



BAHRAIN

Capital:

Manama

Population:

667, 238 (note: includes 235, 108 non nationals)

GDP:

\$9.91 billion

GNI per capita:

\$11,130

Scores:

Civil Liberties: *3.67*

Rule of Law: *3.33*

Anticorruption and Transparency: *2.83*

Accountability and Public Voice: *3.32*

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

by Fred H. Lawson

EXECUTIVE SUMMARY

Political liberalization in the island-nation of Bahrain has ground to a halt in recent months, and the political process is threatened by the danger of a new form of authoritarianism. Key provisions of the Amended Constitution of 2002 greatly reduce the role of the elected legislature in public policy making, while significantly augmenting the powers of the king. Moves to reconfigure electoral districts and grant full voting rights to a select group of non-Bahrainis whose continued residence in the country is contingent upon their positions in the armed forces and intelligence services have effectively diluted the electoral process and skewed it sharply in favor of pro-regime candidates. A highly restrictive Press and Publications Law remains in force, despite the fact that the courts have tended to be lenient in imposing punishment on journalists charged with breaking its provisions. Harassment and discrimination

against those who publicly criticize the regime, particularly among the country's disadvantaged Shia population, remain pervasive. Political parties continue to be illegal. Labor unions have been permitted to form once again, after being banned in the wake of a wave of worker activism during the 1970s, but are prohibited from engaging in any activity that might be construed by the authorities as political in nature.

Significantly, the reforms introduced during the wave of liberalization that swept the country from 2000 to 2002 have not been firmly institutionalized. Political prisoners have been released, and individuals who were dismissed from their government and university posts during the 1994–99 uprising have been reinstated. Peaceful popular protests no longer prompt excessive force on the part of the police, and the range of political expression is gradually expanding. Yet crucial elements of the judicial process continue to be opaque and unpredictable and are applied unequally and inconsistently. Different types of civic organizations and popular societies are regulated in different ways. Members of the ruling family enjoy prerogatives that place them largely outside the law. High-ranking officials suspected of corruption or egregious violations of human rights are shielded from prosecution. Prospects for greater democratization, therefore, depend almost entirely upon the continuing good will of the king and his allies.

INTRODUCTION

Beginning in the fall of 2000, the ruler (emir) of Bahrain, Sheikh Hamad bin 'Isa Al Khalifah, undertook a series of initiatives that promised to broaden the civil and political rights of the country's 430,000 citizens.¹ That September, the emir appointed 19 additional members to the existing 40-member Consultative Council (Majlis al-Shura), including a naturalized Bahraini of Indian origin, a representative of the tiny Jewish community, and four women, one of them a Christian. He took the occasion to proclaim that within five years, members of the Consultative Council would be elected rather than appointed. In late November, the ruler promised to work with local notables and intellectuals to craft a revised version of the 1973 constitution, which had been abrogated in August 1975. He then set up a 46-member Supreme National Committee and charged it with the task of drafting a National Action Charter to supersede the old constitution. The resulting document, which was published in mid-December 2000, proposed that the emirate be transformed into a hereditary monarchy (*mamlakah*); that a bicameral national assembly (*al-Majlis al-Watani*) be established, with an elected lower house and an appointed upper house; and that a wide range of individual and

collective rights be accorded to all citizens, including a right to work, the right to an education, academic freedom, equality between men and women, freedom of religion, and freedom of the press and other forms of public expression.

In mid-February 2001, the National Action Charter was put to a popular referendum. Some 90 percent of eligible voters went to the polls, with more than 98 percent voting to endorse the Charter. Immediately after the referendum, the emir appointed a Charter Activation Committee, headed by his eldest son, Salman, to oversee the implementation of the Charter. The council of ministers then rescinded the draconian State Security Law of 1974 and abolished the state security court that had been established in 1976. Meanwhile, the government declared an amnesty for more than 100 prominent critics of the regime who had been living overseas, as well as for some 200 citizens and permanent residents who had been detained for crimes against the state according to the provisions of the State Security Law. In addition, the ruler conferred citizenship on more than 1,000 Farsi-speaking inhabitants who had immigrated to the islands from Iran over the years but had never been accorded Bahraini nationality.

