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Freedom House

Freedom in the World 2019 - Bahrain

Not Free

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Overview:

Bahrain was once viewed as a promising model for political reform and democratic transition, but it has become one of the Middle East's most repressive states. Since violently crushing a popular prodemocracy protest movement in 2011, the Sunni-led monarchy has systematically eliminated a broad range of political rights and civil liberties, dismantled the political opposition, and cracked down harshly on persistent dissent in the Shiite population.

Key Developments:

Key Developments in 2018:

- In November, elections were held for the lower chamber of parliament, but the country's main opposition groups had been banned, and most opposition leaders were in prison or exile. Ahead of the polls, the leader of the largest opposition group, Ali Salman of Al-Wefaq, was sentenced to life in prison on charges of espionage.
- In May, the parliament approved legislation that barred the electoral candidacies of anyone who belonged to the dissolved political groups, had boycotted or been expelled from the parliament in the past, or had ever received a prison sentence of at least six months.
- Also that month, a court revoked the citizenship of 115 Bahrainis who had been convicted on terrorism-related charges after a flawed mass trial. The London-based Bahrain Institute for Rights and Democracy said that more than 800 Bahrainis had been stripped of their nationality since 2012, including 304 in 2018 alone.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 2 / 40

A. ELECTORAL PROCESS: 2 / 12

A1. Was the current head of government or other chief national authority elected

through free and fair elections? 0 / 4

The 2002 constitution gives the king power over the executive, legislative, and judicial authorities. The monarch appoints and dismisses the prime minister and cabinet members, who are responsible to him rather than the legislature. However, since independence from Britain in 1971, the country has had only one prime minister, Khalifa bin Salman al-Khalifa, the uncle of the current king, Hamad bin Isa al-Khalifa.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The king appoints the 40-member Consultative Council, the upper house of the National Assembly. The lower house, or Council of Representatives, consists of 40 elected members serving four-year terms. Formal political parties are not permitted, but members of "political societies" have participated in elections in practice.

Lower house elections were held in November 2018, with a runoff round in December, but with bans on the country's main opposition groups in place, the exercise featured little meaningful competition. In May the parliament had passed a law prohibiting the candidacy of anyone who belonged to the dissolved political societies, had boycotted or been expelled from the parliament, or had received a prison sentence of at least six months.

Most seats went to independents, though small Sunni Islamist groups won several seats and a leftist group won two. As in previous years, turnout figures were disputed amid a lack of independent election monitoring. Al-Wefaq had called for a boycott, and one of its former lawmakers, Ali al-Sheehri, was arrested and threatened with criminal charges for saying on social media that he planned to boycott the elections. A stamp was placed in each voter's passport to indicate that they had participated, meaning those who boycotted could face repercussions when attempting to travel.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Bahrain's electoral framework is unfair, with electoral districts deliberately designed to underrepresent Shiites, who form a majority of the citizen population. The government has also allegedly drawn district borders to put certain political societies, including leftist and Sunni Islamist groups, at a disadvantage. The government directorate responsible for administering elections is headed by the justice minister, a member of the royal family, and is not an independent body.

B. POLITICAL PLURALISM AND PARTICIPATION: 0 / 16**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4**

Formal political parties are illegal, and a 2005 law makes it illegal to form political associations based on class, profession, or religion. A 2016 amendment bans serving religious clerics from engaging in political activity. The law permits "political societies," with some of the functions of a political party, to operate after registering with the government, but the authorities have recently shuttered the country's main opposition societies. The Shiite Islamist society Al-Wefaq was forcibly disbanded in 2016 for allegedly encouraging violence. Bahrain's second-largest opposition group, the secularist National Democratic Action Society (Wa'ad), was banned in 2017 after it criticized the execution of three men on terrorism charges and expressed solidarity with Al-Wefaq following its dissolution.

