



# 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 2934th meeting

Held at the Palais Wilson, Geneva, on Friday, 18 November 2022, at 10 a.m.

*Chair:* Ms. Shepherd

## Contents

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 (continued)*

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*The meeting was called to order at 10.05 a.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 (continued)*  
([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. Guissé** (Country Task Force) said that he would like to hear an update on the law on civil society organizations, including how many such organizations had been consulted when the law had been drafted and whether any of them were involved in combating racial discrimination. He wished to know the extent to which the Ministry of Labour and Social Development was able to intervene in the affairs of civil society organizations. The Committee would like to know what criteria applied in those processes and what legal safeguards existed to protect against possible abuse of power. It would also like to hear the delegation's comments on the fact that the authorities prohibited political activity by licensed civil society organizations and all activity by unlicensed civil society organizations.
4. The Committee would appreciate some clarification about discrimination, abuse and exploitation reportedly faced by many migrant workers in the workplace, as well as details regarding the employer sponsorship system. Information and examples demonstrating that legislation to protect migrant workers was routinely enforced and that employers were penalized for violations would also be helpful. He would like to know what steps had been taken to make the flexible work permit system easily accessible to all migrant workers, including those on low incomes. The Committee would like to receive statistics on the number of migrant workers who had made use of that system.
5. He would welcome more information about the system governing the right of migrant workers to change employment, in particular with reference to reports that such changes were subject to approval by the Labour Market Regulatory Authority and were legally limited to a period stipulated in the workers' employment contracts.
6. It would be of interest to the Committee to find out what legislation and procedures were used to prevent persons from leaving Bahrain or to detain them on account of unpaid debts or disputes with their employers. The Committee would welcome statistics on the numbers of citizens and non-citizens subjected to such travel bans. He sought clarification about the impact of reforms affecting the treatment and legal recourse of migrant workers and would like to receive statistical information about complaints filed by migrant workers and their outcomes. He would also like to receive information on the activities and impact of the special unit for the support and protection of migrant workers. Did migrant workers enjoy the right to family reunification in the country and, if so, under what circumstances?
7. He would appreciate more information on measures taken to abolish the conditions that made migrant domestic workers vulnerable to violence and exploitation, including the *kafalah* system. Information about measures in place to enable labour inspectors to examine the working conditions of domestic workers would be useful. It would also be interesting to know what mechanisms existed to help migrant domestic workers file complaints, especially when such workers were not legally resident in the country. What measures were being taken to make it easier for non-resident migrant domestic workers to obtain residence permits? Data on migrant domestic workers who suffered ill-treatment, exploitation or trafficking in persons would be appreciated. He would also like to know whether domestic workers were allowed to join trade unions.
8. The Committee would like to know how potential victims of trafficking were identified. He wondered what effects the national referral system for victims of trafficking had had on combating human trafficking. He would like to receive statistical information on cases classified as regular complaints, labour-related complaints or cases of trafficking in persons, and clarification on the criteria used for that classification. He wished to know how the national referral system interpreted passport retention and non-payment of wages, and

what indicators were used to identify victims of labour trafficking. How many cases of trafficking in persons were referred to public prosecutors, and what were the outcomes?

9. **Ms. Li** (Country Rapporteur) said that she would like to know how amendments to the Family Code had affected the State party's compliance with the Convention. She would like to find out why amendments under discussion in the legislature since 2014 that would allow Bahraini women married to foreigners to confer their nationality to their children were still awaiting adoption. Were there any other plans to improve the situation of children in such family circumstances?

10. It would be useful to the Committee to find out whether foreign nationals married to Bahraini women could obtain the country's nationality in the same manner as foreign women married to Bahraini men. What law governed the right of access of non-citizens to Bahraini nationality? She would be particularly interested to know whether different conditions applied to Arab and non-Arab residents and to Sunni and Shia non-citizens.

