



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 108th session

Summary record of the 2933rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 17 November 2022, at 3 p.m.

Chair: Ms. Shepherd

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Combined eighth to fourteenth periodic reports of Bahrain

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined eighth to fourteenth periodic reports of Bahrain ([CERD/C/BHR/8-14](#); [CERD/C/BHR/QPR/8-14](#); [CERD/C/BHR/Q/8-14](#))

1. *At the invitation of the Chair, the delegation of Bahrain joined the meeting.*
2. **The Chair** said that, at the invitation of the Committee, other members of the delegation would be speaking via video link.
3. **Mr. Bucheeri** (Bahrain) said that the commitment by Bahrain to the implementation of the Convention reflected its longstanding reputation as a country devoted to coexistence and transparency and its continuous endeavours to serve humanity.
4. The Conference on Dialogue among Civilizations and Cultures that had been sponsored by King Hamad bin Isa Al-Khalifa in 2014 had sought to build an alliance based on common values that would combat the scourges of intolerance, hatred, extremism and terrorism. The Bahrain Declaration, issued that same year, promoted the unity of all human beings, regardless of their colour, race, language and religious affiliations, and opposed all forms of hate speech. The Bahrain Forum for Dialogue: East and West for Human Coexistence, which had been held on 3 and 4 November 2022, had been attended by Pope Francis and the Grand Imam of Al-Azhar Al-Sharif. The participants had welcomed the establishment of the King Hamad International Award for Dialogue and Peaceful Coexistence.
5. Bahrain was a small island country with about 1.5 million inhabitants. Migrants currently accounted for 52 per cent of the population and 78 per cent of the workforce. All residents enjoyed rights and freedoms, without discrimination, based on the rule of law and traditions of tolerance.
6. The Convention had the force of law pursuant to the Constitution and could be invoked in the country's courts. The Constitution prohibited discrimination on grounds of sex, origin, language, religion or creed and guaranteed the freedom to perform religious rites and to hold religious processions and meetings, in accordance with the country's customs.
7. The National Action Charter, which guaranteed equality, the rule of law, liberty, security, peace, education, social solidarity, and equality of opportunity, had been adopted by 98.4 per cent of Bahraini citizens in a referendum held in February 2001. A bill currently being discussed by the Ministerial Committee for Legal and Legislative Affairs would define discrimination as any distinction, restriction, exception or preference applied to individuals or groups on the ground of their religion, belief, sect, denomination or ethnic origin. Provisions prohibiting discrimination were contained in the Children's Act of 2012, the Private Sector Labour Code of 2012 and the Political Associations Act of 2005. The Citizenship Act provided for equality between men and women, especially in terms of the acquisition, retention, renunciation and loss of citizenship. A bill permitting children of Bahraini women married to foreigners to acquire Bahraini citizenship had been adopted by the Council of Ministers and referred to the legislature.
8. The Constitution guaranteed the integrity, impartiality and independence of the judiciary and prohibited all forms of interference with the course of justice. In 2021, a legislative decree had amended the Penalties and Alternative Measures Act of 2017 in order to authorize the legally competent authority to request judges to apply alternative penalties in place of the penalties that were initially handed down. Some 4,400 individuals had already benefited from that amendment.
9. The Act on Restorative Justice for Children and on their Protection from Ill-Treatment had been drafted in cooperation with the United Nations Office on Drugs and Crime (UNODC) and following consultations with civil society and the National Institution for Human Rights. The Constitution guaranteed all persons the right to express their opinions orally, in writing or in any other manner, and the Criminal Code required any restrictions on the right to freedom of expression to be compatible with the values of a democratic society.

No groups were subjected to reprisals, and human rights defenders were never targeted by the authorities. The country's legislation provided remedies aimed at protecting and promoting human rights.

10. The Judicial and Legal Studies Institute, the Bahrain Institute for Political Development and other bodies promoted awareness of human rights and of the relevant international treaties. The Ministry of Education implemented the School for Civics and Human Rights project, and the Supreme Council for Women implemented a programme aimed at promoting awareness of the concepts of inclusion and social justice and combating gender stereotypes in school curricula.