The regime has also cracked down on opposition leaders, forcing many into prison or exile. Al-Wefaq's general secretary, Ali Salman, was arrested on various incitement charges in 2014 and fought a series of legal battles, finally receiving a four-year prison sentence from the Court of Cassation in 2017. In November 2018, an appellate court sentenced Salman to life in prison for alleged espionage on behalf of Qatar. Also during 2018, opposition figures such as Hasan al-Marzooq, the general secretary of the small but still legal opposition group Al-Wahdawi, and Ibrahim Sharif, the former general secretary of Wa'ad, were summoned for questioning over their social media comments.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The ruling family maintains a monopoly on political power, and the system's structure excludes the possibility of a change in government through elections. Shiite opposition forces chose to boycott the 2014 legislative elections rather than participate in an unfair process, and former members of the now-disbanded main opposition groups were barred from running in the 2018 elections. The polls did feature a high rate of turnover, with just three incumbent lawmakers returning to the new parliament; many senior incumbents chose not to run or were blocked from doing so by the government.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

The monarchy generally excludes the public from any meaningful political participation. Since 2011 it has used the security forces to isolate the country's Shiite population and suppress political dissent.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

Although Shiites make up a majority of the country's citizens, they have tended to be underrepresented in both chambers of the National Assembly and the cabinet. The regime, which is dominated by a Sunni ruling family, is committed to preventing the

Shiite community from organizing independently to advance their political interests, though it is also keen to ensure that at least some progovernment Shiites and members of religious minorities are present in the legislature and cabinet.

Women formally enjoy full political rights, but they are typically marginalized in practice. Six women were elected to the lower house in 2018, up from three, and a woman was chosen as speaker for the first time; nine women were named to the upper house.

Noncitizens make up just over half of the total population, and most have no political rights, but expatriates who own property in the kingdom are allowed to vote in municipal elections. Citizenship generally must be inherited from a Bahraini father, and foreign men married to Bahraini women do not have access to naturalization.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The king and other unelected officials, particularly those from the ruling family, hold most authority over the development and implementation of laws and policies. The National Assembly may propose legislation to the government, but it is the government that drafts and submits the bills for consideration by the legislature. With the main opposition groups no longer participating in the National Assembly, the body has become increasingly silent on politically sensitive topics, but it does feature debate about economic reforms and austerity measures.

C2. Are safeguards against official corruption strong and effective? 2 / 4

There are some laws in place to combat corruption, but enforcement is weak, and high-ranking officials suspected of corruption are rarely punished. The media are not sufficiently free to independently air allegations of corruption against officials. Civil society anticorruption efforts are also restricted; the current and former chairs of the Bahrain Transparency Society have periodically been banned from travel.

C3. Does the government operate with openness and transparency? 0 / 4

Parliamentary proceedings are public, and the parliament is entitled to scrutinize the government budget, but the executive issues orders and laws without providing insight or allowing meaningful public consultation on their development. There is no law guaranteeing public access to government information, and officials are not obliged to disclose their assets or income.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3 / 0

The government has made concerted efforts to erode the Shiite citizen majority and tip the country's demographic balance in favor of the Sunni minority, mostly by recruiting foreign-born Sunnis to serve in the security forces and become citizens. Meanwhile, hundreds of Bahrainis have had their citizenship revoked in recent years, including a number of Shiite leaders and activists. In May 2018, a court revoked the citizenship of 115 Bahrainis who had been convicted on terrorism-related charges after a flawed mass trial. According to the London-based Bahrain Institute for Rights and Democracy, more than 800 Bahrainis have been stripped of their nationality since 2012, including 304 in 2018 alone. Since 2011, the government has maintained a heavy security presence in primarily Shiite villages. Security personnel restrict the movements of Shiite citizens and periodically destroy their property.

CIVIL LIBERTIES: 10 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 2 / 16

D1. Are there free and independent media? 0 / 4

The government owns all broadcast media outlets, and the private owners of Bahrain's main newspapers have close ties to the state. The only independent newspaper, *Al-Wasat*, was shuttered by the authorities in 2017. Self-censorship is encouraged by the vaguely worded Press Law, which allows the state to imprison journalists for criticizing the king or Islam or for threatening national security. Insulting the king is punishable by up to seven years in prison. A 2016 edict regulates newspapers' use of the internet and social media to disseminate content, and requires the outlets to apply for a one-year renewable license. The government selectively blocks online content, including opposition websites and content that criticizes religion or highlights human rights abuses. Authorities have also blocked online access to Qatari news outlets since diplomatic relations with Qatar broke down during 2017.