11. It would be of interest to the Committee to find out about the legal basis for the revocation of the citizenship of women who obtained citizenship through marriage and were subsequently divorced and of people perceived to pose a threat to national security. What criteria were applied to the latter group, and were they protected against such revocation being abused for political reasons? She would like to receive statistical information on the numbers of citizenships revoked and reinstated. Did the State party have plans to amend article 10 (c) of the 1963 Citizenship Act to bring it into line with international standards?

12. The delegation was invited to provide information about the numbers of Bidoon in the country, their origins or nationalities and the sectors in which they worked. What steps had been taken to naturalize them, and what was their current naturalization status in Bahrain?

13. The Committee would welcome information on the response to the recommendations of the Office of the United Nations High Commissioner for Refugees (UNHCR) that the State party should create a body to help protect refugees and asylum-seekers and adopt national legislation to that end. It would be interesting to know what legal regime applied to those groups and how their rights as set out in article 5 of the Convention were upheld. Lastly, she would like to know the numbers of refugees and asylum-seekers in Bahrain.

14. **Mr. Diaby** said that he would welcome information on how the Labour Code applied to domestic, casual and agricultural workers. He would also appreciate clarification on reports that persons who were Shia or who spoke no Arabic or English were prohibited from living in Riffa. He would like to receive more information on the situation of stateless persons with respect to their right to hold driving licences. Lastly, he invited the delegation to respond to reports of a widespread lack of access to vaccines against the coronavirus disease (COVID-19) for migrants and detainees.

15. **Ms. Tebie** said that, in the light of reports that migrants in irregular situations had been denied access to COVID-19 vaccines, she wished to know what documents they required in order to be vaccinated and whether the State party had taken any steps so that they could obtain them.

16. The Committee had been informed of the case of a migrant worker who had been dismissed owing to measures imposed during the COVID-19 pandemic and who had been forced to return to his country of origin without receiving either wages or severance pay. She would be grateful if the delegation could comment on the case and indicate whether the State party had taken steps to restore the rights of the person in question.

17. **Mr. Balcerzak** said that he would be interested to know whether the primary and secondary education curricula covered human rights and, in particular, the prohibition of racial discrimination.

18. **Mr. Diaby** said that he wished to know whether the labour inspectorate visited workplaces where migrant workers were employed and what remedies it made available to migrant and domestic workers. He would appreciate information on the case of the human rights defender Nabeel Rajab, the president of the Bahrain Centre for Human Rights, who had allegedly been subjected to harassment.

*The meeting was suspended at 10.45 a.m. and resumed at 11.05 a.m.*

19. **A representative of Bahrain** said that there were 666 registered civil society organizations, divided among 35 categories, in the country. They included women's associations, youth associations, children's associations, professional associations and human rights associations. Non-citizens could join associations, clubs and charitable organizations and could be elected to their boards on an equal basis with Bahraini citizens. Non-citizens also had the right to establish organizations representing their communities. There were 74 such organizations, which exercised and defended the rights of expatriate communities, provided assistance and support to their members and monitored discriminatory practices against them. Such organizations were permitted to seek funding for their activities, in accordance with the law. Bahrain had 10 human rights associations; they monitored cases of discrimination, including racial discrimination.

20. Decree-Law No. 21 of 1989 accorded civil society organizations the right to register. The Ministry of Labour and Social Development had not rejected any complete applications for registration since 2010. Decree-Law No. 21 had been amended several times since 2007, and a bill introducing further amendments was being prepared, in cooperation with the International Centre for Not-For-Profit Law. The bill had been submitted to civil society organizations for review. The Ministry of Labour and Social Development had also conducted surveys and organized workshops in which civil society organizations had been invited to express their views.

21. **A representative of Bahrain** said that the country had more than 660,000 migrant workers and that their human rights were protected by national legislation. In recent years, Bahrain had consistently ranked as a top destination for expatriate workers, scoring highly on indicators such as stability, work-life balance and quality of life. Its labour regulations were based on the principles of equality, non-discrimination and transparency.

