

# THE HUMAN RIGHTS SITUATION IN BAHRAIN

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## HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION HOUSE OF REPRESENTATIVES

ONE HUNDRED AND TWELFTH CONGRESS

FIRST SESSION

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## THE HUMAN RIGHTS SITUATION IN BAHRAIN

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TUESDAY, APRIL 27, 2010

HOUSE OF REPRESENTATIVES,  
TOM LANTOS HUMAN RIGHTS COMMISSION,  
*Washington, D.C.*

The Commission met, pursuant to call, at 12:00 p.m., in Room 2200, Rayburn House Office Building, Hon. James P. McGovern [cochairman of the Commission] presiding.

Mr. McGOVERN. Thank you very much. This hearing will come to order.

And I would like to welcome everyone to today's hearing on Bahrain. In particular, I want to thank the Commission's executive committee member, Congresswoman Donna Edwards, for her leadership on this issue, and Lars de Gier, a fellow with the Tom Lantos Human Rights Commission, for all of her good work in coordinating today's hearing.

One important purpose of the Commission is to educate Members of Congress on human rights issues and the status of human rights in countries that do not receive much attention or are far from the headlines of the day. Every nation faces human rights issues, including my own, and it is important for Members of Congress to learn about them, not just to criticize but to help governments, NGOs, and international organizations work together to find legal, peaceful solutions to longstanding abuses and restrictions on human rights.

Today we are going to learn about Bahrain, which has taken several measures over the past decade or two to improve its human rights situation, especially with respect to migrant workers, which make up over half of the population of the country, and in providing avenues for greater representation of its people in the decisions of government.

But such progress has often been uneven or even reversed, as in the case of the use of practice of torture, workers' rights, human trafficking, and representative institutions of government. And like so many of its regional neighbors, the history and current reality of Bahrain is deeply rooted in a divide between Sunni and Shia populations, the struggle to achieve basic human rights, recognition, and genuine representation.

When you review Bahrain's recent history, it sometimes reads as though the nation will take two steps forward and then one step back, or, more regrettably, one step forward and two steps back. It is a dance that leaves many of its citizens and foreign workers uncertain of their rights or even deprived of rights. It opens the door to abuses by security forces, including torture, that the country had once thought to overcome. And it leaves too many men, women, and children, especially migrant workers, vulnerable to labor and sexual exploitation, trafficking, and slavery.

These are some of the issues our panelists will explore today, and I look forward to better understanding and discussing the human rights situation in Bahrain.

It is now my pleasure to turn both the gavel and the microphone over to Congresswoman Edwards, who will officially preside over this hearing.

[The prepared statement of Mr. McGovern is unavailable]

Ms. EDWARDS. [Presiding.] Thank you. And thank you, Mr. McGovern, for your leadership of the Commission and the Commission's work.

As you said, we have had an opportunity to look both at our country but across the world at the human rights situation. And, again, to reiterate something that you said, that this is not about criticism or placing blame, but it is about figuring out how we can work toward the future to an entire world community in which human rights are respected and valued. And that means that the United States as well as other countries around the world are on the same plate.

This afternoon, we will be examining the human rights record of the Kingdom of Bahrain. Bahrain was declared in 2002 by the United States to be a major non-NATO ally, and a free-trade agreement was signed between the United States and Bahrain in 2004. In addition, the U.S. Navy's Fifth Fleet is located in Bahrain, hosted there, and all of our naval operations, important strategic operations, are based there.

I have had an opportunity twice during my short tenure in Congress to travel to Bahrain, to visit with government representatives as well as those who serve the United States in Bahrain. So we have a deep interest in this nation and a desire to work with Bahrain to improve the lives of the people. And I know the work includes also engaging more women. I had an opportunity to meet with women leaders while on my last visit, and it is my hope that this effort will continue.

Additionally, I know that the protection of human rights in Bahrain is something that is important to many of my constituents. I believe that a number of them are here in this room today. And, over the last couple of weeks, we have had an opportunity in my office to receive a number of calls from people who are deeply concerned and interested about human rights in Bahrain.

I look forward to today's testimony, to hearing from our witnesses, to being able to engage our witnesses. And today we are going to be joined -- and I will read off, I guess, the order -- not the order in which you are seated, clearly, but I will try to do that, as well. And sometimes owing to my eyesight, I may or may not get your names correct.

We will be hearing from Mr. Joe Stork, who joined Human Rights Watch in 1996 and is the organization's deputy director of its Middle East and North Africa division. He is a general expert on human rights issues in the region. Before joining Human Rights Watch, Mr. Stork cofounded the Middle East Research and Information Project and served as chief editor of Middle East Report, its bimonthly magazine.

Author of numerous book and widely published articles on the Middle East, he has lectured widely at universities and public fora around the world. And Mr. Stork served as a Peace Corps volunteer in Turkey and holds an MA in international affairs and Middle East studies from Columbia University.

He will be followed by Mr. Stephen McInerney, who is director of advocacy for the Project on Middle East Democracy. He is the author of the recent POMED report, "The Federal Budget and Appropriations for Fiscal Year 2011: Democracy, Governance,

and Human Rights in the Middle East and North Africa."

He has extensive experience in the Middle East and North Africa, including graduate studies in Middle Eastern politics, history, and the Arabic language at the American University of Beirut and the American University in Cairo.

Mr. McNerney has spoken on Middle East affairs with numerous media outlets, including MSNBC and CBS News. And his writing on Middle East affairs and U.S. policy has been published by the Carnegie Endowment, Arab Reform Bulletin, the Daily Star, The New Republic, Foreign Policy, and The Washington Post. He received his master's degree from Stanford University.

We are also joined by Ms. Katie Zoglin, who is a senior program manager for Middle East and North Africa at Freedom House. Long active in the international community, Ms. Zoglin recently worked in Morocco as deputy director of the American Bar Association's Rule of Law Initiative, overseeing programs in Morocco and Algeria. She has also worked in Serbia and Macedonia with the American Bar Association's Central European and Eurasian Law Initiative.

As a Fulbright scholar, Ms. Zoglin conducted human rights work in Paraguay, including research in the "Archive of Terror." She has taught international human rights at Stanford Law School and the University of California at Berkeley. Ms. Zoglin has been an author and speaker on topics such as war crime tribunals, women's rights, and human rights abuses under military regimes.

Ms. Zoglin has 20 years of experience as a prosecutor and civil litigator for local governments in California. And she is a graduate of Harvard College and Harvard Law School.

We will also hear today from Dr. Mohammed Alansari, who has served as chairman of the Public Freedom Society in Bahrain. And I want especially to thank Dr. Alansari for attending this hearing because he agreed to come all the way from Bahrain at the last minute to testify before the Commission.

Dr. Alansari has served in his current role since 2007 and has also worked with TASA, a group in Bahrain focused on supporting women for elective office. Before that, he worked with the International Foundation for Election Systems, an independent, nongovernmental organization providing professional support to electoral democracy.

Dr. Alansari earned a master's in political science from the University of Dorchester in the United Kingdom and a Ph.D. in political science from Richmond University in the United Kingdom.

The recent allegations by Human Rights Watch of torture and abuse of detainees are particularly concerning, and I am interested in hearing from our witnesses today.

I should say also, of course, we are joined by, as mentioned earlier, Kenneth Katzman, who is a specialist in Middle East affairs for the Congressional Research Service. Dr. Katzman served on the staff of the House International Relations Committee during 1996 and 2001 to 2002 and served at the Central Intelligence Agency during 1985 to 1989.

He authored two major Atlantic Council studies on U.S. sanctions against Iran and Libya; a major report for Congress on Near Eastern terrorist organizations, including al Qaeda; and the book, "The Warriors of Islam," about Iran's Revolutionary Guard. Dr. Katzman is also a regular contributor to the policy Web site of the Abu Dhabi-based Emirates Center for Strategic Studies and Research.

And, with that, we will begin our testimony today. If you all can remember how you started, but I will help.  
Mr. Stork, please begin your testimony.

**STATEMENT OF JOE STORK, DIRECTOR HUMAN RIGHTS WATCH'S  
MIDDLE EAST AND NORTH AFRICA DIVISION**

Mr. STORK. Thank you very much, Congresswoman Edwards, for your efforts in convening this meeting of the Commission. Thanks to the staff of the Commission and to you, Congressman McGovern, for being here with us today. I agree, this is a welcome opportunity to shed some light on the situation in Bahrain.

