



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Seventy-first session

### Summary record of the 18th meeting

Held at the Palais Wilson, Geneva, on Thursday, 24 February 2022, at 3 p.m.

*Chair:* Mr. Abdel-Moneim

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*The meeting was called to order at 3.10 p.m.*

**Consideration of reports** *(continued)*

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Initial report of Bahrain (E/C.12/BHR/1)*

1. *At the invitation of the Chair, the delegation of Bahrain joined the meeting.*
2. **Mr. Bucheeri** (Bahrain), speaking via video link and introducing his country's initial report (E/C.12/BHR/1), said that Bahrain remained committed to positive cooperation with the United Nations treaty bodies and human rights mechanisms. In line with the National Action Charter, the Constitution and domestic legislation, the Government pursued policies to promote economic, social and cultural rights on the basis of the rule of law and the equality of all citizens, without discrimination on grounds of race, origin, language, religion or belief. The National Action Charter had been approved by a 98.4 per cent majority of citizens in a referendum held in 2001. Alongside the Constitution, it was underpinning important reforms in the country's political, economic, social and cultural life as Bahrain pursued the aim of respecting human rights, guaranteeing peace and security and achieving comprehensive and sustainable development.
3. Universal health care was guaranteed under the Constitution and, with the outbreak of the coronavirus disease (COVID-19) pandemic, the Government had immediately adopted a comprehensive national preventive strategy consistent with international standards and with World Health Organization (WHO) recommendations. Thanks to that strategy, which was being implemented by a national working group under the Prime Minister, nearly 81 per cent of residents had received a first dose of COVID-19 vaccine, more than 80 per cent had received a second dose and nearly 62 per cent had received a booster dose. Action had also been taken to support economic rights, with a package of financial measures aimed at limiting the impact of the pandemic on the economic interests of individuals and groups. As a consequence, Bahrain had, for the second year running, achieved high international and regional ranking for indicators of economic recovery from the COVID-19 pandemic. WHO had praised Bahrain, both for the action it had taken to address the pandemic and for the constant support and backing it had shown for the Organization.
4. In line with the Bahrain Economic Vision 2030, the Government was pursuing economic, human and infrastructure development and seeking to increase the real income of families, while also ensuring justice and fair competition. The Millennium Development Goals had been successfully achieved, thus laying sound foundations for the pursuit of sustainable development.
5. No one in Bahrain lived below the poverty threshold; in fact, the economy had grown by 37.4 per cent over the previous decade, real gross domestic product (GDP) per capita stood at \$22,000 in 2017 and 35 per cent of government expenditure went on health, education and social protection. There was universal enrolment in primary education, which was compulsory and free of charge. The enrolment rate at preschool level was 82 per cent, while it was 86.4 per cent in secondary education. Medical treatment and medication were provided free of charge to residents. Maternal mortality had fallen to 28.6 per 100,000 live births, compared with a global average of 226, while the under-5 mortality rate was 9 per 1,000 live births, compared with a global average of 44.
6. Equality between men and women was enshrined in the Constitution. A national plan for the advancement of Bahraini women had been integrated into government programmes and distributed to ministries and other State agencies for implementation. Equal opportunity commissions had been established and gender responsive budgeting was being implemented. Women accounted for 53 per cent of public-sector workers and 33 per cent of private-sector workers.
7. The private sector was a strategic development partner that, thanks to the equal job opportunities and high wages it offered, had helped to reduce unemployment by around 4 per cent. Some 65 per cent of citizens benefited from housing services, and five sustainable cities

were being constructed. All residents had access to drinking water, sanitation and clean energy. The Tamkeen Labour Fund had disbursed more than \$3 billion to around 45,000 small and medium-sized enterprises and had provided training for more than 125,000 people, including women, youth and persons with special needs.

8. A compulsory module on citizenship, tolerance, coexistence and human rights had been taught in schools of all levels since 2005 and, as part of the process of reform and modernization, a national human rights plan for 2022–2026 was currently being drafted. The Authority for Culture and Antiquities was seeking to promote the role of culture as part of socioeconomic development.