In mid-February 2002, Emir Hamad declared himself king of the new Kingdom of Bahrain and designated Salman as crown prince. He also proclaimed that an altered version of the National Action Charter would henceforth be recognized as the Amended Constitution and become the foundation for the country's political order. In October 2002, the emir, now king, promulgated a revised Press and Publications Law, which imposes severe penalties for publishing any report that criticizes the monarch, jeopardizes national unity, advocates changing the country's political system, or denigrates Islam. The law grants the ministry of information the authority to "monitor and censor all forms of published and printed material, [as well as] audio, visual, or electronic [media]."² That same month, King Hamad issued Decree Number 56, which grants blanket immunity from criminal and civil prosecution to any official suspected of inflicting torture or otherwise violating human rights in the past. Both regulations have elicited strong public condemnation on the part of local reformers, who charge that they effectively eviscerate key provisions of the National Action Charter. Less provocative, but equally important, is a concurrent prime-ministerial directive that replaced the office of general prosecutor in the ministry of the interior with a new office of public prosecution inside the ministry of justice and Islamic affairs.³ Despite the change in organizational structure, the personnel in this agency remain the same, to the chagrin of those who had lobbied for the replacement of prosecutors and judges having close personal ties to the ruling family with a corps of disinterested legal professionals.

Critics of the regime highlight a number of sharp divergences between the 1973 constitution and the Amended Constitution. In the first place, the former document locates the foundation of sovereign authority in the Bahraini people, while the latter asserts that it lies in the person of the monarch. Second, the 1973 constitution stipulates that the ruler “shall exercise his powers through his Ministers who shall collectively report to him on the general policy of the Government.” By contrast, the Amended Constitution posits that the ruler “shall exercise his powers directly and through his Ministers.” Third, whereas the earlier constitution recognizes a single national assembly, the later one provides for two distinct houses and requires that “no law shall be promulgated unless [it be] approved by both the [appointed] Consultative Council and the [elected] Chamber of Representatives, or the National Assembly as the situation demands, and ratified by the King.” Fourth, the old constitution gives members of the national assembly the right to introduce bills for debate; according to the new constitution, however, proposed bills must first be referred to committee, and are only taken up by the assembly after they are introduced by the government.

More important, in light of the widespread popular disorder of the 1990s, the 1973 constitution provides that “martial law shall be proclaimed only by law, unless otherwise dictated by urgent necessity to be by a decree giving the justification therefor, provided that the matter shall be referred to the National Assembly within two weeks for decision.” By contrast, the Amended Constitution states that “a state of national safety or martial law shall be proclaimed only by decree,” with no provision for later parliamentary discussion. Taken together, the revisions contained in the Amended Constitution greatly enhance the power of the ruler at the expense of the legislature. Furthermore, they appear to establish no guiding principles according to which the ruler is compelled, or even might reasonably be expected, to base his judgments regarding such matters. Consequently, it is hard to see how the Amended Constitution advances the rule of law in Bahrain.

CIVIL LIBERTIES – 3.67

At the start of 2003, the Bahrain Human Rights Society issued a report stating that all political prisoners had now been released and that those individuals who had been dismissed from employment in government agencies (including the University of Bahrain) for their political activities during the 1990s had been reinstated.⁴ In addition, the report noted that the law prohibiting societies and organizations from campaigning on behalf of candidates for the national assembly had been amended to permit such activity in the future.⁵

It pointed out as well that peaceful demonstrations and public gatherings no longer elicit brutal and indiscriminate responses from the police, as they had done as recently as April 2002.