I have been working on Bahrain very closely since I joined Human Rights Watch in 1996, so for 15 years. In the period between 2000 and 2002, we saw the remarkable beginnings of political change, political liberalization, and political reform in Bahrain after Sheikh Hamad took over from his father in late 1999. We saw the release of political prisoners. We saw the return of people who had been forcibly exiled. We saw the abolishment of the state security law and the state security courts. We saw the beginnings of an independent press.

Some of those reforms have been enduring, such as the security courts. Those are gone. I hope they are gone for good. There are no political prisoners, at least in any substantial numbers, in Bahrain. Bahrain no longer exiles people because of their political opinions.

My colleagues are going to address, sort of, broader issues of political rights, free speech, freedom of association, and so forth. Just my view as someone who has watched Bahrain closely over these many years, I think that these important reforms of the 2000 to 2002 period have, quite properly, left Bahrain with a very favorable reputation as a modernizing, liberalizing state. But I think, at the same time, the country and the government there has gotten something of a free ride based on those reforms. And I think it is important to keep up the momentum or, I should say, more properly, renew or revive the momentum on reform.

I want to talk about one particular problem: Bahrain's torture problem. Now, between 1975 and 1999, Bahrain had an unfortunately justified reputation for serious and systematic abuse of political detainees. After 1999, certainly after 2002, reports of torture or ill treatment in detention were extremely scarce. By 2005, when Bahrain belatedly presented its first report to the U.N. Committee Against Torture, it could justifiably legitimately claim to have ceased the practice pretty much altogether.

I visited Bahrain in June 2009 with a colleague, Josh Colangelo-Bryan, who is with us today and I hope, maybe after we have done our presentations, would have a chance to speak briefly as well. We interviewed individuals who had been detained over the previous 18 months, starting in December of 2007, people who had been detained in connection with a series of usually street clashes between demonstrators and security forces, in one case alleged planning of terrorist attacks.

What we found on the basis of being able to interview these people who had been released by the King in a pardon in April 2009 -- so we were there just, you know, a matter of weeks after they had been released -- what we gleaned from the testimonies we got from them, but also, importantly, from documents, government documents that we



were able to review, including court records and reports of medical examiners, we concluded that torture is once again a serious problem in Bahrain.

We also spoke with defense attorneys, Bahraini journalists, and human rights activists. We met with officials from the Ministry of Justice and the Ministry of Interior.

And our main findings are these -- two, really: Since the end of 2007, security officials regularly resort to torture to secure confessions from security suspects; and, secondly, that there has been a complete failure on the part of the authorities to investigate these abuses and to hold accountable officials in the Interior Ministry's general directorate of criminal investigations, who are allegedly responsible for torturing suspects, or in the public prosecutor's office, which is responsible for determining if abuse occurred and for initiating investigations.

Now, there was a specific array of techniques that were used by security officials to inflict pain in order to elicit confessions. We are talking about electroshock devices, suspension in painful positions for prolonged periods, beatings, prolonged standing, and, in some cases, threats of sexual violence.

I want to put the emphasis today, though, on the accountability issue. The failure to investigate is equivalent to impunity. Officials told us, when we met with them in June 2009 and on subsequent visits, there may be occasional, you know, isolated instances of abuse, and we deal with them. But the fact is, they don't deal with them. And when you don't deal with these issues, when you don't deal with these incidents, isolated instances are no longer isolated; they become practice.

Torture is a very serious crime. There is no statute of limitations on the crime of torture. Torture is one of those crimes that can be prosecuted universally, not only in Bahrain.

So, to sum up, just a decade ago, Bahrain's leaders showed that, with political will, they could put an end to the scourge of torture. And this makes it all the more distressing to see that torture is once again part of security officials' repertoire.

Now, I want to stress that the question is not whether the detainees that we interviewed or the hundreds of detainees who have been arrested in these incidents were responsible or not for criminal activity, for destruction of property, for instance, for endangering others' lives. The issue is not whether they were wrongfully or properly arrested, although it appears that at least some were wrongfully arrested. The issue is that torture is prohibited, flat-out. Tortured confessions are usually pretty worthless anyway, but, again, that is not the issue. It is a crime to torture anyone, whether they are guilty of other offenses or not.

Therefore, let me finish my presentation with a recommendation: that the U.S. Congress collectively and congresspersons individually urge Bahrain, in private meetings and in public statements, to investigate promptly all allegations of torture and ill treatment by security officials, no matter what rank; to prosecute those found responsible in a court meeting international fair trial standards; and, if found responsible, to discipline and punish them as appropriate to the seriousness of the crime.

I want to close on -- go back to an optimistic note, if I may. We found in 2009, unlike my previous investigations prior to 1999, that some prosecutors and some judges did fulfill their responsibility to order medical examinations when detainees complained of torture or where they could obviously see signs of abuse. Moreover, government doctors were now able to provide in available reports corroboration of torture and ill

treatment on the basis of injuries they observed.

So this marks, I think, an important major improvement from the era prior to 1999, when routine torture characterized Bahrain. In those years, doctors were intimidated from issuing reports that corroborated allegations of abuse. Indeed, we have to wonder if medical examinations were conducted at all. And, certainly, amongst the judges and prosecutors in that period, there was no break in ranks whatsoever.

What we are seeing today is, therefore, we are seeing some openings, some promise. But until the issue is addressed at the very highest levels by the Bahraini authorities, including the King, we have a serious problem. And I hope that all friends of Bahrain will urge the country to remedy this promptly.

Thank you.

[The prepared statement of Mr. Stork is unavailable]

Ms. EDWARDS. Thank you, Mr. Stork. And, at this time, we will hear from Mr. McInerney.

#### **STATEMENT OF STEPHEN MCINERNEY, DIRECTOR OF ADVOCACY FOR THE PROJECT ON MIDDLE EAST DEMOCRACY**

Mr. McINERNEY. Thank you, Congresswoman and Chairman McGovern and the Commission, for having this hearing. I echo Mr. Stork's sentiments that attention on these issues in the GCC countries and in Bahrain in particular are needed and overdue, and we welcome this opportunity to discuss these issues.

I am going to focus more on the political rights of Bahrainis, of Bahraini citizens, including freedom of association, freedom of expression, and a little bit of discussion of upcoming elections scheduled to take place, parliamentary elections scheduled for toward the end of this year.

I can echo what was said, that, in general, Bahrain is a freer place, in terms of political rights and human rights, than it was 10 years ago. It was, in the first several years after King Hamad acceded to the throne in 1999, it was a model for political liberalization. Tremendous progress was made during those years.

Unfortunately, in the past 5 to 6 years, as you mentioned in your opening statement, we have seen regression in a number of areas. And I will address a few of those specific areas.

In terms of freedom of expression, there have always been constraints on freedom of expression. After 2001, there was improvement in this regard. There were a number of independent newspapers founded.

In the last couple of years, there have been some alarming increases in constraints of free expression. The existing press law, established in 2002, gives the government the authority to imprison journalists for criticizing the monarchy, for criticizing Islam, or for writing or reporting anything deemed to undermine the national security. This is a dangerously vague provision that has been used to legally crack down upon any political dissent in the media in Bahrain. All of the broadcast media in Bahrain is government-owned and relatively strictly controlled. While the print media is more privately owned and independent, there are still boundaries that are often not exceeded.

The government, over the last several years, has gradually shifted more away

from an approach of direct censorship of publications and forbidding unwanted criticism to be published and more toward selective targeting and intimidation and the encouraging of self-censorship among the media.

Just last year, the government focused its efforts on freedom of expression, like a lot of the regimes, on new media and the Internet. In January 2009, there was an order issued by the Ministry of Culture and Information which requires all Internet service providers in Bahrain to block Web sites on a list issued by the government. Kind of gradually over the last year, there were additional Web sites added to this list. And, in September, there were more than a thousand Web sites added to this list. This includes news Web sites; it includes blogs that cover news and political developments; as well as public discussion forums and some Web sites that have tracked human rights both in Bahrain and elsewhere in the region.

