



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Seventh periodic reports of States parties due in 2003**

**Addendum**

**KINGDOM OF BAHRAIN\* \*\***

[Original: Arabic]  
[23 December 2003]

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\* This document contains the sixth and seventh periodic reports of the Kingdom of Bahrain, due on 26 April 2001 and 2003 respectively, submitted in one document. For the first, second, third, fourth and fifth periodic reports, submitted in one document and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/353/Add.1/Rev.1 and CERD/C/SR.1390 and 1391.

\*\* The annexes to the report, in the Arabic language only, may be consulted in the files of the secretariat.

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## **Introduction**

1. Bahrain is an independent constitutional monarchy. It joined the United Nations in 1971 and is a member of the League of Arab States, the Gulf Cooperation Council and the Organization of the Islamic Conference.
2. The Kingdom of Bahrain acceded to the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 under the terms of Amiral Decree No. 8 of 1990, which was published in the Official Gazette on 28 February 1990, and the Convention entered into force in the State (now Kingdom) of Bahrain on 26 April 1990. On 12 March 2000, Bahrain acceded to the amendment to article 8 of the Convention under the terms of Amiral Decree No. 6 of 2000.
3. In accordance with article 9 of the Convention, all States parties have an obligation to submit periodic reports on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention. The Committee on the Elimination of Racial Discrimination, which was established by the Convention, considers these reports and may make suggestions and general recommendations relating thereto. Such suggestions and general recommendations are reported to each State party and to the General Assembly.
4. The Kingdom of Bahrain submitted its report containing its initial, second, third, fourth and fifth periodic reports to the Committee on the Elimination of Racial Discrimination (CERD/C/353/Add.1/Rev.1). The Committee considered the report on 23 March 2000. In its concluding observations (CERD/C/304/Add.100), the Committee, inter alia, welcomed the report and recommended that the Kingdom of Bahrain include additional information about Bahrain's legislation and population in its sixth periodic report due on 26 April 2001.
5. Since the submission of the five above-mentioned reports, Bahrain has witnessed a succession of important constitutional, political and social developments, notably the adoption, in February 2001, of the National Action Charter, the promulgation, on 14 February 2002, of the amended Constitution, and the proclamation of a constitutional monarchy in Bahrain. The desire to provide the Committee with adequate information about these developments prompted the Kingdom of Bahrain to incorporate its sixth and seventh periodic reports into a single document.
6. The Kingdom of Bahrain has the honour to submit to the Committee on the Elimination of Racial Discrimination its sixth and seventh periodic reports, which were jointly prepared by the relevant ministries and bodies.

## **I. BASIC INFORMATION**

### **A. The political system**

7. The Kingdom of Bahrain has taken rapid steps to boost its development in many areas of national action in order to keep pace with numerous innovations at the domestic and international levels.
8. With a view to strengthening national action and democracy and moving the process of political change forward so as to secure growth and prosperity for Bahraini society,

His Royal Highness King Hamad bin Isa Al Khalifa issued Amiral Orders Nos. 36 and 43 of 2000, establishing a higher national committee to prepare a draft for a national action charter, which defines the general framework for the State's future objectives in various areas of national action and the roles of State institutions and the constitutional powers in that regard.

### **1. The National Action Charter**

9. The draft for a national action charter was drawn up following a series of open and purposeful discussions with various sectors of society. The citizens were called to vote in a referendum held on 14 and 15 February 2001. The referendum result was announced on 15 February, with 98.4 per cent having voted for the Charter. On the basis of the popular acceptance and support that the Charter had won, as demonstrated by the referendum result, His Royal Highness ratified the National Action Charter, the text which is found in annex I.

10. The preamble to the National Action Charter refers, inter alia, to the adoption of well-established national, political and constitutional principles concerning the identity of the State, with special emphasis on the system of democratic, constitutional and hereditary monarchy in which the ruler serves his people and is a symbol of their independent identity and their desire for progress. The preamble also refers to the updating of the country's Constitution in order to benefit from the democratic experiences that many nations have had in widening the scope of popular participation in the burdens of government and administration.

### **2. Constitution of the Kingdom of Bahrain**

11. In accordance with the wishes of the people, who unanimously approved the principles set forth in the National Action Charter, and with a view to creating a better future in which the country and the people enjoy greater prosperity, progress, growth, stability and welfare, the Constitution promulgated on 6 December 1973 was amended to take account of the content of the National Action Charter. The amended Constitution was promulgated on 14 February 2002, and is reproduced in annex II.

12. These amendments represent the evolved thinking in Bahrain. They provide for the establishment of a political system based on a constitutional monarchy that relies on consultation, Islam's highest ideal of government, and on participation by the people in the exercise of power, which is a modern political idea. The ruler wisely selects knowledgeable persons from among the citizens to form a consultative council, just as the conscious, free and loyal people choose persons, through elections, to form the Chamber of Deputies. The two Councils jointly implement the wishes of the people in the National Assembly.

13. The Constitution provides as follows:

1. The Kingdom of Bahrain is a fully sovereign, independent, Islamic, Arab State;
2. The Government of the Kingdom of Bahrain is a hereditary constitutional monarchy;
3. The system of government in the Kingdom of Bahrain is democratic. Sovereignty resides in the people, the source of all powers. Sovereignty shall be exercised in the manner specified in this Constitution;

4. The religion of the State is Islam. The Islamic Shariah is a principal source of legislation. The official language of the State is Arabic;
5. Citizens, both men and women, are entitled to participate in public affairs and to enjoy political rights, including the right to vote and to stand for election, in accordance with this Constitution;
6. The system of government is based on the separation of the legislative, executive and judicial authorities, which shall cooperate with one another in accordance with the terms of the Constitution;
7. The National Assembly consists of two chambers, the Consultative Council and the Chamber of Deputies. The Consultative Council consists of 40 members appointed by Royal Order. The Chamber of Deputies consists of 40 members elected by direct, secret and universal suffrage. No law may be enacted unless it has been approved by both the Consultative Council and the Chamber of Deputies, or the National Assembly, as the case may be, and has been ratified by His Highness the King;
8. Legislative authority is vested in the King and the National Assembly in accordance with the Constitution. Executive authority is vested in the King, together with the Cabinet and the Ministers, and judicial rulings are issued in the King's name, all in accordance with the provisions of the Constitution;
9. The King is the Head of State and its nominal representative. His person is inviolable. He is the loyal custodian of the religion and the nation and is the symbol of national unity;
10. The Cabinet looks after the interests of the State. It formulates general Government policy, assures the implementation thereof, and oversees the running of Government;
11. The law guarantees the independence of the judiciary;
12. The Constitutional Court verifies the constitutionality of laws and statutes;
13. Public rights and duties are the fundamental pillars of society.
14. The members of the Chamber of Deputies were elected on 24 October 2002. Royal Decree No. 41 of 2002, establishing the Consultative Council, was issued on 16 November 2002. On 14 December 2002, both the Consultative Council and the Chamber of Deputies were invited to attend the opening of the National Assembly's first legislative session.
15. The Constitutional Court was established on 14 September 2002 pursuant to Legislative Decree No. 27 of 2002 and the members of the Court were appointed. The Constitutional Court is an independent body that operates autonomously (see annex VII).
16. Pursuant to the provisions of the Constitution, a number of laws have been enacted to encourage the activities of civil society. The outcome of the work of the first part of the National

Assembly's first legislative session underscored the vitality of political and civil life and the positive general climate in which freedom of opinion is exercised within the framework of the guarantees established in the Constitution and the law.

17. Article 5 (b) of the Constitution stipulates that the State must ensure that women are able to reconcile their family obligations with their work outside the home and grants them equality with men in political, social, cultural and economic life without prejudice to the Islamic Shariah.

18. Women play a central role in the political and social developments taking place in the Kingdom of Bahrain. The Constitution and the National Action Charter guarantee women their full constitutional rights, including the right to vote, to stand for election and to assume public office, and the right to education, to own property and to manage their affairs independently. The laws of the Kingdom of Bahrain guarantee women freedom of association, including the freedom to establish cultural and social associations that deal with family and children's issues. The Higher Council for Women, which was established in November 2003 and is chaired by Her Royal Highness Sheikha Sabika bin Ibrahim Al Khalifa, the wife of His Royal Highness King Hamad bin Isa Al Khalifa, plays a major role in this domain and has competence, inter alia, for the following tasks:

1. Recommending general policy on development and the promotion of women's issues in social, constitutional and civil institutions;
2. Empowering women to fulfil their role in public life, incorporating their efforts into comprehensive development programmes, and monitoring discrimination against women;
3. Establishing a draft national plan for the advancement of women and resolving the difficulties women face in many domains;
4. Giving effect to the principles relating to women that are enshrined in the National Action Charter and establishing appropriate mechanisms towards that end;
5. Monitoring and evaluating the implementation of general policy regarding women and submitting any recommendations and comments that the Council may have to make to the authorities with competence for these matters;
6. Submitting recommendations on amendments to current legislation relating to women, commenting on draft laws and decisions prior to their submission to the competent authorities, and proposing and recommending draft laws and decisions. The Council also has responsibility for assisting in the preparation of reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

19. It is worth noting that numerous laws have been enacted in conformity with the Constitution.

**Legislative Decree No. 10 of 2001 declaring a general amnesty for crimes against national security**

20. One of the most important steps that paved the way for constitutional and democratic reform in Bahrain was the initiative taken by His Highness the Amir prior to the proclamation of the Charter, by which he declared a general amnesty for all persons convicted of, arrested for, or charged with crimes against national security. This was the first step at the beginning of the twenty-first century along the road to political reconciliation, and it won wide praise and support locally, regionally and abroad.

**Decree No. 4 of 2001 abolishing the State Security Court**

21. As confirmation of the gains achieved in the legal arena and of the equal right to seek a legal remedy before the judicial authorities, the State Security Court established pursuant to article 185 of the Penal Code and Legislative Decree No. 7 of 1976 was abolished under the terms of Legislative Decree No. 4 of 2001. The Security Court's rulings on crimes against the internal and external security of the State were final and could not be appealed. With the abolition of this court, such crimes and persons charged therewith are now to be prosecuted according to the same procedures as other crimes and accused persons before the ordinary criminal courts, the rulings of which can be appealed before the Court of Appeal and the Court of Cassation.

**Legislative Decree No. 11 of 2001 repealing the State Security Measures Decree**

22. This Legislative Decree provided for the abrogation of the State Security Measures Decree of 1974, under the terms of which persons against whom there was evidence to show that they had engaged in particular activities in breach of public security and public order could be arrested and imprisoned on that charge alone, without an impartial trial, and for renewable terms of up to three years to be determined by the competent court. The new Decree guarantees equality among all accused persons with respect to the criminal procedures applied to them upon arrest, detention or trial. These procedures are implemented only in respect of an actual crime and not simply because of an act a person is accused of committing.

**B. Land and people****1. The land**

23. The Kingdom of Bahrain is situated in the Arabian Gulf approximately halfway between the Straits of Hormuz and the Shatt al-Arab estuary. This strategic geographical location has endowed it with considerable importance throughout history since, as one of the principal links between the East and the West, it has always been a major hub of international trade and communications.

24. The Kingdom of Bahrain consists of an archipelago in the shallow waters of the central Arabian Gulf. It comprises 36 islands, covering a total area of 717.50 km<sup>2</sup>. The largest island is the island of Bahrain, covering an area of 592.63 km<sup>2</sup>, on which the capital, Manama, is situated, and is linked by causeways to neighbouring islands such as Muharraq, Sitra, Umm Na'san and Nabih Salih. A causeway also links the main island to the Kingdom of Saudi Arabia.

25. The other large islands of the Bahrain archipelago include Hawar, situated at a distance of 25 km to the south of the main island and covering an area of about 52.09 km<sup>2</sup>.

26. In order to meet the needs of the population, a further area of about 33 km<sup>2</sup> was reclaimed from the sea through landfill between 1976 and 1996. In 1998, 13.3 per cent of the existing land was used for housing purposes, 5.9 per cent for agriculture, 9.3 per cent for industry and commerce, 5.9 per cent for the cultural heritage and tourism and 16.5 per cent for Bahrain's gas and petroleum.

## **2. The population**

27. By virtue of the strategic location of their country, the Bahraini people exhibit distinct and deep-rooted characteristics in keeping with the nature of the commendable qualities that the population of such areas must possess in order to ensure tranquillity and stability for visitors and persons in transit while, at the same time, facilitating the commercial activity in which the population is primarily engaged.

28. One of the principal distinct characteristics of the Bahraini people is their tolerance, family cohesion, spirit of fraternity, trustworthiness and honesty in their dealings and the absence of any form of bigotry, segregation or discrimination. As a result, visitors from neighbouring States have always enjoyed stability and a calm and peaceful atmosphere and these characteristics were further strengthened and perpetuated when Bahrain embraced Islam and adopted its lofty principles of tolerance and peace.

29. The vast majority of Bahrainis are of Arab origin and can trace their descent partly from the successive tribal migrations from the Arabian Peninsula during or after the pre-Islamic period. Their historical roots go back to the Dilmun civilization during the pre-Christian era. The official language of the Kingdom of Bahrain is Arabic.

30. According to the 2001 census, the total population was 650,600, of which 405,700 were Bahraini (204,600 male and 201,000 female), and 244,900 non-Bahraini (169,000 male and 75,900 female). Population density in 2001 stood at 909 persons per km<sup>2</sup>.

31. Table 1 shows the total non-Bahraini population by sex, nationality group and duration of residence in years, as at 2001.

