

BAHRAIN

Follow-up - State Reporting

(i) Action by Treaty bodies

CERD, CERD/C/SR.1763 (2006)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
Sixty-ninth session

SUMMARY RECORD OF THE 1763rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 August 2006, at 10 a.m.

...

FOLLOW-UP PROCEDURE (agenda item 7) (CERD/C/AUS/CO/14 and Add.1;
CERD/C/LAO/CO/15 and Add.1; CERD/C/69/Misc.9)

38. Mr. KJAERUM (Follow-up Coordinator) recalled that five States parties had been due to submit their comments on the follow-up action they had taken in response to the Committee's concluding observations and recommendations. They were: Australia, Azerbaijan, Bahrain, France and the Lao People's Democratic Republic. Australia and the Lao People's Democratic Republic had submitted their responses, and reminders had been sent to the other States parties. The response of France had just been received, but he had not yet had time to study it.

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CERD, A/61/18 (2006)

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Chapter IV. Follow-up to the consideration of reports submitted by states parties under article 9 of the Convention

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463. On 24 May 2006, reminders were sent by the coordinator on follow-up to the following States parties which had not yet sent information following adoption of the concluding observations of the Committee at its sixty-sixth session, held from 20 February to 10 March 2005: Azerbaijan, Bahrain and France.

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CERD, A/62/18 (2007)

CHAPTER IV. FOLLOW-UP TO THE CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

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498. Between 18 August 2006 and 17 August 2007, follow-up reports were received from the following States parties on the implementation of the recommendations regarding which the Committee had requested information within a year: Azerbaijan (CERD/C/AZE/CO/4/Add.1), Bahrain (CERD/C/BHR/CO/7/Add.1), France (CERD/C/FRA/CO/16/Add.1), Georgia (CERD/C/GEO/CO/3/Add.1), Lithuania (CERD/C/LTU/CO/3/Add.1), Mexico (CERD/C/MEX/CO/15/Add.1), Uzbekistan (CERD/C/UZB/CO/5/Add.2), Ukraine (CERD/C/UKR/CO/18/Add.1), Norway (CERD/C/NOR/CO/18/Add.1), and Guatemala (CERD/C/GTM/CO/11/Add.1) (see annex IV for an overview of the follow-up reports pending receipt, received, examined or scheduled for consideration at the seventy-second session).

499. At its seventieth and seventy-first sessions, the Committee considered the follow-up reports of Azerbaijan, Bahrain, France, Georgia and Lithuania and continued the constructive dialogue with these States parties by sending them letters with comments and requests for further information.

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Annex IV

OVERVIEW OF INFORMATION PROVIDED BY STATES PARTIES ON THE IMPLEMENTATION OF THE CONCLUDING OBSERVATIONS

Sixty-sixth session (21 February-11 March 2005) - Follow-up reports due by 11 March 2006

<u>State party</u>	<u>Date of receipt of follow-up report</u>	<u>Session at which follow-up report was discussed</u>
...		
Bahrain	19 October 2006	Seventieth session
...		

Follow-up - State Reporting
(ii) Action by State party

CERD, A/60/18 (2005)

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Annex VII

**COMMENTS OF STATES PARTIES ON THE CONCLUDING OBSERVATIONS
ADOPTED BY THE COMMITTEE**

Sixth and seventh periodic reports of Bahrain

The following comments were sent on 2 September 2005 by the Permanent Representative of Bahrain to the United Nations concerning the concluding observations adopted by the Committee following the consideration of the sixth and seventh periodic reports submitted by the State party:

“The Kingdom of Bahrain confirms its commitment to the International Convention on the Elimination of All Forms of Racial Discrimination. In this context, while the Government of the Kingdom welcomes the concluding observations which were adopted by the Committee following its consideration of the Kingdom’s sixth and seventh periodic reports, it would nevertheless like to make the following points:

“1. As the Kingdom’s reports clearly show, the Convention is part of Bahrain’s domestic law, Bahrain’s legislation and policies affirm the principles of equality and non-discrimination and there are means of redress available to deal with any allegation of racial discrimination.

