



المؤسسة الوطنية لحقوق الإنسان
National Institution *for* Human Rights



**Parallel Report of the National Institution for Human Rights
on
The Combined Eighth to the Fourteenth Periodic Reports
With Regards to the Progress in Implementing Provisions of
the
International Convention on the Elimination of All Forms of
Racial Discrimination**

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Geneva - Swiss Confederation

Hotline 8000 11 44

Tel +973 17 111 666

Fax +973 17 111 600

eMail info@nihr.org.bh

PO Box 10808, Manama

Kingdom of Bahrain

www.nihr.org.bh



Table of Contents

First: Combating Racial Discrimination in the National Human Rights System in the Kingdom of Bahrain

Introduction	2
1. National Legislation	3
2. Strategies, Action Plans and Initiatives	6
3. Practical Reality	7

Second: Combating Racial Discrimination in the Work System of the National Human Rights Institution

1. Efforts of the National Human Rights Institution in Promoting the Right to Equality and Combating Racial Discrimination	11
2. Efforts of the National Human Rights Institution in Protecting the Right to Equality and Combating Racial Discrimination	16

Final Recommendations	18
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Attachments	20
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Introduction

1. The National Institution for Human Rights in the Kingdom of Bahrain presents its Parallel Report on the Combined Eighth to the Fourteenth Periodic Reports with regards to the progress in implementing the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, to which the Kingdom of Bahrain acceded pursuant to Decree No. (8) of 1990.
2. NIHR appreciates the Kingdom's efforts in submitting its combined report - despite its late submission - based on its belief in the importance and effectiveness of this international mechanism towards everything that would promote and protect human rights at the national level, and in fulfillment of its international obligations arising from ratification and accession to international human rights instruments.
3. NIHR received requests from the Ministry of Foreign Affairs to provide it with information on Clause (6) of the list of issues made by the Committee on the Elimination of Racial Discrimination (CERD), information related to combating racism, racial discrimination, xenophobia and related intolerance, and information on United Nations General Assembly Resolution No. (157/72) regarding the global call for concrete action to eliminate racism, racial discrimination and xenophobia. NIHR has responded in detail to the three requests of the Ministry, particularly those connected to Clause (6) of the issues made by CERD¹.

¹ Annex: The response of the National Institution for Human Rights to the list of issues reported by the Committee on the Elimination of Racial Discrimination referred before the Kingdom of Bahrain submitted its Combined Eighth to the Fourteenth Periodic Reports regarding the Convention on the Elimination of All Forms of Racial Discrimination (November 2017).

4. NIHR presents its current parallel report, based on CERD's² concluding observations, Combined National Report³, and the list of issues reported by CERD⁴. It addresses the most prominent issues approved by the provisions of the Convention, which NIHR believes to have cast a shadow on the practical reality over the past years. NIHR made several recommendations that it considers appropriate in this regard.

(2) Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD) on the Combined Sixth to Seventh Periodic Report, Document No.: (CERD/C/BHR/CO/714).

(3) The Combined Eighth to Fourteenth Periodic Reports on the progress in implementing the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, Document No.: (CERD/C/BHR/8-14).

(4) List of issues referred prior to submitting the Combined Eighth to Fourteenth Periodic Reports of the Kingdom of Bahrain, document No.: (CERD/C/BHR/QPR/8-14).

First: Combating Racial Discrimination in the National Human Rights System in the Kingdom of Bahrain

1. National Legislation

- 1.1 The Kingdom of Bahrain has devoted great importance to the right to equality, non-discrimination and combating racial discrimination. This is evident in establishing this right in the Constitution. Article (18) of the Constitution states: **“People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed.”**

Right to Work:

- 1.2 Bahrain has taken clear legislative steps regarding combating racial discrimination, ensuring equality between workers and preserving their rights without discrimination, starting with the enactment of Decree Law No. (59) of 2018 amending some provisions of the Labor Law in the Private Sector promulgated by Law No. (36) of 2012, which provides for the addition of Article (2 bis), which states that: **“It is prohibited to discriminate among workers subject to the provisions of this Law on the grounds of gender, origin, language, religion or belief.”**
- 1.3 This was recently followed by the enactment of Decree Law No. (16) of 2021 amending some provisions of the Labor Law referred to above, which includes the addition of an explicit text stating that: **“It is prohibited to discriminate in wages between male and female workers in a work of equal value,”** which will have a significant impact on removing all forms of stereotyped forms of discrimination and guarantees the protection of the rights of women employed in various productive sectors.