32. In 2001, the overall reproduction rate among Bahraini women was 1.5 per woman. The infant mortality rate among Bahrainis was 21.2 per 1,000 live births in 1991, and has been declining since (19.7 in 1993, 8.0 in 1997 and 7.1 in 2002). According to the Central Office of Information, life expectancy at birth rose from 52.5 years in the 1950s to 58.5 in the 1960s, 65.5 in the 1970s, 70.0 in the 1980s and 72.4 in the 1990s. During the period 2000-2005, life expectancy at birth is expected to reach 73.8 years, an average of 76.3 for women and 72.1 for men.

33. The physician/population ratio was of 565 persons per physician in 2002, as compared with 896 in 1996. (Annex III contains basic demographic data.)



34. The ratio of urban to rural population is high in all areas of Bahrain because of the expansion and development of new towns, having risen to 88.4 per cent in 1991 as compared to 80.7 per cent in 1981. In 1991, 99.7 per cent of all housing units were connected to public utilities (water, electricity and public sewage).

**Table 1**  
**Non-Bahrani population by sex, nationality and length of residence**

Sex/nationality groups	2001 Census							
	Less than 2 years	2 years	4 years	6 years	8 years	10 years and over	Not stated	Total
Males								
Arab	3 126	2 543	2 610	1 634	920	4 501	0	15 334
of which:								
Gulf Cooperation Council	877	551	383	267	196	1 362	0	3 636
Other Arab	2 249	1 992	2 227	1 367	724	3 139	0	11 698
Non-Arab	30 837	34 030	18 319	14 054	12 493	43 959	0	153 692
of which:								
Asian	29 014	32 612	17 780	13 697	12 207	43 033	0	148 343
African	118	88	44	23	10	59	0	342
European	779	557	330	256	194	717	0	2 833
North American	854	711	134	60	55	109	0	1 924
South American	7	8	2	2	3	13	0	35
Oceanian	65	54	29	16	23	28	0	215
Total	33 963	36 573	20 929	15 688	13 413	48 460	0	169 026
Females								
Arab	2 733	2 167	1 603	965	725	3 346	0	11 539
of which:								
Gulf Cooperation Council	642	450	311	240	192	1 352	0	3 187
Other Arab	2 091	1 717	1 292	725	533	1 994	0	8 352
Non-Arab	19 892	14 409	7 155	4 524	3 883	14 509	0	64 372
of which:								
Asian	17 644	12 283	6 157	4 080	3 541	13 578	0	57 283
African	791	1 064	477	114	42	94	0	2 582
European	830	578	362	256	213	716	0	2 955
North American	529	405	126	56	65	90	0	1 271
South American	12	6	4	3	1	9	0	35
Oceanian	86	73	29	15	21	22	0	246
Total	22 625	16 576	8 758	5 489	4 608	17 855	0	75 911
Total								
Arab	5 859	4 710	4 213	2 599	1 645	7 847	0	26 873
of which:								
Gulf Cooperation Council	1 519	1 001	694	507	388	2 714	0	6 823
Other Arab	4 340	3 709	3 519	2 092	1 257	5 133	0	20 050
Non-Arab	50 729	48 439	25 474	18 578	16 376	58 468	0	218 064
of which:								
Asian	46 658	44 895	23 937	17 777	15 748	56 611	0	205 626
African	909	1 152	521	137	52	153	0	2 924
European	1 609	1 135	692	512	407	1 433	0	5 788
North American	1 383	1 116	260	116	121	199	0	3 195
South American	19	14	6	5	4	22	0	70
Oceanian	151	127	58	31	44	50	0	461
Total	56 588	53 149	29 687	21 177	18 021	66 315	0	244 937

35. The Kingdom of Bahrain does not operate on the principle of administrative centralization but has adopted a limited form of centralization. Legislative Decree No. 16 of 1996, concerning the governorate system, was promulgated in 1996 but was subsequently repealed and replaced by Legislative Decree No. 17 of 2002. The Kingdom is divided administratively into five governorates. Legislative Decree No. 35 of 2001, concerning municipalities, defines the functions of municipal councils, while Legislative Decree No. 3 of 2002 defines the system for electing the members of these councils. Both decrees stipulate the conditions for voting and standing for election, guaranteeing equality and prohibiting any form of discrimination.

## **C. The economic situation and human development**

### **1. The economic situation**

36. According to the 2003 Human Development Report, Bahrain ranked first among the Arab States and thirty-seventh among 175 countries. International reports draw attention to the growth achieved by the Bahraini economy and the positive indicators resulting from the Kingdom's policies. It is noteworthy that Bahrain was ranked sixteenth in the Heritage Foundation's 2003 Economic Freedom Index, which measures economic freedom on the basis of a number of criteria including, in particular, financial, monetary and trade policies, government consumption of production, capital flows, foreign investments and intellectual property rights. A number of economic and human development indicators are discussed in the following paragraphs.

37. Bahrain has adopted financial and economic policies based on the principle of the free economy and market mechanisms. The Kingdom is endeavouring to diversify its sources of income, to create an appropriate investment environment that will attract further local, Arab and foreign investments, and to develop the legislation and procedures relating to those activities. In April 2000, the Economic Development Council was set up to design a future strategy for the State's economic development, to oversee its implementation in collaboration with the relevant ministries and State institutions, to integrate different aspects of economic activity, and to create a liberal economic climate. The economic strategy is notionally based on existing activities in the service sector, namely financial services, construction, technology-based services, health services, educational and training services and tourism, and on maximization of the profits derived from the country's main industrial sectors, namely oil, gas and aluminium.

38. These policies have been successful, as gross domestic product (GDP) at current prices rose from 2,998.1 million Bahraini dinars (BD) in 2001 to BD 3,165 million in 2002, representing an increase by 6.2 per cent at current prices and 5.1 per cent at constant prices in 2002, with a per capita share of gross national product of 4,462 dinars that same year. Bahrain has also succeeded in ensuring a decent life for its citizens by improving their overall living conditions through the provision of all the principal utilities and social services. The per capita share of Government expenditure rose to BD 1,534 in 2002. The same year, expenditure on educational services per student rose to BD 906 and the per capita share of Government expenditure on health services to BD 159.3. The policy of diversifying sources of income likewise succeeded in reducing the petroleum sector's contribution to GDP at constant prices to

16.6 per cent in 2002. The economic growth that Bahrain has achieved as a result of its economic policies undoubtedly heralds a promising future for the Bahraini economy, as attested by the international economic institutions concerned.

39. International reports indicate that Bahrain has maintained a budget deficit of less than 3 per cent of GDP, which fell to 2.5 per cent in 1999. Bahrain actually achieved a budget surplus in 2000 and 2001. In addition, the Kingdom of Bahrain achieved maintaining very low rates of inflation (0.7 per cent in 2000, 1.2 per cent in 2001 and 0.5 per cent in 2002), thanks to reductions in the prices of electricity, water, housing services, other public services and university fees.

40. Table 2 shows the evolution of GDP and GNP in net and per capita (at current prices).

**Table 2**  
**GDP and GNP, 2001-2002 (in mill. BD)**

	2001	2002
GDP	2 981	3 165
Per capita GDP	4 554	4 708
GNP	2 860	2 999
Per capita GNP	4 370	4 462
Net GNP	2 358	2 503
Net per capita GNP	3 643	3 724

41. According to data provided by the Ministry of Labour and Social Affairs, the unemployment rate is 5.5 per cent of the total workforce (Population Census for 2001). The Kingdom is endeavouring to overcome the problem of unemployment through numerous measures at the governmental and private levels designed to create new employment opportunities, draw attention to existing employment opportunities and promote vocational training, etc. In addition, the Office of Employment Services at the Ministry of Labour and Social Affairs disseminates information about all vacancies and endeavours to match job-seekers with vacancies.

42. The Kingdom of Bahrain is a country that has to import foreign labour in order to implement development and investment plans. Table 3 shows the workforce estimates for 2001.

**Table 3**  
**Estimates of workforce by nationality and sex (2001)**

	Males		Females		Both sexes
		%		%	
Bahraini	94 353	74.2	32 768	25.8	127 121
Non-Bahraini	147 123	81.2	34 097	18.8	181 220
Total	241 476	78.3	66 865	21.7	308 341

43. The programmes and policies designed to expand and diversify sources of national income have been highly successful, and socio-economic development has benefited from the endeavours made in fields of human development. The Kingdom is trying to increase the savings rates for investment and for economic and commercial activity in general in order to enable the Bahraini economy to achieve satisfactory growth rates. It also endeavoured to develop national human resources, to create more employment opportunities and to maintain the high indicators that Bahrain has achieved in the domain of human development.

## **2. Education**

44. The Constitution emphasizes the importance of developing feelings of national pride in all citizens without any social or racial discrimination. Article 7 (b) of the Constitution attributes the responsibility for providing national instruction to the State in the different stages and types of education. In accordance with the encouragement that the Charter gives to private sector participation in education, paragraph (c) of the same article grants individuals and organizations the right to establish private schools and universities.

45. Pursuant to article 7 of the Constitution, education in Bahrain is compulsory and free of charge in the first stages. The State sponsors sciences, literature and the arts, encourages scientific research and assumes responsibility for the provision of educational and cultural services for citizens.

46. Bahrain's education policies include specific strategies and plans of action designed to develop the education system and overcome the problems and challenges that it faces. The education policies are based on the two following principles:

- (a) Provision of education for all children of school age in all parts of the country;
- (b) Ongoing development of the quality of education in order to meet the needs of students and the country's socio-economic development requirements.

47. A large proportion of the State budget is earmarked for education. In 2002, the recurring budget for education amounted to 14.5 per cent of recurring expenditure. This accounted for more than half of the budgetary allocation for social services. This proportion rises to 17.2 per cent if we add the financial transfers to the University of Bahrain.

48. In the academic year 2002/03, there were 196 schools (100 for boys and 96 for girls) at different levels (primary, preparatory and various types of secondary school) with a total of 120,404 pupils, of whom 113,401 were Bahrainis and 7,003 non-Bahrainis. Out of the total number of pupils, 59,343 were boys and 61,061 were girls, girls representing thus 50.7 per cent of the total.

49. The Kingdom encourages non-governmental private education. There are 181 private education institutions with a total enrolment of 45,138. This figure includes children in nursery schools supervised by the Ministry of Labour and Social Affairs, and those at kindergartens and primary, preparatory and secondary schools supervised by the Ministry of Education. The

number of Bahrainis enrolled in private education is higher than non-Bahrainis (24,468 as compared with 20,767). There are 24,531 male and 20,607 female pupils; thus, girls account for 45.7 per cent of all pupils in private education.

50. It is worth reiterating the point made in the previous reports, namely that the State provides free educational services at basic, secondary and pre-university levels of education for all Bahrainis and non-Bahrainis residing in the country, without any distinction or discrimination among them. It also has an obligation to transport pupils to and from school and to provide them with schoolbooks and all other learning materials.

51. It is also worth noting that the State allows foreign residents of other religions and cultures to set up schools and centres of learning that teach their curricula and cultures. These schools and centres cater for residents from the United States, United Kingdom, French, Japanese, Indian, Bengali, Pakistani and Filipino expatriate communities. The children of these foreigners and of Bahraini citizens are allowed to enrol in these schools without any discrimination, depending on the wishes of the legal guardian.

52. As a result of the intensive endeavours that the Kingdom of Bahrain has made, the illiteracy rate fell to around 10.36 per cent (10 years and over), amounting to 6.35 per cent for males and 14.41 per cent of females in 2001.

53. Bahrain now has two universities, the University of Bahrain and the Arabian Gulf University. Each of these two universities admits Bahraini and non-Bahraini students wishing to complete their university education and talented Bahrainis receive education at the State's expense. Table 4 shows the number of students enrolled at the University of Bahrain, by gender between 1997 and 2001. Fees at the University of Bahrain cover only 20 per cent of the total costs, the rest are borne by the University; public budget transfers doubled between 2001 and 2002 (from BD 10.2 million to BD 20.5 million). Recently, licences have been issued for the establishment of private universities and the way has been cleared for foreign universities to open up branches in the Kingdom.

**Table 4**  
**Student enrolment at the University of Bahrain**  
**by gender, 1997-2001**

Academic year	Male	Female	Total
1997/98	2 963	4 985	7 948
1998/99	3 676	5 989	9 665
1999/2000	4 214	6 927	11 141
2000/01	4 926	7 886	12 812

### 3. Religion

54. Article 2 of the Constitution stipulates that the religion of the State is Islam. Article 7 stipulates that the law regulates different forms of religious and national instruction at various stages. Article 22 further stipulates that freedom of conscience is absolute and that the State

guarantees the inviolability of places of worship as well as freedom to engage in religious observances and to participate in religious processions and meetings in accordance with the customs observed in the country.

55. According to the 2001 census, 81.22 per cent of the population were Muslims, 8.96 per cent were Christians and all other religions represented together 9.82 per cent.

## **D. Legal framework for the protection of human rights**

### **1. Respect for human rights**

56. The Constitution of the Kingdom of Bahrain guarantees respect for human rights in keeping with the lofty values and noble humanitarian principles enshrined in the National Action Charter. The Constitution therefore places special emphasis on respect for the public rights and obligations that guarantee the welfare, progress, stability and prosperity of the nation and the people. According to article 4, "Government shall be based on justice, and cooperation and mutual respect shall constitute firm links between citizens. Liberty, equality, security, tranquillity, education, social solidarity and equal opportunities for citizens shall form the pillars of society and shall be guaranteed by the State."