9. Bahrain strove to maintain a balance between, on the one hand, sustainable development and, on the other, the security and stability upon which such development depended. It was from that standpoint that the State sought to combat terrorist activities within the framework of the law and of human rights values, and to meet the environmental challenges posed by climate change and scarcity of resources. At the same time, it sought to direct efforts and resources to promote the well-being of citizens and residents, and to maintain effective partnerships with community and civil society organizations.

10. **Mr. Hennebel** (Country Rapporteur) said that, in view of the fact that ratified international treaties were part of the domestic legal order, he would welcome information about cases in which the International Covenant on Economic, Social and Cultural Rights had been invoked before or applied by the courts, particularly the Constitutional Court, and about the effectiveness of the remedies available to persons who claimed to be victims of violations of their rights under the Covenant.

11. He would be interested to know the status of the ratification process for the Optional Protocol to the Covenant and for other international instruments, notably the United Nations Framework Convention on Climate Change, the Vienna Convention for the Protection of the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Convention on Biological Diversity. What progress had Bahrain made towards achieving its emission reduction targets under the Paris Agreement?

12. He would like to hear about any regulatory provisions that existed to ensure that private-sector companies complied with national and international human rights and labour standards. In particular, he would be interested to learn about any accountability mechanisms for environmental damage caused by corporate activities and any sanctions applied against companies that had resorted to abusive dismissals during the COVID-19 pandemic. He hoped that the delegation could provide specific examples of cases in which companies had been implicated in violations of social, environmental or labour standards.

13. It would be helpful to learn about any steps taken to ensure the full independence and impartiality of judicial bodies and about measures to facilitate access to justice for the most vulnerable. The Committee had received credible reports about difficulties faced by human rights organizations, as well as about the violent repression of demonstrations and the ill-treatment of human rights defenders, journalists and bloggers. Other reports pointed to the detention of political opposition figures. Could the delegation respond to those claims and provide details about any investigations that had taken place and any protection measures that had been put in place?

14. In relation to self-determination and the right of peoples to freely dispose of their wealth, he would welcome statistics regarding the number of eligible voters in Bahrain, their religious denomination, ethnic background and social status, and their distribution across the electoral districts. Had any steps been taken to improve the transparency of elections and allow the presence of impartial observers?

15. He wished to know what methods and criteria the authorities used to determine the poverty threshold. The delegation should provide details concerning the proportions of public revenue deriving from income tax, profit tax and value added tax. What percentage of GDP and what proportion of public expenditure was devoted to social issues? The delegation should also give details about the effect anti-corruption measures were having on fiscal policy

and the extent to which the State was able to invest its own resources in the realization of economic, social and cultural rights.

16. He would welcome information on any measures the Government intended to implement in order to protect domestic workers and combat forced labour. The Committee was concerned at reports of wage discrimination, directed in particular against Shia citizens. He hoped that the delegation could tell the Committee about concrete steps taken to combat discrimination in the enjoyment of economic, social and cultural rights by women, persons with disabilities, migrants, prisoners, children and lesbian, gay, bisexual, transgender and queer persons. What judicial framework was applicable to refugees and asylum seekers?

17. Lastly, he wished to know what concrete measures were being taken to ensure equality between men and women, particularly vis-à-vis salaries, employment opportunities, reproductive rights and health care. In that regard, the Committee had received reports to the effect that women were still unable to pass their Bahraini nationality on to their offspring on an equal footing with men, and it was concerned about the apparent absence of a mechanism women could use to file complaints of domestic violence.

*The meeting was suspended at 3.45 p.m. and resumed at 3.50 p.m.*

18. **Mr. Mijbel** (Bahrain), speaking via video link, said that Bahrain was making every effort to ensure access to justice for all those residing in the country and all individuals were entitled to seek a remedy before the various national courts. The president and six members of the Constitutional Court, who were appointed by the King, were fully independent. There was no interference in the justice system and national laws were not used to circumvent obligations under international conventions. The Constitutional Court had the role of guaranteeing that all laws were in line with the Constitution; it had invoked the Covenant in a number of judgments.

