



Economic and Social Council

Distr.: General
3 March 2022

Original: English

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

Summary record of the 19th meeting

Held at the Palais des Nations, Geneva, on Friday, 25 February 2022, at 11 a.m.

Chair: Mr. Abdel-Moneim

Contents

Consideration of reports (*continued*)

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

Initial report of Bahrain (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 11.10 a.m.

Consideration of reports *(continued)*

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

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

1. *At the invitation of the Chair, the delegation of Bahrain joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting with the State party.
3. **Mr. Bucheeri** (Bahrain), speaking via video link, said that Bahrain had an open society committed to the peaceful coexistence of all its communities; it would not tolerate discrimination against any of them. It had a long tradition of inclusiveness, and the principle of non-discrimination was enshrined in its Constitution. All citizens therefore had equal rights and obligations without any distinction based on religion, race or origin. For that reason, no provision was made for the collection of statistics or data on a given community. By law, everyone had an equal right to work, health services, education, housing and social security. The country's legal system was just and enabled any person who considered that they had been a victim of discrimination to file an appeal. The High Coordinating Committee for Human Rights could also refer a case of alleged discrimination to the courts.
4. **Mr. Almanea** (Bahrain), speaking via video link, said that all residents of Bahrain, all foreign workers in both the public and the private sector and even foreign workers in an irregular situation in the country were entitled to receive health services. In fact, health service provision had been increased to meet the demand from foreign workers, who made up 50 per cent of the total population. Foreigners had accounted for no more than 30 per cent of the persons treated for coronavirus disease (COVID-19) or of related deaths. Free health-care services for foreign workers during the pandemic covered intensive care, vaccination, emergency treatment and tests. Social distancing had been respected. A choice of four different types of vaccine had been offered to minors, and parents could choose whether or not to have their children vaccinated. There had been no mandatory confinement in Bahrain and economic activities had continued. The airport was open and anyone could enter the country unless they tested positive for the virus.
5. **Ms. Alasmi** (Bahrain), speaking via video link, said that, pursuant to the country's labour legislation, employers were obliged to pay their workers' wages, unless the Ministry of Labour and Social Development decided that they had good reason not to do so. The law had been amended to establish a list of jobs which could not be done by pregnant women or women in general and a ban on night work for women.
6. With regard to the consequences of the COVID-19 pandemic, a package of measures had been put together to assist the private sector and protect the labour market. The Government had undertaken to pay workers' wages in full between April and June 2020 and at 50 per cent for a further three months in the hardest hit sectors. The grace period for renewing residence permits had been extended for three months as from April 2021. A project had been launched to help small and medium-sized enterprises recruit workers. Stallholders in central markets and tenants of small shops had not been required to pay rent, and companies in the tourism sector had been exempted from tax for three months. In addition, the Government had paid the water and electricity bills of all those businesses for three months as from April 2020. The Ministry of Labour and Social Development had taken steps to avoid layoffs and protect workers' rights. A review had been conducted of the worst affected sectors to assess the consequences of the pandemic and a team had been set up to respond to complaints. Civil servants who faced redundancy had been able to take early retirement. The Ministry maintained a register of persons who had been laid off and ensured that they rapidly received payment of unemployment benefit amounting to 60 per cent of their wages. The number of layoffs had been 19 per cent lower in 2020 than in 2019.
7. As far as workers' rights were concerned, the law drew no distinction between Bahraini nationals and foreigners. All workers could turn to the Ministry of Labour and

Social Development to have any disputes resolved. If a dispute could not be settled out of court, the case could be referred to a labour court. If an employer failed to pay an amount of money agreed in an out-of-court settlement, the aggrieved party could appeal to the court for enforcement of the decision. The Ministry had settled 269 disputes in 2019, 1,200 in 2020 and 1,409 in 2021. Trade unions could submit collective complaints to the Ministry, which would then hold negotiations with the employers concerned. It had achieved out-of-court settlements for 14 such complaints in 2020 and for 15 in 2021.

