

#أضمن حقك

المؤسسة الوطنية لحقوق الإنسان
National Institution for Human Rights



**Parallel Report of the National Institution for Human Rights
on
The Initial National Report of the Kingdom of Bahrain on the Progress
Made in the Implementation of the Provisions of the International
Covenant on Economic, Social and Cultural Rights**

Presented to:

The Committee on Economic, Social and Cultural Rights (CESCR)

By:

The National Institution for Human Rights in the Kingdom of Bahrain

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Introduction

1. The National Institution for Human Rights (NIHR) in the Kingdom of Bahrain¹ presents its parallel report on the initial national report of the Kingdom of Bahrain on the progress made in implementing the provisions of the International Covenant on Economic, Social and Cultural Rights, ratified by the Kingdom of Bahrain under Law No. (10) of 2007.
2. The NIHR appreciates the efforts made by the Kingdom in submitting its national report - despite the delay in its submission - in its belief in the importance and effectiveness of this international mechanism in promoting and protecting human rights at the national level, and in fulfillment of its international obligations arising from ratification and accession to international human rights instruments.
3. The NIHR presents its parallel report, containing its observations on the progress made in implementing the provisions of the Covenant, and addressing the most prominent rights recognized by the provisions of the Covenant, which it believes have cast a shadow over the practical reality, and touched upon the reality of economic, social and cultural rights during the years (2019), (2020), (October 2021), reaching to the point of presenting a number of recommendations it deems appropriate in this regard.

¹ NIHR Law:

http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/download/002_NIHR_Law_amend.pdf

- Royal Decree determining the controls for appointing members of NIHR:
[http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/PDF/Royal%20Order%20No%20%20\(17\)%20of%202017%20English.pdf](http://www.nihr.org.bh/en/MediaHandler/GenericHandler/documents/PDF/Royal%20Order%20No%20%20(17)%20of%202017%20English.pdf)
- Guide to receiving complaints and providing legal assistance:
<http://www.nihr.org.bh/EN/MediaHandler/GenericHandler/documents/PDF/NIHRComplaint%20ProceduresManualEN.pdf>

(1) Equality and non-discrimination: Article (3)

1.1 The right to equality and non-discrimination constitutes an integral part of the foundations of the rule of law, which is one of the main components in democratic systems, as all individuals within the State should enjoy the rights and public freedoms stipulated in its legal systems, on the basis of equality among them, without discrimination on the basis of race, gender or language, religion, belief, political difference, etc.

1.2 This is what Article No. (18) of the Constitution of the Kingdom of Bahrain states, as it stipulates that: **“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”**, meaning that this equality is general and includes economic, social and cultural rights.

1.3 The international human rights instruments acceded to or ratified by the Kingdom of Bahrain also included provisions that obligate states to ensure effective equality in the enjoyment of all rights protected by those instruments without discrimination, by refraining from taking any actions, or refraining from committing acts that could create a real danger that would disrupt or impair the enjoyment of human rights and freedoms.

1.4 The NIHR commends the steps taken by the Kingdom in order to secure effective equality in the enjoyment of all rights and freedoms without discrimination, perhaps the most prominent of which is the introduction of the principle of equal opportunities, as Civil Service Instructions No. (4) of 2014 was issued regarding the establishment of the Equal Opportunities Committee in government agencies, an approach that was adopted by a number of independent official bodies and civil sector agencies in a number of private companies and institutions.

1.5 The **“Equal Opportunities Committee”** is a permanent committee that aims to integrate women’s needs within the framework of equal opportunities in all areas of work in government agencies, and works to achieve this goal among all employees, beneficiaries, and services provided by the entity, in cooperation and coordination with the Supreme Council for Women. It expresses opinion on issues related to integrating women's needs within the framework of equal opportunities, to ensure raising their participation rates in various vital and influential fields and sectors.

1.6 Recommendations:

- (A) **Work toward expanding the establishment of equal opportunity units in ministries, government agencies and private sector institutions that did not take the initiative to achieve this, in order to follow up on activating the national model for integrating the needs of women in development.**

(2) The right to work, unemployment insurance, and to form and join trade unions: Articles (6-10)

2.1 The Constitution of the Kingdom of Bahrain guarantees the right to work in Article No. (13) which states that, **“A. Work is the duty of every citizen, is required by personal dignity and is dictated by the public good. Every citizen has the right to work and to choose the type of work within the bounds of public order and decency . B. The state ensures the provision of job opportunities for its citizens and the fairness of work conditions. C. There is no forced labour except in the cases specified by law for national exigency and for a fair consideration, , or implementing court judgment . D. The law regulates the relationship between employees and employers on economic bases while observing social justice.”**, a right related to goal No. (8) of the Sustainable Development Goals 2030, which is concerned with **“promoting sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all.”**

2.2 The private sector Labor Law No. (36) of 2012 regulates worker-employer relationship, explaining the rights and obligations of each vis-à-vis the other in a manner that ensures the worker enjoys the rights, privileges and appropriate legal measures. The fourth chapter of the Law sets the minimum limit for joining work and the conditions that must be met before and after the employment of the juvenile, while the fifth chapter clarifies the conditions that must be met when employing women, in proportion to the exceptional circumstances of women, such as childbirth and child care.