19. **Mr. Almoayed** (Bahrain), speaking via video link, said that, pursuant to article 5 of the Constitution, the State ensured that women could reconcile their family duties and their work in society, in which they had equal rights in all areas, without undermining the provisions of sharia law. That constitutional provision had been given effect through the National Plan for the Advancement of Bahraini Women, which had been prepared by the Supreme Council for Women in cooperation with various government bodies.

20. There was no wage gap between men and women. The Private Sector Labour Code prohibited wage discrimination on various grounds, such as age and religion, and had been amended to include the prohibition of wage discrimination between male and female workers for equal work. Article 20 of the Constitution guaranteed access to justice for all citizens, and a 2022 decree provided that women should enjoy the same legal rights as men and could bring cases before the courts on their own behalf without any restrictions. Article 66 of the Code of Criminal Procedure provided that, if a woman was arrested, the search usually conducted by a judicial officer must be carried out by a woman designated by the officer. The Women's Support Centre had been established to provide free legal aid and advice in cases related to divorce, marriage and family matters and to offer support for family reconciliation and the amicable settlement of marital disputes. Couples intending to marry were educated about their rights and duties.

21. Act No. 17 of 2015 prohibited domestic violence and provided for preventive measures. The Supreme Council for Women had launched the National Strategy for the Protection of Women from Domestic Violence, which had been developed in partnership with the relevant ministries and civil society organizations. It set out measures to prevent family violence, protect victims and ensure the provision of necessary services by specialized teams. A unified electronic database had been set up to record cases of domestic violence, and a standardized follow-up mechanism had been adopted. The Ministry of Labour had issued a decree on the organization of shelters for victims. Domestic violence cases were handled by a special prosecutor's office headed by a female judge. Children and women who had been the victims of violence received psychological, social and legal support, and the necessary steps were taken to prosecute perpetrators. Offices had been set up in all police stations across the country to provide a safe environment for women and children victims of violence.

22. Under the Citizenship Act, the children of Bahraini women were automatically granted Bahraini nationality if the father was unknown. Under Act No. 24 of 2022, passport offices could issue longer-term residence permits for the foreign husbands of Bahraini women. Act No. 35 of 2009 provided that the children of Bahraini women married to foreign nationals were treated like all other Bahraini children, and their mothers had access to the same social services as other citizens, including services for children with disabilities.

23. **Ms. Al Mahrous** (Bahrain), speaking via video link, said that her country contributed to the concerted environmental efforts of the international community, complied with its obligations under international instruments, and benefited from technical assistance to support its implementation of various conventions. With regard to the Paris Agreement on climate change, Bahrain had adopted a number of adaptation and emissions reduction projects. For example, it had defined standards on coastal protection and adaptation to temperature rise and its impact on public health. An action plan on renewable energy had also been developed. Following the recent twenty-sixth Conference of the Parties to the United Nations Framework Convention on Climate Change, Bahrain had committed to reducing its emissions by 30 per cent and achieving carbon neutrality by 2035, as well as engaging in reforestation and agricultural efforts.

24. Bahrain had acceded to the Nagoya Protocol and the Cartagena Protocol to the Convention on Biological Diversity and had developed a national strategy and action plan on biodiversity. It had also achieved most of the Aichi Biodiversity Targets, including by increasing the number of protected marine areas and enacting laws to protect species at risk of extinction. The Government was committed to implementing the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and complied fully with its reporting obligations thereunder. Bahrain had also submitted reports pursuant to the Stockholm Convention on Persistent Organic Pollutants. All of the pesticides used in the country met the requirements set out in the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. Bahrain had also recently acceded to the Minamata Convention on Mercury. In accordance with the Montreal Protocol on Substances that Deplete the Ozone Layer, all hydrochlorofluorocarbons (HCFCs) would be phased out by 2030. Some 420 technicians had received refrigeration training in line with the highest international standards, and there were plans to train a total of 3,000 technicians by 2025. The country's first refrigerant gas recycling centre had been opened. The delegation would provide further relevant information in writing.