57. Chapters II and III of the Constitution refer to the fundamental components of society and to public rights and duties, including personal liberty (art. 19), freedom of conscience (art. 22), freedom of opinion (art. 23), freedom of the press (art. 24), respect for the family and for women's rights (art. 5) and the right to health care (art. 8).

58. The Constitution has created a solid foundation for the protection of rights and freedoms. Article 31 provides as follows:

"The public rights and freedoms provided for in this Constitution shall be regulated or defined only by, or in accordance with, a legislative enactment. Such regulation or definition shall not detract from the essence of the right or freedom concerned."

59. On 10 December 2002, on the occasion of the fifty-fourth anniversary of the adoption of the Universal Declaration of Human Rights, His Royal Highness King Hamad bin Isa Al Khalifa, gave an address in which he affirmed that the Declaration, which has won the agreement of all peoples throughout the world, embodied the main principles concerning the protection and promotion of human rights in all places and domains and represented a common path that all peoples and nations could follow in order to promote the recognition and defence of these rights without any discrimination or injustice.

60. His Royal Highness also affirmed that the people of Bahrain, in the light of the political and social reforms taking place in the Kingdom, exercised their fundamental rights in perfect freedom and dignity. They were all equal before the law, in a healthy climate of constructive dialogue and selfless dedication in which the reward of the hard worker was gratitude and a better life. Those wishing to uphold their rights were entitled to a legal remedy based on justice and the law and accused persons were considered innocent until their guilt was proved, in accordance with the law.

61. His Royal Highness said that the fact that all of this was clearly stipulated in the Constitution and the National Action Charter was evidence of a firm and sincere determination to safeguard and defend these rights by offering everyone the opportunity to participate in the building of the nation, the shaping of its future and the creation of the necessary legal instruments to achieve its aims.

## **2. Equality and the prohibition of racial discrimination**

62. The Constitution also guarantees equality and prohibits any form of racial discrimination or segregation. In particular, article 31 prohibits the regulation of rights and freedoms in any manner that would derogate from the essence thereof. This implies that equality and non-discrimination are constitutional rules with which all State authorities must comply. These principles enjoy the safeguards and prerogatives accorded to constitutional rules and thus are guaranteed a larger degree of protection than other legal rules of lower standing than the Constitution.

63. None of the national laws or legislation concerning any aspect of public rights and obligations contains any stipulation or provision based on racial discrimination, preference or segregation or permits any manifestations thereof. In that regard, we should like to refer to the following articles of the Constitution:

### **Article 18**

All persons shall be equal in human dignity and all citizens shall be equal before the law in regard to their public rights and obligations without discrimination among them on grounds of race, origin, language, religion or belief.

### **Article 16**

(a) Public office is a national service entrusted to the incumbents. In the discharge of their functions, civil servants shall seek to further the public interest. Foreigners shall be appointed to public office only in the circumstances provided for by law.

(b) All citizens shall have equal access to public office in accordance with the legally specified conditions.

64. The National Action Charter stipulates, inter alia, that personal liberties are guaranteed, that equality, justice and equal opportunities for citizens are the fundamental pillars of society and that the State has responsibility for guaranteeing them to all citizens without distinction. This is part of a more general and a broader principle, established by Islam fourteen centuries ago that all people are equal in regard to human dignity. In his farewell speech, the Prophet (God bless him and grant him salvation!) affirmed that all people are equal like the teeth of a comb and that no Arab is superior to a non-Arab, nor is a white person superior to a black person, unless by virtue of personal integrity and moral rectitude.

### **3. International human rights conventions**

65. The Kingdom of Bahrain complies with the Charter of the United Nations, article 1 of which describes the purposes of the United Nations as being to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction.

66. The Kingdom of Bahrain has acceded to numerous international human rights instruments, including:

- Convention on the Prevention and Punishment of the Crime of Genocide, to which Bahrain acceded under the terms of Decree No. 4 of 1990;
- Slavery Convention and its Protocol and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, to which Bahrain acceded under the terms of Decree No. 7 of 1990;
- The International Convention on the Elimination of All Forms of Racial Discrimination, to which Bahrain acceded under the terms of Decree No. 8 of 1990;
- International Convention on the Suppression and Punishment of the Crime of Apartheid, to which Bahrain acceded under the terms of Decree No. 8 of 1990;
- Convention on the Rights of the Child, to which Bahrain acceded under the terms of Decree No. 16 of 1991;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Bahrain acceded under the terms of Decree No. 4 of 1998;
- Convention on the Elimination of All Forms of Discrimination against Women, to which Bahrain acceded under the terms of Decree No. 5 of 2002.

The question of the Kingdom of Bahrain's accession to a number of other human rights instruments is currently being studied.

### **4. Remedies and measures to strengthen and protect the rights recognized in the Convention**

67. Legal redress is one of the public rights that the Constitution guarantees to all. The judicial authority, which is one of the State's three authorities, is dealt with in articles 104 to 106 of the Constitution, which stipulate that the honour of the judiciary and the integrity and impartiality of judges are the basis of Government and a guarantee of rights and freedoms, and that, in their judgements, judges may be subject to no interference from any quarter. The law guarantees the independence of judges and provides safeguards for the administration of justice, in which no interference is permitted.



68. Legislative Decree No. 13 of 1971, concerning the statutes of the judiciary, as amended and replaced by the Judicial Authority Act promulgated by Legislative Decree No. 42 of 2002, provided for the independence of the judiciary and defined the manner of appointment and the immunities of judges. It made provision for three levels of courts: courts of first instance (lower and higher courts and courts of enforcement); higher civil courts of appeal; and the Court of Cassation. The courts are divided into two categories: the civil courts which are competent to hear civil and criminal cases, and the Shariah courts which adjudicate on matters of personal status. The Shariah courts, which are subdivided into Sunni and Jaafari branches, are competent to hear personal status disputes relating to divorce, marriage, child custody and inheritance, etc. Within the framework of respect for religious freedom, which is guaranteed in the Constitution, the courts adjudicate on matters of personal status in accordance with the rules of the Islamic school of law to which the plaintiff belongs. Disputes between Muslims in this regard are heard by the Shariah courts, while disputes between members of other religions are heard by the civil courts (see annex IV).

69. It should be noted that the civil courts are competent to hear claims for damages or annulment in respect of administrative decisions and contracts.

70. Since the International Convention on the Elimination of All Forms of Racial Discrimination has been incorporated in national legislation, pursuant to article 37 of the Constitution, it is binding on all the authorities and hence, any failure to comply therewith constitutes a breach of law and entails criminal responsibility if a crime has been committed. It also entails liability under the terms of the Civil Code and, in all cases, the person responsible is held liable for any damages to which his fault might give rise.

71. Article 29 of the Constitution provides that “Any individual may address the public authorities in writing and under his signature. Only duly constituted organizations and bodies corporate may address the authorities collectively.”

72. Any citizen can also lodge a complaint against administrative authorities with their senior officials, including the competent ministers, and, in accordance with the time-honoured customs and traditions, any Bahraini citizen can submit his complaint in person to the Prime Minister during the weekly audiences at which he receives citizens and others or to the Ombudsman’s Office attached to the Royal Court of Complaints.

73. A citizen can also appeal to the Complaints Committee of the Chamber of Deputies.

74. The Human Rights Committee referred to in the initial report of Bahrain to the Committee on the Rights of the Child (CRC/C/11/Add.24, para. 45) operated within the framework of the former Consultative Council. It was dissolved under the terms of Amiral Order No. 3 of 2002, by which the Consultative Council was also dissolved. It is worth noting that the Committee discussed numerous subjects, including, in relation to women, housing and the enforcement of court judgements. The Committee, consisting of six members from the Consultative Council, had competence, inter alia, for the following:

- Examining the human rights dimension of the legislation and regulations in force in the Kingdom of Bahrain and recommending appropriate amendments thereto;

- Contributing, in cooperation with the official bodies concerned, to the promotion of human rights awareness;
- Following up on human rights problems, working to protect human rights and recommending appropriate solutions;
- Taking part in seminars, conducting human rights research and studies, and contributing to Arab or international parliamentary meetings relating to these areas;
- Developing contacts and closer relations with international human rights organizations;
- Cooperating and collaborating with counterpart committees in the Gulf, the Arab world and at the international level.

#### **5. The legal status of the International Convention on the Elimination of All Forms of Racial Discrimination under the legal system of the Kingdom of Bahrain**

75. According to article 37 of the Constitution, a convention or treaty shall acquire the force of law after its conclusion, ratification and publication in the Official Gazette, which endows it with the same legal status as any of the country's other laws. Since a convention prohibiting racial discrimination and segregation relates to one of the constitutional principles governing public rights and obligations (article 18 of the Constitution), it enjoys the protection accorded to constitutional rules, which excludes any possibility of the promulgation of a conflicting provision in view of the stipulation contained in article 31 of the Constitution to the effect that any regulation or definition of the public rights and freedoms provided for in the Constitution must not detract from the essence of the right or freedom concerned.

#### **E. Endeavours to disseminate, propagate and make known the provisions of the Convention**

76. The Convention was published in the country's Official Gazette in the Arabic language, in accordance with articles 37 and 122 of the Constitution and pursuant to Decree No. 8 of 1990. It thereby acquired the same legal status as any of the country's other laws. As already mentioned, any person working in the legal field or a government body and any citizen or other person can obtain the Official Gazette at a nominal price.

77. Non-governmental organizations operating in various fields in Bahrain play an important role, within their respective fields of activity, in promoting greater public awareness of the provisions of international human rights instruments, including the Convention forming the subject of the present report, by disseminating them among their members in such a way as to make it easy for their members to familiarize themselves with the provisions and principles set out in those instruments, thereby making them more aware of their rights and obligations arising therefrom. Numerous seminars have been organized on this subject.

78. The various branches of the audio-visual and electronic information media are committed to the dissemination and consolidation of the humanitarian values on which the Kingdom of

Bahrain was founded, particularly the rejection of racial segregation, the encouragement of fraternity and cooperation among all sections of society and the promotion of social solidarity in order to achieve the prosperous society to which the Kingdom of Bahrain is aspiring. The national press has covered the contents of Bahrain's previous reports submitted to the Committee on the Elimination of Racial Discrimination and their consideration by the Committee on 21 and 23 March 2000. The press has also published numerous articles about the Convention.

79. Article 41 of the Press and Publication Act No. 14 of 1979 prohibits the publication of anything likely to incite intercommunal hatred or contempt, if such incitement might disrupt public order or propagate a spirit of social discord, as well as anything that offends public morals, is prejudicial to personal dignity or privacy, or would encourage non-compliance with the law.

80. This provision places bodies, institutions and individuals working in the field of publication under an obligation to refrain from any infringement of the fundamental rules concerning social equality, non-discrimination and the inviolability of personal dignity and privacy, thereby explicitly giving effect to the provisions of article 2 of the Convention.

81. Legislative Decree No. 47 of 2002 concerning the regulation of the press, printing and publishing was promulgated on 23 October 2002. Article 38 provides, *inter alia*, that journalists are prohibited from disseminating racist propaganda or messages that imply contempt for or hatred towards religions, vilify other faiths or advocate discrimination against or the disparagement of the views of a confessional group. Likewise, article 69 provides, *inter alia*, that, without prejudice to any more severe penalty prescribed by the Criminal Code or any other law, a fine of up to 2,000 dinars shall be imposed on anyone who publishes anything likely to incite intercommunal hatred or contempt or that results in a breach of public order or propagates a spirit of social discord and undermines national unity (see annex XI).

82. In the education sector, all educational institutions, systems and programmes comply with the constitutional provisions that guarantee the right to equality, prohibit discrimination and encourage a spirit of cooperation and good relations in order to establish an appropriate social structure for the ongoing development plans that the Kingdom of Bahrain is pursuing.

83. It is noteworthy that when it became a member of the United Nations in 1971, Bahrain undertook to comply with all the provisions of the Charter of the United Nations, including article 1 concerning the need to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, to take other appropriate measures to strengthen universal peace, and to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all. Since then, the Government has consistently supported and endorsed all the United Nations resolutions concerning the need to combat policies and practices of racial discrimination and apartheid. In its statements delivered at the opening sessions of the General Assembly of the United Nations and other international forums, the Kingdom of Bahrain always advocates measures to combat racial discrimination and apartheid.

## II. COMMENTS ON THE SUBSTANTIVE PROVISIONS OF THE CONVENTION

### Article 1

84. The Kingdom of Bahrain complies with the terms of article 1 of the Convention in accordance with the definition of “racial discrimination” contained therein.

85. The National Action Charter affirms, the principle of equal human dignity. Article 18 of the Constitution provides, inter alia, that all persons are equal with respect to human dignity and that all citizens are equal in regard to their public rights and obligations. With regard to the fundamental pillars of society, the National Action Charter stipulates as follows:

- Government shall be based on justice, and equality, the sovereignty of the law, liberty, security, education, social solidarity and equal opportunities for citizens shall form pillars of society and shall be guaranteed by the State;
- Personal liberties are guaranteed and equality among citizens and justice shall form fundamental pillars of society which the State shall guarantee to all citizens. Citizens shall be equal before the law in regard to their rights and obligations and there shall be no discrimination among them on grounds of sex, origin, language, religion or belief. Freedom of conscience shall be absolute;
- Every citizen shall have the right to express his opinion orally, in writing or by any other means. Freedom of scientific research and freedom of publication, the press and printing shall be guaranteed within the limits laid down by law. The State shall guarantee the freedom to form private, scientific, cultural and professional associations and trade unions. No one shall be compelled to join or withdraw from an association or trade union. Every citizen shall have the right to work and the State shall guarantee employment opportunities for citizens and fair working conditions.