- 1.4 By reviewing the provisions of the Labor Law in the Private Sector, it was noted that employed women are also granted the right to child care at the rate of two hours per day until the infant is six months of age, and a total of one hour per day until the infant is one year old, while women employed in the public sector enjoy the right to child care at the rate of two hours a day until the infant is two years old.

Right to Social Security:

- 1.5 The Social Security Law No. (18) of 2006 was enacted to guarantee the right of the elderly to enjoy an economic standard equal to other people through social assistance provided by the State to citizens to secure the minimum basic life requirements.

Right to Health:

- 1.6 The provisions of Law No. (1) of 2017 on the Protection of Society from Acquired Immune Deficiency Syndrome (AIDS) explicitly provide for the prohibition of all forms of discrimination and racism against people infected with this Virus. Article No. (2) of this Law stipulates that: **“People infected with the Virus shall exercise all the rights guaranteed by the constitution, international conventions ratified by the state, and the applicable laws. Every act or omission that constitutes discrimination against them, or leads to degrading their dignity, diminishing their rights, or exploiting them due to infection, regardless of their genders and ages, shall be prohibited”.**

Right to Form a Family:

- 1.7 For the purpose of equality between the legal positions of individuals, NIHR commends the enactment of Family Law No. (19) of 2017, as it fills the legislative void created by Law No. (19) of 2009 promulgating the Family Provisions Law (Section One),

which is applicable to individuals adhering to Sunni jurisprudence and does not extend to individuals adhering to Jaafari jurisprudence. This ensures that legal positions are equal among individuals and guarantees the protection of the family in society and the rules of justice and equity.

- 1.8 NIHR agrees with the legislative policy adopted by the government regarding the gradual implementation of raising the age of marriage to 18 years - despite the fact that the provisions of Family Law No. (19) of 2017 and related ministerial resolutions set the age of marriage for both genders at 16 years⁵. This policy will lead to a decrease in the percentage of marriages of those under the age of eighteen years in the coming years, which is confirmed by reality that indicates that the average age of marriage for females is 24 years⁶.

Right to an Adequate Standard of Living:

- 1.9 On the other hand, the Kingdom has paid attention to improving the standards of living of women by granting female employees social allowance, similar to male employees, by virtue of the Resolution of the Council of Ministers No. (77) of 2013 approving the Regulation of Determining Salaries and Employment Benefits and the Eligibility Controls for Employees Governed by the Civil Service Law.

(5) Resolution of the Minister of Justice, Islamic Affairs and Endowments No. (1) of 2016 regarding the list of Sharia Commissioners and the provisions for documenting instruments related to personal status (<http://www.legalaffairs.gov.bh/Media/LegalPDF/RJIW0116.pdf>), amended by Resolution No. (48) of 2016 (<http://www.legalaffairs.gov.bh/Media/LegalPDF/RJIW4816.pdf>), specifically Article No. (12) thereof: Legislation and Legal Opinion Commission website: <http://www.legalaffairs.gov.bh>

(6) Fourth Periodic Report of the Kingdom of Bahrain, under Article (18) of the Convention on the Elimination of All Forms of Discrimination against Women, Document No.: (CEDAW/C/BHR/4, Clause 201, (<https://undocs.org/ar/CEDAW/C/BHR/4>)

Right to Equality and non-Discrimination:

- 1.10 Civil Service Directives No. (4) of 2014 regarding the establishment of Equal Opportunities in Government Agencies Committee were issued, which aim to reduce the disparity between women and men in the field of employment. These committees are concerned with setting controls, standards, and plans, achieving full integration of women needs within a framework of equal opportunities and monitoring their implementation, and providing consultations in coordination with the Supreme Council for Women and the Civil Service Bureau. This prompted the legislative authority, including the Shura Council and the Council of Representatives, some public institutions and the civil sector to adopt this approach, by activating the national model for integrating women's needs within a framework of equal opportunities.
- 1.11 In support of the principle of gender equality in terms of opportunities and in line with ILO Conventions that prohibit discrimination at work, and to increase the empowerment of women to participate in various fields, Decree-Law No. (16) of 2021 amended some provisions of Law No. (36) of 2012 Promulgating the Labour Law in the Private Sector, which abrogated Article (30), which stipulates the need for the competent minister to determine the conditions, jobs and occasions in which women may not be employed at night, and Article (31), which requires the competent minister to issue a decision specifying the jobs prohibited for women. Under this amendment to the Law, employed women are given the opportunity to work in any field without restricting their right to

choose the work that suits them, similar to men, without any restrictions preventing them from work at night.

