



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

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION Sixty-sixth session 21 February-12 March 2005

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

Concluding observations of the Committee on the Elimination of Racial Discrimination

BAHRAIN

The Committee considered the sixth and seventh periodic reports of Bahrain, submitted in one document (CERD/C/443/Add.1), at its 1689th and 1690th meetings (CERD/C/SR.1689 and 1690), held on 3 and 4 March 2005. At its 1700th meeting (CERD/C/SR.1700), held on 11 March 2005, it adopted the following concluding observations.

A. Introduction

The Committee welcomes the reports submitted by the State party and expresses its appreciation for the constructive responses provided to the questions asked during the consideration of the report. The Committee is encouraged by the attendance of a large and high-ranking delegation.

The Committee appreciates the fact that the report, which generally complies with the Committee's guidelines, is the result of cooperation between various ministerial departments. It regrets, however, that it does not contain sufficient information on the practical application of the Convention.

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B. Positive aspects

The Committee welcomes the meaningful political, legal and economic reforms on which the State party has embarked, and notes in particular the adoption of the National Action Charter in 2001, the promulgation of the amended Constitution and the creation of the Constitutional Court in 2002, as well as the establishment of a new bicameral parliament with an elected chamber of deputies.

The Committee appreciates the establishment of trade unions in 2002 for the first time in Bahrain as well as of cultural associations composed of foreigners.

The Committee welcomes the organization of several training programmes addressed to the judiciary and law enforcement officials on the promotion and protection of human rights in the field of racial discrimination.

The Committee also welcomes the accession to the Convention on the Elimination of All Forms of Discrimination against Women in 2002.

The Committee also notes with appreciation the increasing frequency of the State party's submission of reports to, and substantive communications with, the Committee and other treaty bodies regarding its implementation of the human rights conventions to which it has acceded.

C. Concerns and recommendations

The Committee expresses its concern over the representations made by the State party that there is no racial discrimination in Bahrain.

The Committee, considering that no country is free from racial discrimination, reminds the States party that it is required under the Convention to take legislative, judicial, administrative and other measures to give effect to its provisions, even in the apparent absence of racial discrimination.

The Committee regrets that the State party has not provided specific data on the ethnic composition of the population, and recalls that such information is necessary to assess the practical implementation of the Convention.

The Committee draws the attention of the State party to its general recommendations IV and VIII as well as to

paragraph 8 of its reporting guidelines, and reiterates its recommendation that population data, disaggregated by race, descent, ethnicity, language and religion, as well as the socio-economic status of each group, be provided by the State party in its next periodic report.

The Committee notes that the Basic Law and royal decrees, regulations and codes adopted by the State party merely state the general principle of non-discrimination, which is not a sufficient response to the requirements of the Convention.

The Committee recommends that the State party incorporate in its domestic law a definition of racial discrimination that includes the elements set forth in article 1 of the Convention.

The Committee takes note of the abolition of the Human Rights Committee which was designed to provide advice to the Head of State and to the executive authorities on a wide range of human rights issues, including those matters relating specifically to the Convention. Furthermore, the Committee regrets that there is no national human rights institution in Bahrain.

The Committee recommends to the State party that it consider the establishment of a national human rights institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex) .

The Committee is concerned over the lack of integrationist multiracial organizations and movements in the State party and in particular over the banning of the Bahrain Centre for Human Rights.

In the light of article 2 (e) of the Convention, the Committee requests that the State party permit such organizations and movements and create an enabling environment for such organizations, and encourages it to maintain dialogue with all civil society organizations, including those critical of its policies .

The Committee remains concerned at the situation of migrant workers, in particular regarding their enjoyment of economic, social and cultural rights.

In light of article 5 (e) (i) and of general recommendation XXX on non-citizens, the Committee urges the State party to take all necessary measures to extend full protection from racial discrimination to all migrant workers and remove obstacles that prevent the enjoyment of economic, social and cultural rights by these workers, notably in the areas of education, housing, employment and health. In addition, the State party should provide information in its next periodic report on any bilateral agreements it has entered into with the countries of origin of a significant or substantial number of migrant workers in Bahrain .

The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection of the Labour Code.

In light of its general recommendation XXX and of its general recommendation XXV on gender-related dimensions of racial discrimination , the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

The Committee notes with concern the reportedly disparate treatment of and discrimination faced by members of some groups, in particular the Shia, that may be distinguishable by virtue of their tribal or national origin, descent, culture or language; the Committee is especially concerned about apparently disparate opportunities that are afforded to such groups.

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

The Committee, noting the information provided regarding the acquisition of nationality, is concerned that a Bahraini woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Bahraini nationality in the same manner as a foreign woman.

The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention. In this connection, it draws the attention of the State party to general recommendation XXV and to general recommendation XXX, which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

The Committee regrets that no statistics were provided on cases where the relevant provisions of domestic legislation concerning racial discrimination were applied.

The Committee recommends that the State party consider whether the lack of formal complaints may be the result of the victims' lack of awareness of their rights, lack of confidence in the police and judicial authorities, or the authorities' lack of attention, sensitivity, or commitment to cases of racial discrimination. The Committee requests that the State party include in its next periodic report statistical information on complaints lodged, prosecutions initiated and the outcome of cases involving racial or ethnic discrimination, as well as specific examples of such cases.

The Committee strongly recommends that the State party ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, recognizing the close connection to articles 2, 4, 5 and 6 of the Convention.

The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and urges it to consider doing so.

The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on further action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

The Committee recommends that the State party continue consulting and consider expanding its dialogue with organizations of civil society working in the area of combating racial discrimination, in connection with the preparation of the next periodic report.

The Committee recommends that the State party's reports be made available to the public from the time they are submitted and that the observations and recommendation of the Committee on these reports be similarly publicized.

The State party should within one year provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 12, 13, 15 and 16 (paragraph 1 of rule 65 of the rules of procedure). The Committee recommends that the State party submit its eighth and ninth periodic reports in a single report, due on 26 April 2007.