This crackdown on online content and new media is particularly resonant and important in Bahrain because Bahrain is one of the most Internet-connected societies in the Middle East, in the Arab world, with more than a third of its citizens being online regularly.

In addition, the government has followed the example of some of the other Arab authoritarian regimes in the region in taking steps that it touts as political reforms and democratic reforms that, in fact, are intended to consolidate the government's control over the political sphere.

One example of this was the establishment of the Bahrain Institute for Political Development. It was established by a decree issued by the King in June 2005 and was supported by the international community and the UNDP at that time. In theory, this was established to advance democratic reforms in the Kingdom. In practice, many of the activists and the political reformers viewed the BIPD, the Bahrain Institute for Political Development, as an institution that has been established to consolidate the government's control.

Any organization or association wishing to undertake any activities seen as political activities by the government is required to coordinate their activities through this BIPD, which coordinates closely with the government ministries. Political parties officially remain banned in Bahrain, but the political associations and organizations that exist or those that undertake political activities, including monitoring of human rights, are required to work closely with the BIPD, which is perceived by these independent actors as impeding their independence and their ability to monitor the situation.

In August 2005, the King ratified a new political associations law, augmenting the law from 1989. Similarly, the new associations law had additional restrictions on political associations and their regulation. While the monarchy touted this political associations law as being in support of political reform and supporting, you know, greater openness, it was perceived by the political associations in Bahrain as having the reverse effect, and it was strongly opposed by the human rights community in Bahrain.

The political associations law included provisions prohibiting political associations in Bahrain from receiving funding or any financial assistance from any foreign entity. In recent months, it appears that the government has interpreted this law more broadly and interpreted the ban on foreign assistance to extend beyond simply financial assistance and direct funding to also give the government the authority to prohibit foreign entities, foreign organizations from working with, training, or even

meeting with some of the political associations with Bahrain.

Just earlier this month, the regional director for the Gulf for the National Democratic Institute for International Affairs, NDI, was denied entry to Bahrain upon arrival at the airport in Manama. The stated reason given for her being denied entry was that the government said that she was scheduled to meet with individuals representing the Bahrain Human Rights Society and the Bahrain Transparency Society regarding the possible monitoring of upcoming elections later this year.

So this is an alarming trend that puts Bahrain's official take on political association or freedom of association among the most strict in the region and in the world. It is quite unusual for governments to officially deny entry to foreign citizens, foreign organizations, simply on the grounds of them having private meetings with members of political associations in the country.

I mentioned that some of these organizations are hoping to monitor the upcoming parliamentary elections. Parliamentary elections are expected to take place toward the end of this year. There has been no date yet set by the government, which is also a cause for concern. Some of the members of opposition parties or associations feel as though the lack of a set certain date and certain schedule for the campaign season impedes their ability to properly plan and campaign for the parliamentary elections.

In addition, there is some speculation that the elections may be chosen to take place earlier than anticipated, in September, which would make the campaign season coincide with Ramadan, in an effort to impede the ability of some of the more religiously oriented candidates and associations to effectively campaign.

While, in a number of respects, the government pressure on political association and expression appears to be rising now ahead of the parliamentary elections expected at the end of this year, I should add that those elections, even without any interference or controls, would not threaten to alter the balance of power in the country. The parliament in Bahrain is rather constrained, according to the 2002 constitution. While the members of the parliament may propose draft laws, only the executive can choose which laws are brought to a vote, and the King still retains final authority over any legislative disputes.

So, while the parliament in Bahrain, the last elections in 2006 were generally regarded as a step forward and it is a symbolically important democratic institution, the parliament has not been able to, kind of, assert itself or play a very active role in legislation. And members of parliament have more often resorted to using their position to lobby the monarchy and the government ministries for positions for themselves, their families, and/or their constituents.

So, while the government seems to be cracking down and escalating pressure on political opposition, it is not because they fear a result of the parliamentary elections that would fundamentally alter the balance of power, but more, I would suspect, that they fear that the campaign for the elections may bring attention to politically sensitive issues that they would prefer not to be discussed in the public sphere.

One bright spot, I would add, of the government's approach to reform at the moment is that the government has appeared to be sincere in its efforts to fight corruption and to improve the business climate in the country. I think there has been steady progress. There have been a number of successful projects to improve corporate governance. And the issues of governance and corruption are the main area in which, during this period of the last 5 years when most other areas of governance and democracy

have seen regression, I have seen steady progress.

It seems that the Bahraini Government does recognize the importance of improving its business climate to encourage foreign investment. Most recently, last month, in March, the Minister of State, Mansour bin Rajab, was arrested and dismissed from his post on corruption charges and money laundering charges, which is the first time since Bahrain's independence in 1971 that a government minister has been either dismissed from his post or charged on issues of corruption. So this is seen as a positive step.

Those of us who are supporters of democracy and human rights would like to see the government's commitment to reform in the economic and business sectors in fighting corruption accompanied by, kind of, a return to the progress of political liberalization that we saw between 2000 and 2003.

Thank you.

[The prepared statement of Mr. McNerney is unavailable]

Ms. EDWARDS. Thank you very much.  
Ms. Zoglin?

#### **STATEMENT OF KATIE ZOGLIN, SENIOR PROGRAM MANAGER FOR MIDDLE EAST AND NORTH AFRICA AT FREEDOM HOUSE**

Ms. ZOGLIN. Thank you. Thank you, Congresswoman Edwards and Chair McGovern, for convening this panel.

For nearly 40 years, Freedom House has been publishing reports, such as "Freedom in the World," that review the human rights situation in most every country in the world, including in Bahrain. This year, Freedom House downgraded Bahrain's status from "partially free" to "not free" due to factors such as arrests of political opposition figures as well as increased discrimination, worsening sectarian discrimination.

In March this year, Freedom House issued a report on women's rights in the Middle East and North Africa which examined the status, particularly what has been going on in the past 5 years with respect to women's rights in the region, including in Bahrain. And so I am going to focus my remarks on that report and the women's rights situation in Bahrain.

The Kingdom of Bahrain is generally considered more liberal in its interpretation and application of Islam than other countries in the Gulf. Sharia is the main source of law, and the rights and duties and gender roles in Bahrain are strongly influenced by the country's culture and its religion.

During the past decade, women's rights in Bahrain have steadily improved. That being said, Bahrain and the entire Gulf region lag far behind much of the rest of the world. In terms of the context of the Middle East and North Africa, Bahrain's respect for women's rights ranks about in the middle of that region.

In terms of legal guarantees, the constitution guarantees a certain degree of equality between men and women. At the same time, there is no law that strictly bans discrimination. In fact, gender-based discrimination really is pervasive in the system. As one example, there is a nationality law that allows a man if he marries a foreign-born woman to pass his nationality on to her as well as their children, but there is no such

equality for women if they marry foreign-born nationals.

Nonetheless, there have been positive legal reforms. For example, in 2004, Bahrain rescinded a law requiring women to gain a male guardian's approval in order to obtain a passport. In 2007, they finally enacted some kind of minimum ages for marriage. So for girls it is 15, and for boys it is 17.

The quasi-governmental Supreme Council for Women, as well as the NGOs, have played important roles in promoting women's rights in Bahrain. In particular, they have worked towards the enactment of a personal status code. Personal status codes deal with issues such as marriage, divorce, child custody, inheritance. So these are matters that are incredibly important to the day-to-day lives of women. Until 2009, there was no personal status code at all in Bahrain. Instead, Sharia court judges applied their interpretations of Islam to the individual cases.

One of the most significant achievements in Bahrain with respect to women's rights, although it is only a partial victory, was the enactment of a personal status code in May of last year. And this enactment followed years of lobbying from civil society.

It was originally envisioned that this law would apply to all Muslims, to Sunnis and Shias alike, and it contains some separate provisions in areas in which the two sects differed. However, what happened in February of last year was there was opposition from hard-line Shiite scholars and legislators to the inclusion of the Shia portion, and thus the code was enacted but only as to Sunnis. And, as you are aware, Shias comprise the majority of the people in Bahrain.

Although the new law embraces many traditional Sharia provisions that discriminate against women, at the same time there are some provisions that are positive for women. For example, now women must consent to marriage; they are allowed to include provisions in their marriage contract; and they have the right to separate residence if their husbands take second wives.