2.3 The above Law stipulates in Article (2 bis) that: **“It is prohibited to discriminate between workers subject to the provisions of this law on the grounds of gender, origin, language, religion or creed,”** and was followed recently by the issuance of Decree-Law No. (16) for the year 2021 amending some provisions of the labor law referred to above, which include the addition of an explicit text that states: **“It is prohibited to discriminate in wages between male and female workers in work of equal value,”** which will have a significant impact on removing every form of stereotyped discrimination, and ensuring it to protect the rights of women working in various productive sectors.

2.4 By reviewing the provisions of the private sector labor law, it was noted that the working woman was granted the right to care for her child at a rate of two hours per day until he/she reaches six months of age, and a total of one hour per day until he/she becomes one-year-old, while the woman working in the public sector enjoyed the right to care for her child for an average of two hours a day until he/she is two years old.

2.5 As occupational safety is one of the components of the right to work, the provisions in the private sector labor law in force, and the decisions implementing it, dealt with everything that would achieve occupational safety, such as Decision No. (3) of 2013 regarding the noon work ban , and Decision No. (6) of 2013 regarding the protection of workers from the dangers of fires in establishments and work sites, Decision No. (8) of 2013 regarding the regulation of occupational safety within the facility, Decision No. (12) of 2013 on reporting occupational injuries and diseases, and Decision No. (31) of 2013 to Prevention of electrical hazards.

2.6 The NIHR reviewed the statistics of the Ministry of Labor and Social Development for the year 2020², which indicates that the Ministry conducted up to (2227) inspection visits in the context of verifying the establishments' commitment to private sector labor law, including ensuring workers' rights and appropriate working conditions. These establishments employ (102466) workers, the number of inspected national workers reached (23913) workers, while the number of expatriate workers who were inspected reached (78,553) workers ., and (97) violations and warnings were issued.

2.7 In the context of protecting the worker from work hazards and implementing Ministerial Decision No. (3) of 2013 regarding the prohibition of working under direct sunlight in July and August, the relevant inspection team conducted (13658) visits to various work sites, where the percentage of establishments' commitment to implement the decision in 2021 reached (99.7%), and the number of violating establishments decreased to (30) only, while the number of violating workers was (42).

2.8 In the same context, and for the third year in a row, the NIHR launched an initiative to report violations related to workers whose nature of work requires being under the sun and in open places between twelve noon and four in the afternoon during the months of July and August, in implementation of the Decision of the Ministry of Labor and Social Development No. (3) of 2013 regarding the ban on working at noon in open places during the prescribed ban hours, where the NIHR monitored, during the years (2019-2021), a number of (5) cases related to allegations of labor working during prohibited working hours under the sun, and in some cases of the extent of the legality of foreign workers residency, and cases relating to the rights of domestic workers, which were studied, and communicated and discussed by the NIHR with the competent authorities to be dealt with.

2.9 In the context of achieving social security provided by the state in the event of unemployment, which was approved by the constitution in Article No. (5), paragraph (c), which stipulates that **“the state guarantees the requisite social**

²For more information on the Ministry of Labor and Social Development for the year 2020, check its website <http://www.mlzd.gov.bh>

security for its citizens in the event of... unemployment...", Decree-Law No. (78) of 2006 was issued regarding unemployment insurance, according to which the unemployment insurance system became one of the successful systems in the field of social solidarity, as it fulfilled part of the financial needs of the job seeker or the unemployed person, by paying a specific monthly amount according to the person's educational qualification. However, The NIHR noted that the provisions of the law stipulate that the payment of the insurance amount is for a temporary period.

2.10 According to the statistics announced by the Ministry of Labor and Social Development, the number of job seekers who are eligible for unemployment subsidy and compensation during the year 2020 reached nearly 20 thousand beneficiaries after removing the repetition of names from the monthly lists.