Representatives of popular societies and civic organizations confirm the main points of the Society's 2003 report. Leading figures of the Islamic National Accord (Wifaq) Society, the country's largest Shia organization, which has been sharply critical of the regime for its unwillingness to restore the 1973 constitution, concur that there is at present no institutionalized or systematic torture or imprisonment of political activists, but only isolated incidents of mistreatment and harassment. The killing of protesters has always been a rare occurrence in Bahrain, even at the height of the popular uprising of 1994–99. The three dozen persons who died as a result of actions by the police in the course of the uprising are still openly honored as martyrs by their home communities, giving the authorities an added incentive to act with restraint. Police and intelligence officers at the scene, occasionally outfitted in full riot gear, kept close watch on the sporadic rallies and marches that took place in the capital throughout the summer and fall of 2003, but direct confrontations between protesters and police resulted in no serious casualties and only occasional, brief arrests.⁶

Long-term detention without trial is prohibited by the National Action Charter and has been abandoned in practice in recent years. Following the repeal of the State Security Law, anyone suspected of committing a crime has routinely been charged or released within 48 hours of arrest. The courts are reported to have rejected occasional requests from the police to hold suspects for longer periods of time.⁷ The Charter also protects the country's citizens from all forms of mental and physical torture and prohibits information gathered by means of torture from being used in judicial proceedings. Oddly enough, the Charter fails explicitly to guarantee that Bahraini citizens will not be forced into exile, a measure that was an important instrument of government policy toward political dissidents during the 1990s. It does, however, protect citizens from any imposed limitations on their freedom of movement, which may imply a constitutional guarantee against forced exile.

The situation confronting Bahraini women remains fundamentally ambiguous. On the one hand, the National Action Charter guarantees that "all citizens are equal before the law in rights and duties. There is no discrimination between them on the grounds of sex, origin, language, religion or creed."⁸ The Charter goes on to assert that "the State maintains the legal entity of the family, protects motherhood and childhood, looks after children, protects them from exploitation, and [prevents] them [from suffering] moral, physical and spiritual loss."⁹ The government is a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women and

has recently embarked upon a highly publicized campaign to end all trafficking in women and children on the islands, creating a special task force to deal with the problems faced by the large number of vulnerable female domestic servants working in the country.¹⁰ Major popular societies and civic organizations, including such Islamist associations as the Wifaq Society, advocate greater educational and career opportunities for women and actively recruit members from the country's female population. A small number of outstanding women have risen to top positions in local business, including enterprises closely linked to the state.

On the other hand, women occupy many fewer senior posts in private and public companies and government departments than one might expect in light of the fact that females currently account for almost one-quarter of the labor force. Discrimination against women takes a variety of forms, from a passive adherence to long-standing misogynistic customs and attitudes to an outright refusal to hire and promote females to positions of responsibility.¹¹ Most galling to many is the trend toward importing expatriates to work as teachers, health-care professionals, and clerical workers at a time when Bahraini women who have been trained for these same occupations stand unemployed.

Women who speak out against gender discrimination tend to be branded as activists if not dissidents and are consequently passed over for promotion or assigned undesirable tasks and shifts on the grounds that they harbor a proclivity to engage in "political" agitation. There appears to be no institutional recourse for women who suffer discrimination on the basis of gender. The state-affiliated Supreme Council for Women in Bahrain has sponsored public workshops on issues concerning equality in the home and workplace, but these meetings have had little if any impact outside elite, well-educated circles. For most women, a more important institution is the network of local religious courts, which is loosely supervised by the ministry of justice and Islamic affairs and has a long history of ruling against females on a wide range of issues concerning marriage and the family.¹²

Members of the country's most important political minority—Arabic speakers who follow the Shia branch of the Islamic faith—who nevertheless make up between one-half and two-thirds of the native-born population, maintain that active and sustained discrimination on the part of Sunnis in general and the ruling family in particular explains their generally disadvantaged position in local society. The poorest neighborhoods of Manama and the most dilapidated villages in the surrounding countryside are invariably inhabited by Shias. Districts populated primarily by Sunnis contain attractive houses, paved streets, and well-maintained public buildings, whereas many Shia areas contain older, run-down dwellings, lack paved roads, and have no public offices. Shia neighborhoods are also overcrowded, often with clusters

of school-age children playing or loafing in the streets. In one scene of a play put on by primary school children in the Shia village of Diraz in the spring of 2003, a young girl upbraids a friend for failing to devote much time and attention to her studies; the friend replies, "Why should I? There will be no work for me anyway."¹³