11. The Government Action Plan 2015–2018 had provided for measures to combat terrorist crimes and all kinds of extremism and hate speech. The Ministry of Housing had pledged, under the Government Action Plan 2019–2022, to build 40,000 housing units.

12. The General Secretariat for Grievances of the Office of the Ombudsman examined all complaints against employees of the Ministry of the Interior and took the necessary legal action. The Special Investigation Unit, which was an independent judicial body, ascertained criminal responsibility for allegations of torture or ill-treatment. The National Institution for Human Rights had been established in 2009 and its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) was ensured by means of a legislative decree.

13. The National Human Rights Plan (2022–2026) provided for the alignment of national legislation with international human rights standards and for the monitoring of action taken in response to recommendations from international and regional treaty bodies and the universal periodic review mechanism. The objectives included freedom of religion and belief, peaceful coexistence, protection of the right to freedom of opinion and expression, promotion of national protection and restorative justice mechanisms and support for the National Institution for Human Rights, civil society institutions and the rights of vulnerable groups.

14. During the coronavirus disease (COVID-19) pandemic, free tests and vaccinations had been provided to all citizens and residents. The Government had also provided tests and vaccinations to foreign workers whose residency had expired or who had no valid official documents. The fact that the voter turnout in the recent parliamentary and municipal elections had amounted to 73.18 per cent demonstrated the vitality of the democratic process and the exercise by men and women citizens of their constitutional right to stand for election and to vote in a fully transparent manner. The periodic report had been prepared under the auspices of the High Coordinating Committee for Human Rights, in which the competent authorities were represented; representatives of civil society had been invited to participate in its meetings.

15. **Ms. Li** (Country Rapporteur) commended the legislative measures aimed at the protection and promotion of human rights adopted by the State party as well as the adoption by the Council of Ministers of the National Human Rights Plan (2022–2026). The Committee was also pleased to note that civil society was playing a more active role in the promotion of human rights.

16. According to the periodic report, the Constitutional Court had invoked the International Covenant on Civil and Political Rights in rulings handed down in 2011 and 2014. However, the report failed to mention the invocation by the courts of any other treaties, including the Convention. She therefore wished to know how the Convention was applied in domestic courts and, in particular, how any potential conflict between domestic law and the Convention was resolved.

17. The Committee would be interested to hear about measures to raise awareness of the Convention among the general public and about training courses for judges, prosecutors, lawyers and law enforcement officers. The Committee had recommended, in its previous concluding observations ([CERD/C/BHR/CO/7](#)), that the State party should incorporate in its domestic law a definition of racial discrimination that reflected article 1 of the Convention. However, article 18 of the Constitution was not fully aligned with article 1 of the Convention, which referred to discrimination based on race, colour, descent and national or ethnic origin, since it only referred to a person's origin as a prohibited ground for discrimination. The

Committee wished to know how other grounds for discrimination were addressed in the State party. In addition, article 18 of the Constitution merely stated that citizens were equal before the law. She asked whether racial discrimination was prohibited, regardless of a person's citizenship status, by any domestic legal provisions.

18. The periodic report referred to a bill on combating discrimination, hatred and sectarianism, which contained a definition of discrimination that referred to a person's race, origin or ethnicity. However, there was no reference to a person's colour or descent. The Committee would be grateful for information on the current status of the bill and the reasons for the delay in its adoption. It also wished to know whether any legislative steps had been taken to prohibit direct or indirect racial discrimination.

19. The Committee had expressed concern in its previous concluding observations regarding the discrimination faced by members of some groups, in particular the Shia, who might be distinguishable by virtue of their tribal or national origin, descent, culture or language. It had recently been informed that some Shia groups, namely the Ajam and Baharna communities, continued to be subjected to widespread discrimination, especially in the labour market, and that they were denied access to high-level governmental and administrative positions. The Committee therefore wished to know whether there were any programmes or policies for the advancement of the Ajam and Baharna communities, particularly in terms of their right to participate in elections and hold governmental positions and in respect of their right of equal access to public employment. If measures had already been taken in that regard, the Committee would be interested to hear about their impact.

