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RELIGIOUS FREEDOM IN BAHRAIN

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RELIGIOUS FREEDOM IN BAHRAIN

SECTION I: LEGAL FRAMEWORK

Introduction

1. Religious freedom is not guaranteed in Bahrain. While Bahrain's constitution does contain nominal protection for freedom of conscience, it may be abrogated at any time according to undefined customary norms in the country. This amounts to unrestricted power for the government to limit religious freedom where it sees fit. Due to the government's unfettered power to regulate religion coupled with the monopolization of political power by a minority religious group, religious freedom is restricted for the majority religious group as well as non-Muslim minorities.

ICCPR

2. Bahrain committed to promote and uphold human rights when it acceded to the International Covenant on Civil and Political Rights (ICCPR),¹ Articles 18² and 27,³ both of which protect religious freedom. Bahrain is not a signatory to the Optional Protocol of the ICCPR.⁴ Bahrain has failed to fulfill its obligations under the ICCPR.

Population

3. Only 46 percent of Bahrain's population is of Bahraini nationality.⁵ Of the citizens, 99 percent are Muslim; the other 1 percent includes Jews, Christians, Hindus, and Bahais.⁶ The Jewish population includes approximately 40 people, and the Christian population includes approximately 1,000 people.⁷ Of the Muslim citizens, a large majority is Shia, and the minority is Sunni.⁸ About half of non-citizen residents are non-Muslim, including Christians, Hindus, Bahais, Buddhists, and Sikhs.⁹

¹ *Status of Treaties, Ch. IV Human Rights, 4. ICCPR Status*, UNITED NATIONS TREATY COLLECTION, (11 Nov. 2011 7:24 AM), http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

² International Covenant on Civil and Political Rights art. 18, 16 Dec. 1966, 999 U.N.T.S. 171 [hereinafter ICCPR], available at <http://www2.ohchr.org/english/law/ccpr.htm>.

³ *Id.* art. 27.

⁴ *Status of Treaties, Ch. IV Human Rights, 5. Optional Protocol to the ICCPR Status*, United Nations Treaty Series (11 Nov. 2011, 7:24 AM), http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-5&chapter=4&lang=en.

⁵ U.S. DEP'T OF STATE, *July-December, 2010 International Religious Freedom Report—Bahrain*, § I. at 2 (13 Sept. 2011) [hereinafter *July-December, 2010 Int'l Religious Freedom Report*], <http://www.state.gov/documents/organization/171732.pdf>.

⁶ *Id.*

⁷ KENNETH KATZMAN, CONG. RESEARCH SERV., 7-5700, BAHRAIN: REFORM, SECURITY, AND U.S. POLICY 5 (2011).

⁸ *July-December, 2010 Int'l Religious Freedom Report*, *supra* note 5, § I, at 2.

⁹ *Id.*

Constitutional Protections

4. The Constitution of Bahrain declares Islam to be the official state religion, and Shariah (Islamic Law) to be the “main source of legislation.”¹⁰ The constitution reserves to the government the right to “regulate the various aspects of religious education.”¹¹ It provides that people will be treated equally without discrimination of “religion or belief.”¹² The constitution guarantees freedom of conscience, as well as “the inviolability of places of worship and the freedom to perform religious rites and to hold religious processions and meetings,” subject to the customary norms in the country.¹³ The constitution secures to individuals “the right of private assembly without permission or prior notification [to the government]” and states that no state security forces will be present at such gatherings.¹⁴ These provisions, however, ring hollow.

Laws Regulating Religion

5. According to the U.S. State Department’s International Religious Freedom Report, Bahrain’s press and publication law allows production and distribution of religious media and publications with few restrictions.¹⁵ It does, however, prohibit all media and publications that are deemed “anti-Islamic.”¹⁶ Under Bahrain’s penal law, holding a religious meeting without government approval is illegal for both Muslims and non-Muslims.¹⁷ Additionally, Shariah has been applied in such a way as to result in the prosecution of non-Muslims. For example, in 2008, an American teacher was charged with insulting Muhammad after she allegedly displayed Muhammad’s pictures.¹⁸

Restrictions on Religious Activities

6. While religious pluralism is tolerated in Bahrain, the government closely monitors and regulates religious activities through registration and licensing policies. Every Muslim religious group is required to obtain an operating license from the Ministry of Justice and Islamic Affairs (MOJIA).¹⁹ Similarly, non-Muslim religious groups have to register with MOSD to operate. Depending on the nature of the groups’ activities, religious groups may also have to obtain approval from other government ministries.²⁰ Although there have been no reports of religious groups being denied these approvals, holding a religious meeting without such approval is

¹⁰ CONSTITUTION OF THE STATE OF BAHRAIN, 26 May 1973, art. 2, *available at* <http://confinder.richmond.edu/admin/docs/Bahrain.pdf>.