22. Discrimination against migrant workers was prohibited under the Constitution, in line with the relevant international treaties, including the Convention. Act No. 36 of 2012, the Private Sector Employment Act, as recently amended, prohibited discrimination on the basis of language, religion, creed and race and thus guaranteed equal treatment for migrant workers. The amended Act also penalized sexual harassment in the workplace and included a provision for aggravating circumstances in the event that it was committed by an employer. In 2015, the Government had established a protection and assistance centre for migrant workers – the first of its kind in the Middle East. The centre incorporated a shelter for victims of trafficking in persons and provided comprehensive services for migrant workers, including protection, primary health care, psychosocial support and legal assistance.

23. Illegal “free visa” arrangements were tantamount to trafficking in persons and had been addressed through various legislative and procedural measures. Specific rules had been adopted, including under Act No. 19 of 2006, the Labour Market Act, to protect workers from exploitation and to allow them to change employers. Flexible work permits had been introduced so that migrant workers could acquire a permit without having to apply to a specific employer. The new rules covered aspects such as wages and the return of migrant workers to their home countries. Laws provided for remedies against debt bondage and trafficking in persons, including the recovery of workers' passports. Passport retention was a criminal offence.

24. The Labour Market Regulatory Authority had developed a mechanism whereby migrant workers could bring legal proceedings free of charge through a streamlined procedure. The Authority assisted workers in preparing and submitting their complaints and followed up on their cases. Workers were also permitted to submit administrative complaints against arbitrary dismissal. Bahrain had a wage protection system that ensured the prompt payment of wages.

25. Furthermore, the authorities had established a specialized court and a specialized prosecutor to address trafficking and labour exploitation. A comprehensive system was in place to combat trafficking in persons and to assist victims and potential victims, based on the components of protection, prevention, prosecution and international and regional cooperation. Significant advances had been achieved in several areas, including formal coordination between stakeholders, reform of the *kafalah* system and the achievement of the objectives of the Global Compact for Safe, Orderly and Regular Migration. The Government

had set up an assistance fund for victims of trafficking in persons, under which victims received financial support to rebuild their lives. Moreover, measures had been taken for the family reunification of migrant workers, including the streamlining of visa and residence procedures for family members.

26. Recognizing the large number of migrant domestic workers in Bahrain and their vulnerability to exploitation, the Government had taken steps to protect them from discrimination and to uphold their rights. The Private Sector Employment Act of 2012 contained relevant provisions on contracts, wages, annual leave, end-of-service benefits and free legal services. Other measures included the adoption of streamlined complaints procedures, the introduction of a tripartite domestic contract regulating the relationship between the employment office, the employer and the domestic worker, the creation of a support centre, the publication of employees' guides in 14 languages and the launch of an awareness campaign, in cooperation with the International Organization for Migration.

27. **A representative of Bahrain** said that the right to health – understood as access to quality health services – should be enjoyed by all individuals, without discrimination on the basis of language, religion, social status or political views. Accordingly, the National Health Plan for the period 2016–2025 provided for non-discrimination in the health sector, while several pieces of legislation sought to ensure that no one was left behind. For example, the Health Insurance Act of 2018 recognized that domestic workers were part of society and were entitled to health insurance on an equal footing with Bahraini citizens.

28. By 2019, Bahrain had achieved 90 per cent of the Sustainable Development Goal 3 targets, including those on the reduction of child mortality and infectious diseases. According to data from the World Health Organization (WHO), Bahrain was nearing universal health coverage, and all citizens and residents had access to vaccines.

29. The Government had followed WHO guidelines for combating the COVID-19 pandemic and had set up a group to monitor pandemic outcomes. Unlike other countries, Bahrain had not imposed a full lockdown but had allowed daily activities to continue during the pandemic. Vaccines had been made available free of charge for nationals and non-nationals, including migrant workers. All individuals living in Bahrain had been given the opportunity to be vaccinated, although some may have chosen not to do so, owing to irregularities in their residence status. The vaccination campaign had achieved coverage of more than 86 per cent of the population. Testing capacity had expanded tenfold, and more than 11 million tests had been carried out. Tests had been provided free of charge to citizens and non-citizens, without discrimination. Services such as food delivery and medical care had been provided in the home for those who had been required to self-isolate. Again, Bahraini citizens and non-Bahrainis had been treated equally.