20. The Committee noted that action was being taken to combat racist hate speech, including the establishment of the King Hamad Global Centre for Peaceful Coexistence. The periodic report mentioned the Criminal Code but it failed to address all the acts listed in article 4 of the Convention and in the Committee's general recommendation No. 35 on combating racist hate speech. She wished to know whether the Criminal Code or any other domestic legal provision criminalized all the acts listed in paragraph 13 (a) to (e) of the general recommendation. It would also be useful to know whether the requirement in the Criminal Code that such offences must be committed publicly in order to be punishable undermined its applicability. She asked how that requirement was interpreted by the courts. Was it deemed to include, for instance, acts of incitement to hatred committed online or through the media?

21. She would appreciate detailed information on the implementation and impact of legal provisions prohibiting hate crimes and hate speech, including disaggregated data on complaints, prosecutions and sentences. The Committee would like to know whether complaints received by the Special Investigation Unit concerned hate crimes or hate speech, and it would welcome an update of the current status of the draft law on the press and electronic media, which aimed to strengthen safeguards against racial or sectarian discrimination or hatred, and an indication of the penalties it would establish for hate-related offences. What laws criminalized those offences at present? It would be useful to have examples illustrating how Bahraini courts dealt with hate-related offences. She would be interested to hear whether the State party took any specific measures to stop and prohibit hate speech against religious and ethnic minorities, including the Shia community and migrant workers, by public figures in the media and on social media.

22. She wished to have examples of cases where the aggravating factor of contemptible motives, which included discrimination on the grounds of ethnicity, religion, sex or colour, had been applied. The Committee would also be grateful for information about any plans to establish racial motivation as an aggravating circumstance under the Criminal Code.

23. **Mr. Guissé** (Country Task Force) said that he would welcome data on the ethnic composition of the State party's population, including refugees, stateless persons and migrants, and further information on the measures that had been taken since 2016 to strengthen the independence of the National Institution for Human Rights, especially with regard to its structure, composition, decision-making processes, functioning, measures to ensure transparency and appointment procedures for its members. The Committee would appreciate an update as to the outcome of complaints of racial discrimination lodged with the Institution and statistics, disaggregated by age, sex, ethnic origin and nationality, regarding

the number of cases involving racial discrimination in the courts and the remedies provided to victims. He wondered what complaint mechanisms existed to allow domestic and migrant workers to report rights violations, and what administrative procedures were available for filing complaints related to labour matters. It would be useful to have information concerning the ethnic origins of victims of racial discrimination and initiatives to combat prejudice and promote tolerance, including in schools. The Committee would also be interested to learn what measures had been taken to include information on groups and cultures protected by the Convention in school curricula. Were minority communities adequately represented in school textbooks? He wished to hear about the training courses provided to judges and lawyers on racial discrimination and the rights enshrined in the Convention and to find out what impact such courses had.

24. **Mr. Kut** (Follow-up Coordinator) said that he would be keen to have additional information about the law on civil society organizations and its application and about the implementation of legislative provisions to protect migrant workers.

25. **Ms. Tebie** said that she would be interested to learn more about activities carried out by the University of Bahrain Legal Clinic and Human Rights Centre and the Bahrain Institute for Political Development and their impact on persons covered by the Convention. She wished to know whether courses offered as part of the School for Civics and Human Rights project were available in minority languages.

26. **Mr. Diaby** said that he would like to have more information about access to justice and legal aid by Shia and non-Arab minorities. He would also appreciate comments on reports that the Private Sector Labour Code did not apply to domestic, agricultural or occasional workers.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

27. **A representative of Bahrain** said that her country had a very advanced statistical system. The national census was the main source of population and demographic data and was used to compile statistics on all citizens, including their age, level of education, profession, religion and nationality. No data was gathered on the population's ethnic origin or race, as doing so would undermine the principles of equality and non-discrimination.

28. **A representative of Bahrain** said that the Constitution stipulated that people were equal in human dignity and that citizens were equal before the law in public rights and duties, with no discrimination on the basis of sex, origin, language, religion or creed. Treaties ratified by Bahrain and published in the Official Gazette had the force of law. Before ratifying any international treaty, the Government reviewed and, if necessary, amended the State party's domestic legislation to ensure that it was compatible.