2.11 Based on the Royal Directives to launch a financial and economic package to support citizens and the private sector in dealing with the effects of the Covid-19 pandemic, and to maintain sustainable growth, the government has undertaken to pay the salaries of citizens in the private sector from the unemployment insurance fund, with the salaries being paid for the months of March, April and May 2020, then half of the citizens' salaries were paid for the months of June, July, and August, and 50% of the salaries of insured Bahrainis working in the most affected private sector establishments were paid for a period of three months (July, August and September 2020), as well as paying 50% of the salaries of Bahrainis in the most affected sectors, which were still suffering from total and partial lockdown for a period of three months, starting from October until December 2020.

2.12 Article No. (27) of the Constitution of the Kingdom of Bahrain guarantees the right to form and join trade unions, stipulating that **"the freedom to form associations and unions, on national principles, for lawful objectives and by peaceful means is guaranteed under the rules and conditions stipulated by law, provided that the fundamentals of the religion and public order are not infringed. No one can be forced to join any association or union or to continue as a member"**. **for legitimate aims and by peaceful means, is guaranteed in accordance with the terms and conditions specified by law, provided that the foundations of religion and public order are not violated. No one may be compelled to join or remain in any association or union."**

2.13 Accordingly, Decree-Law No. (33) of 2002 was issued promulgating the Trade Unions Law and its amendments, which contained the syndicate structure and its objectives, and the provisions related to the establishment and membership of the trade union, and others related to its dissolution and the work it is prohibited from undertaking.

2.14 Emanating from the interest of the NIHR to provide the necessary protection for the right to work, the NIHR received (5) complaints related to the right to work in the year (2019), and a similar number in (2020), in addition to (3) complaints in (2021). A number of these complaints were resolved after communicating them with the relevant authorities, and the solution of the remaining ones is being followed up.

2.15 The NIHR extended legal aid to (24) cases related to the right to work in (2019), and (44) cases of legal aid in (2020), in addition to (25) cases in (2021), where the NIHR communicated directly with the concerned authorities about a number of them, and some authorities were addressed for humanitarian reasons, while a number of applicants were advised of the procedures to be followed in such cases.

2.16 In the framework of protecting the right to work, the NIHR monitored (6) cases related to the right to work in (2019), the contents of which varied in terms of the rights alleged to have been violated, in addition to (5) related cases in (2020), and (3) cases in (2021), where direct communication was established with those concerned with the status of monitoring to complete the information, and it was submitted to the authorities with direct jurisdiction.

2.17 Recommendations:

- (A) Joining the International Labor Organization Convention No. (87) of 1988 regarding freedom of association and protection of the right to organize, and International Labor Organization Convention No. (98) of 1988 regarding the implementation of the principles of the right to organize and collective bargaining.**
- (B) The enactment of a law dealing with the affairs of domestic workers and recruitment offices, including a statement of the rights and obligations of the relevant parties.**
- (C) Make 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 working in the private sector with female employees in the Civil Service (public sector) regarding granting care leave to breastfeed their child.**
- (D) Make the necessary amendments to Decree-Law No. (78) of 2006 to guarantee the right to disburse the amount of subsidy to the jobseeker or compensation to the unemployed throughout the period of searching for work or unemployment, while stating the legal controls that prevent abuse of this right.**
- (E) Make the necessary amendments to the provisions of Decree-Law No. (33) of 2002 promulgating the Trade Unions Law and its amendments, to introduce a provision stating the right of workers addressed by civil service systems and regulations to establish**

and join trade unions.

- (F) The importance of taking the necessary measures towards expediting the replacement of foreign workers by national labor, especially in specialized fields that have an abundance of national outputs.**

(3) The right to an adequate standard of living: Article (11)

- 3.1 The Constitution of the Kingdom of Bahrain guarantees a set of rights that together constitute the elements of the right to an adequate standard of living, as Article No. (9) in paragraph (f) thereof stipulates that: **“The state shall endeavor to provide housing for citizens with limited income,”** and paragraph (g) provided that: **“The state shall make the necessary arrangements to ensure the exploitation of land suitable for productive farming”**While paragraph (h) stipulates that **“The state shall take the necessary measures for the protection of the environment and the conservation of wildlife ”**, which is a right related to objectives No. (11, 13, 14, 15) of the 2030 Sustainable Development Goals.
- 3.2 Despite the serious and relentless efforts of the government towards allocating a large part of the State’s general budget to implement infrastructure projects and to finance social, urban and housing development, which resulted in the construction of a number of new housing cities and the provision of new units in other cities and villages, more than 55 thousand housing requests are still on the waiting lists because of the increase in the growth rates of families, the small available spaces and limited resources.
- 3.3 Given the limited land area in the Kingdom, and the concentration of population and development activities on the coastal strip, which puts pressure on coastal ecosystem services, and affects the sustainability of fish stocks, food security, and the subsequent economic and social impacts, perhaps the most important of these pressures are burial, landfill and disposal of domestic wastewater (sewage), despite it being treated, in addition to discharges from desalination plants and some other industrial facilities, not to mention the pressures on marine environmental areas from ships cruising the waters of the Arabian Gulf, and the waste they discharge.
- 3.4 In a related context, and despite the limited land space in the Kingdom due to the small geographical area, and its desert nature, but it still contains many important ecosystems such as natural springs, palm groves, reed swamps, deserts and others, but, and for some of the reasons mentioned in the preceding paragraph, and due to the growing demand on the urban side as a result of human pressures, these habitats have clearly receded until they are almost non-existent, resulting in a deterioration in groundwater and the transformation of many agricultural lands into cities and residential areas.³

