



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined eighth to fourteenth periodic reports of Bahrain*

1. The Committee considered the combined eighth to fourteenth periodic reports of Bahrain,¹ submitted in one document, at its 2933rd and 2934th meetings,² held on 17 and 18 November 2022. At its 2949th and 2950th meetings, held on 29 and 30 November 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined eighth to fourteenth periodic reports of the State party, but regrets that the document was submitted twelve years late. The Committee also welcomes the open and constructive dialogue with the high-level delegation and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports and after the dialogue.

B. Positive aspects

3. The Committee welcomes the State party's accession to or ratification of the following international instruments:

- (a) The International Covenant on Civil and Political Rights, in 2006;
- (b) The International Covenant on Economic, Social and Cultural Rights, in 2007;
- (c) The Convention on the Rights of Persons with Disabilities, in 2011.

4. The Committee also welcomes the following legislative and policy measures taken by the State party:

- (a) The adoption of Act No. 26 of 2014 on the establishment of the National Institution for Human Rights, and the amendments thereof in 2016;
- (b) The establishment of the High Coordinating Committee for Human Rights, by Prime Ministerial Decree No. 50 of 2012;
- (c) The adoption of the Private Sector Employment Act, promulgated by Act No. 36 of 2012;
- (d) The adoption of Act No. 1 of 2008 on combating trafficking in persons;
- (e) The adoption of the National Human Rights Plan (2022–2026).

* Adopted by the Committee at its 108th session (14 November–2 December 2022).

¹ CERD/C/BHR/8-14.

² See CERD/C/SR.2933 and CERD/C/SR.2934.



C. Concerns and recommendations

Data collection

5. The Committee regrets the persistent absence of comprehensive statistics on the ethnic composition of the population, both Bahraini nationals and non-citizens, such as asylum-seekers, refugees, stateless persons and migrants, including disaggregated economic and social indicators (arts. 1 and 5).

6. **Recalling its guidelines for reporting under the Convention,³ the Committee recommends that, in its next periodic report, the State party provide statistics on the ethnic composition of the population, including asylum-seekers, refugees, stateless persons and migrant workers, and on the enjoyment of economic, social and cultural rights, disaggregated by ethnic origin and by national origin, in order to provide the Committee with an empirical basis for evaluating the equal enjoyment of rights under the Convention.**

Domestic application of the Convention

7. While noting the State party's explanation that the Convention has the force of domestic law, the Committee regrets the fact that the Convention has not been invoked by domestic courts, and the absence of information on measures taken to increase the visibility of the Convention among the population and on the impact thereof. The Committee also regrets the lack of information on how potential conflicts between domestic laws and the Convention are resolved (art. 2).

8. **The Committee recommends that the State party take appropriate measures, including through training, to ensure that judges, prosecutors, lawyers and law enforcement officials are sufficiently familiar with the provisions of the Convention to be able to invoke or apply them, as appropriate. The Committee requests the State party to include in its next periodic report specific information on the implementation of the Convention by domestic courts.**

Legal framework for combating racial discrimination

9. The Committee notes the general legislative framework of the State party on non-discrimination. Nevertheless, the Committee is concerned that the legislation lacks a harmonized and comprehensive definition of racial discrimination and a specific provision prohibiting direct and indirect racial discrimination on all the grounds provided for in article 1 of the Convention. The Committee is concerned that the reported draft definition contained in the bill on combating discrimination, hatred and sectarianism does not explicitly include direct and indirect racial discrimination based on all grounds, as stipulated in the Convention, such as "colour" and "descent" (arts. 1–2 and 5).

10. **Reiterating its previous concluding observations,⁴ the Committee recalls its general recommendation No. 14 (1993) on article 1 (1) of the Convention and recommends that the State party incorporate into national law a definition of racial discrimination that is fully in accordance with that article and ensure that its legislation prohibits direct and indirect racial discrimination.**

Special measures

11. The Committee remains concerned about reports regarding the situation of members of some groups, in particular certain Shia communities, namely the Ajam and Baharna communities, that may be distinguishable by virtue of their tribal or national origin, descent, culture or language, and migrant workers, who reportedly face persisting discrimination in enjoying their human rights, particularly in gaining access to education, employment and in exercising their cultural rights. The Committee is also concerned about the lack of

³ CERD/C/2007/1.