29. Racial, religious and ethnic discrimination did not exist in Bahrain, in keeping with the tenets of Islam and the provisions of the Criminal Code. All individuals had equal access to justice, without discrimination. In 2017, the Cabinet had established the Committee against Hatred and Sectarianism, which had a mandate to adopt policies and programmes to combat hate speech. Statistics on the number of cases of racial discrimination before the courts would be provided at a later stage to ensure that they were as accurate as possible.

30. **A representative of Bahrain** said that the National Institution for Human Rights had been established pursuant to a law adopted in 2014 and had been granted additional powers through a legislative decree of 2016. The Institution had 11 members, who were persons of integrity and included representatives of civil society organizations, trade unions and professional associations. Women and minority groups were adequately represented. Its premises could be inspected only by court order, in the presence of a representative of the public prosecutor's office. The Institution was entitled to request the information necessary to carry out its functions from ministries and other government bodies, which by law were required to cooperate. It was also empowered to submit reports to the Government and had full control over its own administrative and financial affairs.

31. The Press Act of 2002 protected journalists, with a provision stipulating that the sharing of opinions or facts by journalists should not endanger their safety. No one was punished for merely engaging in political or social activities, and no reprisals were taken

against any individual or group, including human rights defenders. Means of redress were available to all victims of rights violations.

32. **A representative of Bahrain** said that there were more than 660,000 migrant workers in Bahrain. A law adopted in 2012 and the amendments thereto prohibited discrimination against workers on any grounds, established a basis for fair recruitment processes and provided remedies for human trafficking and debt bondage. Since 2017, the Government had retrieved over 7,000 passports that had been confiscated by the employers of migrant workers. It was contemplating a legislative amendment to criminalize passport retention by employers and the creation of a mechanism to provide free legal remedies to migrant workers through streamlined procedures. Workers had the right to pursue claims for arbitrary dismissal. Moreover, mechanisms had been put in place to protect wages and follow up on cases of human trafficking. Complaints could be lodged through numerous channels, including a human trafficking referral system, and workplace inspections were carried out to uncover labour law violations.

33. **A representative of Bahrain** said that the laws establishing the Office of the Ombudsman and the Commission for the Rights of Prisoners and Detainees provided for the independence of the two bodies. The Office employed inspectors from different ethnic, racial and religious backgrounds and did not discriminate in its recruitment processes. Between July 2016 and 2020, it had not received any complaints of racial discrimination. The Commission, meanwhile, had conducted several visits to monitor detention conditions and standards. Further information could be found in the reports produced by the Office and the Commission and published on their respective websites.

34. **A representative of Bahrain** said that the definition of torture in domestic law had been expanded to cover physical or moral harm inflicted on persons in custody. The Special Investigations Unit sought to guarantee basic rights and freedoms, including by investigating complaints of acts committed by law enforcement officers in the line of duty. The Unit afforded equal treatment to victims, complainants and offenders, in line with relevant international standards. Over the previous five years, it had received 425 complaints, which it classified not by race but by age, gender and nationality of the complainant, among other characteristics. The complaints had been received from persons of 12 different nationalities; 3 per cent of them had been submitted by women. The Unit launched investigations promptly and, since its inception, had referred cases involving 181 law enforcement officers for disciplinary or legal action, which had helped to reducing the incidence of torture in the country by 70 per cent.

35. **A representative of Bahrain** said that domestic legislation was based on the precepts of Islam, which prohibited all forms of discrimination. The Penalties and Alternative Measures Act of 2017 had been adopted on humanitarian grounds and was the first law of its kind in the Arab world. It provided opportunities for the rehabilitation and social reintegration of offenders, without discrimination as to citizenship. The Government had launched training and reintegration programmes and had expanded the use of open prisons. Among the over 4,400 people who had benefited from the Act were 48 prisoners who had taken part in the open prison programme.