Other national and cultural minorities fare somewhat better in economic terms, although few Indians, Pakistanis, Bangladeshis, Filipinos, or Palestinians who reside in the country have been granted Bahraini nationality. Those expatriates who do gain citizenship possess it only in the third class. This means that they cannot vote in municipal and parliamentary elections or run for elective office, although they have the right to bring cases before the criminal and civil courts. Unlike their counterparts in neighboring Arab Gulf states, naturalized and resident expatriates are usually permitted to bring their immediate families with them to Bahrain. In contrast, citizens of the five other member-states of the Gulf Cooperation Council (GCC; Saudi Arabia, Kuwait, Qatar, the United Arab Emirates, and Oman) who live or own property in Bahrain are routinely awarded dual citizenship, including the right to vote.

Popular associations and civic organizations have proliferated since 2001. As of November 2002, the government had licensed 10 different women's societies, 43 social organizations, 7 Islamic societies, 45 occupational organizations, 72 societies and federations for foreign nationals, 17 cooperative societies, 65 popular funds and trusts, and a dozen other associations. These organizations are regulated by four separate government agencies. The great majority of them, perhaps as many as 400 distinct societies, are registered by the ministry of social affairs. Clubs and youth groups fall under the purview of the ministry of youth and sport, which strictly prohibits the associations under its supervision from engaging in any sort of political activity. The ministry of religious endowments (*awqaf*) regulates all religious societies, including the communal mourning houses for al-Imam Husain (*matams*) set up by the Shias. Generally, Sunni organizations are more tightly regulated than Shia societies, which tend not to acknowledge state authority over most of their activities. The ministry of information exercises control over press, literary, and cultural associations. Each ministry is reported to adopt a different style in administering the societies for which it is responsible. As a result, there is little consistency in the ways that various arenas of associational activity are governed.¹⁴

Political parties remain prohibited by law, although two influential members of the Chamber of Representatives have raised the possibility of drafting a law to permit formal parties to organize in the near future.¹⁵ The king is on record as remarking that the question of whether or not to authorize the establishment of political parties is a matter for the legislature to decide.

Labor unions have been legal since September 2002, when King Hamad issued a decree authorizing workers and salaried employees to form organizations to promote their economic interests. The order was promulgated after the council of ministers refused on four different occasions to rescind an official ban on such associations imposed in 1977. When it became evident that the cabinet was going to refuse for the fifth time to authorize the formation of trade unions, the king stepped in and overruled his ministers.¹⁶

Recommendations

The regime must uphold its commitment to liberal principles and follow through with political and legal reforms. Police and intelligence service personnel should be trained to recognize and accept civil liberties as a matter of general principle. Officers who develop and implement ways to respond to nonviolent public demonstrations without the use of excessive force should be rewarded. Ambiguity concerning the legality of exiling political dissidents needs to be clarified. Contradictions regarding family and personal status law between state and religious courts, particularly with respect to women, must be resolved. The government should expand both educational and employment opportunities and social services for the most disadvantaged groups in Bahraini society and recognize the dangers inherent in situations in which opulent wealth and conspicuous consumption exist alongside widespread poverty and despair. The government must rescind Decree Number 56 and thoroughly investigate and punish perpetrators of torture.

RULE OF LAW – 3.33

It is difficult to assess comprehensively the degree to which Bahrain operates according to the rule of law. A large majority of the country's citizens hoped, and perhaps even expected, that some updated version of the 1973 constitution would be reinstated as the permanent basis of the country's political system. This now appears to be a lost cause, as the Amended Constitution, a modified version of the National Action Charter, has effectively supplanted the earlier constitution as the foundation of political and economic life.

