



Human Rights Watch

UPR Submission

Bahrain

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The government has done little to institutionalize in law protection of basic rights in the aftermath of the important reforms decreed by the king, Shaikh Hamad bin `Isa Al Khalifa in 2001-02. New laws have been adopted containing provisions that undermine freedom of assembly, association and expression. The Human Rights Council, in its review of Bahrain's human rights record, should assess this legislation and recommend steps to bring existing legislation, especially in the areas of freedom of association, freedom of assembly, freedom of expression, and accountability for grave crimes such as torture, into compliance with international human rights standards.

Death Penalty

The 2006 counter-terrorism law as well as a new Drugs and Psychotropic Substances Law, enacted in August 2007, prescribe the death penalty for certain offenses. In December 2006, the government carried out death sentences against a Bangladeshi man and woman and a Pakistani man convicted in separate murder cases. Except for a single execution in 1996, a time of great political turmoil, Bahrain had not executed anyone since 1977.

Counter-Terrorism 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 earlier 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.

Freedom of Expression

The existing 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 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 Shura Council, the upper chamber of the parliament whose members are all appointed by King Hamad, in May 2007 passed draft legislation that removed criminal penalties for journalistic offenses, but as of November the government had not forwarded the draft for consideration by the elected National Assembly. The authorities continue to use Law 47/2002 to restrict coverage of controversial matters, particularly issues such as official corruption. Between January and early November 2007, authorities referred the cases of 15 journalists to the public prosecutor, in most instances for alleged defamation of a government official or department. The country's sole residential internet service provider, Batelco, is government-owned; the independent Bahrain Center for Human Rights said in early November 2007 that the authorities were blocking 23 discussion forums and other websites, including its own.

In mid-November 2006, authorities arrested a 35-year-old dentist and a 32-year-old insurance salesman for attempting to distribute leaflets calling on Bahrainis to boycott the upcoming parliamentary elections. On January 30 a court sentenced them to prison terms of six months and one year for possession and dissemination of materials that could "damage the public interest." The government released them several weeks later, apparently following a pardon from the king.

In early February authorities arrested Abd al-Hadi Khawaja, president of the Bahrain Center for Human Rights (BCHR), and Hassan Mushaima, head of Al Haq, a political opposition group, on charges of circulating false information, insulting the king, and inciting hatred against the government. In May, following demonstrations protesting their prosecution, Shaikh Hamad declared the court proceedings against them "frozen."

In 2007 the government intensified its harassment of women's rights activist Ghada Jamsheer following an April letter she addressed to Shaikh Hamad calling for the dissolution of the Supreme Council for Women (chaired by the king's wife) for failing to do more to advance women's status in the kingdom.

Freedom of Assembly

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

During 2006 and 2007, Bahraini authorities, citing Law 32/2006, banned meetings and on several occasions forcibly prevented or dispersed unauthorized gatherings. On September 15, 2006 police prevented Al 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. In several instances the police used what appeared to be excessive force and inflicted severe beatings on persons they seized, sometimes amounting to torture. On May 20, 2007 police reportedly fired rubber bullets at a gathering at which opposition political figures, including members of parliament, were speaking, injuring Ibrahim Sharif, a leader of the opposition National Democratic Action Society. The next evening, in an incident that Human Rights Watch investigated, riot police confronted a street demonstration protesting the May 20 incident and separately seized 22-year-old Ali Sa`id al-Khabaz and 46-year-old Hamid Yusif Ahmad. The officers beat both of them severely, inflicting serious injuries on both men.

In the case of Ali Sa`id al-Khabaz, the authorities held him for more than a week in undisclosed locations while refusing to acknowledge to his family that he was in the state's custody.

Freedom of Association

The government continued to deny legal status to the Bahrain Center for Human Rights, which it ordered dissolved in 2004 after its president publicly criticized the prime minister. Several other groups, including the National Committee for the Unemployed and the Bahrain Youth Human Rights Society, attempted in 2005 to register with the Ministry of Social Development, as required by law, but as of November 2007 had received no response to their application.

In 2007 the Ministry of Social Development drafted new legislation governing the regulation of civil society organizations, but at the time of this writing, the ministry had not submitted the draft to the Shura Council or the Chamber of Deputies, and refused to share the draft with affected organizations.

Bahrain has ratified some conventions of the International Labor Organization, but neither of the two core conventions governing freedom of association. Law 33/2002 permits workers to form and join unions, but the General Federation of Bahrain Trade Unions (GFBTU) filed a complaint with the ILO in June 2005 protesting what it said was the government's repeated refusal to register six trade unions in the public sector. The GFBTU filed another complaint in 2007 protesting a November 2006 edict by the prime minister prohibiting strikes across numerous sectors of the economy.

Women's Rights

Bahrain has no codified personal status law governing marriage, divorce, child custody, and inheritance. Family court judges, who are generally conservative religious scholars with limited formal legal training, render judgments according to their own reading of Islamic jurisprudence. They have consistently favored men in their rulings and are unapologetically adverse to women's equality.

In June, a shari'a court denied the former wife of a Bahraini policeman custody of their three children and any rights to the marital home. Prior to the ruling, the 29-year-old woman appeared on television criticizing these judges for their handling of the case and the Ministry of Interior for failing to take any action against her ex-husband despite numerous allegations of physical abuse and harassment. Women's rights organizations continued to call for a written unified personal status law.

Accountability

In 2002, prior to Bahrain's initiation of a partially-elected parliament for the first time since 1975, Shaikh Hamad issued Decree 56/2002. This decree confers immunity from investigation or prosecution of individuals, including government officials, for offences committed prior to 2001. Since that time, the government has cited Decree 56/2002 on several occasions as the basis for refusing to undertake criminal investigations against former officials who were the subject of complaints by citizens alleging that those officials had subjected them to torture. Such use of Decree 56/2002 is inconsistent with Bahrain's obligations as a State Party to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Recommendations

- Bahrain should resume its de facto moratorium on executions. The Council should also urge Bahrain to restrict any application of capital punishment to the most serious crimes, and to consider removing capital punishment from all legislation where it is currently prescribed
- Bahrain should endorse the recommendations of the special rapporteur on human rights and counterterrorism proposing amendments to the 2006 counterterrorism law in order to ensure that the law is not used improperly to infringe on protected rights of peaceful dissent and to bring the period allowed for detention without charge or judicial review into line with international standards.
- Bahrain should amend the Penal Code to remove all criminal penalties for alleged libel offences. The government should also halt the prosecution of journalists and other writers solely for the

expressing views critical of government policies, and cease blocking Internet sites.

- Bahrain should amend Law 23/2006 to bring its provisions into compliance with Article 21 of the International Covenant for Civil and Political Rights.
- The Council should urge Bahrain to codify family laws and ensure that those laws do not discriminate on the basis of gender, afford women equality before the law, and are consistent with international human rights standards.
- The Council should urge Bahrain to clarify publicly that Decree 56/2002 does not apply to grave crimes such as torture.