36. The national authorities had taken steps to eradicate statelessness, of which there were not many cases in Bahrain. Persons stripped of their Bahraini nationality were given an extendable period of four weeks to regularize their situation and had the right to keep their identity card and driving licence until such time as they obtained another nationality. Stateless persons were entitled to apply for travel documents and driving licences. A law had been adopted to implement the provisions of the Citizenship Act on regularizing the situation of stateless persons.

37. Bahrain was not a country at war and did not experience refugee flows. Nevertheless, it had signed a memorandum of understanding with the Office of the United Nations High Commissioner for Refugees on collecting and exchanging information on refugees and supporting refugees in the Middle East. Asylum-seekers and refugees required a visa to enter the country.

38. In line with the Constitution, all citizens had equal access to public sector employment, regardless of their race or origin. The Ministry of the Interior had developed

human rights curricula and programmes for military academies and delivered human rights training to prosecutors and judges. Master's courses were available in international humanitarian law, human rights law and reform institutions, among other subjects. The Royal Academy of Police organized training courses on dealing with mass protests and persons in custody. Between 2011 and 2022, over 800 individuals had received human rights training in Bahrain.

39. **A representative of Bahrain** said that, under the bill on combating discrimination, hatred and sectarianism, incitement to hatred would be punishable by up to 5 years' imprisonment, and that commission of that offence by a public official was considered an aggravating circumstance. All relevant laws in the country were being reviewed to prevent any overlap or conflict. The Constitution did not protect only against direct discrimination. The Supreme Court had ruled that the principle of equality enshrined in the Constitution required measures to be taken to safeguard the rights of all individuals, without discrimination of any kind. All citizens enjoyed the right to participate in elections.

40. The Government was committed to implementing article 7 of the Convention and stressed the important role played by schools in combating discrimination and promoting the principles of the Universal Declaration of Human Rights. A range of measures had been taken, including the establishment of a group of experts, which included representatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other international organizations, in order to review the country's school curricula to take into account the values of tolerance, respect for religion, social openness and freedom of thought and of belief, and to ensure that educational materials did not perpetuate any stereotypes. An education project aimed at disseminating a culture of tolerance in schools was also being implemented and had been awarded many international prizes. Schools that were part of the UNESCO Associated Schools Network promoted a culture of peace, human rights and international solidarity.

41. **Mr. Bucheeri** (Bahrain) said that the periodic report contained a response to the question raised in the list of issues concerning the measures taken to prevent the segregation of groups protected under the Convention. As stated in the report, terms such as "Ajam", "Baharna", "Shia" and "Sunni" were extraneous to the constitutional, political and legal order in Bahrain. There was absolutely no basis for, or even mention of, those terms in the Constitution or in any legal texts, including those applicable to administrative practices. Bahrainis constituted one single people made up of citizens who were equal in terms of their rights and duties. All citizens, whether Shia or Sunni, were an integral part of the fabric of Bahraini society; they lived together and shared a common religious and social life with their fellow citizens. That relationship was based on the principles of love, fraternity and social harmony and was unsullied by any form of discrimination. All citizens were eligible to be appointed to the highest positions in the State, including the Consultative Council and the Chamber of Deputies.

42. The periodic report clearly stated that the segregation of groups or individuals based on their race or ethnic origin was not accepted by the country's political or legislative institutions. Bahrain was an open society based on the values of tolerance, coexistence and respect for others. The Constitution and the country's legislation explicitly stated that all citizens had equal rights and responsibilities and that there should be no discrimination on the grounds of sex, colour, religion or origin. All individuals were equal before the law, regardless of their racial or ethnic origin. In practice, no distinction was made between individuals on any basis. In the event that individuals considered themselves to have been discriminated against, they could file a complaint with the courts, which were fair and independent. Cases could also be brought before the national human rights institution, which had been established in line with the Paris Principles.

43. **Ms. Li** said that she would welcome clarification of the prohibited grounds for discrimination established in the bill on combating discrimination and the compatibility of the definition of discrimination in the bill with that contained in the Convention.