Right to Citizenship:

- 1.12 The government has taken some temporary measures and procedures to ensure gender equality with regard to granting nationality to the children of Bahraini women. For example, His Majesty the King grants the Bahraini nationality to the children of Bahraini women married to foreigners in some cases. In addition, Law No. (35) of 2009 was enacted regarding the treatment of children of Bahraini women married to foreigners as Bahraini citizens with regards to some fees prescribed for government, health, and education services and residence fees. However, this does not undermine the importance of having a legal framework regulating the issue of granting Bahraini citizenship to the children of Bahraini women on equal footing with Bahraini men, according to specific controls that take into account the sovereignty of the Kingdom on the one hand, and ensuring the entrenchment of the principle of equality on the other.

Right to Education:

- 1.13 With regard to the right to education, the provisions of Education Law No. (27) of 2005 stipulate that education is a right guaranteed by the state to citizens. Accordingly, primary education (which begins at the compulsory age and lasts at least nine academic years) and secondary education (which starts after primary stage and lasts for three years) are free of charge in all public schools. In reality, registration priority in public schools is currently granted to Bahraini nationals and the children of foreigners employed in the government sector. Children of foreigners employed in the private sector are then considered for

registration in public schools, according to the available vacancies and capabilities.

1.14 However, in line with the relevant international resolutions, especially Articles (13) and (14) of the International Covenant on Economic, Social and Cultural Rights, and the statements of the United Nations Rapporteur on the right to education, it is necessary for the Kingdom, in accordance with the principle of progressive operation related to economic, social and cultural rights, including the right to education, to strive to achieve free education for all according to the potentials at its disposal- as is the current situation. A future plan needs to be developed to achieve the full implementation of the principle of free education for all without exception among citizens or residents.⁷

2. Strategies, Action Plans and Initiatives

2.1 NIHR commends the leading initiatives chaired by His Majesty the King at the national and international levels, which reflect his unique vision of tolerance and peaceful coexistence in the Kingdom. This is manifested through initiating the Declaration of the Kingdom of Bahrain as a global document for tolerance on September 13, 2017, aimed at consolidating the approach of moderation, rejecting intolerance, and promoting the values of Islam that call for spreading love and peace among human beings. The declaration consists of five principles that support religious tolerance and peaceful coexistence, namely; freedom of religious belief, freedom of choice, God's will, religious rights and responsibilities, and faith. Overall, the Document aims to reject all forms of discrimination and racism.

(7) To view the statement of the Special Rapporteur on the right to education: Please visit the website of the Office of the United Nations High Commissioner for Human Rights, via the following link:

<https://www.ohchr.org/AR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25427&LangID=A>

- 2.2 Despite the absence of a dedicated national strategy on the right to equality and combating racial discrimination, the Kingdom of Bahrain has adopted a range of strategic plans related to human rights, e.g. the National Plan for the Advancement of Bahraini Women (2013-2022)⁸, the National Strategy for Childhood and its Action Plan (2013-2017)⁹, National Strategy for the Rights of Persons with Disabilities (2012-2016),¹⁰ and the National Strategy and Plan for the Elderly in the Kingdom of Bahrain¹¹, all of which are based on the principle of equality, non-discrimination and combating racial discrimination.
- 2.3 In support of these measures, NIHR referred a general perception to the government to drive developing a comprehensive national human rights plan¹². NIHR concluded that any national human rights plan must have the following features: It should be monitored and evaluated by a specific committee, it should be based on international human rights standards, should be comprehensive, have specific objectives and principles, be a feasible national project that is accessible by the public, pay attention to the international dimension, and there should be mechanisms for its monitoring and evaluation.
- 2.4 NIHR has also identified five strategic goals on which any national human rights plan can be based, namely: Improving and promoting human rights conditions, disseminating and promoting

(8) For further reading: The official website of the Supreme Council for Women, at the following link: www.scw.bh

(9) For further reading: The official website of the Ministry of Labor and Social Development, via the following link: www.mlsd.gov.bh

(10) For further reading: The official website of the Ministry of Labor and Social Development, via the following link: www.mlsd.gov.bh

(11) For further reading: The official website of the Ministry of Labor and Social Development, via the following link: www.mlsd.gov.bh

(12) Annex: Proposal of the National Human Rights Institution on the National Human Rights Plan.

a culture of human rights, implementing voluntary pledges and commitments to the Kingdom of Bahrain, strengthening effective cooperation frameworks and providing support and assistance to national and international mechanisms and institutions related to the protection and promotion of human rights, and achieving the desired goals of the Sustainable Development Goals 2030.