86. The policies and legislation of the Kingdom of Bahrain have adopted well-established principles aimed at combating racial discrimination and affirming the values of equality, mutual tolerance and understanding among all people. In this connection, we should like to quote the words spoken by His Royal Highness on the occasion of the fifty-fourth anniversary of the adoption of the Universal Declaration of Human Rights on 10 December 2002. He said that the Universal Declaration affirms that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. His Royal Highness also quoted a verse from the Holy Koran, which reads as follows: “Oh mankind! We have created you male and female, and have made you nations and tribes that you may know one another. The noblest of you, in the sight of God, is the best in conduct” (The private apartments, verse 13).

## **Article 2**

### **Article 2, paragraph 1 (a) and (b)**

87. Bahrain's accession to the Convention constituted an undertaking by the State to comply with its provisions. Moreover, on completion of the constitutional procedures for accession thereto, the provisions of this Convention became part of the country's law and, consequently, are binding on all the authorities in the State. This provides a fundamental guarantee of effective compliance with the provisions of the Convention insofar as they have become binding rules in the Bahraini legal system.

88. Article 41 of the Press and Publication Act No. 14 of 1979, to which reference has already been made, prohibits the publication of any material likely to incite intercommunal hatred or contempt if such incitement might disrupt public order or propagate a spirit of social discord. It also prohibits the publication of any material incompatible with public morality or prejudicial to personal dignity or privacy or would encourage non-compliance with the law.

89. Legislative Decree No. 47 of 2002 regulating the press, printing and publishing takes account of the recommendations made by the Committee on the Elimination of Racial Discrimination that the prohibition of racial discrimination should not be limited to or conditional upon an action being contrary to public order or morality. Article 1 of this Decree stipulates that every human being has the right to express and to disseminate his or her opinion orally, in writing or through any other medium in accordance with the conditions laid down by law, without prejudice to the principles of the Islamic faith and national unity, and in a manner that does not cause social or intercommunal strife. Article 38 prohibits journalists from disseminating racist propaganda or messages that imply contempt for or hatred towards religions, vilify other faiths or advocate discrimination against or the disparagement of the views of any confessional group.

90. These provisions place bodies, institutions and individuals working in the field of publication under an obligation to refrain from any infringement of the fundamental rules concerning social equality, non-discrimination and the inviolability of personal dignity and privacy, thereby explicitly giving effect to the provisions of article 2 of the Convention. Here, we should also like to point out that the use of violence or threats to disrupt the social order of the State, which is based on equality, is regarded as a crime, as will be discussed in the comment on article 4.

### **Article 2, paragraph 1 (c)**

91. The Kingdom of Bahrain's accession to the Convention was in keeping with the provisions of the articles of the Constitution referred to in section D, part I, of the present report. All the laws and legislation in force, including those promulgated before the proclamation of the Constitution, respect the principle of equality and non-discrimination, which is based primarily on the fundamental provisions of the Islamic Shariah. Hence, none of the laws discriminate among citizens on any grounds whatsoever. It is sufficient to quote verse 70 of the chapter of the Holy Koran entitled "The night journey": "We have honoured the children of Adam, carrying them by land and sea, providing them with good things and exalting them above many of Our creatures."

**Article 2, paragraph 1 (d) and (e)**

92. The Bahraini people are endowed with fundamental characteristics that have been shaped by their heritage and their long-standing contacts and dealings with other peoples by virtue of Bahrain's position as a hub of international trade between the East and the West. These characteristics, namely tolerance, cohesion and fraternity, have taken root in the daily lives of all sections and communities of the Bahraini people and have been further consolidated by the relatively small size of the population, as well as its cohesion and close mutual relations.

93. Accordingly, by virtue of these characteristics, all members of the Bahraini people are, by their very nature, averse to any form of discrimination or segregation and, therefore, in their daily lives are not confronted with any such acts that would necessitate any form of intervention by the authorities to deal with any violations of the provisions of this Convention.

94. All Bahrainis enjoy their full rights as citizens in accordance with the fundamental principle of equality before the law in regard to their public rights, freedoms and obligations.

**Article 3**

95. In accordance with its policy, the Kingdom of Bahrain refuses to have dealings with States that have adopted the principle of racial discrimination, segregation and apartheid. It also condemns these practices at the international level and, within the framework of its declared political positions since it joined the international community in 1971, has rejected and deplored all forms of racial discrimination.

**Article 4**

96. As concerns article 4 (a), article 172 of the Bahraini Penal Code stipulates that it is a punishable offence for anyone to publicly incite in any manner whatsoever hatred or contempt for a group of persons if such incitement is likely to disrupt public peace. Acts of racial discrimination and racial segregation undermine the principle of equality on which the social order is based in the State. We refer in this regard to articles 1, 38 and 69 of the Regulation of the Press and Publishing Act No. 47 of 2002. In actual practice, as already indicated, by virtue of its deep-rooted customs and traditions concerning the manner in which other peoples of various origins should be treated, such criminal acts are unknown in the daily life of Bahraini society and, consequently, no complaints in this regard are submitted to the courts or other bodies responsible for the redress of grievances.

97. As concerns article 4 (b), in accordance with the provisions of the Constitution and the relevant laws, any organization that engages in activities involving racial discrimination or any form of incitement thereof is deemed to be illegal and is subject to the statutory penalties, as already mentioned.

98. Private associations are regulated by Act No. 21 of 1989, as amended by Legislative Decree No. 44 of 2002 which was promulgated on 22 October 2002. Article 3 of the Decree declares illegal any association which seeks to disrupt the social order or violate public order or morality in the State. The Act prohibits associations from establishing programmes that undermine the principles of the Islamic faith or national unity or that stir up discord or

intercommunal strife. It is illegal to establish any association the aims or purposes of which are prejudicial to the principle of equality and non-discrimination on which Bahraini society is based. In that context, Legislative Decree No. 44 of 2002 has taken account of the recommendations made by the Committee on the Elimination of Racial Discrimination by making the necessary amendments to ensure that the prohibition of racial discrimination is not conditional only upon an action being contrary to public order or morality. Article 1 of the Legislative Decree adds a second paragraph to article 3 of the original Act, prohibiting these organizations from carrying out activities that are incompatible with the principles of the faith or the unity of the nation or that stir up discord or intercommunal strife (see annex IX). Non-discrimination is assured and equality is strengthened through the many rights, freedoms and activities that foreign associations and clubs in the country pursue.

99. As concerns article 4 (c), the public authorities in the Kingdom of Bahrain have an obligation to respect the provisions of the Constitution and the laws, which prohibit racial discrimination or incitement thereof, and any such acts that might be committed would entail the civil and criminal liability (see paragraph 70 above).

### **Article 5**

**Article 5 (a)** (The right to equal treatment before the tribunals and all other organs administering justice)

100. Article 20, paragraph (f), of the Constitution of the Kingdom of Bahrain stipulates that the right to seek legal redress shall be guaranteed by law.

101. Article 104 of the Constitution further stipulates as follows:

“(a) The honour of the judiciary and the integrity and impartiality of judges constitute the basis of government and a guarantee of rights and freedoms.

“(b) In their administration of justice, judges shall be subject to no other authority and no interference in the course of justice shall be permitted under any circumstances. The law shall guarantee the independence of the judiciary and shall define the immunities of judges and the regulations by which they are governed.

“(c) The law shall regulate public prosecution, the legal functions of religious dignitaries empowered to issue fatwas (rulings on points of Islamic law), the promulgation of legislation, the representation of the State before the judiciary and the persons discharging these tasks.

“(d) The law shall also regulate the legal profession.”

102. According to article 18, “All persons shall be equal in human dignity and all citizens shall be equal before the law in regard to their public rights and obligations without discrimination among them on grounds of race, origin, language, religion or belief.”

103. According to article 4, “Government shall be based on justice, and mutual cooperation and understanding shall constitute firm links between citizens. Liberty, equality, tranquillity, education, social solidarity and equal opportunities for citizens shall form pillars of society and shall be guaranteed by the State.”

104. None of Bahrain’s legislation makes provision for any form of discrimination or segregation. This applies to all citizens within the framework of their legally stipulated judicial protection. Moreover, the right to seek legal redress is one of the basic rights enjoyed by all Bahrainis and other persons and, therefore, any citizen or foreigner can apply to the judiciary to uphold all his rights.

#### **Legislative Decree No. 42 of 2002, promulgating the Judicial Authority Act**

105. If, as already explained in our previous reports, the right to equal treatment before the courts and all other judicial bodies responsible for the administration of justice as recognized in article 5 (a) of the Convention on the Elimination of All Forms of Racial Discrimination was already and applied pursuant to the provisions of the former Constitution, which are reaffirmed in the present Constitution, as well as in the former Judicial Authority Act promulgated by Decree No. 13 of 1971 concerning the statutes of the judiciary, the provisions of this new Act are more explicit and categorical about the fact that this equality shall be without any discrimination before all judicial bodies.

106. Thus, chapter I of the Act stipulates that judges are independent and, in the discharge of their functions, are subject to no authority other than the law. In principle, court hearings must be held in public and the courts must hear parties and witnesses who do not know Arabic through an officially licensed or sworn interpreter. Chapter II of this Act specifies the types of courts and the manner in which they are organized and stipulates the conditions for the appointment and promotion of judges on the basis of objective criteria that ensure equality of opportunity without any discrimination. It also stipulates the duties and immunities of judges.

107. Chapter IV of this Act defines the new prosecution system to be used by the Department of Public Prosecutions in place of the system that existed prior to the Act’s entry into force. According to chapter IV, the Department of Public Prosecutions bears sole responsibility for bringing and prosecuting criminal cases and is an integral part of the judicial authority. The remaining provisions relating to the Department of Public Prosecutions stipulate the criteria required for recruitment to the Department, without any discrimination or reference to any criterion based on racial discrimination, together with the criteria for promotion of officers and their immunities.

108. By way of confirmation of the independence and immunity of judges and members of the Department of Public Prosecutions, chapter V Act vests responsibility for the nomination and promotion of judges and members of the Department of Public Prosecutions and all matters relating thereto with the Higher Council of the Judiciary, which is subject to no interference from any part of the executive.



**Legislative Decree No. 46 of 2002, promulgating the Code of Criminal Procedures\***

109. According to the general rules set out in this Code, the Department of Public Prosecutions is an integral part of the judicial authority and is responsible for criminal cases. It conducts investigations, brings charges and performs its other functions in accordance with the law. The generalized nature of this provision of the Code proves that these procedures do not discriminate against or exclude confessional groups, individuals or groups.

110. Section I, chapter I, of this Code stresses the fundamental principle that all persons are equal before the law in regard to their public rights, freedoms and obligations. It stipulates that criminal investigation officers must accept the reports and complaints they receive relating to crimes and must register them in official police reports before transmitting them to the Department of Public Prosecutions. All complainants are equal.

111. Section III, title I, of the Code stipulates that no one may be arrested or imprisoned other than by order of the competent authorities. Anyone who is arrested must be treated in a manner that preserves his human dignity and he may not be subjected to physical or mental harm. He or she shall be informed of the reasons for the arrest and shall be entitled to notify any person of his or her choice of what has happened and to seek the services of a lawyer. It is worth noting that the expression “anyone” in these provisions refers equally and without discrimination to all persons who enjoy these rights before the security and judicial authorities.

112. The provisions of this section also stipulate that no one may be imprisoned other than in a designated place of detention and that no person may be admitted to such a place unless by order of the competent authority. A person cannot be kept in prison beyond the deadline specified in the order and the presidents of criminal courts, sentencing magistrates and members of the Department of Public Prosecutions may inspect places of detention and prisons, receive and hear any complaint from any detainee and verify that the law is being applied in these places. The terms “no one” and “any prisoner” in these provisions are positive confirmation that the principle of equality is fully applied with regard to the recognition and enjoyment of these safeguards without any form of discrimination.

113. According to section IV of title I of this Code, no public official may enter any place of residence other than in the circumstances prescribed by law. If the accused person is female, the search must be carried out by a woman. A search cannot be conducted for any purpose other than to confiscate items relating to the crime that was actually committed, as opposed to a potential or future crime. Documents that are locked up or sealed shall not be opened during the search. Here too, these rights apply to all individuals without any discrimination.

114. With regard to the procedures for searching the homes of persons other than suspects confiscating correspondence, newspapers, publications, parcels and telegrams held at telegram and post offices or for the recording and surveillance of communications, none of these procedures may be carried out under any circumstances, unless they may serve to establish the

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\* See annex X.

facts about a crime or an offence for which the penalty is a term of imprisonment. Such procedures are subject to prior authorization by a judge and for a period of not more than 30 days, as prescribed in subparagraph 2, section 1, of title II of this Code.

115. The Code guarantees that all individuals shall be treated equally and without discrimination not only during the investigation stage, but also throughout trial. Indeed, section IV, chapter II of title II of the Code states that the parties, without any distinction or discrimination, can have a judge recused if they have evidence to show that he was a victim of the crime or was previously involved in the case in his official capacity as an investigating officer, a member of the Department of Public Prosecutions, a lawyer, a witness or an expert.

116. All the other provisions and rights set out in this Code as they relate to the evidence-gathering, investigation, trial, sentencing or appeal stages fully endorse the principles of equality and non-discrimination and apply to all without any discrimination.

**Article 5 (b)** (The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution)

117. Article 19 of the Constitution stipulates as follows:

“(a) Personal liberty shall be guaranteed by law.