Extensive political, juridical, and economic prerogatives remain firmly in the hands of senior members of the ruling family, the Al Khalifah, despite the various reforms promulgated between 2000 and 2003. In the words of the 2003 Annual Report of the Bahrain Human Rights Society, "the Supreme Judicial Council is merely considered as a consultative body, where its recommendations are submitted to the Minister of Justice, who has the authority to appoint, promote and discharge judges from service."¹⁷ Since

independence in 1971 the justice minister has been a prominent sheikh of the Al Khalifah. Moreover, the king himself, acting as the country's highest judicial authority, decides especially sensitive matters, including those that involve members of the ruling family, according to his own judgment.

Private property rights appear to be particularly susceptible to contravention by the ruling family. Extensive tracts of productive agricultural land continue to be systematically requisitioned by senior members of the Al Khalifah. These lands are quickly cleared of trees, denuded of topsoil, and then sold or leased to developers at a considerable profit. Such activity is particularly pervasive along the northern coast, where confiscated properties are attached to land that has been newly reclaimed from the sea at public expense to yield valuable parcels of commercial real estate.

Various groups in Bahrain agree that the situation confronting anyone accused of a political crime is much more satisfactory now than it has been in the recent past. The National Action Charter states that "an accused person is innocent until proven guilty by a fair trial where he is ensured of access to defence at all the stages of the investigation and the trial."¹⁸ Any defendant who cannot afford legal counsel may request that a lawyer be appointed by the ministry of justice and Islamic affairs.¹⁹ Most individuals who find themselves charged with breaking the law, even the comparatively strict Press and Publications Law, appear in court and are permitted to present evidence and arguments in their own defense. Defendants are usually released with only minor penalties, and charges are often dismissed even before guilt or innocence has been formally determined. In fact, it is the very uncertainty that pervades the operation and deliberations of the judicial system that causes the most anxiety for defendants and the greatest concern among those who champion further reform. There is no question that the judiciary currently exercises considerable leniency in dealing with political cases, but it is impossible to ascertain how long this extraordinary degree of tolerance may last or where its precise boundaries may turn out to lie.

It does seem clear, however, that the authorities have no intention of punishing members of the police, intelligence services, and armed forces who may have inflicted torture or other forms of mistreatment on dissidents during the turbulent 1990s. The current cause célèbre involves a former colonel in the security and intelligence service who is widely believed to have ordered and taken part in the torture of political prisoners. Despite a mass demonstration outside the ministry of justice and Islamic affairs in November 2002 to demand that this individual be put on trial for gross violations of human rights, several subsequent public protests, and a formal complaint to the government filed by Amnesty International, the authori-

ties have refused to prosecute the officer on these charges.²⁰ It is likely that Decree Number 56, which prohibits such prosecutions, was issued precisely to protect this individual and his colleagues from legal action.

Plans to increase the number of Bahraini citizens serving in the ranks of the police and intelligence services were announced in September 2003. The undersecretary of state responsible for security affairs in the ministry of the interior told reporters that a police academy would be opened in the near future, with the primary goal of training native-born Bahrainis to play a greater role in local law enforcement.²¹

Recommendations

The government of Bahrain must create a coherent network of judicial institutions that replaces unpredictable or capricious procedures, deliberations, and rulings with predictable, transparent, and routine proceedings. Judges and public prosecutors who hold their positions due to personal ties to the ruling family should be replaced with professional jurists who have completed formal education in the law. Private property rights must be codified and respected, and long-standing forms of community property should be legally defined and registered in ways that protect them from abrupt confiscation.

ANTICORRUPTION AND TRANSPARENCY – 2.83

The National Action Charter clearly states that “public funds are sacred, and every citizen has a duty to protect them. Public authorities have to take all measures to safeguard them.”²² The document goes on to assert that “economic openness must be accompanied by a change in the general management towards easing procedures, transparency, the elimination of overlapping responsibilities, the improvement of services, and the modernisation of economic legislation, all of which must be governed by the principles of honesty and the equality of opportunities.” To this end, the Charter envisages the establishment of “an office for financial control and an office for administrative control,” to be responsible for “the increase of work transparency in all state institutions.”²³ These two agencies have yet to be created.