⁴ CERD/C/BHR/CO/7, para. 11.

information on special measures taken by the State party to address the structural discrimination faced by those groups (arts. 2 and 5).

12. Recalling its previous concluding observations⁵ and its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party take all the special measures necessary to address the existing structural discrimination faced by those groups in the enjoyment of their rights, in conformity with articles 1 (4), 2 (2) and 5 of the Convention.

National human rights institution

13. While noting the establishment of and the measures taken to strengthen the National Institution for Human Rights, the Committee is concerned that it remains accredited, since May 2016, with B status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, owing to the lack of independence from the Government in its structure, composition, decision-making and method of operation and the absence of a transparent selection and appointment process, and that it has not yet attained the independence required to perform its functions (art. 2).

14. The Committee recommends that the State party continue to strengthen the independence of the National Institution for Human Rights to ensure that it is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that it is able to carry out its mandate fully, effectively and independently.

Complaints of racial discrimination and access to justice

15. The Committee regrets the absence of cases of racial discrimination in which the Convention has been invoked in national courts. It also regrets the lack of detailed information on racial discrimination complaints filed to all relevant authorities in the State party, such as the numbers, types and outcomes of complaints filed (arts. 6–7).

16. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee requests the State party to provide information in its next periodic report on cases of racial discrimination and cases in which the Convention has been invoked in national courts, including statistics on the number and types of complaints of racial discrimination and on the number of prosecutions and convictions of perpetrators, disaggregated by the age, gender and ethnic and national origin of the victims, and information on compensation granted to victims. The Committee reminds the State party that a lack or a low number of cases or complaints does not signify the absence of racial discrimination in the State party, but rather may signify that barriers exist with regard to invoking the Convention before the domestic courts, including lack of public awareness of their rights under the Convention and of the methods available for seeking judicial remedies. The Committee therefore recommends that the State party undertake public education campaigns on the rights under the Convention and on how to file complaints of racial discrimination and labour violations, in particular among non-citizens, including migrant domestic workers and other migrant workers, and continue efforts to ensure access to judicial remedies.

Racist hate speech and hate crimes

17. The Committee notes the efforts of the State party to combat racist hate speech. It is concerned, however, that article 172 of the Criminal Code does not include all the acts specified in article 4 of the Convention, in particular the dissemination of ideas based on racial superiority or hatred, incitement to violence or incitement to racial violence, and participation in racist organizations and racist propaganda activities. In addition, the Committee is concerned that the requirement under article 172 that the act be committed “publicly” may weaken the provision’s application. The Committee is concerned that, despite the reported widespread practice of hate crimes motivated by racist bias in the State party,

⁵ Ibid., para. 16.

there was a lack of detailed information on the implementation and impact of legal provisions prohibiting hate crimes and hate speech, including disaggregated data on complaints, investigations, prosecutions and sentences. The Committee is also concerned that, in the absence of an explicit provision and jurisprudence, article 75 of the Criminal Code may not constitute a legal basis for racist motives to be considered as an aggravating circumstance for criminal acts (art. 4).

18. In the light of its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party bring its legislation on racist hate speech and hate crimes into full compliance with article 4 of the Convention. The Committee also recommends that, in its next periodic report, the State party provide detailed information about the implementation of legislation prohibiting hate crimes and hate speech, including disaggregated data on complaints, investigations, prosecutions and sentences. The Committee further recommends that the State party recognize racist motives as an aggravating circumstance for all acts criminalized under the Criminal Code.

Civil society organizations

19. While noting the preparation by the State party of a new law on civil society organizations, the Committee is concerned about reports that the activities of human rights organizations are restricted and obstructed through restrictive interpretation of legislation. The Committee is also concerned about legislation allowing the Ministry of Labour and Social Development to intervene directly in the internal affairs of such organizations by replacing their boards, denying their registration or withdrawing their operating licences (art. 5).

20. The Committee recommends that the State party ensure an open space for the operation of civil society organizations engaged in the promotion and protection of human rights, including in the prohibition of racial discrimination, and amend legislation allowing interference by the Government in the internal affairs of civil society organizations and limitations on the ability of such organizations to operate, with a view to facilitating the work of human rights defenders.