3. PRACTICAL REALITY¹³

- 3.1 To enforce certain legislation related to the rights of certain most favored groups of the community, such as the elderly, and to reduce inequality between them and other groups in terms of economic empowerment, a special card has been issued to allow this group to obtain 50% discount on public fees and facilitate access to basic amenities.
- 3.2 As to the efforts to reduce inequality between people with disabilities and their healthy peers, the Ministry of Education provides educational services to this group of students by integrating those who are able to learn of all categories (Down syndrome, autism spectrum, motor, audio and visual disabilities, and minor mental disability) in regular classes in government schools. The number of schools applying the integration program in the current academic year (2018/2019) increased to (81) public schools out of (209) schools.
- 3.3 In order to reduce inequality in the workplace between women and men, the “Equal Opportunity Committee” was established in

(13) For further reading: The practical reality of the implementation of Goal No. 10 of the Sustainable Development Goals (2030) “Reducing inequality within and among countries” in the Kingdom of Bahrain. You can review the Annual Report of the National Human Rights Institution for 2018, Chapter 4: Major issues that have a direct impact on the human rights situation in the Kingdom of Bahrain and their impact on the 2030 Sustainable Development Goals. To view the report, please visit NIHR website: Annual Reports Section: via the following link: www.nihr.org.bh
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ministries and government agencies to achieve the principle of equal opportunities among all employees, in cooperation and coordination with the Supreme Council for Women. The number of equal opportunities committees in the ministries and official institutions amounted to (44) public committees.

- 3.4 In view of the seriousness of the inequality issue and the increasing severity of inequality at the economic level of individuals, as it constitutes a threat to social and economic development in the long run, the government has paid great attention to this aspect by taking steps towards achieving Goal No. (10) of the Sustainable Development Goals (2030), which states: **(reducing inequality within and between countries)** with a view to reducing unequal income distribution by reducing disparities and inequality in wages among individuals.
- 3.5 In this regard, the Government, represented by the Ministry of Labor and Social Development, in cooperation with the Labor Fund (Tamkeen), has improved the salaries of 5000 Bahraini nationals. It increased the salaries of university graduates to BHD 450 and non-university graduates to BHD 300. It targets increasing the wages of 6000 university graduates recorded in the Ministry's lists. This would improve the standards of living and combat poverty.
- 3.6 In a remarkable step and to achieve economic empowerment that reduces inequality, the Family Bank of the Ministry of Labor and Social Development has been established to provide distinct preventive development services to all members of the Bahraini families to activate the family role in addressing contemporary challenges and issues. The Family Bank is concerned, inter alia, with the empowerment of low-income individuals and families

through the achievement of a number of objectives, including vocational and technical training for productive families, through training programs and workshops, and providing financial support to productive family projects, and marketing their household products in domestic and foreign exhibitions.

3.7 With regard to reducing inequality in living standards, particularly in terms of access to adequate housing, the Government efforts to reduce inequality among individuals of various categories in this aspect have been outlined by the Ministry of Housing. The Ministry stated that there is great concern with women by the government, as they are granted the right to apply for housing services as the head of household, pursuant to Resolution No. (12) of 2014 on the right of women to benefit from housing services. It noted that around 1500 housing services have been allocated to women over the past five years. Bahraini women married to a foreigner have been granted the right to apply for housing services, pursuant to Resolution No. (285) of 2010 regarding the acceptance of applications of Bahraini women married to foreigners. Other categories were also introduced in the Housing Law, which is the fifth category, including divorced, abandoned, widowed or single women, in certain conditions. This category has been granted temporary accommodation service.

3.8 In order to ensure that the present and future generations enjoy adequate housing, and in order to reduce inequality and ensure social security, the Ministry of Housing has taken a commendable step by exempting widows and their minor children from payment of any outstanding monthly installments of the housing units or housing finance. It also provided several housing units models that are suitable for persons with disabilities, according to the type

of disability, considering that this category must enjoy a degree of equality with other categories in the enjoyment of various rights, including the right to adequate housing and decent living.