“(b) No one shall be arrested, detained, imprisoned, searched, compelled to reside in a specified place or restricted in his liberty of residence or movement except as provided by law and under the supervision of the judiciary.

“(c) No one shall be detained or imprisoned in places other than those designated for that purpose in the prison laws, in which health and social care shall be available and which shall be subject to the supervision of the judicial authority.

“(d) No one shall be subjected to physical or mental torture, enticement or degrading treatment, for which the law shall prescribe penalties. Any statement or confession found to have been obtained through torture, enticement or such treatment, or threat thereof, shall be deemed null and void.”

118. Article 20 of the Constitution further stipulates that:

“(a) There shall be no crime or punishment except as defined by law and penalties shall be imposed only in respect of acts committed after the entry into force of the law pertaining thereto.

“(b) Punishment shall be personal.

“(c) An accused person shall be presumed innocent until proved guilty according to law in a legal trial at which he enjoys the requisite guarantees for the exercise of his right of defence at all stages of the investigation and hearing.

“(d) It is prohibited to inflict physical or mental harm on an accused person.

“(e) Every person accused of a felony shall have a lawyer to defend him with his consent.

“(f) The right to seek legal redress shall be guaranteed by law.”

119. According to article 25 of the Constitution:

“Homes shall be inviolable and shall not be entered or searched without the permission of their occupants except in cases of extreme necessity and in the manner provided for by law.”

120. According to article 26 of the Constitution:

“Freedom of postal, telegraphic and telephone communications shall be safeguarded and their confidentiality shall be guaranteed. Communications shall not be censored nor shall their confidentiality be violated except in cases of necessity provided for by law and in accordance with the procedures and guarantees specified therein.”

121. The Penal Code of the Kingdom of Bahrain promulgated in Legislative Decree No. 15 of 1976 as amended regulates criminal responsibility. The Code covers all aspects of the general rules concerning criminal responsibility, types of penalties and acts designated as punishable offences. The Code guarantees security of person, property and honour and prescribes penalties for any form of harm that might be inflicted by officials or others. The Code also prescribes penalties for the commission or incitement, alone or in association with others, of any of those punishable acts. Homicide, assault and battery, torture and the use or threat of violence are among the offences punishable under the Code (articles 333 and 343 of the Penal Code of 1976).

122. The acts that the Penal Code designates as punishable offences in order to protect persons from any physical or mental harm inflicted by government officials or by any individual, group or institution include the offences specified in chapter II, section 4, of the Penal Code, namely: searches of persons and their homes in circumstances other than those provided for by law; torture; infliction of a penalty heavier than the one prescribed, or a penalty that has not been legally imposed; imprisonment without an order from the competent authority; suspension of, or failure to execute, court judgements; and the destruction of communications. They also include the offences involving violations of liberty to which reference is made in chapter VIII, section 3, of the Penal Code, namely: unlawful arrest or detention and illegal entry into homes, as well as the offences of eavesdropping and breach of confidentiality to which reference is made in articles 371 and 372 of the Penal Code.

123. In this connection, it should be noted that the Penal Code regards abuse of official authority as an aggravating circumstance in common-law offences committed by a public official. Accordingly, a public official is liable to heavy penalties if he takes advantage of his official authority in order to cause harm to citizens or others.

124. The Code of Criminal Procedure promulgated by Legislative Decree No. 46 of 2002 deals with all the safeguards relating to the circumstances of arrests and searches, the persons empowered to carry them out and the bodies with competence for issuing pre-trial detention orders and for extending court orders in accordance with compulsory weekly reviews before the

competent court. The law also requires the court to examine the charges and allows challenges to be made to judgements handed down in absentia by courts of either level (courts of first instance and appeal).

125. Prisons are administered in accordance with the Prisons Act of 1964, which makes provision for the welfare and all the recognized rights of prisoners, their classification in accordance with the penalty inflicted, and the segregation of female and juvenile prisoners. Under the terms of the Act, prison wardens have an obligation to submit prisoners' complaints to the Office of the Attorney-General for consideration.

126. It should be noted that arrests which are made without a warrant or in circumstances other than *flagrante delicto*, as well as searches of private homes without judicial authorization and detention in places other than those designated for that purpose or without a court order, constitute offences under the provisions of article 207 of the Penal Code of 1976, which prescribes a penalty of imprisonment for any official or public servant who knowingly searches a person, his or her home or premises without his or her consent, in circumstances other than those provided for by law or without observing the conditions stipulated therein.

#### **Article 5 (c) (Political rights)**

127. Article 1, paragraph (d), of the Constitution stipulates, *inter alia*, that the system of Government in the Kingdom of Bahrain shall be democratic, sovereignty being exercised by the people. Article 1, paragraph (e), of the Constitution further stipulates, *inter alia*, that citizens, both men and women, shall have the right to take part in public affairs and to enjoy political rights, including the right to vote and to stand for election in accordance with the Constitution and the conditions and criteria specified by law. No citizen can be denied the right to vote or to stand for election except in accordance with the law.

128. This principle therefore recognizes equality between men and women and among all citizens without any discrimination among them with respect to participation in public affairs and the enjoyment of political rights, including the right to vote and to stand for election.

129. Article 5 (b) of the Constitution stresses the importance of protecting the rights of women and of enabling them to reconcile their family responsibilities with work outside the home within the framework of the Islamic Shariah. According to that paragraph, "The State shall ensure that women are able to reconcile their family responsibilities with work outside the home and shall guarantee their equality with men in political, social, cultural and economic life without prejudice to the Islamic Shariah."

130. The constitutional principles give citizens the right to stand for election and to elect the members of the Chamber of Deputies without any distinction or discrimination among them on grounds of religion, language, sex, denomination or any form of racial discrimination.

131. Legislative Decree No. 14 of 2002 concerning the exercise of political rights was promulgated in accordance with the Constitution and the International Convention on the Elimination of All Forms of Racial Discrimination. Article 1 stipulates that citizens, both men and women, can exercise their political rights by expressing their opinion in any referendum conducted in accordance with the Constitution and by electing members to the Chamber of

Deputies. Article 2 stipulates that this right is accorded to all citizens who enjoy full legal capacity, have reached the age of 21 years on the day of the referendum or election, and reside in an electoral district. No special conditions are imposed with a view to denying this right to any citizen other than a person who has been convicted for a crime or a misdemeanour for which the penalty is deprivation of liberty, and this only for the period during which the sentence is being served. Thus, none of the provisions of this Legislative Decree detract from the equal right of citizens to exercise their political rights, nor do they discriminate among them by means of any form of racial discrimination. Similarly, Legislative Decree No. 15 of 2002 concerning the Consultative Council and the Chamber of Deputies sets out, in its article 3, the conditions for appointing members to the Consultative Council, and in its article 11 specifies the conditions for electing the members of the Chamber of Deputies. These conditions give effect to this equality and prohibit any form of racial discrimination.

132. It is worth noting that, regardless of the religion they profess, citizens can take part in political life without any discrimination. It is also worth noting that a number of women have stood for election to the Chamber of Deputies and municipal councils, although their election bids have not been successful.

133. We should like to refer to Royal Order No. 41 of 2002 issued on 16 November 2002, by which the members of the Consultative Council were appointed. The Order contains a list of Muslim, Christian and Jewish members, among whom there is no discrimination, since they all represent the cohesive and homogenous structure of the Bahraini people and have the right, without discrimination on grounds of creed or religion, to participate in the political life of the State. The same Royal Order also appointed six women members to the Council (see annex XII).

134. The right to participate in elections in private associations and trade unions, in accordance with their statutes, is recognized by law.

135. Article 16 (b) of the Constitution stipulates that: "Citizens shall have equal access to public office in accordance with the legally specified conditions."

136. It is worth mentioning that in the Kingdom of Bahrain, women occupy leadership positions in many ministries and government agencies, including the posts of General Secretary of the Higher Council for Women at the ministerial rank, Dean of the University of Bahrain, Ambassador of the Kingdom of Bahrain to France, under-secretaries at the Ministry of Labour and Social Affairs and the Ministry of Information (the Cultural Section), and President of the Bahraini Table Tennis Federation. Women also hold senior positions in a number of private institutions.

#### **Article 5 (d) (Other civil rights)**

##### **Article 5 (d) (i) (The right to freedom of movement and residence within the border of the State)**

137. Article 19 of the Constitution stipulates as follows:

“(a) Personal liberty shall be guaranteed by law.

“(b) No one shall be arrested, detained, imprisoned, searched, compelled to reside in a specified place or restricted in his liberty of residence or movement except as provided by law and under the supervision of the judiciary.

“(c) No one shall be detained or imprisoned in places other than those designated for that purpose in the prison laws, in which health and social care shall be available and which shall be subject to the supervision of the judicial authority.

“(d) No one shall be subjected to physical or mental torture, enticement or degrading treatment, for which the law shall prescribe penalties. Any statement or confession found to have been obtained through torture, enticement or such treatment, or threat thereof, shall be deemed null and void.”

138. The rules laid down in the Code of Criminal Procedure specify the circumstances in which arrests may be made, as well as the persons empowered to make them and the places in which persons may be detained, which are regulated by the Prisons Act. Unlawful arrest, torture and detention in places other than those designated for that purpose are declared punishable offences in articles 357 to 363 of the Penal Code of 1976.

139. The Constitution protects individual freedom in the light of scientific progress, the advanced technologies in communications systems and modern electronic devices and the control they exert over most methods of communication in contemporary society, and given the importance of averting the dangers that this can pose for the privacy of citizens, without any discrimination among them. Accordingly, article 26 of the Constitution provides that, as with postal, telegraphic and telephone communications, electronic correspondence cannot be monitored other than pursuant to a court order. Here it is worth noting that this protection is extended to all individuals and persons, whether they be foreign or national natural or legal persons, without any distinction or discrimination among them.

**Article 5 (d) (ii)** (Prohibition of the expulsion of a citizen from the Kingdom of Bahrain or his being denied the right to return thereto and also the right to leave any country, including one's own, and to return to one's country in accordance with the rules established by law)

140. Article 17, paragraph (b), of the Constitution stipulates as follows:

“No citizen shall be expelled from Bahrain or prevented from returning thereto.”

141. The Code of Civil and Commercial Procedure promulgated in Act No. 12 of 1971 regulates the prohibition of travel, which the judiciary is empowered to order in the circumstances specified in the Code. The Code also specifies the circumstances in which an appeal against such orders can be lodged with the judiciary.

**Article 5 (d) (iii) (The right to nationality)**

142. “Nationality shall be defined by law. No person holding nationality shall forfeit it except in cases of high treason and in the other circumstances specified by law.”

The Bahraini Nationality Act of 1963, as amended, regulates the conditions under which nationality may be acquired and the circumstances in which it may be forfeited.

143. Article 17 (a) of the Constitution, which, in its previous version, restricted the prohibition on withdrawal of nationality to persons holding Bahraini nationality by descent, was amended out of a desire to establish equality among all Bahraini nationals, whether they be Bahrainis by descent or by naturalization, and to give effect to the principles of non-discrimination, demonstrating that Bahrain embraces all its citizens without any discrimination among them. With the amendment to the paragraph in question, the prohibition was extended to include all holders of Bahraini nationality. The provision now reads: “Bahraini nationality shall be defined by law. It shall not be withdrawn from any person entitled thereto except in cases of high treason.”

144. In furtherance of this objective, paragraph (b) of the same article, which allowed for the withdrawal of nationality from a naturalized citizen, was repealed to ensure that the same rule applies in all circumstances to all holders of Bahraini nationality. The Constitution now prohibits the withdrawal of nationality in all circumstances.

145. Bahraini nationality is granted to all persons who are entitled to it. In order to make sure that nationality is granted to the persons entitled thereto, a special committee of legal officials was set up to examine all naturalization applications and check that candidates meet the eligibility conditions and the requirements for acquisition of Bahraini nationality.

146. Experience shows that Bahraini nationality has been granted to those entitled to it and all persons who used to carry temporary travel documents have now been issued with permanent Bahraini travel documents, insofar as they hold Bahraini nationality.

**Article 5 (d) (iv) (The right to marriage and choice of spouse)**

147. Article 5 (a) of the Constitution stipulates as follows:

“The family, which derives its strength from religion, morality and patriotism, is the cornerstone of society. The law shall protect its legal structure, strengthen its bonds and values and protect mothers and children within its bosom. The law shall also provide for the welfare of the rising generation, protect them from exploitation and shield them from moral, physical and spiritual neglect. The State shall show particular concern for the physical, moral and intellectual development of young persons.”

148. Marriage, being a matter of personal status, is regulated by law in conformity with the schools of Islamic law to which the parties concerned belong. In the case of other religions, matters relating to marriage are subject to the rules of each religion, in accordance with the principle of religious freedom which is recognized in the country.

**Article 5 (d) (v)** (The right to own property alone as well as in association with others)

149. Article 9 of the Constitution stipulates as follows:

“(a) Property, capital and labour, in accordance with the Islamic principles of justice, shall be fundamental constituents of the social structure and national wealth of the State. They are all individual rights with a social function regulated by law.

“(b) Public property shall be inviolable and every citizen shall have an obligation to protect it.

“(c) Private property shall be safeguarded. No one shall be prevented from disposing of his property unless otherwise provided by law and no property shall be expropriated except in the public interest, in the circumstances and the manner specified by law, and subject to payment of fair compensation therefor.

“(d) Confiscation of a person’s property in its entirety shall be prohibited and confiscation of part of a person’s property, as a penalty, shall be permitted only under the terms of a court judgement and in the legally specified circumstances.