30. There was no evidence of COVID-19 deaths in detention centres. In fact, within detention centres, the authorities had implemented health plans that included awareness-raising activities and the provision of information about the virus and the requirement to self-isolate. Treatment capacity in prisons and detention centres had significantly increased. Few prisoners had been infected with COVID-19, and of those, almost all had been vaccinated. The entire prison population had been included in the vaccination campaign.

31. **A representative of Bahrain** said that the Citizenship Act stipulated that all foreign nationals could apply for Bahraini citizenship, provided they had lived in Bahrain for 25 consecutive years, or 10 consecutive years for those from Arab countries. Applicants must be of good moral standing and must have registered as a foreign national with the authorities. Race, ethnicity and religion had no bearing on the outcome of an application. All foreign nationals aged over 16 years must have a residency permit in order to reside in Bahrain. Foreign nationals whose application to extend their residency permit had been refused could appeal against the decision and were permitted to continue residing in Bahrain pending the outcome of the appeal.

32. Asylum applications were processed in accordance with the Alien (Migration and Residence) Act of 1965. The Minister for Foreign Affairs had recently signed a memorandum of understanding with UNHCR on the exchange of information on refugees and asylum-seekers. Refugees must meet the same conditions as foreign nationals to apply for citizenship.

Applications for citizenship could be refused when the applicant was deemed to pose a threat to national security, but refusals could be appealed.

33. The law had been amended to allow Bahraini women who were married to foreign nationals to pass on their nationality to their children. Bahraini nationals could be deprived of their citizenship if they joined the armed forces of another country or the public services of a country hostile to Bahrain, if they committed an offence abroad that was considered a crime in Bahrain or if they committed an act of terrorism. Decisions to revoke citizenship were subject to appeal.

34. **A representative of Bahrain** said that the Constitution prohibited discrimination of all kinds. A definition of racial discrimination consistent with the Convention had been included in a bill presented to the National Assembly. A committee had been established to review anti-discrimination law in consultation with all stakeholders, including the National Assembly. It had proposed the addition of an article to the Private Sector Labour Code prohibiting discrimination, including unequal pay, between Bahraini and non-Bahraini workers. Moreover, the Code had recently been amended to allow women to participate in certain categories of labour and to bring the retirement age for women into line with that for men.

35. **A representative of Bahrain** said that the Ministry of Education had included respect for human rights and diversity in the national curriculum for all year groups. Textbooks had been amended accordingly and age-appropriate learning material had been developed in consultation with the United Nations Educational, Scientific and Cultural Organization. Training was provided to teachers to enable them to deliver content on human rights and diversity.

36. **A representative of Bahrain** said that the Government had recently established a golden visa scheme under which foreign nationals who invested in Bahrain and met certain conditions could reside in the country for extended periods. The scheme dovetailed with the Bahrain Economic Vision 2030. Family members of golden visa holders were also permitted to reside in Bahrain.

37. The Ministry of the Interior had established a working group comprising various Government agencies, civil society organizations and human rights defenders to discuss ways of combating trafficking in persons. It had also taken steps to raise awareness of that scourge. All complaints of trafficking in persons were referred to the relevant authorities. Act No. 1 of 2008 on combating trafficking in persons criminalized trafficking and provided for the payment of compensation and the provision of support to all victims. Information on the help available to victims, including medical and psychological support and legal aid and advice, was published in a range of languages.

38. **Ms. Li** asked whether the State party had taken any special measures within the meaning of article 1 (4) of the Convention and whether it planned to ratify the Convention relating to the Status of Refugees.

39. **Mr. Guissé** said that it would be useful to know which specific institutions were tasked with combating discrimination in the State party. He would be interested to hear why foreign nationals from non-Arab countries were required to reside in Bahrain for 25 years before applying for citizenship, as opposed to 10 years for foreign nationals from Arab countries. He wondered whether migrant workers with grievances could submit complaints and, if so, how those complaints were followed up. Lastly, he would be grateful to know what steps the State party was taking to promote the rights of persons of African descent.