“2. The Committee expressed concern about the abolition of one human rights association, even though the delegation of Bahrain had explained that the decision to abolish the association in question had been taken in accordance with law and that the association’s appeal against the decision had been reviewed by the courts. The delegation had furthermore described the legal safeguards which are provided for civil society organizations.

“3. The Committee expressed concern about the situation of migrant workers and their enjoyment of social, economic and cultural rights, even though the Kingdom’s reports and its delegation had clearly explained that migrant workers enjoy all of these rights, together with legal protection and access to services offering advice on their rights and the means for protecting them.

“4. The Committee, in the light of some questions raised during the debate, expressed concern about repeated allegations of discrimination facing some groups that may be distinguishable by virtue of their tribal or national origin, descent, culture or language. The Committee recommended that the State party should ensure that everyone, without distinction

as to race, colour, or national or ethnic origin, enjoyed the rights to work and to health and social security, adequate housing and education. In this connection, the Government of the Kingdom of Bahrain should like to make the following comments:

“(a) Although the questions raised about these allegations were essentially based on the religious angle, and although the religious angle has nothing to do with the Convention, the delegation of the Kingdom, in a spirit of cooperation, replied to the questions by explaining that the allegations were unfounded;

“(b) Since the questions related to whether or not there was any truth to the allegations, we had hoped that the Committee’s observation would have taken account of the additional information which had been requested on that subject;

“(c) The Government of the Kingdom of Bahrain confirms that, in accordance with the Convention, it spares no effort to guarantee everyone the right to work, health, social security, housing and education without discrimination, and that this is reflected in the State’s laws and policies and the Government’s programmes.

“The Government of the Kingdom of Bahrain should like to express its gratitude to the Committee for its appreciative comments about the positive political, legal and economic developments unfolding in the Kingdom of Bahrain with regard to respect for human rights. In this connection, the Government also expresses its satisfaction that the Advisory Council and the House of Deputies of Bahrain are currently debating two draft laws on the Government’s accession to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.”

CERD, CERD/C/BHR/CO/7/Add.1 (2006)

Government of Bahrain on the Concluding Observations of the Committee on the Elimination of Racial Discrimination

[19 October 2006]

Response of the Government of Bahrain to the concluding observations of the Committee on the Elimination of Racial Discrimination

1. At its 1700th meeting held on 11 March 2005, the Committee adopted its concluding observations, after considering the Kingdom's sixth and seventh periodic reports. The Committee asked the Kingdom to provide, within one year, information on the way that it had followed up on the Committee's recommendations as contained in paragraphs 12, 13, 15 and 16 of document CERD/C/BHR/CO/7, dated 14 April 2005. What follows is some basic information concerning the above-mentioned recommendations. The Government of the Kingdom hopes to include additional information on this subject in its eighth and ninth periodic reports.

Establishment of a national human rights institution (recommendation 12)

2. Some members of the Shura (Consultative) Council have tabled a draft law on the establishment of a higher national human rights institution. However, the draft has yet to be debated by the Council. The idea of establishing a national human rights body was also discussed at a workshop organized by the Arab Human Rights Centre and the Bahraini Human Rights Society and held in Manama on 14 and 15 April 2006. The idea has the support of the Ministry of Foreign Affairs.

3. The competent authorities in the Kingdom are currently discussing the adoption of the requisite measures for the establishment of a national human rights institution.

4. Mention should be made of the main human rights institutions that already exist in the Kingdom, such as:

- The Supreme Council for Women, the terms of reference and functions of which are defined in Amiral Order No. 44 of 2001 (text enclosed).
- The Bahraini Institute for Political Development, the terms of reference and functions of which are defined in Decree No. 39 of 2005 (text enclosed).