25. **Mr. Ismail** (Bahrain), speaking via video link, said that freedom of expression was guaranteed under the Press and Publications Act, and journalists could exercise their activities freely and independently. Journalists had unrestricted access to information and statistics necessary for their work. The legislature would soon be considering amendments to the Press and Publications Act to strengthen the role of the press. There were no journalists in detention in Bahrain and no prisoners of conscience or persons in detention for having exercised their freedom of expression.

26. **Ms. Al-Saati** (Bahrain), speaking via video link, said that the comprehensive regulatory framework for the protection of migrant workers did not exclude any category of workers and prohibited all forms of discrimination. There was an early warning system to identify cases of exploitation of migrant workers in all sectors. A centre had been established to provide services for the protection of migrant workers. All workers had the right to submit complaints via a digital platform if they considered themselves to have been victims of abuse or exploitation. A hotline had been set up for migrant workers at risk of exploitation or abuse to seek advice; psychological support was provided if necessary. Awareness-raising activities were conducted in partnership with civil society organizations and representatives of migrant workers to inform workers about their rights and the complaint mechanisms and services available. Domestic workers were not excluded from any of the measures put in place to protect migrant workers, and a law regulating domestic work was due to come into force shortly.

27. **Mr. Al Khalifa** (Bahrain), speaking via video link, said that investment in human capital and the achievement of the Sustainable Development Goals were priorities for the Government. One of the measures taken as part of the programme to achieve a fiscal balance

between public expenditure and revenue by 2024 had been to increase the value added tax rate from 5 per cent to 10 per cent.

28. **Mr. Hennebel** said that he would welcome a more detailed explanation as to whether single mothers or mothers who had a child with a non-Bahraini father could transmit their nationality to their children. He would also appreciate information on the enjoyment in practice of economic, social and cultural rights by lesbian, gay, bisexual, transgender and intersex persons, the treatment of refugees, the ratification by the State party of a number of international instruments and the protection of human rights defenders, some of whom had reportedly been subjected to arbitrary detention for lengthy periods.

29. **Mr. Matar** (Bahrain), speaking via video link, said that the granting and withdrawal of nationality were governed by the Constitution and the legislation in force, which prohibited any form of arbitrary or abusive withdrawal. Revocation of citizenship was, however, permissible if citizens failed in their responsibilities to the State, for example, if a person joined the armed forces of a third country or cooperated with its intelligence service, thereby betraying the interests of Bahrain.

30. The right to demonstrate was guaranteed under the Constitution. Act No. 18 of 1973, as amended, concerning public meetings and demonstrations, contained guarantees and safeguards aimed primarily at preventing any adverse impact of such events on the interests and security of Bahraini society. Organizers were required to inform the authorities in advance of the demonstrations taking place.

31. International norms concerning the rehabilitation of prisoners were enshrined in the Reform and Rehabilitation Act, No. 18 of 2014, which provided for access to health care, psychosocial care, education and training courses so that inmates could be reintegrated into society without discrimination upon their release. Act No. 18 of 2017, as amended, concerning alternative penalties and measures, offered training and reintegration programmes for detainees as well as the possibility of alternative penalties to imprisonment.

32. **Mr. Aldoseri** (Bahrain), speaking via video link, said that persons who engaged privately in consensual homosexual relationships had never been prosecuted. However, persons who engaged in such relationships publicly or in a non-consensual manner had been prosecuted.

33. **Ms. Alsayed** (Bahrain), speaking via video link, said that the Bahraini authorities were seriously considering the possibility of ratifying the Optional Protocol to the Covenant. With regard to the right to self-determination, it was stated in the National Action Charter that Bahrain had achieved political independence through a struggle waged by its leadership and its people and had preserved the unity of its land and territorial waters, which were inalienable and non-negotiable, a principle that was reflected in article 1 of the Constitution.

34. **Mr. Almoayed** (Bahrain) said that children of Bahraini woman married to foreign men were granted the father's nationality and enjoyed the same rights as citizens, for instance in terms of access to education and health-care services. They were also granted visas and residence permits.