40. **A representative of Bahrain** said that the Government would need to conduct further research before acceding to the Convention relating to the Status of Refugees. He himself had in recent weeks attended a series of international conferences on the protection of refugees. Foreign nationals who were not from Arab countries could qualify for citizenship without having to reside in Bahrain for 25 years if they were highly qualified or made a significant contribution to national development.

41. **Mr. Bucheeri** (Bahrain) said that legal remedies were available to all migrant workers; they could lodge complaints and claim their rights through the justice system on an equal footing with Bahraini citizens. There was no discrimination against foreigners in the labour

market, and the Labour Market Regulatory Authority would assist any workers in taking legal action if they failed to receive wages or other benefits. Migrant workers were also assisted by non-governmental organizations and other associations and had access to a hotline run by the Ministry of Labour and Social Development, as well as grants. They could participate in social, cultural and educational activities and had the freedom to practise their religion.

42. **The Chair** said that she would welcome a response to the questions on persons of African descent. All States, including those that were not home to large numbers of persons of African descent, should contribute to promoting their rights.

43. **Ms. Stavrinaki** said that she wished to know how the State party understood the principles of equality and non-discrimination. The Convention provided for substantive equality that went beyond formal equality. She would welcome information on any special measures adopted to bring it about.

44. **Ms. Esseneme** said that it would be useful if the State party could share with the Committee the proposed definitions of racial discrimination being considered for inclusion in the bill on combating racial discrimination so that it could make suggestions for their alignment with the definition contained in the Convention.

45. **Mr. Rayess** said that women must be included in the delegations received by the Committee. It was clear that the State party was attentive to events in other Arab countries. He looked forward to further progress in the region.

46. **Mr. Bucheeri** (Bahrain) said that persons of African descent must be protected. That group had become an integral part of Bahraini society, which, despite its diverse nature, was extremely cohesive; distinctions were not made based on origin. Furthermore, the Government did not disaggregate data based on ethnicity or race, although it did record non-citizens' countries of origin. The Committee's concluding observations would inform the bill on combating discrimination, and its advice on the definition of discrimination, which must align with existing legislation, would be welcome.

47. **A representative of Bahrain** said that under the law, Bahraini citizens were persons born in Bahrain, and citizenship was granted to the children of Bahraini women in specific circumstances. That legislation did not, therefore, discriminate against women, and it also served to prevent statelessness. The children of Bahraini women who were married to foreign men received their father's nationality, and several measures had been adopted to ensure that they could access education, health and other services on an equal footing with Bahraini children. For example, they had access to health insurance, and their school fees were the same as for Bahraini nationals. Residence permits could be issued to the foreign family members of Bahraini citizens, in line with applicable legislation. Under the Family Code, which was based on Islamic sharia, disputes could be settled by the Court of Cassation or resolved amicably. Family courts had also been established in an effort to improve transparency. Extensive legislative amendments had been made with regard to family status and the promotion of women's participation in national development.

48. **The Chair** said that the number of women in the State party's delegation was commendable.

49. **Ms. Li** said that the information provided during the interactive dialogue would assist the Committee in drafting its concluding observations, and she hoped that the State party would appear before the Committee regularly in the future.

50. **Mr. Guissé** said that the State party's diversity represented both an opportunity and a challenge, which the State party should continue to address.

51. **Mr. Bucheeri** (Bahrain) said that the diversity of Bahraini society was a source of pride and inspired efforts to incorporate the Convention and other international human rights instruments into the country's legislation and practice. Despite its small size, his country had welcomed and integrated many persons seeking refuge, and while that process had entailed many challenges, it had also presented an opportunity for improvement. The Bahraini Constitution and legislation reflected the cohesion of Bahraini society and had the aim of eliminating and combating racial discrimination, and the Government stood ready to work with the Committee to ensure that the bill on combating racial discrimination would be

comprehensive and modern. The Government would also continue to promote the Convention, which could be invoked by the courts, and build on its achievements in the areas of legislation and policy.

*The meeting rose at 12.50 p.m.*