The long-time prime minister, Sheikh Khalifah bin Salman Al Khalifah, has been increasingly involved in economic affairs in recent years. He is said to be a key player in virtually all major business deals on the islands, amassing great wealth in the process. Other members of the ruling family also receive handsome side payments from business transacted in the country, either in the form of large commissions required or expected as part of all contracts and investments involving foreign companies, or by being appointed to lucrative

positions on the boards of directors of the local subsidiaries of transnational corporations. Critics of these practices point out that the authorities in Dubai have virtually eliminated illicit commissions and forced partnerships and have thereby succeeded in enticing a number of major firms to locate (or relocate) their regional operations in the United Arab Emirates.

It is generally hard to tell the difference between the perquisites of office and corrupt administrative practices. High-ranking officials enjoy magnificent houses, large staffs of personal servants, and expensive automobiles. State-funded construction projects tend to benefit individuals and families with close ties to the ruling family. Oil revenues flow directly into the central treasury, obviating the need for taxes and fees to fund the operation of government agencies. As a result, licenses and contracts represent political arrangements rather than economic ones and are subject to a wide degree of latitude depending upon the actors involved. The process by which government contracts are awarded is kept hidden from public view. There is considerable speculation about the illicit activities of the rich and powerful, which circulates in the form of rumor and innuendo, but no mechanisms exist to obtain reliable information about the finances of state agencies and public sector enterprises.

Allegations of large-scale or sustained corruption on the part of government officials, particularly if they implicate members of the ruling family, can be reported in the local press only in the most oblique fashion. When the influential newspaper *al-Wasat* published an article in the summer of 2003 that reported the confiscation of one particularly well-situated tract of agricultural land, the member of the Al Khalifah in whose name the sequestration had taken place announced that the area would be set aside as a public park.²⁴

Recommendations

The government of Bahrain should act in accordance with the terms of the National Action Charter and take concrete steps to heighten the transparency of all contracts and agreements drawn up by state agencies. Financial and administrative auditing and monitoring structures that are envisaged in law should be rapidly created, operate transparently, and be allocated sufficient resources to conduct thorough investigations.

ACCOUNTABILITY AND PUBLIC VOICE – 3.32

At the time he proclaimed himself king, the ruler ordered municipal council elections to be held in early May 2002 and parliamentary elections to be carried out in late October 2002. Officials close to King Hamad meanwhile let it be known that the appointed upper house of the national assembly, the Consultative Council, would exercise legislative powers com-

mensurate with those of the elected lower house, the Chamber of Representatives (Majlis al-Nuwwab). This move surprised and angered local reformers, who had received assurances from the palace that the upper body would play no more than an advisory role in policy making.²⁵ Giving the Consultative Council the authority to introduce or enact legislation also appears to contravene Article Five of the National Action Charter, which states categorically that “the first council shall be formed through direct and free elections and shall have legislative attributes. The second council shall be appointed and shall comprise people of experience and competence who will offer their advice and knowledge when needed.”²⁶

Further constrictions on the electoral process became evident as 2002 passed. Citizens of any other GCC state who lived or owned property in Bahrain were granted the right to vote in the municipal elections, effectively multiplying the electoral strength of the Al Khalifah at the expense of nonelite, native-born Bahrainis. Islamist candidates nevertheless won 42 of the 50 seats on the councils. Twenty-one of the winning candidates were affiliated with the (Shia) Wifaq Society; most of the other victorious Islamists represented the local branch of the (Sunni) Muslim Brotherhood. In response to the high rate of Islamist success at the polls, officials reconfigured most electoral districts as a way to improve the chances that pro-regime candidates would prevail in the subsequent parliamentary elections. That July, the council of ministers promulgated a new citizenship law that permits citizens of the other five GCC states to obtain concurrent Bahraini nationality, with full voting rights. At the same time, the cabinet issued a political rights statute that blocks popular societies and civic organizations from “participating in any electoral campaign on behalf of any candidate” and “prohibits campaigning in religious places, universities and schools, public squares, roads and government buildings.”²⁷ As a result of these measures, and in protest against the government’s insistence that the appointed Consultative Council should possess legislative powers, a number of influential societies and organizations—including the Wifaq Society—boycotted the October vote for the Chamber of Representatives. Just over 53 percent of eligible voters participated in the first round of balloting for the lower house, while no more than 43 percent turned out for the second round.