Nationality rights

21. The Committee remains concerned that Bahraini women married to foreign men still cannot confer their nationality on their children, increasingly leaving their children vulnerable to statelessness and depriving them of the equal enjoyment of basic rights, and it regrets that the draft amendments to the Citizenship Act in that respect, under discussion since 2014, have still not been enacted. The Committee is also concerned that a foreign national married to a Bahraini woman cannot obtain Bahraini nationality in the same manner as a foreign woman married to a Bahraini man. The Committee is further concerned that, in order to have access to citizenship, non-Arab applicants must reside in Bahrain for a period of 25 years, while the required period for ethnic Arab applicants is 15 years (arts. 2 and 5).

22. In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, especially paragraph 16 on reducing statelessness, in particular statelessness among children, the Committee recommends that the State party expeditiously bring its legislation into line with the Convention by amending its Citizenship Act to eliminate provisions that discriminate against foreign nationals married to Bahraini women and against the children of Bahraini women married to foreign nationals, and add provisions allowing Bahraini women to transmit their nationality to their foreign-national spouses and to their children from birth, on an equal footing with men. The Committee also recommends that the State party ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship compared to others.

Statelessness

23. Despite the restoration of citizenship for a certain number of persons, the Committee remains concerned about reports that there are still numerous persons, including human rights

defenders, political activists and religious scholars, whose nationalities were revoked for national security reasons but have yet to be restored, leaving many of them and their children stateless. Noting the State party's assertion that all Bidoon have been provided with citizenship, the Committee remains concerned, however, about reports that a high number of Bidoon still live in the territory of the State party without citizenship despite their eligibility for naturalization, which deprives them of equal access to social services, other basic rights and civil documentation, including birth registration documents. The Committee regrets that the State party has not ratified the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness (art. 5).

24. The Committee recommends that the State party revise the Citizenship Act, including its provisions on deprivation of nationality, to ensure that its application does not result in statelessness and that the Government cannot revoke the citizenship rights of persons exercising their fundamental rights, including the rights to freedom of expression, assembly and association, with a view to preventing statelessness, and consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. The Committee also recommends that the State party find a durable solution to the problems faced by Bidoon, including by considering naturalizing all those who have lived in Bahrain for long periods and have a genuine and effective link to the country. The Committee further recommends that the State party put into place immediate administrative procedures to allow all stateless persons, including Bidoon, to have effective access to basic human rights and to obtain official documents, including birth registration documents.

Refugee protection

25. The Committee is concerned about the absence of legislation or administrative regulations governing the status of asylum-seekers or refugees in the State party, which may subject asylum-seekers to racial discrimination in the enjoyment of basic human rights and to the risk of refoulement (art. 5).

26. The Committee recommends that the State party adopt national asylum legislation in accordance with international standards. The Committee requests that the State party ensure the effective protection of asylum-seekers and refugees and submit detailed information in its next periodic report on the actual enjoyment by asylum-seekers and refugees of the rights set out in the Convention. The Committee also recommends that the State party consider acceding to the Convention relating to the Status of Refugees and the Protocol thereto.

Migrant workers

27. The Committee welcomes the institutional and legislative steps taken by the State party to safeguard the rights of migrant workers. However, the Committee is concerned that:

(a) There is a lack of information demonstrating that legislation to protect migrant workers is routinely enforced and that employers are held accountable for violations;

(b) Migrant workers reportedly continue to face abuse and exploitation, such as the non-payment of wages and the confiscation of passports, and to face discrimination in employment; and their access to adequate housing, education, and health care and services is limited;

(c) The sponsorship system continues to persist in practice, rendering migrant workers vulnerable to exploitation and abuse;

(d) The flexible permit system introduced in 2017 to replace the sponsorship system is reportedly not accessible to all workers owing to overly restrictive conditions, especially for low-income workers because of its high costs;

(e) There is a lack of information on the outcome of complaints by migrant workers and on how effectively the complaints are addressed (arts. 5–6).

28. **The Committee recommends that the State party:**

(a) **Ensure that all measures to protect migrant workers are fully enforced and that those accountable for violations are punished, and provide information on the implementation of such measures;**

(b) **End the remnants in practice of the sponsorship system and related practices that expose migrant workers to abuse and exploitation;**

(c) **Ensure that passports are not confiscated, and that employers who do so are effectively held accountable;**

(d) **Ensure that migrant workers have full access to complaints mechanisms and appropriate remedies for violations of their rights, and provide information on the outcome of complaints;**

(e) **Strengthen its efforts to remove barriers to non-discriminatory enjoyment by migrant workers of their economic, social and cultural rights, notably in the areas of access to education, housing, employment, and health care and services.**