With respect to political rights, in 2002, Bahrain became the first country in the Gulf to grant universal suffrage for women as well as their right to run for office. Since then, women have achieved modest progress in that realm, although they remain underrepresented. In 2006, a woman ran unopposed and became Bahrain's first female parliamentarian. Ten women are members of the First Consultative Council and, thus, represent 25 percent of its membership.

Participation of women at the national level remains low, although women are seen in a handful of appointment. For example, Bahrain's Ambassador to the United States is a woman, Ambassador Nonoo. In 2006, Bahrain appointed its first female judge. However, there are only seven women judges in the judiciary, and there is not a single woman who handles Sharia cases, and those are the cases that impact women the most.

Women do participate in community life, although they do so more so at the local level than at the national level. And improvements to the status of women have been hampered by their lack of access to the judiciary as well as low legal literacy, just a general lack of knowledge of their rights.

One positive spot is, in 2008, Bahrain enacted laws combating human trafficking, although much more needs to be done in that realm. There is still no law that criminalizes domestic violence.

The picture is more positive when you come to education for Bahraini women. In

the two largest universities in Bahrain, more than half of the students are female.

In terms of employment, approximately 34 percent of adult Bahraini women are employed, or at least according to the last figures. While their participation in the business world and economic life has increased, there is still, you know, a general viewpoint of society that, really, the workforce and business are really a male realm rather than one for all. There are currently no laws that punish workplace discrimination.

But, on the other hand, there have been some advancements, some protections for women. For example, women can no longer be fired once they become married or if they are pregnant. They have also enacted greater maternity leave for their female employees, going from, I think it is like, 35 days to 60 days.

And the Bahraini Government also provides a number of general services, social services, for all of its citizens, and, thus, that has had a positive impact on women, including housing and help for its citizens. But there is still some discrimination even there. For example, single women and those who are separated do not get the same benefits as men.

In sum, Bahrain has adopted a number of reforms that have helped the status of women there, but much more attention needs to be paid to those issues. The Bahraini Government should be encouraged to improve mechanisms for women who are victims of domestic violence and workplace discrimination and to educate its citizens about women's rights as well as to encourage the participation of women in the public life.

Thank you.

[The statement of Ms. Zoglin is unavailable

Ms. EDWARDS. Thank you, Ms. Zoglin.  
Mr. Katzman?

#### **STATEMENT OF KENNETH KATZMAN, SPECIALIST IN MIDDLE EAST AFFAIRS FOR THE CONGRESSIONAL RESEARCH SERVICE**

Mr. KATZMAN. Okay, thank you very much. Thank you, Congresswoman Edwards and Congressman McGovern, for inviting me.

Under the agreement between the Commission and CRS, I have submitted CRS report 95-1013 for the record. And I will be reading just briefly some excerpts from that report, which is a cleared CRS product.

After instability during the late 1990s, Bahrain undertook substantial political reforms that include the Shiite majority in governance. However, unrest among Bahraini Shiites continues to simmer over the Sunni-led government's perceived manipulation of citizenship and election laws and regulations to maintain its grip on power.

In late 2008, the power struggle manifested as large demonstrations and some arrests of major Shiite opposition figures. Smaller such incidents continue to date, often resulting in Bahraini civilian injuries or occasional deaths. These tensions are increasing in the run-up to parliamentary elections planned possibly for November, although we don't really have, as was noted, a firm date for the elections.

However, most Bahraini Shiites perceive they will be again deprived of an outright election victory, as defined as a majority in the lower house, which is elected, the Council of Deputies, so-called.

Underlying the unrest are lingering Bahraini Government fears that Iran is supporting Shiite opposition movements, possibly in an effort to install a Shiite-led pro-Iranian government on the island. These fears are occasionally reinforced by comments from Iranian editorialists and political leaders that Bahrain should never have been allowed to become formally independent of Iran in a U.N.-run referendum of 1970.

To put Bahrain in context, the human rights issue in broader context, Bahrain is a close ally of the United States. As was noted, it has hosted the U.S. naval headquarters in the region for over 60 years. It has few external security options other than to rely on some degree of U.S. security guarantee. There is a formal U.S.-Bahrain defense pact that was signed in October of 1991, after the expulsion of Saddam Hussein from Kuwait. Under that pact, the U.S. not only has the naval headquarters but makes extensive use of Sheik Isa Air Base for air operations over Iraq and Afghanistan.

Bahrain has been designated -- after the September 11 attacks and the major combat in Afghanistan, Bahrain was designated as a major non-NATO ally, under which Bahrain is eligible for certain categories of U.S. defense equipment that it would not be eligible for otherwise. And the United States provides small amounts of security assistance to Bahrain. Foreign military financing is expected to be approximately \$19 million for fiscal year 2010, and about the same is requested for fiscal year 2011.

The security agreements have caused some public criticism of successive U.S. administrations for muting criticism of Bahrain's human rights record in the interest of ensuring Bahrain's cooperation on these major security issues. However, because the U.S. security commitment is not formal or explicit, Bahrain's rulers have sought to avoid inviting Iranian aggression in part by signing energy agreements with Iran and by allowing certain Iranian businesses and banks to operate there. Bahrain has also sought to dissuade Bahraini journalists and officials from publicly criticizing Iran.

On other regional issues, such as the Arab-Israeli dispute, Bahrain has tended to defer to Saudi Arabia or other powers to take the lead in formulating proposals or how to represent the position of the Persian Gulf states collectively. Bahrain's sister states, Oman and Qatar, in the early 1990s opened Israeli trade offices with Israel, exchanged those offices. Bahrain did not do that, declined to do that. However, I believe it did host some meetings of the multilateral working groups under the Oslo peace process.

Bahrain hosts the headquarters for the Financial Action Task Force that has named dozens of Iranian entities as potential proliferation and money-laundering entities. It hosted the U.N. Special Commission, the weapons inspection missions in Iraq, after the first Gulf war. It has appointed an ambassador to Iraq.

There are 100 Bahraini police in Afghanistan, serving as trainers for the Afghan National Police. It was one of the only Gulf states to use its own forces to give out humanitarian aid in Afghanistan.

Bahrain has taken a turn in the rotation of the command of Combined Joint Task Force 82, which is a 20-ship multilateral anti-piracy/anti-smuggling mission in the Gulf that was set up after the war in Afghanistan. It sent ground and air assets to support Operation Iraqi Freedom to remove Saddam Hussein from power. It was part of the coalition that ousted Saddam from Kuwait and flew strikes in that war.

In 1998, it bought 10 F-16s using its own funds, which U.S. FMF is helping to upgrade the avionics right now. And, in 2001, it accepted an International Court of Justice ruling to peacefully settle a major territorial and border dispute with Qatar, which



is a sister GCC state.

And so these are some of the aspects of the broader U.S.-Bahraini relationship. And I will stop there. Thank you.

[The prepared statement of Mr. Katzman is unavailable]

Ms. EDWARDS. Thank you, Mr. Katzman.

And, Dr. Alansari, it is our privilege to hear from you. And thank you again for traveling to be with us today.

## **STATEMENT OF DR. MOHAMMED ALANSARI, CHAIRMAN OF THE PUBLIC FREEDOM SOCIETY IN BAHRAIN**

Dr. Mohammed Alansari, chairman of the Public Freedom Society in Bahrain

Mr. ALANSARI. Yes, I would like to thank the organizers and the office of the Honorable Donna Edwards for extending the invitation. And, also, I would like to thank you for taking time off your busy schedule to discuss an issue that is critical not only to Bahrain citizens but also to all regional and international parties that have a role, be it positive or negative, in the region where Bahrain is located.

I have come a long way to talk and discuss with you whether there is sectarianism in Bahrain, as claimed by some people, and whether Shiites are targeted in the country.

Bahrain is in a region with its own peculiar specificities -- I cannot say it.

Ms. EDWARDS. You are doing just fine.

Mr. ALANSARI. I tried so many times.

And without a thorough knowledge of the geographic, historic, and demographic background and current situation of this region, it would be virtually impossible to appreciate the significance and consequences of what is happening over there. So please allow me to give you some insights into Bahrain and the region.