3.9 In line with the SDG 10 on reducing inequality, the Kingdom of Bahrain, in its Voluntary National Report, although it did not address this goal separately, referred to its quest for inclusive development that covers all groups, including individuals who are most in need of development revenue, to ensure justice in order to reduce inequality. This is achieved through supporting the groups in most need of security and solidarity and providing the components of social security through a package of social security systems and measures, including provision of allowances for people with disabilities, unemployment insurance, high-cost allowance, and compensation initiative in return for removing meat subsidy, and reducing electricity and water fees, which guarantees low-income people a decent living, and reducing the percentage of low-income people among those categories.

3.10 Despite the commendable steps taken by the government regarding the promotion of equality for all with regard to the right to an adequate standard of living, NIHR notice the Ministerial Resolution No. (909) of 2015 regarding the Housing System has excluded the elderly from enjoying some of the prescribed housing services. Therefore, the government should reconsider the provisions of the above resolution, and other guarantees that ensure the elderly's enjoyment of housing services and the provision of adequate housing for them, especially for those who do not have a fixed income. The state must ensure that this group

enjoys their constitutionally established rights, and put in place all guarantees for this purpose.¹⁴

- 3.11 With regard to the right to education, NIHR, at the end of each academic year, monitors the call by some newspapers and some social media for a more transparent and clear mechanism regarding the distribution of scholarships and grants for outstanding students at the secondary level, despite the fact that Ministry of Education Affairs affirmed that it adopts fair and transparent criteria regarding the distribution of these scholarships and grants. NIHR, however, considers the importance of having a regulation that defines a clear and specific mechanism for dealing with this issue.
- 3.12 In terms of the health sector, and given that the Kingdom - similar to other countries - was affected by the spread of (COVID -19) within its territory, Bahrain has taken preventive and treatment measures in order to limit the spread of this virus among all those covered by its jurisdiction, whether they are citizens or foreigners. These health care measures are characterized as completely non-discriminatory by providing comprehensive and free health care of all types to all people, including those infected with the virus, their contacts, suspects persons, as well as providing free optional vaccination to citizens and residents alike without discrimination.
- 3.13 In this regard, the Kingdom has also taken some incentive measures to rectify the legal conditions of violating labor, which extends from (April 1 to December 31), 2020, in addition to

(14) Annex: The advisory opinion of the National Institution for Human Rights with regards to the rights of the elderly to an adequate standard of living regarding the amendment of Ministerial Resolution No. (909) of 2015 on the Housing System.

exempting foreigners from fees on using government health facilities, while striving towards providing decent housing and adequate and appropriate meals for the purpose of activating social distancing procedures, while ensuring respect for their human dignity without discrimination at all, in a manner that guarantees their safety and the safety of society, taking into account the humanitarian conditions of this group for the purpose of limiting the spread of this virus, and encouraging them to apply for the necessary medical examination procedures without fear of taking any punitive action against them.

Second: Combating Racial Discrimination in the System of the National Human Rights Institution

1. Efforts of the National Human Rights Institution in Promoting the Right to Equality and Combating Racism

- 1.1 In accordance with the provisions of Law No. (26) of 2014, NIHR referred its advisory opinion on the proposed law to amend some articles of Traffic Law No. (23) of 2014, which consists of two articles. Article (1) deals with adding a new article (3 bis) and adding a third paragraph to Article (27) of Traffic Law No. (23) of 2014, and a second executive article.
- 1.2 Article (3 bis) stipulates that: **“A fee for using public roads owned by the state is imposed on every foreigner-owned vehicle, equivalent to double the fee prescribed for issuing its registration certificate. The fee shall be paid annually with the payment of the vehicle registration fee.”** Clause 3 of Article (27) states that: **“In determining the fees referred to in the previous paragraph, it shall be taken into account that the fee value in relation to a foreigner is twice the fee value in relation to a Bahraini citizen. The citizens of the Gulf Cooperation Council countries are treated in this respect as Bahraini citizens.”**
- 1.3 NIHR reviewed, in the course of its insights, the provisions of Articles (1), (2) and (5) of the International Convention on the Elimination of All Forms of Racial Discrimination, which state as follows: **“The term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the**

recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”. Clause 2 of the same Article states: **“This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.”**

- 1.4 Paragraph (1), Clause (D) of Article (2) of the said Convention states that: **“States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization”.**
- 1.5 Article (5) states that: **“In compliance with the fundamental obligations laid down in article (2) of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law”.**
- 1.6 The Committee on the Elimination of Racial Discrimination established under the International Convention on the Elimination of All Forms of Racial Discrimination, which is entrusted with the interpretation of the provisions of this Convention, commented on paragraph (2) of Article No. (1) thereof that: **“1- Paragraph (1) of Article (1) of the International Convention on the Elimination of All Forms of Racial Discrimination defines racial**

discrimination. Paragraph (2) of Article (1) excludes from this definition acts that are made by a state party and that differentiate between citizens and non-citizens. Paragraph (3) of Article (1) limits paragraph (2) of Article (1) by declaring that States Parties shall not, with respect to non-nationals, discriminate against any particular nationality”.