¹¹ *Id.* art. 7(b).

¹² *Id.* art. 18.

¹³ *Id.* art. 22.

¹⁴ *Id.* art. 28(a).

¹⁵ *July-December, 2010 International Religious Freedom Report—Bahrain*, *supra* note 5 § II, at 3.

¹⁶ *Id.*

¹⁷ *Id.* § II, at 6.

¹⁸ Associated Press, *Bahrain Charges U.S. Lecturer with Insulting Prophet Muhammad*, YNETNEWS.COM (Sept. 12, 2008), <http://www.ynetnews.com/articles/0,7340,L-3595854,00.html>.

¹⁹ *July-December, 2010 Int’l Religious Freedom Report*, *supra* note 5, § II, at 5.

²⁰ *Id.* § II, at 5–6.

illegal.²¹ Additionally, the state's Ministry of Social Development imposes restrictions on religious groups' contact with foreign entities.²² This caused operational hardship for churches and other groups that rely on direction and funding from foreign parent organizations. Particularly, groups reported that the Ministry frequently neglected to respond to the groups' requests for permission to interact with their foreign parent organizations.²³

SECTION II: INCIDENTS OF RELIGIOUS PERSECUTION AND DISCRIMINATION

2011 Political-Religious Protests

7. The Sunni-Shia religious rift in Bahrain created an atmosphere of tension between the country's minority and majority populations, which was often reflected in political conflicts.²⁴ Shia Muslims were politically and socially marginalized by the Sunni-controlled government. In October 2011, a report to the U.S. Congress detailed ongoing conflicts and escalating violence between the Shia population and Sunni leadership in Bahrain.²⁵

8. In February 2011, Shia Muslims held numerous protests in Bahrain's Pearl Roundabout.²⁶ The theme of the protestors' demands was for the government to stop treating Shia Muslims as "second class" and untrustworthy citizens.²⁷ The New York Post reported on the "the despotic rule of minority over majority" in Bahrain, noting that although an estimated 70 percent of the population is Shia, the ruling family is Sunni.²⁸ Shia citizens decry their political and economic marginalization by the government as tantamount to "religious apartheid."²⁹ Included in the protests were calls for the Sunni government to end gerrymandering practices that marginalize Shia Muslims,³⁰ and to open up more jobs and economic opportunities to Shias.³¹

Government Crackdown on Religious Protestors

9. Government forces killed over 6 people during the protests.³² Human Rights Watch reported that government forces killed, wounded, and arrested a number of Shia dissidents during and following the February 2011 uprising.³³ Protests continued into March and resulted in

²¹ *Id.* § II, at 6.

²² *Id.* § II, at 4.

²³ *Id.*

²⁴ *Id.* § I, at 1.

²⁵ KATZMAN, *supra* note 7.

²⁶ *Id.* at 6.

²⁷ *Id.*

²⁸ Amir Taheri, *Why Bahrain Blew Up*, NEW YORK POST, http://www.nypost.com/p/news/opinion/opedcolumnists/why_bahrain_blew_up_NkYx4h4E1m80WGe2tXfsrI (last updated Feb. 17, 2011).

²⁹ *Id.*

³⁰ KATZMAN, *supra* note 7, at 6.