Dialogue with civil society organizations (recommendation 13)

5. The Government of the Kingdom of Bahrain affirms that the laws and policies of the country encourage the activities of civil society organizations and that the Government is keen to engage in dialogue and cooperation with all civil society organizations and to work with them on the basis of the partnership principle in order to ensure the success of the reform process in the Kingdom. To that end:

6. The Kingdom of Bahrain has already taken steps to create a legal framework for the establishment of civil society organizations, both through Decree Law No. 21 of 1989, concerning the Social and Cultural Associations and Clubs, Private Youth and Sports Organizations, and Private Institutions Act, as amended by Decree Law No. 44 of 2002, and through the Political Associations Act No. 26 of 2005.

7. The Ministry of Social Development grants licences to many civil associations which are run by expatriate communities residing in Bahrain. These associations enjoy the same rights as other associations in accordance with the Associations Act, to which reference was made above.

8. The Kingdom's legal system guarantees associations means of redress, including legal redress, in the event of any breach of their rights.

9. The civil society movement in the Kingdom of Bahrain is lively and active in many domains, as the situation on the ground in Bahrain shows.

Measures to protect the rights of female domestic workers (recommendation 15)

10. The sixth and seventh periodic reports of the Kingdom of Bahrain contain information on the laws that protect domestic workers, including female domestic workers, and the mechanisms for dealing with problems that they may encounter. These mechanisms include recourse to the courts and the procedures established by the Ministry of Labour, including the complaints hotline. In addition, there is a centre which provides accommodation and medical treatment. In this connection, we should like to refer, by way of example, to the following measures for the protection of these kinds of workers:

11. The Labour Code for the Private Sector contains provisions on domestic workers and two of the most important issues affecting their employment. Firstly, in the event of a dispute with the employer, the worker may apply to the Ministry of Labour with a view to reaching an amicable settlement with his employer. If no settlement is reached, the matter will be referred to a tribunal for arbitration. Proceedings are free at all stages. The second issue relates to the employer's obligation to pay the costs of sending a female domestic worker back to the location specified in the labour contract, the location in which the contract was concluded or submitted, or to the country to which she belongs by virtue of her nationality. The law imposes penalties of from three to six months in prison and/or a fine of from 500 to 1,000 dinars on any employer who breaches this obligation.

12. The guarantees set out in Act No. 19 of 2006, regulating the labour market for foreign workers, are important milestones in the protection of foreigners against discrimination and the provision of safeguards for them. For example, article 23, paragraph (c), of the Act stipulates that no one may extract any sum or obtain any benefit or favour from a worker in exchange for issuing him with a work permit or employing or continuing to employ him. According to article 24 of the Act, a work permit for a foreign worker can only be issued if the employer has not been negligent in regard to workers' rights. Article 25 of the Act grants foreign workers, for the first time ever, the right to change employer, thereby placing them on an equal footing with their Bahraini counterparts.

13. The Minister for Social Affairs issued Decision No. 21 of 1994, concerning the conditions and procedures for the conclusion of contracts between an employer and a contractor who recruits non-Bahraini workers. According to the Decision, the contract between the employer and the party supplying the labour must be drawn up in writing and must specify the nature of the work, the workers' pay scales, the obligation of the employer to pay the workers directly, the duration of employment, and the countries from which the workers will be brought. The Decision also prohibits employers, their agents or the contractor supplying the labour from taking any money from workers in exchange for employing or keeping them in employment. It further requires contractors who supply manpower to use the model employment contracts for domestic workers that the Ministry of Labour has produced. In this regard, the Ministry of Labour issued Decision No. 8 of 2005, concerning model employment contracts for domestic workers and persons of equivalent status. The model contract puts the onus on the employer to provide the employee with adequate food, suitable accommodation and free medical treatment at governmental hospitals and also to pay for a return air ticket to the employee's country of origin, if the contract is terminated for any reason whatever.

14. The Government of the Kingdom of Bahrain has prepared a draft law on the Labour Code for the Private Sector and transmitted it to the legislature. The draft contains, inter alia, many guarantees for workers relating to exemption from payment of court fees, release from a labour contract, termination of a labour contract, and the resolution of individual labour disputes.