- 1.7 The (CERD) Committee emphasized that states parties are obligated to fully report and implement legislation related to foreigners. The Committee further emphasizes that paragraph (2) of Article (1) must not be interpreted to undermine in any form the rights and freedoms recognized and enshrined in other instruments, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights¹⁵.
- 1.8 In the same context, the (CERD) Committee, in its interpretation of Article (5) of the Convention, commented that: **“2. Where a State imposes a limitation on any right listed in Article (5) of the Convention... it shall ensure that the restriction is not contrary, neither in purpose nor in outcome, to Article (1) of the Convention, as an integral part of the International Human Rights Standards ..., 3. All persons living in a state should enjoy a wide range of the rights and freedoms set out in Article (5), such as the right to equality before the courts, and other rights, such as the right to Participation in elections, voting and nomination are among the rights of citizens.”**¹⁶

¹⁵ General Recommendation XI of the Committee on the Elimination of Racial Discrimination relating to non-citizens (D-42/1993):

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N94/032/64/PDF/N9403264.pdf?OpenElement>

⁽¹⁶⁾ General Recommendation XX of the Committee on the Elimination of Racial Discrimination relating to non-citizens (D – 48 / 1996):

- 1.9 In its statement, NIHR noted that it - pursuant to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, to which the Government of the Kingdom of Bahrain acceded under Decree No. (8) of 1990 - affirms the necessity of prohibiting and ending any racial discrimination on the basis of race, colour, descent, national or ethnic origin, including discrimination, exclusion, restriction, or preference based on citizen or non-citizen status.
- 1.10 Although paragraph (2) of Article (1) of the International Convention on the Elimination of All Forms of Racial Discrimination can be taken to mean that any distinction, exclusion, restriction or preference between citizens or non-citizens is outside the scope of its application, the (CERD) Committee, entrusted with interpreting the provisions of this Convention, has expressly recognized that the discrimination, exclusion or preference permitted by the provision aims at differentiating between citizens and non-citizens, for example: The state issues identity cards to citizens in a specific color or shape, while other non-citizens are issued identity cards of different color or shape. The purpose of this procedure is to differentiate between the two groups, rather than discrimination, exclusion, or preference of either group.
- 1.11 Based on the foregoing, NIHR considered that the proposal for a law to amend some provisions of Traffic Law No. (23) of 2014, which proposed imposing fees on every foreigner-owned vehicle in return for using public roads, equivalent to double the fee set for the issuance of its registration certificate, despite that this fee does not exist for citizens in the original Law, is discriminatory,

which leads to restricting, excluding, or preferring one group over another, and its purpose is to differentiate between citizens and other nationals. Therefore, the said proposed law is inconsistent with international human rights standards, and is inconsistent with the international obligations of the Kingdom of Bahrain in this regard.

1.12 In the context of the efforts made by NIHR at the legislative level, the NIHR in its Fifth Annual Report of 2017, devoted a separate chapter on (Role of Human Rights Advocators in the Promotion and Protection of Human Rights), in which NIHR reviewed the position of the advocators in the field of international and regional decisions on human rights, especially in the field of combating racism, racial discrimination and xenophobia. It concluded the importance of enacting new legislation regulating the rights and obligations of human rights advocators and indicating the legal guarantees established for them.¹⁷ It is noted that NIHR, in its third annual report of 2015, has dedicated a chapter in which it addressed equality and non-discrimination in the enjoyment of rights¹⁸.

1.13 On the other hand, NIHR approved a strategy and action plan for the years (2019-2021), which includes (4) strategic objectives, as follows:

- Environmental impact on human rights.
- Human rights and sustainable economic development.
- Right to equal treatment.

