizens enjoy protection against discrimination on the basis of religion. Nevertheless, members of the country’s

main religious group—Arabic speakers who follow the Shiite branch of the Islamic faith and who make up between one-half and two-thirds of the native-born population—face discrimination from Sunnis in general and the ruling family in particular. This also has socioeconomic implications: the poorest neighborhoods of Manama and the most dilapidated villages in the surrounding countryside are invariably inhabited by Shiites.

According to a report issued in February 2009 by the BCHR, Shiite citizens occupy no more than 13 percent of senior posts in the state bureaucracy, with those positions housed primarily in agencies responsible for social services.⁵⁷ Shiite citizens are largely excluded from the higher ranks of many key state agencies and ministries, although they are represented in the diplomatic corps and Constitutional Court. There are widespread reports that the Bahraini government denies citizenship to Shiites who meet legal requirements in order to maintain and enhance Sunni dominance in the country, while actively granting citizenship to non-Shiite foreigners in order to affect the electoral balance.⁵⁸

Islam is the state religion and the government exerts direct control over religious practice. The government funds and monitors official religious institutions such as mosques, community centers, and courts, and has established a body to oversee clerical appointments.⁵⁹ The government has also sought to increase control over religious education. In January 2007, the Ministry of Justice and Islamic Affairs ordered all Islamic schools to obtain licenses and submit their curriculums to a state-affiliated Higher Council for Islamic Affairs for approval.⁶⁰ In 2007, the Ministry of Education announced it would develop a new mandatory religious education curriculum for all public schools that would focus on Islamic jurisprudence and de-emphasize radicalism.⁶¹

Although the government had previously been tolerant of Shiite religious freedom and expression, in recent years Shiite practices have drawn heightened state scrutiny. In January 2009, the Ministry of Justice and Islamic Affairs issued new regulations prohibiting preachers from making “any mention of people, institutions, or countries by their names or characteristics” during their weekly sermons.⁶² The new regulations have been enforced against Shiite preachers and places of worship. In one incident following their promulgation, the Ministry of Justice and Islamic Affairs banned Friday evening prayers at the al-Sadiq mosque in Manama after security forces shut down a service led by al-Haqq activist Sheikh Abdul-Haidi al-Mokhodhur in late January 2009. SSF forces later attacked Shiites praying outside the mosque. By contrast, the BCHR has alleged government neglect in response to reports that some Sunni preachers, including MP Jassim al-Saeedi, emphasize sectarian hatred during their sermons.⁶³

As popular unrest escalated in the spring of 2008, state officials intervened more directly in Sunni religious affairs as well. In June 2008, a prominent Sunni preacher, who also served as an independent Islamist MP, was removed from his post and transferred to a mosque in a predominantly Sunni district after appearing to criticize a highly respected Shiite scholar during a sermon.⁶⁴ Six months later, the Ministry of Justice and Islamic Affairs revoked his right to preach at

any mosque.⁶⁵ The country's tiny Jewish and Christian communities are largely permitted to worship freely.

Members of foreign national communities are not subject to significant economic discrimination, although few of the hundreds of thousands of Indians, Pakistanis, Bangladeshis, Filipinos, and Palestinians who reside in the country have been granted citizenship. Most expatriates who have become citizens possess only third-class citizenship, which entitles them to bring cases before the courts but not to vote or run for elective office. After a Bangladeshi national was convicted of murdering his Bahraini supervisor in May 2008, the Ministry of the Interior announced plans to terminate the work permits of thousands of Bangladeshis.⁶⁶ The government lifted a brief ban on permits for unskilled Bangladeshis by July, however, while conditioning the suspension on adherence to the law.⁶⁷

Bahrain's 2002 constitution guarantees "the freedom to form associations and unions . . . for lawful objectives and by peaceful means," with the Trade Unions Law of the same year providing additional legal structure. In October 2006, King Hamad further augmented labor rights by banning the dismissal of employees for engaging in trade union activities. Nevertheless, all trade unions are required to join the General Federation of Bahrain Trade Unions (GFBTU), which has reported that the Bahraini government has repeatedly refused to register a set of six unions, while prohibiting strikes within a broad swath of sectors defined as "essential services."⁶⁸

The organizers of any public meeting must notify the head of public security three days in advance, so the official can determine whether a police presence will be necessary. Throughout 2007 and 2008, Bahraini officials repeatedly invoked this law to ban meetings and order the dispersal of unauthorized gatherings, significantly restricting freedom of assembly. The increased frequency of popular protests since the summer of 2006 has been accompanied by a return to violent suppression tactics on the part of the police and security services. Riot police have used tear gas, truncheons, and rubber bullets to break up demonstrations in districts around the capital, the most violent of which occurred in December 2007. In March 2009, the police and security services fired live ammunition into a group of protesters.⁶⁹

RULE OF LAW

3.18

INDEPENDENT JUDICIARY	3.00
PRIMACY OF RULE OF LAW IN CIVIL AND CRIMINAL MATTERS	3.80
ACCOUNTABILITY OF SECURITY FORCES AND MILITARY TO CIVILIAN AUTHORITIES	2.25
PROTECTION OF PROPERTY RIGHTS	3.67

Extensive political, juridical, and economic prerogatives remain firmly in the hands of senior members of the ruling family. Members of the al-Khalifa are

virtually exempt from civil and criminal law, although they answer to a family council headed by senior sheikhs. The king, acting in his capacity as head of the Higher Judicial Council, which oversees the judiciary, is involved in the appointment of all judges. Periodic royal pardons, including ones for imprisoned political opponents and activists, serve to undermine the independence and authority of the courts, reinforcing perceptions that political favors rather than legal principles underpin the criminal justice system.