Journalists continue to face legal and bureaucratic obstacles to their work in practice. Bahraini authorities have refused to renew the credentials of several Bahraini journalists working with foreign media outlets. Six journalists remained behind bars as of December 2018, according to the Committee to Protect Journalists, and seven were stripped of their nationality between the uprising in February 2011 and February 2018, according to Reporters Without Borders.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Islam is the state religion, and the penal code criminalizes blasphemy-related offenses. Some media material and websites are censored on religious grounds. However, non-Muslim minorities are generally free to practice their faiths. Muslim and non-Muslim religious groups are required to register with government ministries, though the government has not actively punished groups that operate without permits. Muslim religious groups register with the Ministry of Justice and Islamic Affairs through the Sunni or Shiite *awqaf* (endowments). The *awqaf* oversee mosques and prayer houses, and their directors are appointed by royal decree and paid by the government.

Although Shiite communities are free to carry out religious observances, such as the annual Ashura processions, Shiite clerics and community leaders often face harassment, interrogation, prosecution, and imprisonment, typically due to allegations that they have incited sectarian hatred or violence. Some Sunnis have also been charged with such offenses. An estimated 45 Shiite religious sites were demolished or vandalized in 2011 in apparent reprisal for the role of Shiite opposition groups in that year's protests. The Islamic Ulema Council, a group of Shiite clerics, was banned in 2014. The government revoked the citizenship of senior Shiite cleric Isa Qassim in 2016, and he was given a suspended one-year prison sentence for money laundering in 2017. Other Shiite clergy were among those detained or questioned in 2017 for allegedly participating in a sustained sit-in protest around Qassim's home that led to clashes with security forces. Protests and police restrictions periodically obstruct access to mosques.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 0 / 4

Academic freedom is not formally restricted, but scholars who criticize the government are subject to dismissal. In 2011, a number of faculty members and administrators were fired for supporting the call for democracy, and hundreds of students were expelled. Those who remained were forced to sign loyalty pledges.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

The penal code includes a variety of punishments for offenses such as insulting the king or state institutions and spreading false news. Many Bahrainis have been convicted and jailed for political speech, including on social media, particularly since the 2011 uprising. In 2017, when Bahrain joined a regional boycott of Qatar, the Interior Ministry said expressions of sympathy or support for that country were prohibited, with a penalty of up to five years in prison. A prominent Bahraini activist has been jailed for criticizing the Saudi-led military campaign in Yemen on social media.

The security forces are believed to use networks of informers, and the government monitors the personal communications of activists, critics, and opposition members. In 2018, several exiled Bahraini opposition activists brought a court case against a British spyware company that they accused of helping the Bahraini authorities to hack and surveil their computers.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12

E1. Is there freedom of assembly? 0 / 4

Citizens must obtain a permit to hold demonstrations, and a variety of onerous restrictions make it difficult to organize a legal gathering in practice. Police regularly use force to break up political protests, most of which occur in Shiite villages. Participants can face long jail terms, particularly if the demonstrations involve clashes with security personnel.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 0 / 4

Nongovernmental organizations (NGOs) are prohibited from operating without a permit, and authorities have broad discretion to deny or revoke permits. The government also reserves the right to replace the boards of NGOs. Bahraini human rights defenders and their family members are subject to harassment, intimidation, and prosecution. Many of them were either in prison or in exile as of 2018. In December, the Court of Cassation upheld a five-year prison sentence against Nabeel Rajab, head of the Bahrain Center for Human Rights, for social media posts that criticized the torture of prisoners in Bahrain as well as the conduct of the Saudi-led military campaign in Yemen (in which Bahrain takes part).

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Bahrainis have the right to establish independent labor unions, but workers must give two weeks' notice before a strike, and strikes are banned in a variety of economic sectors. Trade unions cannot operate in the public sector, and collective-bargaining rights are limited even in the private sector. Harassment and firing of unionist workers occurs in practice. Household servants, agricultural workers, and temporary workers do not have the right to join or form unions.

F. RULE OF LAW: 1 / 16**F1. Is there an independent judiciary? 0 / 4**

The king appoints all judges and heads the Supreme Judicial Council, which administers the courts and proposes judicial nominees. The courts are subject to government pressure in practice. The country's judicial system is seen as corrupt and biased in favor of the royal family and its allies, particularly in politically sensitive cases. Once made, judicial decisions are generally enforced.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Law enforcement officers reportedly violate due process during arrests and detention, in part by obstructing detainees' access to attorneys. Detainees are sometimes held incommunicado in practice. Judicial proceedings often put defendants at a disadvantage, with judges denying bail requests or restricting defense attorneys' attendance or arguments without explanation. The government claims it does not hold political prisoners, but scores of opposition figures, human rights and democracy advocates, and ordinary citizens have been jailed for their political views and activities.