8. The unemployment rate had been 4.7 per cent in 2019 and 5.9 per cent in 2021. First-time job seekers and workers with an official contract who had been laid off for other than disciplinary reasons were covered by social security arrangements for nine months

9. **Ms. El-Sayed** (Bahrain), speaking via video link, said that the Social Rehabilitation Department of the Ministry of Labour and Social Development provided a package of rehabilitation measures for persons with disabilities that included training and professional services. Over 200 students were being trained in five centres run by the Ministry. Private centres received technical and logistical support. A total of 41 rehabilitation centres were providing training for more than 1,400 students. In-person teaching at the centres had been suspended and classes had been provided remotely as from February 2020 owing to concerns for the students' safety during the pandemic. However, in view of the specific needs of students with disabilities and the lack of specialized assistance with communication technology, measures had been taken to ensure that the centres could resume their in-person activities, allowing a maximum of six pupils per class. Rehabilitation services had been resumed in June 2020 after a suspension of no more than three months. Students with disabilities could receive scholarships for courses at the centres run by the Ministry. A mobile centre offered rehabilitation services in the home. During the pandemic, some 150 persons with disabilities had received free driving lessons. A sum of 250,000 dinars had been allocated to a centre that cared for children with cerebral palsy. Persons with disabilities had received financial assistance throughout the pandemic. In 2020, over 2,000 applications for such aid had been granted.

10. The Ministry had put in place employment policies designed to ensure equal opportunities for men and women with disabilities. To that end, it had undertaken to provide rehabilitation and employment opportunities under programmes run by the Tamkeen Labour Fund. The aim of the programmes was to ensure that persons with disabilities had better access to the labour market through professional training and psychological support and to harness their skills by finding them suitable jobs that would allow them to flourish in society.

11. **Ms. Janahi** (Bahrain), speaking via video link, said that, pursuant to article 3 of the 2021 Act on Restorative Justice for Children, the 1976 legislative decree on juveniles, in which young persons in conflict with the law had been considered as delinquents, had been repealed; as a result, children were now treated as children, and their rights were better protected. The 2021 Act provided for the proper care and treatment of children in line with the Constitution and international treaties, in particular, the Convention on the Rights of the Child and its optional protocols. Restorative justice centres took in children over 15 years of age who had committed criminal offences. Pursuant to a decision by the Ministry of Justice and Islamic Affairs, a judicial committee had been established to enforce the necessary safeguards for children in accordance with the Code of Criminal Procedure; the committee members included psychology experts of both sexes. Children under 15 years of age could not be held criminally responsible, and the committee could propose alternative penalties for at-risk children. In August 2021, the Ministry of Justice and Islamic Affairs had appointed social and psychological experts to enhance the protection of children, and a mechanism had been established specifically to protect children against abuse. The Ministry of Labour and Social Development had adopted a decision on the introduction of educational and social programmes to protect children against abuse and exploitation.

12. **Mr. Hennebel**, recalling that the constructive dialogue was meant primarily to allow the Committee and the delegation jointly to identify and find solutions to problems involving human rights violations in the State party, said that the Committee would like more information about the specific challenges the State party faced in fulfilling its obligations under the Covenant. It would be grateful for more detailed answers to the questions raised at the previous meeting with regard to the repression of certain demonstrations, discrimination

against lesbian, gay, bisexual, transgender and intersex persons and violations of the rights of human rights defenders. He wished to note that there had been little or no follow-up in relation to the individual communications involving the State party received by several United Nations bodies.

13. **Mr. Bucheeri** (Bahrain) said that his delegation understood that the constructive dialogue must be open, transparent and objective so as to further advance human rights in Bahrain. While the Government had made significant progress in the realization of human rights, especially those enshrined in the Covenant, there were some areas that required more focused attention. He wished to note that all the individual communications involving Bahrain, including those submitted by or on behalf of human rights defenders, had been followed up without delay.