(17) For further reading: Fifth Annual Report of the National Institution for Human Rights on the progress in human rights situation in the Kingdom of Bahrain (2017) – to view the report, please visit NIHR website: Annual Reports Section: via the following link: www.nihr.org.bh

(18) For further reading: Third Annual Report of the National Institution for Human Rights in the Kingdom of Bahrain (2015) – to view the report, please visit NIHR website: Annual Reports Section: via the following link: www.nihr.org.bh
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- Raising awareness of human rights principles in civil society institutions and the business sector.
- 1.14 Since equality and non-discrimination are among the foundations of fair social, economic and political development, NIHR has set its third objective to focus on the right to equal treatment, through its publication and promotion of equality and equal opportunities across all fields. It cooperate with several local civil society institutions in this regard. NIHR aims to conduct a study of the effects of inequality and discrimination on community progress, as ensuring equal treatment and the achievement of equal obligations will contribute to a positive impact towards more awareness regarding combating forms of racial discrimination, intolerance and xenophobia, and will significantly reduce their rates in society.
- 1.15 With regard to the training and education activities entrusted to NIHR, according to the law of its establishment, NIHR did not designate a specific event, whether by organization or participation, concerned with racial discrimination and combating racism and xenophobia. This is due to the nature of Bahraini society that is based on tolerance, coexistence and acceptance of the other. However, during the previous years, NIHR organized and participated in many activities related to human rights or some of the most favored groups, which are not without reference to racism, racial discrimination and xenophobia, of various target groups¹⁹.

(19) For further reading: On the role of the National Institution in the field of promoting human rights in the Kingdom of Bahrain, especially with regard to the awareness and training aspect: Please refer to NIHR's website: Annual Reports Section: via the following link: www.nihr.org.bh

- 1.16 One of the most prominent achievements of NIHR in the field of promoting the right to equality and non-discrimination and combating racism and xenophobia is conducting series of awareness lectures on its competencies and its complaint filing mechanism within the comprehensive awareness program in the field of human rights for expatriate workers in a number of foreign clubs and embassies in the Kingdom, e.g. Kerala Club, Nepali Club, Sudanese Club, Philippine Embassy, Rotary Club of Justice and St. Peters Church. The same lecture was presented to a number of representatives of foreign embassies in the Kingdom of Bahrain. This initiative seeks to enhance NIHR work in the field of human rights protection, especially the rights of expatriate workers, by building bridges of communication with various foreign communities in the Kingdom of Bahrain.
- 1.17 It is worth noting that the rate of female participation in the various activities of the training institution during the years (2009-2020) amounted to (54%) of the total participants, while the percentage of male participation amounted to (46%).

2. Efforts of the National Human Rights Institution in Protecting the Right to Equality and Combating Racism²⁰

- 2.1 The provisions of Law No. (26) of 2014 granted NIHR quasi-judicial powers in paragraphs (e, f, and g) of Article (12). It was decided that NIHR, in order to achieve its objectives, has jurisdiction to **“monitor violation of human rights, conduct the necessary investigation, draw the attention of the competent authorities and provide them with proposals on initiatives to put an end to such violations and, where necessary, to express an opinion on the reactions and positions of the competent authorities”**. Clause (f) provides that it has the mandate **“To receive, examine and consider complaints related to human rights, refer them, if necessary, to the relevant authorities, with effective follow-up, or enlightening those concerned with most-follow procedures and help them to implement them, or assist in the settlement with the relevant authorities”**.
- 2.2 In addition, NIHR has the mandate **“To perform announced and unannounced field visits, to monitor human rights situation in reform institutes, detention centers, labor gatherings, health and education centers, or any other public place in which it is suspected that human rights violations are taking place”**. It is evident that NIHR has a broad mandate to receive individual complaints of various human rights, including civil, political, economic, social and cultural rights, including complaints of racial discrimination.

²⁰ For further information on NIHR efforts in the field of human rights protection, please see NIHR annual reports for the years (2013–2019) published on NIHR website: Annual Reports Section: via the following link: www.nihr.org.bh

- 2.3 The term “racial discrimination” as defined in Article (1) of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), to which the Kingdom of Bahrain acceded by virtue of Decree No. (8) of 1990, means **“1. Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. This Convention shall not apply to any distinction, exclusion, restriction or preference between nationals and non-nationals by any State party to it.”**
- 2.4 By reference to the General Recommendations of the Committee on the Elimination of Racial Discrimination, it is evident that the Committee has decided, in its consideration of forms of racial discrimination, to intensify its efforts in integrating a gender perspective, gender analysis and promoting the use of gender-inclusive language in its mechanisms adopted during sessions, including the review of reports provided by states parties, concluding observations, early warning mechanisms, urgent action procedures, and general recommendations.
- 2.5 Accordingly, based on the concept of the relevant international convention, it is evident that the concept of racial discrimination is limited to any discrimination based on race, colour, descent, national or ethnic origin, or gender. Given that the present report includes issues related to combating racism and racial discrimination, NIHR decided to highlight its role in the field of human rights protection, for cases that fall within the scope of the

international convention in particular, in addition to other issues related to discrimination and inequality in general.