Migrant domestic workers

29. Despite the State party's efforts to improve the conditions of migrant domestic workers, who are mostly women, the Committee remains concerned that migrant domestic workers do not fully benefit from the statutory protection guaranteed by the Private Sector Labour Code, which makes them highly vulnerable to abuse and exploitation and may impede their access to judicial and non-judicial remedies for related human rights violations. The Committee is also concerned about reports that migrant domestic workers continue to face difficult working conditions, including forced labour, non-payment of wages, confiscation of passports and debt bondage, and about the lack of information on how domestic workers can claim their rights and on the complaints lodged and their outcomes. The Committee is further concerned about the lack of information demonstrating the effective implementation of measures to protect female migrant domestic workers from sexual harassment and abuse, which is reportedly a continuing and widespread problem (arts. 5–7).

30. **The Committee recommends that the State party:**

(a) **Ensure that the employment of migrant domestic workers is regulated under the Private Sector Labour Code, that all existing legal provisions to protect them from exploitative labour practices, sexual harassment and physical and any other abuse are enforced effectively and that they have effective access to judicial and non-judicial remedies for related human rights violations;**

(b) **Ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO);**

(c) **Provide detailed information in its next periodic report on the implementation of laws to protect migrant domestic workers from exploitative labour practices, including data on the numbers, types and outcomes of the complaints filed by migrant domestic workers.**

Trafficking in persons

31. While noting the efforts of the State party to prevent and prosecute trafficking in persons, including through increased labour inspections, bilateral cooperation with countries of origin, and the provision of psychological assistance to and physical protection for victims, the Committee remains concerned that the State party continues to be a destination country for persons trafficked for forced labour and, in some cases, forced prostitution. The Committee is also concerned about reports that procedures to identify persons at risk of trafficking among vulnerable groups are not effectively utilized in practice (art. 5).

32. **The Committee recommends that the State party continue to step up its efforts to eliminate trafficking in persons, including through the enforcement of laws and strategies to ensure that all cases of trafficking are investigated, that perpetrators are prosecuted and that appropriate penalties are imposed on perpetrators. The Committee**

also recommends that the State party reinforce inspections and increase its cooperation with countries of origin and neighbouring countries to identify persons at risk of trafficking among vulnerable groups.

Training courses on racial discrimination

33. The Committee notes with appreciation the information on the regular review of educational curricula and the training provided to teachers and students on tolerance, peace and coexistence. It is concerned, however, at the lack of updated, detailed information about the training courses conducted specifically on the prevention of racial discrimination and on the rights enshrined in the Convention for media professionals, law enforcement officials, judges, lawyers and representatives of State bodies, local government entities and relevant associations, and on the impact of such training programmes (art. 7).

34. **The Committee recommends that the State party continue its efforts with regard to education and training and conduct specific training courses for media professionals and State officials on the rights enshrined in the Convention, including specialized training courses on the prevention of racial discrimination. It requests that the State party provide updated, detailed information about such training courses and about their impact on efforts to eliminate racial discrimination in the State party.**

D. Other recommendations

Ratification of other treaties

35. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the ILO Domestic Workers Convention, 2011 (No. 189), the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Amendment to article 8 of the Convention

36. **The Committee recommends that the State party accept the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

Declaration under article 14 of the Convention

37. **The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.**

Follow-up to the Durban Declaration and Programme of Action

38. **In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

International Decade for People of African Descent

39. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

40. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

41. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including local authorities, and publicized on the website of the Ministry of Foreign Affairs, in the official and other commonly used languages, as appropriate.

Common core document

42. The Committee encourages the State party to update its common core document, which dates to 1 May 2019, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.⁶ In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

43. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 28 (a), (c) and (d) (migrant workers), 30 (a) (migrant domestic workers) and 32 (trafficking in persons) above.

Paragraphs of particular importance

44. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 10 (legal framework for combating racial discrimination), 12 (special measures), 18 (racist hate speech and hate crimes), 20 (civil society organizations) and 24 (statelessness) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

⁶ [HRI/GEN/2/Rev.6](#), chap. I.

Preparation of the next periodic report

45. The Committee recommends that the State party submit its combined fifteenth to eighteenth periodic reports, as a single document, by 26 April 2026, taking into account the reporting guidelines adopted by the Committee during its seventy-first session⁷ and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

⁷ CERD/C/2007/1.