Bahrain is an archipelago of 40 islands with a total area of approximately 740 square kilometers. It is located between Saudi Arabia to the west and Qatar and Iran to the southeast. Bahrain has a total population of 1.1 million people. Bahraini citizens, with 538,000, makes up slightly less than half of the population, 48.6 percent, while foreigners were 569,000, or 51.4 percent of the total number.

Bahrain gained its independence in 1971, and, unfortunately, as soon as it became independent, Iran claimed the right to rule over Bahrain and made ominous noises that it would annex the young nation. The United Nations had to intervene and organized a referendum to see what the people wanted. The result left no doubt among the U.N. officials and the international community that Bahrainis wanted to be an independent nation.

Another historic landmark for Bahrain was when King Hamad became the ruler of the country in March 1999. A fervent believer in reforms, King Hamad launched a series of political, social, and economic initiatives that greatly improved human rights and democracy exercise in the country.

A National Action Charter, drafted by Bahraini's men and women from various social, religious, and political backgrounds, called for more rights for the people and a more vivacious civil society. The charter was like the 1787 Continental Congress, the Philadelphia Convention that resulted in the U.S. Constitution.

In Bahrain's case, this resulted in a new constitution, economic and social

developments, and a much more vibrant civil society, and the empowerment of women. The National Action Charter was endorsed by 98.4 percent of the men and women in Bahrain in a historic referendum.

The political regime in Bahrain is very straightforward with a strong check-and-balance system. It is a constitutional monarchy with a bicameral parliament that enacts the laws and a government that implements them and an independent judiciary that oversees the sovereignty of the law.

The principles of a hereditary constitutional monarchy, the separation between the three branches, individual and public rights, freedom of opinion, and religious freedom, are ensured in the constitution promulgated in 2002, during which the first political election after an almost 30-year hiatus took place.

Bahrain is not located in an easy-going, laid-back area. It is in a tough neighborhood, a critical region that has witnessed wars and armed conflicts. Some Sunnis believe that they are targeted, and some Shias, too, believe that they are targeted as well.

The truth is that both parties are victims of their perceptions. Unfortunately, this psychological error has led many of them to adopt stances and take positions that have harmed peaceful coexistence between the two sects and made them overlook their effects on the next generation.

When the King launched his political reforms that allowed and encouraged political activism, several movements formed political societies or parties. However, most of them were unofficially based on sectarianism. The Shias have formed their own associations where no Sunnis were practically allowed. It was a sad emulation of what happened in Iraq and Lebanon, where the membership is decided by the sect. The Sunnis also did the same thing and confined, unofficially of course, their associations to their sect.

The core issue here is that these societies and political entities used allegations of discrimination to fuel the undeclared political war. The theme was that attack was the best line of defense. There has never been genuine introspection, and these associations never went beyond their narrow vision and mission of serving only their sects and reaching out to the whole nation and defining a national identity.

Religious figures, too, appreciated the window of opportunity. They wanted to have full control over the people's religious orientations and political and social lives. They wanted to tell them how to think, what to say, and how to live. To do that, they used the model of "wilayat al faqeeh," guardianship of the scholar, which says that the religious figure is the representative of God on the earth and that, as such, his word is always supreme and paramount.

This class of religious figure has a lot of power and receives a lot of money, so it has no interest in losing such privileges by reinforcing the role of the state and pushing for a vibrant civil and a strong legal structure that will serve as an umbrella for all members of the society. The situation, as you may see, is reminiscent of what Europe had before the Renaissance.

Bahrain's society is a mix of various races and ethnicities with obvious differences in languages, religious beliefs, and cultural heritage. However, they all merged and fused into one nation. This has made Bahrain so different from its neighbors and boosted its openness, tolerance, pluralism, and cultural diversity. And in its drive to

strengthen the nation's social fabric, the state has embraced the concept of a durable development at all levels for the sake of better lives and greater services for the citizens.

I would like to take here some time to highlight some of the policies supported or pursued by Bahrain as evidence of the lack of systematic discrimination.

Freedom of religion: Bahrain has established legal principles and constitutional guarantees for the freedom of creed and belief. These are reflected in actual practices on several occasions as Bahrain upholds religious freedom and respect for the right of all religions and sects to exercise their rituals and ceremonies without any interference or restrictions from the government. Please allow me to cite some examples.

Places of worship are readily available. Apart from mosques and churches, there are in the capital of Manama one synagogue, four Sikh temples, and several Hindu temples. There is no pressure on anyone to convert to another religion, and there is no physical violence or harassment on religious grounds.

Christians in Bahrain: As regards Christians, there are in Bahrain 19 churches licensed for Christians in Bahrain, whether Bahrainis or citizens. They also hold prominent positions in political and constitutional institutions of Bahrain without discrimination. We have had a Christian in the 40-member upper chamber of the bicameral parliament since 2002, even though the percentage of the Bahraini Christians is less than 1 percent. There are around 80 Christian Bahraini families.

The Jewish in Bahrain: Bahrain is home to 50 Jews, and they all hold high positions in the cultural and legislative sector. On July 3, 2003, King Hamad appointed a woman of Jewish descent, Huda Nonoo, as the ambassador of Bahrain in Washington. Huda thus became the first Jewish ambassador from an Arab country to hold such a position. This appointment reinforced the concept that reforms in Bahrain do not discriminate between men and women or religious affiliations in assigning positions.

Respect for peaceful coexistence between Sunni and Shias: The government is not biased in its relations with the various sects and funds mosque, Shia community centers, and religious courts. The government allows religious public ceremonies and commemorations, especially the Ashoora in the streets. Ashoora is a 2-day public holiday in which all the government ministries, establishments, and agencies are closed.

Freedom to build places of worship: Bahrain has 863 registered Shia mosques and 360 religious Sunni mosques. It also has 589 registered Shia community centers and more than 500 unlicensed sports area used by Shias. Even though these are not officially registered, the government has not shut them down or turned worshippers away. There are no restrictions on Shia citizens making trips to their sacred places in Iran, Iraq, or Syria.

Official policy promotes equality and rejection of discrimination --

Ms. EDWARDS. Dr. Alansari, are you drawing to a close in your testimony?

Mr. ALANSARI. Yeah. I will go to the conclusion directly.

Ms. EDWARDS. That would be excellent, because we would like to get in a few questions. And if you could submit your full testimony for the record, it will be included. Thank you.

Mr. ALANSARI. As I conclude, I would like to invite all you to come to Bahrain where we will witness how the channels of dialogue are wide open and where divergent voices can be heard around the table. I am not claiming that Bahrain is a perfect country. Bahrain is tackling the issues, and it is an ongoing process in dealing with the political,

social, and human rights issues.

Thank you.

[The prepared statement of Dr. Alansari is unavailable]

Ms. EDWARDS. Thank you, Dr. Alansari.

And thank you to all of our witnesses.

And, at this time, I will defer to our chairman, Mr. McGovern, for questions.

Mr. McGOVERN. Thank you very much. And I apologize, I have three hearings going on at once, and so I am going to have to leave.

But I want to thank you all for being here. I have learned a lot from this panel, and I appreciate very much your testimony.

And, Mr. Alansari, I appreciate your point of view here. But, as I said in the very beginning, I think every nation faces human rights challenges, including my own. And part of what our job here is is to try to not only call attention to the challenges, but to try to find ways to fix them. And I guess -- I mean, I read the Human Rights Watch report on the revival of physical coercion during interrogations in Bahrain, which is of concern. The CRS report raises issues. Everybody has raised issues.

I guess my question is, you know, what is the best way for the United States to play a constructive role in influencing Bahrain into continuing to make changes for the better? I mean, we have talked about some of the progress they have made, you know, two steps forward, one step back. I mean, how do we keep on going forward?

And I say that because I am also very sensitive to the fact that sometimes public U.S. pressure can backfire. So I guess what I am looking for is some kind of guidance here for those of us who want to expand political rights in Bahrain, for those of us who want to urge the government to move away from torture. Any suggestions on what you think we can do here to play a positive and constructive role?

Anybody?

Mr. STORK. I think, you know, one thing is for a consistent message, whether it is in public or in private. And I think that message has to include basically this piece: that continued good relations and certainly the improvement of relations and the growth and enrichment of relations between the United States and Bahrain does require some action by the Bahraini authorities to address some of the serious human rights problems, like torture, like restrictions on political association, that have been raised here today.