Elections to both the municipal councils and Chamber of Representatives took place in an atmosphere that was largely free from outright fraud and intimidation. There are credible reports, however, that on the eve of the October parliamentary elections recognized critics of the regime received anonymous telephone calls warning them against turning out to vote. Other reports indicate that hundreds of tribespeople from the eastern

province of Saudi Arabia flooded the towns and villages of western and southern Bahrain in the days just prior to the elections. The influx of Saudis holding dual nationality greatly increased the number of registered voters credited to these otherwise marginal electoral districts, whose permanent population consists primarily of tribal communities that enjoy close ties to the Al Khalifah. More important, thousands of Syrians, Yemenis, and Baluchis employed in the armed forces, police, and intelligence services were granted full voting rights in the weeks leading up to the parliamentary elections. These newly enfranchised expatriates were ordered by their commanding officers to show up at their respective polling places to take part in the voting.²⁸

Reformers complain that the practice of conferring citizenship on expatriates whose right to remain in the country is wholly dependent upon their continued subservience to senior military commanders or other high-ranking government officials severely undermines the integrity and credibility of the electoral system. They have labeled this policy “political naturalization” and point to it as part of a deliberate renunciation of the regime’s promise to hold free and fair elections. The leadership of the Wifaq Society, in particular, has pledged to boycott all elections until the practice is halted and those individuals who have been politically naturalized are stripped of their right to vote.

Women played an active role in both of the elections that took place during 2002. More than half of the voters were women. In the May municipal council elections, 31 women stood as candidates for the 50 council seats. Eight women stood as candidates in the October parliamentary elections, distributing themselves among different electoral districts so as not to compete directly with one another. None of the female candidates won, despite strong hints from the authorities that women should be represented on the new councils. Some female candidates complained afterwards that they had been blocked from speaking and distributing flyers in public places.²⁹ Others attributed their lack of success to widespread social and cultural biases against women. No Islamist organization nominated or sponsored female candidates in either election.

Petitioning the authorities continues to be the primary means by which Bahraini citizens express demands for change. In June and July 2003, the Wifaq Society presented a petition to the palace (*diwan*) signed by 33,000 individuals that called for the immediate repeal of Decree Number 56; the petition went unanswered. Those who attach their names to popular petitions appear to suffer no official retribution at present, although there are anecdotal reports of individuals who refuse to sign in light of the harsh reprisals that were meted out for such actions during the 1990s.

Individuals and organizations also make use of public manifestos to voice political grievances and platforms. In March 2003, six of the country's largest and most active popular associations published a manifesto calling for unified action to oppose the implementation of the Amended Constitution. Three of these groups are registered as Islamic associations: the Wifaq Society, the Islamic Arab Wasat Society, and the Islamic Action Society. The other three are broadly leftist in orientation: the National Democratic Action Society, the Progressive Democratic Minbar Society, and the Nationalist Assembly.³⁰

Restrictions mandated by the Press and Publications Law impose severe limitations on local journalists. One prominent columnist for the daily *Akhbar al-Khaliq* was prosecuted for allegedly stirring up sectarian divisions inside the country after he published an article in a Beirut newspaper that criticized Bahrain's burgeoning military relationship with the United States.³¹ The same charge was directed against the Qatar-based television station Al Jazeera in May 2002 after it broadcast pictures of an anti-American demonstration in Manama without first receiving the approval of the Bahraini government. Bahrain's minister of information not only banned Al Jazeera from operating in the country but accused the station of being "penetrated by Zionists" as a result of this incident.³² In a similar move, in March 2002 the ministry of information cut off all local access to a number of Internet sites that were alleged to be "inciting sectarianism and carrying offensive content."³³