15. Reference has already been made to the publications produced by the relevant authorities to familiarize foreign workers with their rights. These include the short guide for foreign workers in the Kingdom of Bahrain, issued in 2003, and the manual of advice for foreign workers in the Kingdom, which also dates back to 2003 (a copy of both documents is enclosed).

Guaranteeing the rights to work and to health and social security, adequate housing and education in accordance with the relevant paragraphs of article 5 of the Convention on the Elimination of All Forms of Racial Discrimination (recommendation 16).

16. The Government of the Kingdom of Bahrain confirms the information contained in its sixth and seventh periodic reports regarding the guarantees of equality and non-discrimination provided by the Kingdom's legal system. These guarantees are spelt out, inter alia, in the Constitutional provisions on the right to work, to education and to health. As indicated in the two periodic reports, there is nothing in Bahraini law that authorizes discrimination against any specific sector of society with regard to the exercise of constitutional rights. The two reports also refer to the Kingdom's policies and programmes on labour, health and housing services, address issues pertaining to social security, and confirm that the Kingdom of Bahrain complies with article 5 (e) (i), (iii), (iv) and (v) of the Convention.

17. The Committee recommended that the State party ensure that everyone, without distinction as to race, colour, or national or ethnic origin, enjoys the rights to work and to health and social security, adequate housing and education in accordance with article 5 (e) (i), (iii), (iv) and (v) of the Convention.

18. It is worth noting that the principles enunciated in this article are perfectly consistent with the

legislation in force and with chapter II of the Constitution, entitled “Fundamental components of society”, the contents of which fully correspond to those of the Convention, as illustrated here below:

Article 4:

Justice is the basis of government. Cooperation and mutual respect create a firm bond between citizens. Freedom, equality, security, trust, knowledge, social solidarity and equality of opportunity for all citizens are pillars of society that are guaranteed by the State.

Article 7:

(a) The State sponsors the sciences, humanities and the arts and encourages scientific research. The State also provides citizens with educational and cultural services. Education is compulsory and free of charge in the early stages, as specified and provided by law. The law shall establish an appropriate plan for eliminating illiteracy.

(b) The law regulates delivery of religious and national instruction in the various stages and types of education, cultivating, in all stages, the citizen’s personality and his pride in being an Arab.

(c) Individuals and organizations may establish private schools and universities under State supervision and in accordance with the law.

(d) The State guarantees the inviolability of places of learning.

Article 8:

(a) Every citizen is entitled to health care. The State protects public health and provides prevention and treatment facilities through the establishment of different types of hospitals and health-care institutions.

(b) Individuals and organizations may establish private hospitals, clinics or treatment centres under State supervision and in accordance with the law.

Article 9: The State shall endeavour to provide housing for citizens with a limited income.

Article 13:

(a) Work is a duty imposed on every citizen, as dictated by personal dignity and the public good. Every citizen has the right to work and to choose the type of work that he wishes to do, within the bounds of public order and public decency.

(b) The State guarantees its citizens employment opportunities and equitable conditions of work.

(c) No one may be forced to work, unless under the conditions specified by law concerning national requirements and in exchange for fair compensation, or pursuant to a court ruling.

(d) The law regulates the relationship between employees and employers on economic principles, having due regard to the precepts of social justice.

Article 16:

(a) A public post is a form of national service entrusted to the incumbent. State employees must keep the public interest in mind when performing their duties. Foreigners may not be given public posts, unless in accordance with the conditions specified by law.

(b) All citizens have equal access to public posts in accordance with the conditions laid down by law.

19. It is worth noting that the Bahraini legislative system places the Constitution at the top of the legislative hierarchy, treating it as the basic point of reference for the demarcation of all State powers. This restriction is binding on all the State powers during the performance of their duties. It follows that nothing in Bahraini law authorizes discrimination against any particular group of citizens with regard to the exercise of their constitutional rights.