Mr. McGOVERN. And, to your knowledge, I mean, is our government not sending a consistent message? Are we not pushing the issue concerning torture? Or is that --

Mr. STORK. Well, I think, you know, and I have met with the U.S. Ambassador in Manama, and he certainly says that he does that in his high-level meetings. I think they are concerned about these issues.

I might point out that one of the issues that Katie raised, trafficking, that is an area where Congress has mandated kind of like a report card. And Bahrain has been struggling, quite frankly, to maintain that, kind of, Tier 2 level and not slip down into Tier 3.

And one of the difficulties there has been, as it is in the area of torture, you know, the laws are pretty good in both torture and trafficking. Very good laws. But there is an enforcement problem. There haven't been any serious prosecutions.

And I know that the Ambassador, because he has to deliver this report to the State

Department and then to Congress, has been very keen that they, you know, do something about that just in this one area. And, you know, it has been difficult. So I know there has been a consistent message on that, and, despite that, you know, I think the results have been not what they should be.

So I agree that there are real problems here that are going to be difficult to get at. But I think the U.S. does need to -- and, you know, doesn't have to use a bullhorn to do this, but I think it does need to signal that certain things in the relationship could become at stake if there aren't improvements.

Mr. McGOVERN. Well, maybe some of us on the committee could actually maybe put in writing some of our concerns and send it directly to the Government of Bahrain to say, you know -- again, in a way that we want -- our goal here is to not say, "Gotcha." Our goal here is to say, we want things to change and we want to move things in a constructive way. So maybe we could do something here.

Mr. McNerney?

Mr. McINERNEY. I echo all of that. And I think that it is obvious that the U.S. has a very strong and, kind of, multifaceted relationship that is important not only to the U.S. but very important to Bahrain. I think we have lots of points of leverage. I mean, the free-trade agreement, the military relationship, the security relationship, and the \$20 million or so that we give in military and security assistance each year.

I think, as far as how to use this leverage, I mean, I think the administration would have some leeway in terms of public pressure combined with private diplomacy. My impression is that the message is not necessarily getting through that these issues are a priority to the U.S. Government.

You mentioned reporting requirements. I mean, there have also been reporting requirements, for example, attached to some of the appropriations. For example, in last year's appropriations bill, there was a reporting requirement on human rights in Morocco. A similar requirement could be made in Bahrain.

Mr. McGOVERN. Right. Good.

Mr. Alansari?

Mr. ALANSARI. I think any direct interference will be unaccepted from both the government or the parties, political parties in Bahrain. I think the best way is to encourage the dialogue between the parties, Sunnis, Shias, and the government. That is the only way to improve the human rights issues in Bahrain.

Mr. McGOVERN. Appreciate it.

Yes, Mr. Katzman?

Mr. KATZMAN. Thank you very much.

I think, you know, obviously I am not speaking for the State Department here, but they would probably say that a lot of this they are doing. For example, the Middle East Partnership Initiative money, a lot of that goes to increase transparency. They have used a lot of that to help them implement the free-trade agreement and open up their books and be transparent.

And the IMET program, International Military Education and Training program, which has expanded -- I think \$1.1 million is programmed for this coming fiscal year -- that is not only teaching them how to command, but also human rights, civil control of the military.

And the work they are doing in Afghanistan, these hundred police, they are

working with us and with NATO. Again, some of it is obviously combat and counterinsurgency, but a lot of it is human rights, strict accountability of policing, et cetera.

So there are a lot of things, I think, that are going on that are feeding this agenda to try to move Bahrain in a positive way on these issues.

Ms. ZOGLIN. And if I could just build momentarily on what Mr. Katzman had said, in addition to the Middle East Partnership Initiative, there is also the State Department's Department of Human Rights and Labor, DRL. You know, funding for some of their projects to help civil society advance some of these issues can also be helpful as well as the private diplomacy.

Mr. McGOVERN. Right. And let me say, I am not an expert on Bahrain, but, you know, a lot of these programs that you have outlined are in place in a lot of other countries that I know a lot more about in terms of their human rights records. And that doesn't necessarily guarantee that, in fact, human rights will be upheld or that, you know, I mean, the practice of torture will be reversed.

So I think a lot of it comes down to the political will. And the messaging from the United States on this is that this is an important issue. And, again, to the extent that we could be -- again, the consistent message, I think, is important, that not just some Members of Congress but that the State Department is making it very clear that this issue is -- the concern is growing.

And I think that that is probably the message of this hearing: The concern is growing. And we are worried about some of these reports. And, to the extent that we can be helpful in moving and encouraging Bahrain to take a different tact, through these programs but also through the political messaging, I think that is what we need to do.

Thank you again very much. I appreciate it. Sorry I can't stay.

Ms. EDWARDS. Thank you, Mr. Chairman.

I want to focus on a couple of things.

One, I think, Dr. Alansari, in your testimony, you spoke rather extensively about religious freedom and association. And, to the extent that I can discern it, I don't know that our other witnesses have raised those as a human rights concern, particularly, with Bahrain.

So I would like to actually, one, ask about that to our three witnesses, Mr. McInerney, Ms. Zoglin, Mr. Stork, but then focus particularly on political association. Because I think that is where the focus has been for much of the testimony.

And, in particular, I know that political parties are banned in Bahrain, but political societies are allowed and do participate in elections. And so I wonder if you all also could explain the difference between these organizational structures and whether there is collaboration among the societies.

And I was especially struck, Mr. McInerney, by your indication of the situation with NDI in terms of being able to even observe the upcoming elections and to come into the country to discuss that with civil society leaders. And perhaps Dr. Alansari could shed some additional light there.

So let's begin with you, Mr. McInerney.

Mr. McINERNEY. Sure. So, on this issue with NDI -- and, to be clear, NDI was not working to send their own mission to observe the elections, as they do in a lot of countries, but they were working with two local Bahraini organizations that were

involved with local monitoring of elections in 2006 and that were seeking to work together, these two, to monitor the upcoming elections later this year.

And, yes, as I mentioned, a representative from NDI was not allowed to enter the country, was turned away at the airport, and explicitly told that the reason was that she was planning to meet with these groups and that this violated a clause of the political associations law from 2005 which forbids foreign assistance to associations that engage in political activity.

Up until recently, this foreign assistance or assistance by foreign entities had been primarily interpreted to mean direct financial funding for such organizations. This trend is sort of alarming. There have been a few other instances, as well, of the government acting to prevent meetings between foreign representatives or organizations, NDI and others, from meeting with both individuals and organizations in Bahrain.

Ms. EDWARDS. So if, indeed, your assessment is that there is no danger to upsetting the political apple cart or the balance of power, then to what can you attribute the constraint? And is it a more recent constraint?

Mr. McINERNEY. I think that the -- my impression or speculation, from talking to people in Bahrain involved in work there, is that the government fears that the election season leading up to the elections at the end of the year may draw attention to some issues that they -- and heighten tensions, both Sunni-Shia tensions as well as issues of corruption, perceived corruption. There have been some various issues involving Gulf Air airlines that have caused controversy in the past. And I think there is more of a concern that campaigning, if it is not, sort of, constrained or kept within certain boundaries, will bring things into the public discourse that the government would prefer not to see.

I mentioned the recent arrest and dismissal of a government minister on corruption charges, but I should add on that that, the day after his arrest, there was a government ban placed on any media coverage of that issue. There is, sort of, this tension between them wanting to address corruption issues directly and to improve their image, but at the same time not allow, kind of, public discussion of it.

So I think the heightening of constraints in the political scene ahead of the elections is more out of a concern that the elections will bring increased scrutiny and increased public discourse on some subject areas that the government would prefer not to see.

Ms. EDWARDS. Dr. Alansari, can you shed some additional light about this particular circumstance? And, also, what is the likelihood of elections being held, and when?

Mr. ALANSARI. I think it is going to be in November.

And I believe that the international organizations are allowed to come and monitor the elections. This was mentioned by the government officially. And I don't think there is a serious case regarding the NDI. But what happened, that due to some -- I don't know how to say it, but the relation between the NDI officials and some of Bahrain's activists were unacceptable from the perspective of the government. That is why they tried to --

Ms. EDWARDS. Can you tell us, "unacceptable" in what respect?