44. **A representative of Bahrain** said that, following its ratification, the Convention had the force of law in the domestic legal order. The definition of discrimination contained in the bill on combating discrimination was not contrary to the definition in the Convention. In the

bill, discrimination was defined as any distinction, restriction, exclusion or preference between individuals or groups based on religion, creed, sect, race, ethnic origin or origin. In any case, the Committee's comments on the matter would be referred to the Legislative and Legal Advisory Commission for consideration prior to the final adoption of the bill by the Chamber of Deputies.

45. **Mr. Guissé** said that the Committee recognized that racial discrimination existed in all countries. What was most important was how States parties responded to it. While the Committee understood that the State party did not collect disaggregated data on ethnic origin, it would be helpful to have more information on the origins of migrants, who made up 55 per cent of the population. The Committee therefore encouraged the State party to work on the collection of such data in order to gain a better understanding of the country's diversity and to design targeted policies for vulnerable groups. The delegation might comment on reports by civil society organizations that Ajam and Baharna students faced discrimination in education, such as the denial of study grants, and that members of those communities did not hold high-level government positions. With regard to training for judges and police officers, the Committee would welcome more specific details on the numbers of participants.

46. **Mr. Bucheeri** (Bahrain) said that, as the Convention formed part of Bahraini law, on an equal basis with domestic laws, it could be directly invoked before the courts. Various laws were in the process of being drafted or amended, all with a view to combating discrimination in all its forms. There was no discrimination under domestic law between any groups on religious or ethnic grounds, and citizens and residents had the same rights and responsibilities under the law. The questions concerning the Ajam and Baharna communities were addressed in paragraph 49 of the periodic report.

47. **A representative of Bahrain** said that education was free and compulsory for all children in Bahrain. School supplies and textbooks were also made available free of charge. The Government provided services to citizens and residents based on the principles of equality and peaceful coexistence. Emphasis was placed on digital education in order to combat digital illiteracy. In that context, significant efforts had been made to provide public services and administrative procedures online for both citizens and migrants.

48. **A representative of Bahrain** said that Bahrain was considered a pioneer in the promotion of children's rights. The recent law on restorative justice placed the emphasis on safeguarding children's rights. A centralized unit was in place to receive complaints concerning violations of children's rights, including violations resulting from child abuse and ill-treatment. A specialized unit conducted investigations and provided various forms of support to children experiencing abuse. A free hotline – 998 – had been set up for the reporting of cases of child abuse. The operators of the hotline referred complaints to the relevant departments. A number of shelters provided services for children and women victims of domestic violence, while others catered to homeless persons and migrants. Legal assistance and support services were provided to anyone who needed it, including migrants.

49. **A representative of Bahrain** said that human rights training was provided to law enforcement officers, members of the judiciary and staff of government ministries, among other stakeholders. A specific training programme had been launched in October 2021 and would continue until the end of 2022. A total of 1,000 participants were expected to take part in its various workshops.

50. **Mr. Kut** said that the fact that the Constitution and national laws established the principle of equality did not mean that there was no discrimination in the country. The Committee's role was to support States parties in combating racial discrimination by identifying the issues specific to each country and reviewing the efforts made by Governments to act on its recommendations. In order for the dialogue between the Committee and the State party to be constructive, it was important to be realistic. Simply denying the existence of any discrimination in the country could not serve as a constructive basis for dialogue.

51. In the periodic report, it was stated that the terms "Ajam" and "Baharna" were extraneous to the political and legal order in Bahrain. That simply indicated that the Government of Bahrain did not politically or legally recognize minorities, not that there were no groups in Bahrain that faced discrimination; discrimination was a sociological reality. In

the same paragraph, it was stated that members of the Shia community had “even” been appointed to the presidency of the Consultative Council and served as ministers and deputy ministers, which suggested that there was something surprising about that fact, and that some kind of distinction was nonetheless made between communities.

52. **Mr. Bucheeri** (Bahrain) said that the delegation of Bahrain was committed to a frank and open dialogue with the Committee. In citing the State party report, his intention had not been to deny the existence of different ethnic or religious groups in the country, but to highlight that, under Bahraini law, no distinction was made between them.

The meeting rose at 5.55 p.m.