Throughout the summer and fall of 2003, newspapers and popular societies alike steadily probed the limits of the laws and regulations governing their affairs. Such challenges demonstrate that the enforcement of existing statutes is far from strict: The authorities seem willing to tolerate objective reporting on a variety of sensitive topics, as well as a range of proscribed political activities by licensed associations and civic organizations. Severe penalties for breaking the laws nevertheless remain on the books, and official leniency may be curtailed without warning at any moment. In August 2003, the ministry of information circulated a memorandum among foreign news agencies that instructed them not to dispatch reports regarding the government's policy of political naturalization. One Bahraini citizen, acting as a stringer for a German news agency, subsequently placed on the wire an interview that addressed this policy; the ministry almost immediately learned that the report was in transit and demanded that it be canceled, threatening to take the reporter to court if it appeared in print.³⁴ The reporter managed to quash the story and avoid the lawsuit.

Starting in the summer of 2003, the editors of Bahrain's major newspapers were granted weekly meetings with the heads of various government departments. The journalists take advantage of these sessions to ask tough, unscripted questions. If the audience is small enough, state officials are

reported to offer surprisingly frank and direct answers. Ministers have even taken steps on occasion to change policy or revise official procedures in response to the questions and comments raised in these forums.

Major newspapers thus appear to enjoy a degree of latitude and freedom from official harassment that is not accorded to smaller publications. The editor of the biweekly newsletter issued by the Wifaq Society, for instance, recently received a telephone call at his home from a high-ranking officer in the intelligence services who asked him to report to the local police station the next morning. The editor replied that he would not do so unless he was presented with a written warrant that specified the charges he faced. When the editor failed to show up at the police station as ordered, the matter was dropped with no adverse consequences for the journalist.³⁵

Recommendations

The government needs to end all policies that dilute or skew the electoral process. In particular, the ongoing practice of granting voting rights to a select group of non-Bahrainis with close ties to the regime should be replaced with a nondiscriminatory and transparent process of conferring naturalization and full citizenship rights on a broad spectrum of long-term residents in the country. The government of Bahrain should continue to make high-ranking officials available to the local press. The international community should actively intervene on behalf of reporters and editors who face civil or criminal charges for writing or publishing reports that are factually true, yet politically sensitive or otherwise unflattering to the regime. The Kingdom of Bahrain should rescind the restrictive Press and Publications Law of 2002 and replace it with regulatory legislation drafted by the national assembly, in consultation with professional journalists, human rights organizations, and press freedom groups.

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Notes

¹ This summary relies on J. E. Peterson, "Bahrain's First Steps towards Reform under Amir Hamad," *Asian Affairs* 33 (June 2002) and Abdulhadi Khalaf, "The New Amir of Bahrain: Marching Sideways," *Civil Society* 9 (April 2000). A rosier picture can be found in Anoushiravan Ehteshami, "Reform from Above: The Politics of Participation in the Oil Monarchies," *International Affairs* 79 (January 2003). See also Louay Bahry, "The Socio-

economic Foundations of the Shiite Opposition in Bahrain," *Mediterranean Quarterly* 11 (Summer 2000); Falah al-Mdaires, "Shi'ism and Political Protest in Bahrain," *Digest of Middle East Studies* 11 (Spring 2002).

² Annual Report 2001–2002 (Manama: Bahrain Human Rights Society [BHRS], February 2003), 14.

³ *Ibid.*, 11.

⁴ *Ibid.*, 4.

⁵ *Ibid.*, 13.

⁶ "Labor Ministry Job Protest Turns Violent," *Bahrain Tribune*, 17 August 2003; Mohammed Almezal, "It's a Summer of Discontent in Bahrain," *Gulf News*, 19 August 2003; "Unemployed Bahrainis Demonstrate, Demand Jobs," *Gulf Daily News*, 2 September 2003; Mohammed Almezal, "Bahrainis Protest Possible Prosecution of Journalist," *Gulf News*, 26 September 2003.

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