Mr. ALANSARI. The government, they think that some of those activists are playing illegal rules, supporting the illegal demonstrations or supporting the -- I don't

know -- the demonstrations which is not officially approved by the government. That is why the government decides to review the relations with the NDI.

Ms. EDWARDS. Just out of curiosity, the Public Freedom Society, is it an independent NGO in that respect?

Mr. ALANSARI. Yes.

Ms. EDWARDS. And so, do you have an opinion as to whether that kind of monitoring is appropriate?

Mr. ALANSARI. We monitored the election in 2006 and 2002, and we faced a lot of problems in 2002 but things got better in 2006. And I am not sure what will be the situation in 2010. Still, we are waiting to know what is our area. We try to sit with the officials in the government, but still the things are not clear for us.

Ms. EDWARDS. Mr. Stork?

Mr. STORK. Yeah, I mean, I think we have to realize that, despite all the nice words about democracy, at the end of the day Bahrain is fundamentally still an authoritarian society, in terms of the political system. So there is very little -- I don't want to say "no," but there is very little tolerance for independent activity, whether it is by associations, by the media, or whatever.

The NDI story has a precedent. There was an NDI representative in Bahrain for a number of years after 2002. He was basically declared ineffective -- not in these exact words -- *persona non grata*. The office ended up being shut down. His visa was not renewed. And so, that is why NDI, in particular, has had this relationship of somebody based in Dubai, in fact, and having to visit Bahrain on a periodic basis in order to do really simple, innocuous things like conducting an election monitoring workshop.

The same week that NDI representative was denied entry, the Bahraini Human Rights Society, which is an approved, government-licensed human rights society, had applied -- and you do have to apply to do just about anything in Bahrain -- had applied for permission to hold a workshop, a capacity-building workshop on monitoring detention conditions. They were denied that permission by the Ministry of Social Development on the grounds that it somehow represented -- it was a violation of the law on societies, which prevents them from getting involved in any kind of political activity.

So these definitions about what is acceptable or not are extremely elastic, and they are applied in a very arbitrary way.

Ms. EDWARDS. Thank you.

And can we get to the question around religious freedom? You heard the testimony of Dr. Alansari, and so I wonder if you share that view when it comes to religious freedom. I think Bahrain has a population of about 9 percent, roughly, Christian and then another smaller percentage of other religious practices.

And so is it your view that, at least in this area, there is a range of tolerance that meets some human rights standard?

Mr. STORK. My own view is that freedom of religion is not a serious problem in Bahrain, particularly as it involves the relationship between the Muslim communities and non-Muslim communities. It is just not a problem.

I think the problem has to do with the relationship between the majority Shia and minority Sunni communities. And there the issue is not so much religious freedom -- that is, permission to hold worship services, rituals, and so forth. It manifests more in, kind of, social and economic discrimination, or at least that is the perception of many Shia, in



particular.

So it is more a social discrimination issue that overlies with, sort of, the sectarian, the communal division in Bahraini society. It is not freedom of religion.

Ms. EDWARDS. And then, of course, over across on the political side. That is where that tension takes place.

Mr. STORK. Yeah. Although, you know, there are Sunni political oppositional parties, as well. They are small. There have been, I would say, generally speaking, not very many occasions since 2002 when any of the political societies even, say, amongst the Shia, never mind Shia and Sunni, have gotten together on much of anything. It is, sort of, treated -- or political society politics is played like a zero-sum game, to some extent.

But where they do come together, and recently on the issue of land expropriations and corruption, you know, there is potential there. I think that is where the government -- as Stephen said, that is where the government is very concerned that there may be an airing of criticism that involves corruption at the very highest levels that they don't want to see.

Ms. EDWARDS. And then, as to the elections, has the government actually officially declared a date by which elections will take place? Or that is just a presumption, Dr. Alansari?

Mr. ALANSARI. No. Still waiting to know the exact date.

Ms. EDWARDS. Thank you.

Mr. ALANSARI. It is in November, I think, October or November.

Ms. EDWARDS. I do have a question regarding women's rights. When I traveled to Bahrain on these last couple of occasions, I had a chance both to meet with women business leaders and political leaders. I know that is a broadly described term.

And so, Ms. Zoglin, you referenced this in your testimony. And I wonder if you can give us some idea of the ways in which women are developed and trained and engage in politics.

Ms. ZOGLIN. You know, I mean, I think NDI would do some more training if it had -- I am not aware specifically of what programs are going on in regard to that. I do know that there have been attempts to expand knowledge of what women's rights are in general, sort of a bedrock for that. But I am not aware of that. And I can try to get back to you and see if I can find out more specific information for you on that.

Ms. EDWARDS. Thank you.

Would anyone else care to comment around the issue of women's participation in elections, politics?

Thank you.

I want to go to the issue of trafficking, because I think each of you mentioned also in a somewhat positive respect over some time Bahrain's work on trafficking, but now there seems some indication that there is a bit of a lapse when it comes to enforcement.

And I know that when I was there as well, I mean, my impression, anyway, was that our emissaries in Bahrain were very, very much focused -- of all the human rights issues, very focused on trafficking, probably for a lot of security reasons, as well.

And so I am wondering if there is -- you know, I can't remember, I think it was Mr. McNerney, you may have mentioned that there could be ways in which we could elevate this attention some of these other issues in the same way that we have been able

to do with trafficking, except now look toward the enforcement area.

And any suggestions that any of you have about that are welcomed. Because although this commission -- we do have the ability both to communicate with the administration and, obviously, our colleagues here in Congress, if there might be some creative legislative ways in which we might do that.

Ms. ZOGLIN. With respect to trafficking, I know Bahrain had its first conviction for someone for trafficking. But there remains to be, as Mr. Stork said, significant problems in implementation of their law. And so there is very little, sort of, public knowledge of what trafficking really is.

And there is a significant migrant population there, as well. And, you know, it is still a practice, even though it is illegal but people don't necessarily know, to take away people's passports. You know, that remains a practice.

Very little done to identify victims of trafficking and so on. So there is a lot of, I think, education both at the grassroots level but also of Bahraini officials, and also to help increase the mechanisms that are available. I think there is only one, maybe one shelter in Bahrain. I am not entirely positive, but that is my recollection.

Mr. ALANSARI. Three now.

Ms. ZOGLIN. Oh, three now? Okay.

Ms. EDWARDS. And is there a likelihood, though, that there might be some slippage in terms of Bahrain's status on the trafficking watch list, whether they might then drop back to a Tier 3?

Ms. ZOGLIN. It is Tier 2 watch status in the last report.

Ms. EDWARDS. Right.

Ms. ZOGLIN. So I don't know --

Mr. KATZMAN. It was Tier 3 in the 2007 report, and then it moved up to a Tier 2 watch list in 2008 and stayed in the Tier 2 watch list in 2009.

Ms. EDWARDS. Thank you.

I was just reminded -- and we have heard before around some concerns having to do with domestic workers and labor laws and the treatment of those domestic workers. And so if any of you, particularly Mr. Stork, Mr. McInerney, if you have some indications that you can give to us of where labor law enforcement comes in in Bahrain's attention.

Mr. STORK. I could speak a little bit to that.

I mean, Bahrain took what appears to be a significant step, just back in August, when it issued what is referred to there as the mobility law, which basically would be doing away with the so-called sponsorship system. And what that would mean is that foreign workers who are contracted to an individual employer, which could be an individual or it could be a big company, could change jobs; whereas, prior to that, you know, they had this contract and they had to get the permission of their sponsor to do that. By law, that is no longer necessary.

However, several important points to put out. First of all, domestic workers are not covered by this. Like many places in the Gulf, if not every place in the Gulf, foreign domestic workers are treated differently from other foreign --

Ms. EDWARDS. And they are mostly foreign domestic workers; is that true?

Mr. STORK. Yes, domestic workers are --

Mr. ALANSARI. One hundred percent.

Mr. STORK. -- 100 percent foreign workers. So there is definitely an exclusion problem there. It is not unique to Bahrain, but it remains a problem.

In terms of those who are covered by this new mobility law, I think -- you know, it is only since August, so it may be a little bit early to be coming to conclusions about it. But I think what we have found is that, first of all, there hasn't been that much effort by the authorities to publicize it, so that, in fact, workers are generally not very aware that they now have this right.