³¹ *Id.*

³² *Id.*

³³ Joshua Colangelo-Bryan, *How Bahrain Is Oppressing its Shia Majority*, HUMAN RIGHTS WATCH (May 22, 2011), <http://www.hrw.org/print/news/2011/05/22/how-bahrain-oppressing-its-shia-majority>.

several more deaths, as well as the arrests of seven Shia leaders.³⁴ Following these events, the government shut down an opposition newspaper and threatened to disband a Shia political organization.³⁵ Subsequent dialogues between the government and protesting parties did not result in noteworthy policy changes.³⁶

Trials and Torture of Religious Dissidents

10. Trials that were held in the wake of the protests exhibited signs of “political persecution,” according to the office of the U.N. High Commissioner for Human Rights.³⁷ Because Bahrain’s religious and political fault lines correspond, this persecution may equally be perceived as religious. So far, the trials have resulted in the sentencing of eight prominent Shias to life imprisonment.³⁸ In addition to concerns regarding the fairness of the trials themselves, the High Commissioner’s office cited disconcerting reports of “mistreatment of detainees, including severe beatings of some of the defendants just sentenced.”³⁹ Four other people died in prison as a result of injuries sustained while being tortured.⁴⁰

2010 Religious and Political Conflict

11. Shia Muslims were politically and socially marginalized, with reports of mass arrests of Shia clerics and political activists, as well as torture and censorship of religious messages.⁴¹ In one case, the government revoked, but later restored, the citizenship of a Shia cleric.⁴² In another instance, the government banned a Shia cleric associated with a political “rejectionist” movement from delivering his Friday sermons for two weeks because his sermons allegedly “violated the ethics of religious discourse.”⁴³

12. In August and September of 2010, over 200 men were reportedly arrested in connection with political protests affecting Shia neighborhoods.⁴⁴ There were also reports of torture and abuse of those held in custody.⁴⁵ Twenty-three Shia activists who had been detained reported being beaten, deprived of sleep, electrocuted, and forced to stand for long periods of time during their detention.⁴⁶

Socio-Economic Religious Discrimination

³⁴ KATZMAN, *supra* note 7, at 8.

³⁵ *Id.* at 8–9.

³⁶ *Id.* at 9–11.

³⁷ Stephanie Nebehay, *Bahrain Trials Smack of Persecution—U.N. Rights Chief*, REUTERS (Jun. 24, 2011 11:23 AM), <http://af.reuters.com/articlePrint?articleID=AFTRE75N21Y20110624>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *July-December, 2010 Int’l Religious Freedom Report*, *supra* note 5, § II, at 1.

⁴² *Id.* at 4.

⁴³ *Id.* § II, at 5.

⁴⁴ *Id.* § II, at 5.

⁴⁵ *Id.*

⁴⁶ *Id.* § II, at 7.

13. “Shia Muslims compose the majority of the low socio-economic status citizen population and have a higher unemployment rate than Sunni Muslims.”⁴⁷ The government’s religious prejudice against Shias is manifested in political and employment discrimination as well. The Shia population as a whole attains a lower socio-economic status than the Sunni minority.⁴⁸ Sunni Muslims enjoy a favored status, receiving preference for employment in key government positions, managerial civil service, and the military.⁴⁹ Although government employers such as the police force claim that they do not record or consider religious affiliation in their hiring processes, Shia Muslims nevertheless complain that they are denied desirable government jobs due to their religion. As reported, Shia Muslims are most often hired for “fledgling” jobs such as traffic and community police.⁵⁰ Moreover, “[e]ducational, social, and municipal services in most Shia neighborhoods [are] inferior to those in Sunni communities.”⁵¹

Religious Media Discrimination

14. While the government strictly prohibits “anti-Islamic” media publications, anti-Jewish commentary and editorial cartoons were published with no objection or response from the government.⁵² Additionally, during the 2010 protests, “a pro-government newspaper repeatedly published inflammatory articles describing many leading Shia politicians and activists . . . as “terrorists.”⁵³ These articles exacerbated tensions between Shia and Sunni citizens.⁵⁴

Religious Discrimination in Education

15. Public education includes an exclusively Sunni-based Islamic studies curriculum that is mandatory for all students.⁵⁵ Although Shia Muslims comprise a majority of the population, the Shia Islamic tradition is not represented in the mandatory curriculum. Shia teachers of Islamic studies are discouraged from including in their lessons any materials about Shia traditions or practices, and are instructed to adhere to the Sunni-based curriculum.⁵⁶

⁴⁷ *Id.* § I, at 2.

⁴⁸ *Id.* § II, at 4.

⁴⁹ *Id.*

⁵⁰ *Id.* § II, at 5.

⁵¹ *Id.* § II, at 4.

⁵² *Id.* § II, at 7.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.* § II, at 3.

⁵⁶ *Id.* § II, at 5.