14. **Ms. Al-Saati** (Bahrain), speaking via video link, said that the kafalah system had been abolished in Bahrain in 2006 and a more flexible system established. Foreign workers could work in Bahrain once they had been issued a work permit, on the basis of an agreement with an employer; they then had the right to freedom of movement within Bahrain without the employer's prior authorization. Any employer found to have confiscated passports in order to restrict workers' freedom of movement could face penalties. Recruitment agencies were subject to regular inspections with a view to affording foreign workers protection against abuse and exploitation, and workers had the option to file formal complaints with the justice system. Workers could contact the embassies of their countries of origin and civil society representatives at any time. They also had the possibility of registering with the authorities, on a voluntary basis. They had the right to an equitable salary and a hotline was available to them at any time for advice. Programmes had been introduced to make emergency accommodation and travel available to foreign workers. Finally, awareness-raising campaigns were being conducted with civil society organizations to ensure that foreign workers knew about the services available to them.

15. **Mr. Amarti** said that he would welcome data on the number of beneficiaries of social assistance and the number of women victims of domestic violence in 2019 and 2020; the number and description of beneficiaries of the Karama Home; and the type of social assistance services afforded to families in need. He would welcome statistical data on the cases of domestic violence recorded in 2019 and 2020 and those which had been prosecuted in court, and information on the impact of Act No. 17 of 2015 on protection against domestic violence on the number of cases of violence against women that had been reported. It would be useful to learn about the State party's challenges in combating domestic violence. It would be interesting to learn whether the bill to amend article 2 of Act No. 74 of 2006 on persons with disabilities had been adopted and, if so, what measures had been included on children with disabilities and whether those measures were compatible with the Convention on the Rights of Persons with Disabilities.

16. He would like to know the legal minimum age for marriage and whether it was observed in practice. It would also be useful to learn whether penalties were provided for in cases where practice ran counter to the law and whether the Government had taken steps to address early and forced marriage.

17. He would appreciate clarification as to whether the minimum age for employment was 15 or 16 years. The policies, strategies and projects on the protection of children presented in the report were commendable; however, it would be useful to have more detailed information on the actual impact of those measures.

18. According to the report, extreme poverty did not exist in the State party, as basic services – particularly education and health care – were available to all, free of charge. Nevertheless, the Committee had received information that, in 2020, some 10,000 people were living in substandard housing. Updated statistics on the poverty rate and the assessment criteria used to calculate it would be appreciated. As for access to housing, the Committee would like to know whether, despite the legal framework that prohibited all forms of discrimination, some ethnic and religious communities had trouble in gaining access to housing under the same conditions as others.

19. He wished to know the number of doctors per head of population and the proportion of them who worked in the public and the private sectors. He wondered whether the bill on

artificial insemination and fertilization had been adopted, whether it was being applied in practice and whether any difficulties had been encountered with respect to its implementation. He would appreciate more details on the progress made, challenges faced and shortcomings identified in the area of mental health. Was the Government considering any measures to allow migrant workers to enjoy the highest attainable standard of mental health and did it have plans to introduce a mental health monitoring system that would cover migrant workers? He would like to hear the delegation's response to reports that the presence of security forces in health-care facilities intimidated vulnerable persons and hindered their access to health care.

The meeting was suspended at 12.20 p.m. and resumed at 12.30 p.m.

20. **Mr. Almoayed** (Bahrain), speaking via video link, said that the 2017 Unified Family Code included provisions to harmonize and facilitate judicial procedures and set out the legal requirements for marriage and the principles of women's rights and the equality of spouses in marriage. The minimum legal age for marriage of 16 years was always observed, except in the case of exemptions permitted by the family courts following consideration of the circumstances of both spouses and in accordance with the applicable law on children's rights. The average age of marriage had increased in recent years, to 24 years for women and 27 years for men.

21. Under the National Strategy for the Protection of Women from Domestic Violence, which set out implementing measures for the Domestic Violence Act, prevention efforts had increased, victim support services had been improved and online awareness-raising campaigns had been launched. Pursuant to a royal decree, separate premises had been provided for the family courts. A female judge presided over a centre attached to the Court of Cassation, which offered protection and psychological, social and legal support to women victims of violence. Police stations in all regions had established units for the protection of women and children, which examined complaints about domestic violence and ensured that women received appropriate services tailored to their family circumstances.