Civil courts exercise jurisdiction over cases that involve civil, criminal, or commercial statutes. Islamic (Sharia) courts, divided into Sunni and Shiite branches, are responsible for adjudicating matters of personal status or inheritance. A Constitutional Court, consisting of a presiding judge and six associate judges, all appointed by the king, was created in 2002 with the authority to determine the constitutionality of laws and administrative regulations. In recent years, the courts have on occasion ruled against the government. In May 2006, a court forced the king's cousin to take down an illegally constructed wall.⁷⁰ In March 2007, the Constitutional Court issued a landmark decision in which it found unconstitutional a 1970 decree that permitted the state to appropriate private land for development projects. The government complied with the decision, placing certain projects on hold as the cabinet and parliament discussed new legislation to replace the overturned decree.⁷¹ Nevertheless, these cases are largely the exception, and the judiciary's ability to rule against government officials and members of the royal family for more serious abuses of power remains severely restricted. As such, public officials are rarely prosecuted for wrongdoing. Decree 56 of 2002 continues to provide government officials immunity from investigation and prosecution for pre-2002 human rights abuses.⁷²

The Bahraini justice system suffers from lengthy court delays due to understaffing, outdated procedures, and chronic lack of funding. In July 2009, the government established a committee headed by Deputy Prime Minister Jawad al-Arrayed to oversee judicial reforms aimed at improving efficiency. The committee will reportedly oversee the creation of specialized courts to help reduce a large case backlog. New education programs are also planned to train prosecutors and judges and adequately prepare them for appointments within the new courts.⁷³ Some local experts suggested, however, that reform should focus on the system's primary bottleneck, the five Execution Courts that must review and implement verdicts.⁷⁴

Legal protection surrounding trial procedures has improved since a 2002 constitutional amendment that guarantees defendants the presumption of innocence until guilt is proven. Police are required to obtain a warrant prior to arrest, and detainees must be presented before the Office of the Public Prosecutor within 48 hours of being taken into custody. This right has generally been respected in practice, though disregarded in the cases of some political detainees. Detainees have the right to consult with an attorney and to be appointed government-provided counsel if unable to pay. Defendants are

ensured an open trial in which they can present evidence and witnesses in their defense. Nevertheless, in practice, defendants are often detained for extended periods of time and denied family visits or access to counsel, particularly in the early stages of detention.

Members of the ruling family dominate the highest ranks of the military, while mid-level and junior officer posts are mostly occupied by expatriates, who remain in the country at the sole discretion of the government. Conventional police units are complemented by an extensive internal security apparatus. Although subject to civilian control, in recent years the political role of the security forces in repressing demonstrators at the government's behest has increased. Although the Ministry of the Interior and Bahrain Defense Forces employ their own police and military tribunals to dispense justice internally, there have been no reports of members of the police or security services being punished for inflicting harm on protesters or detainees.

The constitution protects private property and requires fair compensation in cases of expropriation for the public good. In practice, property rights continue to be susceptible to contravention by the al-Khalifa. Influential members of the ruling family routinely requisition tracts of productive agricultural land for commercial development. In recent years, influential sheikhs have also confiscated shoreline properties along the northern coast and attached them to lands reclaimed from the sea at public expense in order to yield valuable parcels of real estate. Such projects infringe not only on private property but also on lands that have long been considered community property by local residents.⁷⁵ After the authorities sold the island of Fasht al-Jarim to a consortium of foreign developers in the spring of 2007, representatives of al-Wefaq attempted to bring the sale up for debate in the National Assembly, but the speaker of the Chamber of Representatives ruled that debate on the issue should be postponed.⁷⁶

ANTICORRUPTION AND TRANSPARENCY	2.38
ENVIRONMENT TO PROTECT AGAINST CORRUPTION	2.75
PROCEDURES AND SYSTEMS TO ENFORCE ANTICORRUPTION LAWS	2.00
EXISTENCE OF ANTICORRUPTION NORMS, STANDARDS, AND PROTECTIONS	2.25
GOVERNMENTAL TRANSPARENCY	2.50

In recent years—and especially since the 2006 elections—parliament and civil society groups have played an increasingly important oversight role in demanding greater transparency from the government. Together with official pronouncements condemning corruption and a small number of prosecutions of low-level officials, a degree of deterrence has been established at the lower ranks of the bureaucracy, reducing petty corruption. Few changes have been made, however, that tackle the structural aspects of the system that encourage

corruption, and the high-level use of public funds for private benefit continues to occur with impunity.