- 2.6 By operation of the NIHR role regarding receiving complaints, providing legal assistance and²¹ monitoring cases, specifically with regard to racial discrimination and inequality, from the establishment of the NIHR until 2021, it received (6) allegations of racial discrimination, two of which were classified as a complaint; one in 2013 and the other in 2018. (3) of those allegations were related to legal assistance, two of which were submitted in 2017 and the other in 2018. It is noted that in 2019, NIHR did not receive any complaints or requests for legal assistance related to racial discrimination. However, in 2020, NIHR received an allegation of racial discrimination and was classified as legal assistance and one case was monitored. In 2020, it received one legal assistance case and one monitoring case. In 2021, NIHR did not receive any complaints, legal assistance requests, or event monitoring cases related to racial discrimination.

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²¹ Guide to Receiving Complaints and Providing Legal Assistance (issued pursuant to Council of Commissioners Resolution No. (41) of 2018).

Final Recommendations

In light of the above, the National Institution for Human Rights recommends the following:

1. Calling upon the government to submit its future periodic reports on the progress made in implementing the provisions of the Convention on the Elimination of All Forms of Racial Discrimination to the Committee on the Elimination of Racial Discrimination on the due dates, pursuant to Article (9) of the Convention.
2. Calling for the rapid development of a comprehensive national strategy on human rights that takes into account the principles aimed at equality and the elimination of all forms of discrimination, especially those set out in the Durban Declaration and Program of Action, taking into account the relevant international rules and principles.
3. Making the necessary amendments to Article No. (75) of Decree-Law No. (15) of 1976 promulgating the Penal Code, considering that a crime committed based on racist and hate-based motives is one of the reasons for aggravating the penalty.
4. Making the necessary amendments to the provisions of Law No. (36) of 2012 promulgating the Labor Law in the Private Sector for the purpose of equalizing women employed in the (private) sector with their female counterparts in the civil service (public sector) with regard to granting breastfeeding leave.
5. Making the necessary amendments to the provisions of Ministerial Resolution No. (909) of 2015 regarding the Housing System to include the prescribed guarantees that ensure the elderly category enjoyment of housing services and the provision of adequate housing, especially for those who do not have a fixed income, as the state is required to ensure that this category enjoys their constitutional rights.

6. Making the necessary amendments to the Bahraini Nationality Law of 1963 to include the right of Bahraini women to grant their children citizenship, in accordance with legal regulations, in line with relevant international human rights instruments to preserve the right and sovereignty of the Kingdom.
7. Calling for the rapid adoption and enactment of the draft law on domestic workers (drafted in light of the proposed law submitted by the the Council of Representatives) to include the rights and obligations of the relevant parties in order for this group to enjoy their established rights on an equal footing and without discrimination.
8. Calling for enacting a special legal regulation for the process of eligibility and distribution of university scholarships and grants for eligible students, based on clear, fair and transparent objective criteria for all.
9. Creating a periodic follow-up plan regarding the gradual raising of the age of marriage for both genders, as stipulated in Family Law No. (19) of 2017, to eighteen years to ensure equality between similar legal positions.
10. Setting a detailed timetable within its national education strategy that includes the steps and efforts that it will undertake during the next phase for the purpose of the gradual realization of the full implementation of the right to free education to include all citizens and residents.

Attachments

1. Law No. (26) of 2014 establishing the National Institution for Human Rights, as amended by Decree-Law No. (20) of 2016.
2. Royal Decree No. (26) of 2017 determining the controls for appointing members of the Board of Commissioners at the National Institution for Human Rights.
3. The strategy and action plan of the National Institution for Human Rights for the years (2019-2021).
4. Proposal of the National Human Rights Institution on the National Human Rights Plan.
5. The response of the National Institution for Human Rights to the list of issues reported by the Committee on the Elimination of Racial Discrimination referred before the Kingdom of Bahrain submitted its combined report regarding the Convention on the Elimination of All Forms of Racial Discrimination (November 2017).
6. Guide to receiving complaints and providing legal assistance, (issued pursuant to Council of Commissioners Resolution No. (41) of 2018).