35. **Ms. Janahi** (Bahrain), speaking via video link, said that Bahraini legislation permitted the establishment of independent civil society organizations for the purpose of defending human rights. Act No. 26 of 2014, as amended, provided for the establishment of the National Institution for Human Rights. Act No. 21 of 1989 on Associations, Social and Cultural Clubs, Special Committees Working in the Field of Youth and Sports, and Private Foundations, as amended, granted both citizens and residents the right to register human rights organizations with the Ministry of Labour and Social Development. Such organizations were entitled to establish special human rights committees and observatories.

36. **Ms. Lemus de Vásquez** (Country Task Force) said that she would be interested to hear how the State party had adjusted or improved its measures and policies to create job openings as part of the Economic Vision 2030 in order to reduce the negative impact of the coronavirus disease (COVID-19) pandemic and to protect the employment and income of its population.

37. Noting reports that the unemployment rate in 2020 had been much higher than the figure for 2018, of 4.3 per cent, indicated in the State party's initial report, she said she would welcome information on the unemployment rates for the past three years and the procedures used for establishing and verifying the figures. The Committee also wished to hear about programmes and strategies to address the challenges to employment stemming from the COVID-19 pandemic.

38. She would be interested to hear the delegation's views on reports received by the Committee of deep-rooted discrimination against the Shia community in the State party's workforce, in both the public and private sectors, and of systematic abuse and exploitation of migrant workers in the recruitment process and the workplace, including job advertisements calling for persons of specific nationalities or language groups, without any grounds being specified. It would be useful to hear whether steps were being taken to increase women's participation in the labour market, which was reportedly at half the level of men's, and to challenge stereotypes about the role of women in society. She wished to know whether the implementation of the provisions of Act No. 36 of 2012, concerning equal pay for women and men, was monitored by an independent public or private entity. She would be grateful for disaggregated data concerning the number of persons with disabilities, Shia citizens and women in the civil service.

39. She would like to learn whether steps were being taken to facilitate the access of migrant workers to employment, to combat the practice of confiscating their passports and to abolish the kafalah system. The Committee had also been informed that migrant workers frequently did not have access to the necessary protective equipment at work or to compensation in the event of work-related accidents, that they had been disproportionately affected by the COVID-19 pandemic, that they lived in overcrowded work camps with poor sanitary conditions and that they faced unsafe working conditions, physical, sexual and mental abuse and forced labour. In the light of reports that accidents on worksites were common and workers affected only rarely received treatment or compensation, the Committee would welcome information on measures taken to investigate and prosecute employers and recruiters who violated migrant workers' rights, as well as data on injuries suffered by migrant workers and any compensation they had received.

40. As the Committee had been informed that neither the Private Sector Labour Code nor the Model Form of Employment Contract for Domestic Help and Similar Persons were fully implemented in practice, and that the unified standard contract introduced for domestic workers in 2017 had not been effective in ensuring decent working conditions, it would be useful to know what measures were being taken to address the issue, including the requirements for periods of daily and weekly rest, overtime pay, employment mobility, safe and private living accommodation, and adequate food.

41. The Committee understood from reports that the freedom to form associations and trade unions guaranteed under the Constitution and the Workers' Trade Union Act was not applicable to domestic workers, that agricultural workers were prohibited from joining or forming a trade union, that public-sector workers were restricted in the exercise of their trade union rights and that migrant workers generally refrained from joining trade unions since they lacked protection against dismissal. The Committee would appreciate statistics concerning trade union membership, disaggregated by sector of activity and including foreign and domestic workers. She asked whether there were any plans to introduce legislative measures aimed at promoting trade unions and whether public employees might be permitted to form trade unions.

42. The Committee had been informed that, pursuant to Decree-Law No. 21 of 2020, the Government had suspended the annual increase in pension funds owing to the COVID-19 pandemic and the global economic crisis; it wished to know how long the suspension would be maintained. Many sources had also reported a decrease in the availability of social security funds and services during the pandemic, especially for persons with disabilities. Information about the current situation in that regard would be welcome.

43. Lastly, she wished to know whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Protection of Wages Convention,

1949 (No. 95), the ILO Migration for Employment Convention, 1949 (No. 97), the ILO Minimum Wage Fixing Convention, 1970 (No. 131), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the ILO Domestic Workers Convention, 2011 (No. 189).

*The meeting rose at 5.10 p.m.*