“(e) The law shall regulate, on the basis of economic principles and with due regard for social justice, the relationship between the owners and tenants of land and real estate.

“(f) The State shall endeavour to provide housing for citizens with a limited income.”

150. The right to own property is a recognized basic right that is protected by criminal law, in which any act constituting encroachment thereon is designated as a punishable offence, and by civil law, which regulates the transfer of property and capital. Private property is safeguarded and may be confiscated only under the terms of a court judgement in circumstances in which confiscation constitutes a legally prescribed penalty.

**Article 5 (d) (vi)** (The right to inherit)

151. Article 5 (c) of the Constitution stipulates as follows:

“Inheritance shall be a recognized right governed by the Islamic Shariah.”

152. The right to inherit is a matter of personal status which, by law, is governed by the religions of the parties and, in the Kingdom of Bahrain, is regulated by the courts of personal status.



**Article 5 (d) (vii)** (The right to freedom of thought, conscience and religion)

153. Article 22 of the Constitution stipulates that:

“Freedom of conscience shall be absolute and the State shall guarantee the inviolability of places of worship, as well as freedom to engage in religious observances and to participate in religious processions and meetings in accordance with the customs observed in the country.”

154. By virtue of their social composition, the Bahraini people believe in tolerance as a basis for social development and the adherents of all religions enjoy freedom to engage in their religious observances under the protection of the law.

155. The law designates the following acts as punishable offences: attacks on recognized religious confessions, disparagement of their observances, deliberate disruption of observances or destruction or desecration of religious buildings, insulting religious symbols, mimicking religious celebrations with a view to ridiculing them, and printing distorted versions of religious books (articles 309, 310 and 311 of the Penal Code).

**Article 5 (d) (viii)** (The right to freedom of opinion and expression)

156. Articles 23, 24 and 27 of the Constitution have been amended. These articles deal with these rights by linking freedom of opinion, freedom of scientific research, freedom of the press and publishing and the freedom to form associations and trade unions to the need to safeguard the principles of the Islamic faith as well as national unity.

157. The constitutional legislator, taking note of the substance of the comments made by the Committee on the Elimination of Racial Discrimination, has amended the Constitution to turn the basic criterion for the exercise of freedom of opinion, freedom of scientific research, freedom of the press and publishing and the freedom to form associations and trade unions from a general criterion that is related to public security, public order and morality into a specific criterion that relates to national unity. In this way, the legislator confirms the equality of all citizens with regard to the exercise of all these rights, protects this equality and wards against discrimination among people in the exercise of these rights, while at the same time preserving the Islamic Shariah as a fundamental pillar of society.

158. Article 23 of the Constitution stipulates that:

“Freedom of opinion and of scientific research shall be guaranteed. Everyone shall have the right to express and propagate his opinion, orally, in writing or by any other means, in accordance with the legally specified conditions and procedures, without prejudice to the principles of the Islamic Shariah, and in a manner that does not give rise to discord or sectarianism.”

159. The Decree containing Act No. 47 of 2002, concerning the regulation of the press, printing and publications, was promulgated on 23 October 2002. In addition to article 1 of the Act, to which reference was made above, the Act provides, inter alia, in its article 38 that

journalists must refrain from propagating racist propaganda or messages that imply contempt for, or hatred towards, religions, vilify other faiths or advocate discrimination or disparagement of the opinion of any confessional group in society.

160. These provisions place bodies, organizations and individuals working in the field of publishing under an obligation to refrain from any infringement of the fundamental principles of social equality, non-discrimination and the inviolability of personal dignity and privacy.

**Article 5 (d) (ix)** (The right to freedom of peaceful assembly and association)

161. In recognition of the right of individuals to freedom of assembly, article 28, paragraph (a), of the Constitution affirms that individuals have the right to assemble without the need for prior permission or notification.

162. The expression “individuals” in this paragraph is without qualification, signifying that all constitutionally-prescribed rights apply to all individuals, be they nationals or foreigners, without regard to their origin, nationality, creed, denomination, religion, and without any discrimination among them.

163. Under the terms of article 28 of the Constitution:

“(a) Individuals shall have the right to assemble without the need for prior notification or permission and no member of the security forces shall be permitted to attend such private meetings.

“(b) Public meetings, processions and gatherings shall be permitted in accordance with the legally specified conditions and procedures, provided that their purposes and means are peaceful and consistent with morality.”

Article 27 of the Constitution stipulates as follows:

“Freedom to form associations and trade unions, on a national basis, for lawful purposes and by peaceful means, shall be guaranteed in accordance with the legally specified conditions and procedures. No one shall be compelled to join or remain in any association or trade union.”

164. The Social and Cultural Associations and Clubs, Private Institutions and Sports Organizations Act promulgated in Legislative Decree No. 21 of 1989, as amended by Legislative Decree No. 44 of 2002, regulates the right to establish associations and clubs for purposes of social, educational, cultural or charitable activities. It also permits the registration of such associations with the legally specified authorities. The Act prohibits the establishment of associations for purposes which would violate public order or morality or prejudice the integrity of the State or the social order. Associations established for such purposes are unlawful.

165. The Act regulates membership of associations, as well as the bodies that elect their governing bodies. It also makes provision for the establishment of sports clubs and federations, including the Olympic Committee, and stipulates that their governing bodies must be elected. Cooperative associations, which are regulated by Act No. 8 of 1972, are subject to the same basic principles, including the requirement that their administrative organs must be elected.

166. The foregoing shows that the laws of the Kingdom of Bahrain guarantee, inter alia, the freedom to form cultural and social associations, clubs, occupational associations and trade-union federations. This freedom is guaranteed within the limits stipulated by the laws applicable to immigrants of other nationalities, who also enjoy complete freedom to worship in their own places of worship.

167. There are 333 national and foreign associations and social clubs registered with the Ministry of Labour and Social Affairs, of which 116 are Bahraini associations. There are also 9 Gulf associations; 42 foreign associations; 30 foreign clubs; 15 churches and spiritual groups; 17 Bahraini cooperative associations; 72 charitable funds; 2 branches of international federations; and 10 private institutions. There are also cultural and scientific associations registered with the Ministry of Information. The above-mentioned associations pursue a wide variety of aims and activities, serving Bahraini society as well as the foreign communities of diverse nationalities.

**Article 5 (e)** (Economic, social and cultural rights)

**Article 5 (e) (i)** (The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration)

168. Article 13 of the Constitution stipulates as follows:

“(a) Every citizen shall have an obligation to work, which is necessitated by personal dignity and the public interest. Every citizen shall have the right to work and to choose the type of his work in a manner consistent with public order and morality.

“(b) The State shall ensure that work is available to citizens on equitable terms.

“(c) No one shall be subjected to forced labour except in the circumstances provided for by law in the event of a national emergency, subject to fair remuneration, or in accordance with a court order.

“(d) Relations between employers and employees shall be regulated by law in accordance with economic principles and with due regard for the rules of social justice.”

Article 16 of the Constitution further stipulates as follows:

“(a) Public office is a national service entrusted to the incumbents. In the discharge of their functions, civil servants shall seek to further the public interest. Foreigners shall be appointed to public office only in the circumstances provided for by law.

“(b) Citizens shall have equal access to public office in accordance with the conditions laid down by law.”

169. Employment in the Kingdom of Bahrain is guaranteed by the legal system, which consists of constitutional provisions, legal provisions and ordinances regulating public employment according to the principle of equality. The criteria and principles governing public

employment are objective and of a general nature. They refer to the various State ministries and are abstract in the sense that they do not refer to a specific individual, a group of individuals or to citizens from a particular confessional group. Therefore, the law does not allow for these criteria to be established on the basis of confessional or any other type of discrimination, the general and abstract terms in which they are formulated precluding such discrimination, and the criteria are correctly applied by the ministries as general and abstract concepts. Everyone works within the framework of the Constitution and in accordance with the principle of the rule of law to serve the nation and the people.

170. The right to work is regulated by Legislative Decree No. 23 of 1976 as amended, the provisions of which apply to all types of employment relations. The Act prohibits the employment of children under 14 years of age and contains special provisions that regulate the employment of persons in the age group 14-16, as well as of women and disabled persons, in such a way as to safeguard their rights. The owners of enterprises employing more than 50 workers have an obligation to provide full health care for their employees in accordance with the relevant rules.

171. The Labour Act grants equality to national and foreign workers in accordance with international requirements and developments and human rights standards. Chapter II of the Act regulates the work of foreigners, while chapter VII regulates contracts, guaranteeing the rights of workers whether they be nationals or foreigners. Article 39 stipulates that “the employment contract shall be concluded in writing, regardless of the worker’s nationality. Two copies shall be made of the contract, one for the worker and the other for the employer.”

172. This act also grants equality to foreign and national workers in the provisions relating to pay, without prejudice to the principle that priority in employment shall be given to national workers. According to article 44, “an employer who employs foreign workers shall not pay them higher wages and remuneration than he pays to Bahraini workers, if they have the same technical skills, capacities and know-how, except within the limits dictated by the need to attract foreign labour”.

173. This law does not distinguish between national and foreign female workers. The provisions of chapter IX concerning the employment of women do not apply exclusively to Bahraini female workers, nor does it distinguish or discriminate in any way between Bahraini and foreign female workers in any of its provisions, including: chapter X concerning pay; chapter XI concerning working hours and leave; chapter XII concerning the regulation of work and pay; chapter XIV concerning the termination of contracts and end-of-service indemnities; chapter XV concerning compensation for industrial injury and occupational diseases; and chapter XVI concerning arbitration and labour disputes. Chapter XX, which deals with pay, does not discriminate between national and foreign employers. This provision was established after the country opened its doors to 100 per cent foreign investment in private enterprises.

174. From all of the foregoing it is clear that the Kingdom of Bahrain’s Labour Act grants foreigners the same rights as Bahraini workers with regard to working hours, leave, remuneration of workers, the termination of contracts and end-of-service indemnities. With regard to compensation for industrial injuries and occupational diseases, article 2 of the

Social Security Code promulgated in Legislative Decree No. 24 of 1976, as amended, stipulates: “The provisions of this Code are binding on all workers without discrimination as to sex, nationality ...”.

175. The Kingdom of Bahrain has taken steps to protect foreign workers, in particular against arbitrary treatment by employers. By decision No. 21 of 2001 concerning the local transfer of foreign workers, as amended by decision No. 40 of 2002, it grants foreign workers the right to change employer without permission from the original employer.

176. Article 20 (e) of the Bahraini Constitution guarantees the right to seek legal redress. Labour disputes are regulated under the Private Sector Labour Code, which stipulates that a worker must submit a formal complaint to the Ministry of Labour with a view to settling the dispute between the parties in an amicable manner, failing which the complaint must be referred to the courts for adjudication. No court fees are payable in such cases. These cases also include complaints brought by domestic employees and persons of similar status, even though they are not covered by the Labour Act but, given the private nature of their work, are subject to the terms of the Civil Code. In 2001, a total of 2,206 labour disputes were referred to the Department of Labour Complaints and Disputes at the Ministry of Labour and Social Affairs. Of these 1,458 were brought by Bahraini workers, 722 of which were settled and 736 were referred to a labour tribunal. As for complaints from non-Bahrainis, there were 748, of which 245 were settled in an amicable manner and 503 were referred to labour tribunals for adjudication. These figures include complaints made by both men and women. In 2002, a total of 2,269 disputes were registered with the Ministry, of which 1,389 were labour disputes involving Bahraini workers. Of these, 790 were settled and 599 were referred to the courts. In addition, 800 labour complaints were received from foreign workers. Some 293 were settled in an amicable manner and 587 disputes were referred to the courts. Up to the month of May 2003, 908 disputes had been registered, 506 of which by Bahraini workers. A total of 257 were settled by the Ministry and 249 were referred to labour tribunals. During the same period, there were 402 complaints from foreign workers, of which 123 were settled by the Ministry and 279 were referred to labour tribunals.

177. The country has seen a number of economic developments and considerable economic growth in recent decades, particularly since the beginning of the 1960s. In view of its low population density and the fact that the country’s economic growth rate outstrips its rate of population growth, Bahrain has called on the help of foreign workers of different nationalities and religions from many countries of the world, as clearly illustrated by workforce statistics for 2001 (see table 3). However, there has been no racial tension or friction; indeed, all of these persons are treated as the country’s honoured guests and are warmly and gratefully received.

178. This treatment is based on a number of legal rules and texts that have strengthened the spirit of mutual understanding and friendship between nationals and migrants. The first of these legal rules is the Bahraini Constitution, which firmly establishes the principle of equality without discrimination on grounds of sex, origin, language, religion or belief. In compliance with the principle of equality enshrined in the Constitution, the Private Sector Employment Act promulgated in Act No. 23 of 1976, as amended by Act No. 14 of 1993, provides, inter alia, that all workers are equal, regardless of their nationality, sex, religion, beliefs, or any other factor that might give rise to discrimination.

179. This is clearly enunciated in article 1, which defines a worker as any man or woman who works, in exchange for pay, for and under the direction and supervision of any employer. An employer means any natural or legal person who employs one or more workers for remuneration of any kind.

180. The definition of a worker is a general and abstract definition which refers to all workers without discriminating between one worker and another and without regard to their sex or nationality. The same can be said of the definition of an employer, since it contains no adjectives or qualifiers that are discriminatory or could give rise to discrimination.