22. The number of users of family reconciliation services, which included many women, had increased since 2017. The number of complaints received by women's support centres had decreased, as had the number of female beneficiaries of social welfare programmes, which pointed to the success of programmes to promote women's empowerment and economic independence. Furthermore, the number of Bahraini women getting married had increased in recent years, indicating the stability of the institution in the country.

23. **Ms. Janahi** (Bahrain) said that the Al-Aman Home, which was managed by a non-governmental organization, provided protection for female victims of domestic violence. The organization carried out awareness-raising activities and offered temporary shelter, a 24-hour hotline, medical and psychological services and information on ways to seek assistance. Family counselling provided by the Ministry of Social Development was available.

24. The Child Protection Centre received complaints concerning abuse of children and would soon begin operating a shelter for children subjected to violence in the home. The Centre also provided social and educational services, including vocational training courses, to help children to overcome trauma and adapt to society. The Centre took an inter-agency approach, with the involvement of all relevant ministries and law enforcement authorities to ensure that children had access to all necessary services. To prevent revictimization, children were interviewed only once at the Centre. Juvenile justice was administered through the family courts, which handed down alternative sentences to be enforced by the Centre.

25. **Ms. Al-Mannai** (Bahrain), speaking via video link, said that the Ministry of Housing offered housing assistance, allocated on a first come, first served basis, to all low-income citizens. A cash payment was issued immediately upon application and temporary accommodation was provided to those on the waiting list. The housing provided was in four-bedroom units that met quality standards and was located in real communities developed on the basis of sound urban planning. A majority of the families in Bahrain were beneficiaries of housing services offered by the Ministry.

26. **Mr. Almanea** (Bahrain) said that Bahrain had 35 doctors per 10,000 population and aimed to reach the goal of 1 doctor per 1,500 population. The country had a high number of

nurses per capita, most of whom were Bahraini nationals. The Supreme Council for Health ensured unified governance of health services in the public and private sectors. Seventy per cent of health-care services were provided through the public sector, except in the case of dentistry, for which the figure was 40 per cent. Medical records had been digitized and could be accessed using a unique identification number from any health-care facility in the country. The Social Security Act and the Social Insurance Act provided an integrated legal framework for all health-care facilities. Pursuant to the Health Insurance Act, private facilities were required to be integrated in the overall health system and provide high-quality services.

27. The law on artificial insemination and fertilization had been adopted in 2017 and had led to a reduction in the risk faced by women by introducing standards in previously unregulated areas such as fertilization methods, the number of embryos that could be implanted, fertility treatment for women with chronic diseases and the ethics of surrogacy. A royal decision on improving and increasing the availability of mental health services had been issued in 2021. A new bill on mental health had been adopted by the Government and sent to the Consultative Council. Mental health services were available to children of all ages, in schools and clinics. A full range of inpatient services, including addiction treatment, was offered. Further statistics on mental health in Bahrain would be provided in writing.

28. **Mr. Adilov** (Country Task Force) said that he would like to know whether Shia students in public schools had access to the Shia teachings in religious education classes. He would be interested to hear about the type of support available to students and how it created an enabling environment to give women, persons with disabilities and persons from the Shia minority access to scientific research.

29. He wished to receive statistics on the number of women, non-Muslim and Shia students enrolled in public schools. Information would be welcome on the Government's policy on inclusion, the measures put in place to ensure that children with disabilities had access to inclusive education and the school dropout rates among children with disabilities. He would also like to know whether the State party had a strategy to limit the arbitrary detention of children in conflict with the law and to develop effective rehabilitation programmes to facilitate their reintegration into society.

30. It would be useful to have information about the national policies and measures put in place to ensure that children had continuous access to education during the COVID-19 pandemic, including during periods of lockdown. He would appreciate a response to reports that children with disabilities, women and Shia students had been excluded in that context.

The meeting rose at 1 p.m.