Secondly, as Katie pointed out, there is still, for instance, the very widespread practice in Bahrain, as elsewhere, of withholding people's passports, even though that specifically, even before this mobility law, is against the law. But, again, I think the problem is that the workers don't know that it is against the law; maybe even the employers don't know that it is against the law. Anyway, it continues to be a practice that -- and, again, there is the implementation or enforcement aspect that has been, so far, we have to say, rather weak.

Ms. EDWARDS. Just to be clear, though, the mobility law still doesn't resolve the question of treatment of workers within a workplace. And there have been some challenges that Bahrain has faced around that.

Mr. STORK. Well, except that, you know, a worker facing an abusive situation could now leave. But, again, it is a bit on paper, because the worker, first of all, has to give a month's notice. Now, a worker in an abusive situation, in particular, is going to be somewhat reluctant to give this month's advanced notice to his or her employer. It raises other issues like withholding of pay, which, even if it wasn't a problem, once they declare this intention to leave, could very well become a problem.

So, you know, it is good on paper, but, sort of, working it out to -- making it work, they are not quite there yet.

Ms. EDWARDS. Mr. McInerney?

Mr. McINERNEY. Sure, I mean, I don't have a lot to add, but I would definitely say that, in general, Bahrain, on several of these workers' rights issues and migrant workers issues, is a better legal framework than several of the other GCC countries. But I could echo everything that Joe said, that there is a very strong lack of awareness, lack of education, sort of, that migrant workers, guest workers don't feel entitled to discuss or ask about their rights or, kind of, engage. And I have seen no evidence of any real outreach effort to make people aware of their rights.

So I think that this kind of education of workers' rights would be a welcome development.

Ms. EDWARDS. Just as we begin to close, I would note the government arrested numerous Shia demonstrators in 2008, accusing them of a foreign plot to overthrow the government. What do we know about their situation right now?

And what do we know about the implementation of the death penalty, which we didn't discuss? Which, it seems to be -- I don't know, we have reached a different threshold now in Bahrain even than we had experienced before.

Mr. STORK. Well, one of the three incidents that we investigated in our report on torture did involve allegations of a plot to carry out disruption and sabotage and terrorism, acts of terrorism. The individuals arrested in connection with that incident, as well as the other incidents we looked at, were among those who were freed by King Hamad, pardoned by him in April of 2009.

So I am not aware that any of them -- now, that was kind of a funny -- they used the word "pardon," but, in fact, there was no official decree, so, you know -- we know in another case, in fact, charges were reinstated against the individuals at a later time.

But in any case, as far as I am aware, the people arrested in connection with that incident have not faced -- they remain free.

There have been other cases --

Ms. EDWARDS. But you are not aware that they may not still face -- even though they remain free, that they may not still face charges?

Mr. STORK. As far as I am aware, the charges have not been, you know, wiped out.

There was at least one -- when I think, several other cases that involved arrests of, you know, just a small handful of individuals. There has been much less publicity about that, accusations or allegations that these represented people affiliated with al Qaeda, for instance, things the government doesn't seem to be particularly interested in publicizing. As far as I am aware -- I don't know the status of those cases. But I would make that distinction.

As far as the death penalty goes, there is a problem here in that death is a warranted sentence in the case of crimes of terrorism. There have been several -- after an effective de facto moratorium on the use of the death penalty, there were recently one or two executions that were not for political crimes or terrorism crimes. They involved individuals who happened to be foreign workers convicted of murder. There were several --

Ms. EDWARDS. And where does Bahrain fall within the GCC countries in terms of the implementation of capital punishment? Does anyone know?

Mr. STORK. I am not aware of any --

Ms. EDWARDS. That is all right. I will look it up.

Mr. STORK. -- GCC country that has, you know, abolished the death penalty.

Ms. EDWARDS. Thank you.

You know, today we have heard from a number of different perspectives across a range of human rights issues, and I want to thank all of our witnesses for your perspective. I think it has been very helpful. It has shed a lot of light for our record, for the Commission.

Thank you, also, for a couple of suggestions about ways in which this commission, under the chairman's leadership, will proceed with respect to communicating with the administration and our colleagues.

I think that what is clear is that, in addition to pointing out where there are areas of concern, that Bahrain has to be credited for taking strides toward improving rights for workers, religious freedom, many of the other issues that we raised today. But there is still work to be done. And I think, as the chairman noted, there is not a nation among the world community of nations that doesn't also have work to do.

I hope that, at least in our relationship with -- the United States' relationship with Bahrain, that although we do enjoy an important security and strategic relationship with Bahrain, that that should not keep us from raising these issues of concern.

And I know that, as a commission member, as a Member of Congress, I know whenever I travel to any nation, I always make certain to get a human rights report and to ask those questions on my visits with government officials, with civil society leaders.

And that will certainly continue to be true in Bahrain.

Why? Because I want to see improvement. And I think it is important for our international partners and allies to really understand that those are important issues for many Members of Congress and for this country, and that when we take the opportunity, as we have the privilege to do and I do, representing the people of the Fourth Congressional District in Maryland, that raising these issues says that human rights concerns aren't a side issue. They are integral to how we figure out how we leverage our capacity to communicate with other nations and how we demonstrate our concern for people and not just for strategic alliances.

And so I want to thank you for the light that you shed on the situation in Bahrain. Thank you, Dr. Alansari, for traveling. Sometimes I know that you could say, "Gosh, I traveled all that way, and I was only here for an hour and a half," but let me tell you that we really do appreciate the hour and a half.

And thank you to each of our witnesses for your time in preparing your testimony. Your full written statements will be incorporated into the record.

And, with that, our hearing is adjourned. Thank you.

[Whereupon, at 1:41 p.m., the Commission was adjourned.]

# **APPENDIX**

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MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission (TLHRC)  
Hearing Notice**

**The Human Rights Situation in Bahrain**

**Tuesday, April 27  
12 – 1:30 p.m.  
2200 Rayburn HOB**

Please join the Tom Lantos Human Rights Commission at a hearing on the human rights situation in Bahrain. The hearing is open to the media and the interested public.

Bahrain is a monarchy of approximately one million people, ruled by King Hamad Bin Isa Al-Khalifa, the head of state and of all branches of government. A new constitution effective February 14, 2002, reinstated a legislative body, consisting of one elected chamber, the Council of Deputies, and one appointed, the Shura Council. A 2005 law stipulates that “political parties” are prohibited but “political societies” were legalized, and those societies participated in 2006 elections, considered by many as marred by irregularities and accusations of vote rigging. A close ally of the United States with strategic importance for the region, Bahrain is a Shia majority country ruled by Sunni royal family and Sunni elites dominating the public, military and business sectors.

Shia political societies participated in 2006 parliamentary and municipal elections. Al Wifaq, the largest Shia political society, won the largest number of seats in the elected chamber of the legislature. However, Shia discontent remains and manifests itself in violent incidents connected to street demonstrations. While the constitution in Article 19(d) states that: “No person shall be subjected to physical or mental torture, or inducement, or undignified treatment, and the penalty for so doing shall be specified by law. Any statement or confession proved to have been made under torture, inducement, or such treatment, or the threat thereof, shall be null and void,” credible human rights NGOs and the State Department Human Rights Report for 2009 documented violations of these constitutional protections. Other concerns include women’s rights, trafficking, freedom of speech and religion, domestic violence and discrimination against the Shia population and foreign workers’ rights.

**To discuss these issues we welcome the following witnesses:**

- **Joe Stork**, Director Human Rights Watch’s Middle East and North Africa division
- **Stephen McInerney**, Director of Advocacy, *Project on Middle East Democracy*
- **Katie Zoglin**, Senior Program Manager for Middle East and North Africa, *Freedom House*
- **Kenneth Katzman**, Specialist in Middle East Affairs, *Congressional Research Service*
- **Dr. Mohammed Alansari**, Chairman, *Public Freedom Society in Bahrain*

If you have any questions, please contact Hans Hogrefe (Rep. McGovern) or Elizabeth Hoffman (Rep. Wolf) at 202-225-3599.

/s/James P. McGovern, M.C.  
Co-Chair, TLHRC

/s/Frank R. Wolf, M.C.  
Co-Chair, TLHRC