181. However, non-discrimination does not stop with a general definition and with the general applicability thereof. It extends to all the effects of a labour contract, both in relation to the worker's right to pay, to annual leave and sick leave and to an end-of-service indemnity and with regard to his obligations vis-à-vis the employer, in particular the obligation to do his job. Non-discrimination also applies to the employer's contractual obligations, in particular the obligation to pay the worker his due and to provide a healthy, secure and safe working environment in which occupational health is protected, as well as the other obligations set out in the Labour Act.

182. It is clear from these provisions that there is no discrimination between national and foreign workers as regards their employment and access to posts and occupations except on the basis of their aptitudes, expertise, education and vocational training.

183. In order to boost the exercise of the rights to work, to free choice of employment, to just and favourable conditions of work, to equal pay for equal work and to just and favourable remuneration and in an effort to regulate labour relations on the basis of social justice and to create a healthy and safe working environment, the Kingdom of Bahrain has acceded to a number of international and Arab labour conventions, including the following:

1. International Labour Convention No. 14 concerning the Application of Weekly Rest in Industrial Undertakings, 1921, ratified by Decree No. 5 of 1981;
2. ILO Convention No. 29 concerning Forced or Compulsory Labour, 1930, ratified by Decree No. 5 of 1981;
3. ILO Convention No. 81 concerning Labour Inspection in Industry and Commerce, 1947, ratified by Decree No. 5 of 1981;
4. ILO Convention No. 89 concerning Night Work of Women Employed in Industry (revised 1948), ratified by Decree No. 5 of 1981;
5. Working Environment Convention of the Arab Labour Organization, No. 13 of 1981, acceded to by Decree No. 7 of 1983;
6. Arab Convention No. 15 of 1983 on Wage Setting and Protection, acceded to by Decree No. 3 of 1984;
7. Arab Convention No. 7 of 1977 on Occupational Safety and Health acceded to by Decree No. 2 of 1994;

8. Arab Convention No. 17 of 1993 on Rehabilitation and Employment (Disabled Persons) acceded to by Legislative Decree No. 3 of 1996;
9. Arab Convention No. 18 of 1996 on the Employment of Young Persons acceded to by Decree No. 6 of 1998;
10. ILO Convention No. 105 concerning the Abolition of Forced Labour, 1957, acceded to by Decree No. 7 of 1998;
11. ILO Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983, acceded to by Decree No. 17 of 1999;
12. ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, 1958, acceded to by Decree No. 11 of 2000.

184. In addition, article 1 of the Labour Act grants equality to men and women in employment and makes women subject to all the provisions of the Labour Act which apply to men. The legislator does not therefore discriminate between men and women when stipulating the general principles that regulate labour relations but grants them the equal right to benefit from all the rules that regulate the work of both sexes.

185. However, the legislator has not ignored the fact that women are not as physically strong as men and that there are certain jobs which women cannot do, which would endanger their health and which are incompatible with their obligations as mothers. The legislator has therefore incorporated, in chapter IX, special rules relating to the employment of women which are intended to protect women and to enable them to carry out their family duties, without discriminating between national and foreign female workers.

186. Included in the provisions that regulate women's work are provisions that define the scope of women's work, that protect women with regard to certain working conditions because of their physical characteristics, and, finally, that regulate the welfare of mothers. The Statutes of the Civil Service offer similar protection to women working in the Government and the public sector.

187. Foreign female workers are entitled to social welfare and to an education for their children in accordance with the country's regulations and laws.

188. Finally, the criminal laws protect foreign female workers or migrants by prescribing penalties for assault of a foreign female worker that are the same as those prescribed for assault of national workers, both men and women.

189. In addition to the pillars of humanitarian protection guaranteed by the Constitution through the range of rights and freedoms enshrined and specified therein, the rights to health care and to access to free health services are fundamental rights that the State provides to nationals and residents through hospitals and health institutions of different kinds. The State furthermore grants individuals and institutions the right to establish treatment centres under its supervision and requires employers, be they organizations, institutions, enterprises or individuals, to provide

health care, in conformity with the terms of the Labour and Social Insurance Act and the Government Employees and Civil Servants' Act, to all workers and civil servants covered by these two Acts.

190. In the light of the foregoing, it is clear that foreign female workers in the Kingdom of Bahrain, whether Arab or not, enjoy all their rights, as set out in the regulations and the laws in force, on the basis of equality and without discrimination on grounds of sex, colour, creed or any other consideration. This equally applies to domestic workers, who enjoy the requisite legal protection before the civil and criminal courts and may not be subjected to beating or sexual abuse. These persons are also afforded the necessary protection under the Bahraini Labour Act No. 23 of 1976, as amended, which grants them the right to seek legal redress in respect of their labour rights. Article 155 explicitly recognizes the right of domestic workers to apply to the Ministry of Labour and Social Affairs to seek an amicable settlement of labour disputes in which they are involved. Failing that, the Ministry of Labour and Social Affairs has two weeks to refer the dispute to the Higher Civil Court. Such disputes are exempt from fees at all stages of the proceedings.

191. This offers categorical confirmation, as already mentioned above, that the Bahraini Labour Act affords domestic workers the necessary legal protection in respect of all their fundamental and other rights, without discrimination or injustice.

**Article 5 (e) (ii) (The right to form and join trade unions)**

192. Article 27 of the Constitution stipulates as follows:

“Freedom to form associations and trade unions, on a national basis, for lawful purposes and by peaceful means, shall be guaranteed in accordance with the legally specified conditions and procedures, without prejudice to the fundamentals of religion and public order. No one shall be compelled to join or remain in any association or trade union.”

193. In the Kingdom of Bahrain, trade union activities take place within the framework of the General Committee of Bahraini Workers, which is regulated by the Labour Code. This Committee consists of 11 members elected by direct secret ballot from among workers' representatives who, in turn, are elected by the joint committees in enterprises. The workers' representatives elected by secret ballot conduct the basis of trade union activity. The joint committees consist of eight members, four representing the workers and four representing management. The General Committee is elected from among the members of the joint committees, who are elected by the workers.

194. The function of the General Committee is to raise the productivity of workers, promote their welfare and improve their economic and social situation. The Committee also represents the Kingdom of Bahrain at international, Arab and Gulf conferences and organizations, and takes part in meetings of the Higher Council for Vocational Training and of the tripartite committees in which Government, employers and workers are represented, in accordance with the Private Sector Labour Act and the Social Insurance Act.



195. The Trade Unions Act was promulgated in Legislative Decree No. 33 of 2002. It repealed chapter 17 of the Private Sector Labour Act concerning the regulation of workers and joint committees and councils, promulgated in Legislative Decree No. 23 of 1976, stipulating that workers' organizations existing at the time of its entry into force would continue to perform their functions pending the establishing of new trade union organizations. Twenty-four trade unions have now in fact been registered (see annex VIII).

196. This law applies to all private sector workers and civil service employees, as well as workers covered by the Naval Act. It recognizes the equality of workers in all sectors in the Kingdom, apart from judges and members of the defence and public security forces, who are governed by special laws.

197. It recognizes the right freely to join, to remain in, and to withdraw from, a trade union. Trade union activism cannot be used as a pretext for discriminating against workers with regard to employment or for exerting any form of pressure on them. This is clearly spelt out in article 3 of the Act.

198. Article 17 stipulates that trade union organizations and their governing boards cannot be dissolved other than in accordance with their statutes or pursuant to a court order; a stipulation that shows scrupulous concern for the independence of such organizations. Article 6 provides that: "the trade-union structure shall consist of trade unions and the General Federation of Workers' Unions of Bahrain". Article 7 reads as follows:

"Trade-union organizations shall endeavour to protect their members' legitimate rights, to defend their interests and to improve their working conditions, and they shall strive in particular to achieve the following aims:

"(a) To increase trade-union awareness among workers;

"(b) To improve the workers' level of culture;

"(c) To improve the workers' occupational and professional skills;

"(d) To improve the health, economic and social conditions of members and their families;

"(e) To take part in Arab and international labour forums and through them to present the views of the workers of the Kingdom of Bahrain. In order to achieve their aims, trade-union organizations can set up savings or mutual funds in the form of cooperative societies and social clubs."

Article 10 reads as follows:

"Workers in any institution, sector, activity, industry, trade or occupational group can establish their own trade union in accordance with the provisions of the law. The workers covered by the civil service regulations are entitled to join them. No more than one trade union can be established in any one establishment.

“The Occupational Trade-Unions Bill has been drafted and will include both Bahraini and non-Bahraini trade unions without discrimination among them. The Bill does not discriminate between men and women.”

**Article 5 (e) (iii) (The right to housing)**

199. Article 9 (f) of the Constitution stipulates: “The State shall endeavour to provide housing for citizens with a limited income.”

200. Pursuant to these provisions, the Government of Bahrain has established as a firm principle that every Bahraini family that does not own a home and is unable to build one should be provided with housing.

201. The Ministry of Works and Housing is responsible for implementing this principle and the State’s housing policy. The most important measures are the following:

- The construction of housing units consisting of houses and apartments;
- The preparation, servicing and distribution, free of charge, of housing plots for persons without the means to build their own homes;
- The disbursement of building, purchase, renovation and extension loans.

202. In this connection, the following data refer to housing schemes carried out between 1975 and 2000:

- (a) A total of 21,769 housing units, consisting of 19,087 houses and 2,682 apartments, have been constructed and distributed. This accounts for around 25 per cent of all homes currently occupied by Bahraini citizens;
- (b) A total of 10,772 building plots have been prepared, serviced and distributed to applicants. This accounts for around 12 per cent of all finished homes currently occupied by Bahraini nationals;
- (c) A total of 10,000 building plots have been distributed as gifts for the citizens of Bahrain by His Royal Highness;
- (d) Some 18,981 loans have been made available of which 10,278 construction loans, 3,665 purchase loans and 5,038 renovation loans.

203. Up to 2002, a total of 312,282,141 dinars had been disbursed in the form of loans, of which 198,714,111 dinars for construction loans, 73,891,355 dinars for purchase loans and 39,676,675 dinars for renovation loans.

204. Thus, between 1975 and 2002, a total of 61,509 housing services were delivered to 61,509 Bahraini families, 66 per cent of all Bahraini families. Housing budget expenditure for the period 1976 to 2002 amounted to 743,559,231 dinars (US\$ 1,970 million).

205. Furthermore, 2 billion dinars have been allocated for the housing services budget for the next 10 years. Also, the Housing and Construction Committee has been established by His Highness King Hamad bin Isa Al Khalifa by Amiral Decree No. 29 of 2001. Under the chairmanship of His Highness Sheikh Salman bin Hamad Al Khalifa, the Crown Prince and Commander-in-Chief of the Bahrain Defence Force, the Committee designs and implements the national housing and construction plan, which is concerned with urban development and the establishment of housing schemes.

206. The Ministry carries out studies to determine where new towns should be located and it has selected the following four locations:

1. The East Muhriq area;
2. The North Bahrain area;
3. The East Sitrah area; and
4. The area to the west of Hamad City.

207. In order to make it easier to gain access to housing schemes, gifts are made from time to time by royal deed to ease the citizens' financial burdens, particularly those of persons with a limited income. Four royal deeds of this kind have been promulgated and actually implemented, benefiting 33,000 Bahraini families. The first, in 1979, reduced the monthly instalments payable by beneficiaries to not more than one quarter of their income. The second, in 1992, reduced the value of the debt owed by beneficiaries by 25 per cent. The third, in 2000, offered a further 25 per cent reduction in the amount owed by beneficiaries and the fourth, in 2002, offered beneficiaries a 50 per cent exemption on the value of the payments still owed, also granting those who had already paid half their instalments outright ownership of their property.

208. Following the establishment of the Ministry of Housing in 1975, the Housing Services Committee was created pursuant to a ministerial decree. This Committee reviews applications from housing scheme beneficiaries for exemptions, deferments and reductions on house and apartment loans, whenever the beneficiaries concerned have a serious emergency or social difficulties. Because of these factors, the annual costs of exemptions, reductions or deferments amount to 2 million dinars, which serve to meet the needs of more than 1,100 families per year.

209. The Ministry also issued decree No. 277 of 2002, granting single or divorced women the right to benefit from housing schemes. Widows or divorced women remain in housing units after becoming owners thereof. A family whose breadwinner dies is exempted from payment of outstanding instalments and the home is registered in the name of the widow and her minor children.

210. Within the framework of the legal rules governing this matter, Legislative Decree No. 2 of 2001 authorizes non-Bahrainis to own residential property and land, in keeping with our wise leadership's belief that there should be no distinction between nationals and foreigners with respect to ownership of property, even though the laws of many countries in both East and West do not accord this right to foreigners. This is a civilized step taken by the Kingdom of Bahrain

in the domain of non-discrimination among human beings, wherever they may be and whatever their nationality, with respect to ownership of real estate and land in the Kingdom of Bahrain (see annex V).

**Article 5 (e) (iv)** (The right to public health, medical care, social security and social services)

211. Article 8 of the Constitution stipulates as follows:

“(a) Every citizen has the right to health care. The State shall show concern for public health and shall ensure the availability of means of prevention and treatment by establishing various types of hospitals and health facilities.

“(b) Individuals and bodies may establish hospitals, clinics or treatment centres under the supervision of the State and in conformity with the law.”

Article 5 (c) of the Constitution further stipulates that:

“The State shall ensure that the requisite social security is available to citizens in the event of old age, sickness, inability to work, orphanhood, widowhood or unemployment. It shall provide them with social insurance and health-care services and shall endeavour to protect them from the scourge of ignorance, fear and poverty.”

Under article 12 of the Constitution:

“The State shall ensure social solidarity in the assumption of the burdens resulting from general disasters and ordeals and shall compensate persons who have suffered damage or injury due to war or the discharge of their military duties.”