In 2017, the government restored the National Security Agency's power to make arrests. This reversed one of the key reforms undertaken in 2011 after an inquiry into human rights abuses. The agency has been accused of torture and other abuses. Also in 2017, the constitution was amended to permit military trials for civilians in security-related

cases, further threatening due process rights. In December of that year, a military court sentenced a Shiite soldier and five Shiite civilians to death for alleged terrorism offenses, though the sentences were commuted to imprisonment by the king in 2018.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Torture is criminalized, but detainees frequently report mistreatment by security forces and prison officials, who are rarely held accountable for abuse. The Interior Ministry ombudsman's office has failed to provide a meaningful check on such impunity. In 2017, the authorities executed three Shiite men for allegedly killing police officers in 2014. The men received an unfair trial and were reportedly subjected to torture. The executions were the first in the kingdom since 2010.

Police have been targeted in small bombings and armed attacks in recent years. Four officers were killed during 2017, and multiple injuries were reported in 2018.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Women enjoy legal equality on some issues, and gender-based discrimination in employment is prohibited. Nevertheless, discrimination is common in practice, and women are generally at a disadvantage in matters of family law.

Shiites of both Arab and Persian ethnicity face de facto discrimination in matters including public and private employment. They are largely excluded from the security forces, except when serving as unarmed community police officers. There is a general perception that Shiite public employees are relegated to nonsecurity ministries, like those focused on health and education, which may put Sunni applicants at a disadvantage in such sectors. The government does not publish socioeconomic or population data that are broken down by religious sect.

Discrimination based on sexual orientation is common. The law does not provide protections against such bias, though same-sex sexual activity is not criminalized for those aged 21 and older. Public displays of same-sex affection could fall afoul of public decency laws.

Bahrain is not a signatory to the 1951 refugee convention and does not recognize refugee status.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4

Authorities restrict movement inside the country for residents of largely Shiite villages outside Manama, where the government maintains a heavy security presence. The government also obstructs foreign travel by numerous opposition figures and activists.

Bahrain established a new "flexible" permit for foreign workers in 2017, aiming to ease the workers' ability to change jobs; the traditional sponsorship system ties migrant workers to a specific employer. However, participation in the new scheme has so far been very limited, in part because of the high cost of the flexible permit relative to the low salaries typically paid to noncitizen workers.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Although registered businesses are largely free to operate, obtaining approval can be difficult in practice. Legal reforms in recent years have sought to lower the capital requirements and other obstacles to registering and operating businesses. For the wealthy elites who dominate the business sector, property rights are generally respected, and expropriation is rare. However, Shiite citizens encounter difficulties obtaining affordable housing and in some cases face bans on purchasing land. Much of the country's scarce land is occupied by royal properties and military facilities. Noncitizens can only own property in designated areas. Women may inherit property, but their rights are not equal to those of men.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Personal status issues such as marriage, divorce, and child custody are governed by a 2017 unified family law. Previously only a Sunni family code was in place, with Shiite personal status matters adjudicated by Shiite religious courts according to their interpretation of Islamic jurisprudence. Some Shiite leaders objected to the new law. The law's provisions are still based on Sharia (Islamic law) principles that put women at a disadvantage on many issues.

Accused rapists can avoid punishment by marrying their victims, and spousal rape is not specifically outlawed. Adultery is illegal, and those who kill a spouse caught in the act of adultery are eligible for lenience in sentencing.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Some employers subject migrant workers to forced labor and withhold their salaries, and there are reports that abusers illegally withhold workers' documentation in order to prevent them from leaving or reporting abuse to the authorities. Bahrain's new "flexible" work permit is prohibitively expensive for the household workers and laborers who have historically been exploited. The government has taken steps to combat human trafficking in recent years, but efforts to investigate and prosecute perpetrators remain weak.

Revenues from oil and gas exports, the main source of income for the government, are used to fund public-sector jobs and services. All citizens thus receive some benefit from the state-owned energy industry, but not to an equal degree. In particular there is discrimination in the allocation of public-sector jobs and promotion opportunities, depending on one's social and sectarian background and personal connections.

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