It is hard to distinguish between the perquisites of office and corrupt administrative practices in Bahrain. High-ranking officials enjoy magnificent houses, servants, and expensive automobiles. Despite a growing private sector, state-run enterprises still make up a large proportion of the economy. Oil revenues flow directly into the central treasury, obviating the need for taxes to fund state agencies, and comprising an estimated 70 percent of government revenue. Bahrain ranked 43rd out of 180 countries on Transparency International's 2008 Corruption Perceptions Index.

In recent years, the government has taken some steps to counter corrupt practices in state-owned enterprises, including efforts to eliminate questionable business practices at Aluminum Bahrain and Bahrain Telecommunications. During 2008, inquiries were made into the operation of several key public enterprises at the instigation of the Economic Development Board (EDB), which is chaired by the crown prince. The investigation uncovered massive payments by the state-affiliated Arab Shipbuilding and Repair Yard to senior foreign executives.⁷⁷ Also at the urging of the EDB, in January 2008 the son of the long-serving prime minister was removed as head of the company operating the country's international airport; he nonetheless retained the post of head of the Department of Civil Aviation.⁷⁸ Despite such efforts, the Financial Audit Bureau's (FAB) 2008 report on the activities of state-owned enterprises found that 232 million dinars (US\$615 million) in oil revenue was unaccounted for in 2008.⁷⁹

Officials in Bahrain are not required to disclose their financial assets. Cabinet ministers are required to stop business activities within six months of taking up their official positions, but enforcement is sporadic. Bahrain continues to lack both comprehensive anticorruption laws and an independent anticorruption agency. The 2001 National Action Charter envisaged the creation of "an office for financial control and an office for administrative control," which would be charged with overseeing increased transparency among state institutions. These two agencies have yet to be established, and mention of them was omitted from the 2002 constitution. However, a 2002 decree created the FAB, which is charged with overseeing state revenues and expenditures.⁸⁰ Though primarily accountable to the king, the quality of the FAB's annual reports has gradually improved since it began functioning in 2004. Although it is not authorized to review the expenditures of the royal family or the ministries of defense or interior, it has exposed instances of missing government funds, including in the oil sector.

Official commitment to combating corruption remains ambiguous. Although the crown prince in September 2007 announced the beginning of a campaign to eradicate official corruption and the prosecution of corrupt high officials, cases that have been prosecuted to date primarily involve junior-level employees rather than top officials.

Media outlets, blogs, and civil society groups (such as the Bahrain Transparency Society) have become more aggressive in airing information about alleged corruption. Nonetheless, public discussion of corruption by members of the ruling family remains taboo. In May 2009, a reporter for *Al-Wasat* newspaper was brought before the Office of the Public Prosecutor on charges of defaming the Civil Service Bureau in an article that detailed alleged irregularities in overtime payments for senior executives in the public sector.⁸¹ Corruption is not prevalent within public educational institutions.

Under pressure from MPs, the government has become somewhat more transparent about its expenditures in recent years, but much opacity remains. Freedom of information legislation is not in place. Nonetheless, ministries are required to publish certain information related to their work and have generally cooperated with the FAB in producing accounts.

The government is required to submit its annual budget to the National Assembly for approval, though monitoring of expenditures is carried out by the FAB. The Chamber of Representatives has been more aggressive in reviewing proposed budgets, though these efforts have sometimes met with resistance from the government. In May 2007, several MPs put forward changes to the state budgeting process that would have enhanced transparency. When the proposal came to the floor for a vote, however, progovernment representatives absented themselves, leaving the body without a quorum.⁸²

Procurement of government contracts has reportedly become more transparent, though the process remains closely linked to the government. In 2003, the government created, by royal decree, a tender board that meets weekly to screen all proposed projects. A cabinet minister appointed by the king heads the board; until mid-2009, the minister of oil and gas affairs held the position.

RECOMMENDATIONS

- Reintroduce the revised Press and Publications Law to the National Assembly, and press government allies in the Chamber of Representatives to support the proposed revisions.
- Follow standard procedures in granting citizenship to all persons, and end discrimination in favor of select individuals who hold positions in the military and security forces.
- Take firm steps to stop the use of violence in response to public protests, including rationalization of the protest permitting process and prosecution of state agents responsible for abuses.
- Abandon newly imposed restrictions on religious schools and Friday sermons, and adopt less coercive means, such as permanent dialogue councils comprised of religious leaders, to dampen sectarian conflict.
- Initiate a campaign to persuade progovernment members of both houses of the National Assembly of the virtues of implementing a civil family code that protects the rights of women in accordance with the 2002 Constitution.

- Publicly endorse the mission and activities of the Bahrain Transparency Society, and order all state officials and managers of public sector enterprises to comply with requests for information made by the Society.

NOTES

For URLs and endnote hyperlinks, please visit the *Countries at the Crossroads* homepage at <http://freedomhouse.org/template.cfm?page=139&edition=8>.

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