212. The State provides free health services for citizens and foreigners alike and these services are accorded priority in the Government’s budget so that they can be made available to everyone residing in the Kingdom of Bahrain. The State accords the utmost importance to environmental protection and the United Nations Environmental Programme has praised it for the concern it has shown.

213. With regard to social insurance, the provisions of Act No. 24 of 1976, which apply to all without discrimination on grounds of race, nationality or occupation, provide insurance coverage for old age, disability, death and occupational accidents, and are applicable to enterprises employing more than 10 workers. The Government is endeavouring to extend the insurance umbrella to cover all individual contracts. The same benefits are enjoyed by persons working in the liberal professions.

214. Within the context of its ongoing endeavours to apply the principles of social solidarity, the Kingdom of Bahrain promulgated the Social Assistance Regulation to cover all the categories of private citizens who are not covered by insurance schemes or whose insurance benefits are insufficient to meet their essential needs. These categories include widowed, divorced and abandoned women, the families of prisoners, orphans and persons of equivalent status, disabled and mentally retarded persons, the sick and the aged. The assistance granted

ranges from a minimum of 21 dinars to a maximum of 48 dinars per month. The total value of the social assistance paid out in 1999 amounted to 3,881,968 dinars, from which 10,184 families, (30,008 individuals) benefited.

**Article 5 (e) (v) and (vi)** (The right to education and training and the right to equal participation in cultural activities)

215. Detailed reference to these aspects are made below, in the comments concerning article 7 (see paragraphs 221 et seq. below).

**Article 5 (f)** (The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks)

216. Article 18 of the Constitution stipulates as follows:

“All persons shall be equal in human dignity and all citizens shall be equal before the law in regard to their public rights and obligations without discrimination among them on grounds of race, origin, language, religion or belief.”

As already indicated, Bahrain has a society characterized by tolerance and fraternity in which all Bahrainis and others enjoy all the services and facilities. It is free from any practices or modes of conduct that would be conducive to discrimination or segregation.

## **Article 6**

217. In accordance with the provisions of article 20 (f) of the Constitution, in Bahrain everyone has a guaranteed right to apply to the courts for legal redress.

218. The judicial authority in Bahrain is independent in accordance with the provisions of articles 104 to 106 of the Constitution. The Judicial Authority Act guarantees the right to a legal remedy (see paragraphs 67 and 68). Under the provisions of the Code of Civil and Commercial Procedure and the Code of Criminal Procedure, all Bahrainis and foreigners have the right to apply to the courts for legal redress. The Codes make no provision for discrimination in regard to treatment or procedure between Bahrainis and persons of other nationalities.

219. The highest organ of the judicial authority is the Court of Cassation, followed by the two lower levels of courts (courts of appeal and courts of first instance), which are competent to adjudicate in civil and criminal cases and matters of personal status.

220. In accordance with the above, any Bahraini citizen has the right to apply to the judicial authority in order to uphold his or her rights before the criminal courts, if the act forming the subject of his or her complaint is of a punishable nature, or before the civil courts if compensation in respect of acts that constitute civil offences is sought. Any violation of the provisions of the Convention would therefore constitute an offence under the terms of the Penal Code or the Civil Code, within the limits mentioned above, and the aggrieved party would be entitled to apply to the court competent to hear cases of the type in which he or she was seeking to uphold his or her rights.

221. Under the provisions of Bahraini law, compensation can be claimed in respect of pain and suffering as well as material damage. In this connection, it should be noted that Legislative Decree No. 19 of 2001 updated the provisions of the Civil Code to take account of new developments and the social changes taking place in the country (see annex VI).

## **Article 7**

### **Teaching and education**

222. The Kingdom of Bahrain accords considerable attention to education. Through the Ministry of Education, the Kingdom provides education for all, Bahrainis and non-Bahrainis, and undertakes to create educational opportunities for all students, boys and girls, without any discrimination among them. It strives continuously to improve the quality of education for all students at the different levels of education.

223. Article 7 (a) of the Constitution stipulates as follows: “The State sponsors science, literature and the arts and encourages scientific research. It also guarantees citizens educational services and culture. Education is compulsory and free in the early stages as provided for and prescribed by law. The illiteracy eradication plan shall be established by law.”

Article 23 of the Constitution stipulates:

“Freedom of opinion and of scientific research shall be guaranteed. Everyone shall have the right to express and propagate his opinion, orally, in writing or by any other means, in accordance with the legally specified conditions and procedures, without prejudice to the precepts of the Islamic faith and to national unity and in a manner that does not provoke segregation or intercommunal division.”

224. Pre-university education is divided into three levels: primary, preparatory and secondary. The primary and preparatory levels, which are the stage of basic education, are compulsory, while the secondary level is optional and is divided into general secondary and various branches of specialization such as: commercial for boys, commercial for girls, industrial for boys, and textiles, clothing and printed publicity for girls. There is also parallel religious education at all three levels.

225. Education in the Kingdom of Bahrain has scored important achievements. In the academic year 2002/03, enrolment at the primary level amounted to 100 per cent, while the corresponding figure at the secondary level was of 85 per cent.

226. The Kingdom of Bahrain provides all students with an education up to the end of the secondary level. Appropriate textbooks and learning materials are provided for each educational grade and teachers have academic and teaching qualifications. Free transport to and from school is provided for all students at all educational levels (primary, preparatory and the different branches of secondary education) and schools offer classes for students with special needs and students with Down’s Syndrome.

227. Civics and human rights are among the important topics to which the Ministry of Education accords attention, especially in the light of the rapid political changes taking place domestically under the leadership of the country's beloved King and his goal of modernizing the Kingdom's institutions within the framework of a national modernization plan.

228. Following Bahrain's referendum on the National Action Charter which won virtually unanimous endorsement and the ensuing elections, and in view of prevailing international conditions, there is a need to instil civic principles, values and attitudes and to promote human rights education and the elimination of racial discrimination in order to empower students to play a constructive and effective role in political, economic and social life as citizens who can respond to these changes in a manner that guarantees them a decent life and achieves progress and prosperity for their country.

229. Recognizing the importance of this matter, the Department of Educational Curricula at the Ministry of Education has taken major steps in this direction.

230. It has incorporated into school curricula, particularly at the preparatory and secondary levels, a number of topics relating to human rights and the elimination of racial discrimination. Several topics have been included in the social studies' curricula, including, in particular, the following:

- European colonialist ambitions on the African continent and the enslavement of peoples;
- Racial discrimination and the problem of minorities in the United States of America, Africa and Israel;
- The South African regime and the practice of racial discrimination;
- How Nelson Mandela overthrew the racist regime in South Africa and installed a democracy;
- Cooperation among different actors in society;
- The role of the United Nations in the resolution of issues and problems, including the problem of racial discrimination.

231. Some issues of particular concern to the Kingdom of Bahrain have also been added:

- The establishment of the Higher Council for Women (women's rights);
- The rights of the child;
- The adoption of International Labour Day;

- The promotion of governmental and non-governmental human rights associations;
- The legislative, executive and judicial authorities in the Kingdom of Bahrain;
- External political cooperation of the Kingdom of Bahrain to resolve various issues, including that of racial discrimination.

232. A general manual for instruction in civic education has been written and will be distributed during the academic year 2003/04. It covers a range of topics that have a bearing on human rights and racial discrimination.

233. In cooperation with the Kingdom of Bahrain's Foundation for Civic Education, the Department of Educational Curricula organized a training session for teachers of social studies and home economics in the second and third cycles of basic education to provide instruction on topics relating to civics, human rights and the elimination of racial discrimination.

234. The elimination of racial discrimination is further promoted through the use of Islamic educational curricula. These are essentially designed around noble Islamic values which teach Muslims not to forget that they have one Lord, i.e. God, and one father, i.e. Adam. The curricula teach them to reject anything that is likely to discriminate among human beings and urge them to resist all forms of racial discrimination.

235. Most studies of the interpretation of the Koran and the Hadith of the Prophet contain material that teaches the rising generation about equality among all nations and condemns discrimination among them on grounds of colour, sex or origin.

236. Several subjects relating to the elimination of racial discrimination are also found in Arabic textbooks.

237. It is worth noting that the subject of human rights has been a topic of study at the Faculty of Law of the University of Bahrain since February 2000. The course covers such topics as international and regional human rights conventions and the role of civil society in promoting and defending those rights.

238. In their programmes, the Kingdom's ministries and institutions accord the utmost importance to the subject of training as a key component of human development.

### **Information and culture**

239. Article 7 (a) of the Constitution stipulates as follows: "The State sponsors science, literature and the arts and encourages scientific research. It also guarantees citizens educational services and culture."

240. Responsibility for information and culture in the Kingdom of Bahrain is assumed by the Ministry of Information, the diverse activities of which reflect the tolerance and mutual understanding on which Bahraini society is based. The Ministry provides information about current events in society and the world at large, promotes knowledge of diverse cultures, and places special emphasis on the principle of equality. All the audio-visual media in the



Kingdom of Bahrain have an obligation to promote tolerance and mutual understanding, to condemn all forms of racial bigotry and to advocate the strengthening of the family ties, tolerance and mutual understanding which characterize the Bahraini people.

241. The Kingdom of Bahrain uses the audio-visual information media to support understanding and dialogue between civilizations and directly disseminates information about different cultures via radio and television broadcasts. Programmes are set up for this purpose and Arab and foreign magazines and newspapers are available. An international book fair is held every year and art exhibitions and seminars are organized around these subjects.

242. In this regard, the Kingdom of Bahrain is characterized by the fact that all its citizens, regardless of their religion, take part in the celebration of festivals. Amiral Decree No. 5 of 1973 stipulates that all citizens, regardless of their religion or confession, have the right to participate in festivals, which are official holidays in the country. This strengthens solidarity and cohesion among the members of society and promotes a feeling of tolerance and mutual understanding among the various sections of the people.

243. Every year on 21 March, Bahrain takes part in the international community's celebration of the International Day for the Elimination of Racial Discrimination in all international forums and in the celebration of the Week of Solidarity with Peoples Struggling against Racism and Racial Discrimination, which begins on that same date. The Kingdom of Bahrain also took part in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was held at Durban, South Africa, from 31 August to 7 September 2001. This participation is in accordance with the Kingdom of Bahrain's policy of condemning and combating xenophobia and fostering cooperation based on equality and justice at all levels.

244. The Kingdom of Bahrain has made many different efforts, both formally and informally, to promote human rights education, organizing symposia and seminars, including the symposium on civil society and human rights which was jointly held by Amnesty International and the Bahraini Human Rights Association from 3 to 5 November 2001. The fact that the Minister of Labour and Social Affairs opened the session is evidence of the importance attributed to the obligation to respect human rights.

245. The Bahraini press also covered the proceedings of the Arab Judicial Forum organized jointly by the Kingdom of Bahrain and the United States of America, from 15 to 17 September 2003, focusing in particular on the role of the judiciary in human rights protection and the contribution made by civil society organizations in this domain.

246. The media also covered a number of other human rights events, including the event held on 6 January 2003 under the auspices of the Ministry of Foreign Affairs and the Supreme Council for Women, at which Cherie Booth, a barrister and the wife of the Prime Minister of the United Kingdom, gave a lecture entitled "The Bahraini Constitution: Human Rights and Challenges".

### **Conclusion**

247. The constitutional and political developments that have occurred in the Kingdom of Bahrain show that the country respects human rights, including the principle of equality and the prohibition of any form of racial discrimination.

248. The actions of the legislative, executive and judicial authorities demonstrate that full effect is given to the provisions of the Constitution which guarantee the sovereignty of the law and respect for human rights based on the principle of equality and the prohibition of racial discrimination. This effort is supported by the growing involvement of civil society in all areas, the climate of freedom of expression and opinion and the enlightened way in which social issues are debated.

249. In spite of the achievements that the Kingdom of Bahrain has won and for which it has been praised by international institutions and organizations and non-governmental organizations, the Kingdom's policy is to continue to pursue development and progress and to remedy any shortcomings or failings so as to achieve the objectives which Bahraini society has set itself.

250. The Kingdom of Bahrain confirms that it honours its commitments under the International Convention on the Elimination of All Forms of Racial Discrimination and that it is determined to continue its cooperation with the Committee on the Elimination of Racial Discrimination by submitting and discussing the reports required of it under article 9 of the Convention.

**List of documents annexed to the sixth and seventh periodic reports  
of the Kingdom of Bahrain submitted to the Committee on the  
Elimination of Racial Discrimination**

- I. The National Action Charter.
- II. Constitution of the Kingdom of Bahrain.
- III. Some basic statistical data about the population of the Kingdom of Bahrain.
- IV. Legislative Decree No. 42 of 2002, promulgating the Judicial Authority Act.
- V. Legislative Decree No. 2 of 2001, concerning ownership by non-Bahrainis of real estate and land.
- VI. Legislative Decree No. 19 of 2001, promulgating the Civil Code.
- VII. Legislative Decree No. 27 of 2002, establishing the Constitutional Court.
- VIII. Legislative Decree No. 33 of 2002, promulgating the Trade Unions Act.
- IX. Legislative Decree No. 44 of 2002, amending some provisions of the Associations, Social and Cultural Clubs, Private Youth and Sports Organizations and Private Institutions Act promulgated by Decree No. 21 of 1989.
- X. Legislative Decree No. 46 of 2002, promulgating the Code of Criminal Procedure.
- XI. Legislative Decree No. 47 of 2002, concerning the regulation of the press, printing and publishing.
- XII. Royal Order No. 41 of 2002 appointing the members of the Advisory Council.

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