³First National Voluntary Report on Sustainable Development Goals 2030 presented to the meeting of the High-Level Political Forum of the United Nations Economic and Social Council in New York during July 2018.

- 3.5 In view of the population increase, economic development, the challenges of the dry climate, the smallness of agricultural areas, the decline in the proportion of Bahraini farmers and the increase in the demand for water, the groundwater witnessed a significant deterioration in terms of quality and quantity, which affected the agricultural sector in the Kingdom. Accordingly, the government launched a national initiative to develop the agricultural sector with a desire to doubling agricultural productivity and supporting small farmers, especially women. One of the public parks in the Kingdom was designated as: “Farmers’ Market” to become a permanent market with the purpose of facilitating farmers’ access to markets and to obtain marketing opportunities.⁴
- 3.6 Violations and waste of all kinds are considered one of the most prominent problems in urban areas, and their severity increases in countries whose islands generally constitute their lands, as is the case of the Kingdom, especially in cases where the per capita daily production of such waste increases, as its percentage in the Kingdom of Bahrain is approximately 1.5 kg/ person/ day, which is a high percentage if compared to the global average of 1.2 kg/ person/ day.⁵
- 3.7 Accordingly, the NIHR is concerned about the growing percentage of waste of all kinds, and its harmful impact on the environment, especially with the increase in the per capita share compared to the global average of kilograms per person per day, as the percentage of waste received at the landfill reached approximately 1.7 million tons annually from non-hazardous waste, of which about (38%) is construction waste totaling (646) thousand tons, and (22%) is industrial waste reaching up to (374) thousand tons, while(33%) is household waste with an amount of up to (561) thousand tons, and (7%) is green waste with an amount of up to (119) thousand tons.⁶
- 3.8 The NIHR commends efforts made by the competent authorities in reducing plastic waste and its devastating impact on the land and marine environment, by issuing Decision No. (11) of 2019 regarding the technical regulation of plastic products. The Decision aims to legalize and regulate the import,

⁴First National Voluntary Report on Sustainable Development Goals 2030 presented to the meeting of the High-Level Political Forum of the United Nations Economic and Social Council in New York during July 2018.

⁵First National Voluntary Report on Sustainable Development Goals 2030 presented to the meeting of the High-Level Political Forum of the United Nations Economic and Social Council in New York during July 2018.

⁶Press interview with H.E. Minister of Works, Municipalities Affairs & Urban Planning, published in Al-Ayam Newspaper, issue No. (11051), released on 14 July 2019.

manufacture, and use of plastic products, by specifying their environmental requirements. It includes all plastic products, manufactured from (polypropylene) and (polyethylene), except for those used in the medical and food industries, or plastic products destined for the foreign market, where the Decision included (16) products that must be biodegradable when produced, in accordance with the specifications and standards specified in the Decision, and calling in the same regard for the rapid inclusion of all plastic materials without exception within the scope of the provisions of Decision No. (11) of 2019 regarding the technical regulation for plastic products, in addition to tightening inspection campaigns on producing industries, shops and commercial markets, to ensure the correct implementation of the provisions of the Decision.

- 3.9 Despite the exceptional circumstances and the measures taken by the Kingdom to address the emerging Covid-19 in order to preserve the health and safety of citizens and residents, the NIHR monitored the availability of sufficient and stable food stocks. And that the pace of import operations for these commodities is taking place in a high and continuous flow according to the market need for foodstuffs, with a stock of those supplies that meets local needs for a sufficient period of time.
- 3.10 With regard to the right to an adequate standard of living, in (2019) the NIHR received one related complaint, while in (2020) it did not receive any complaint. In 2021 it received (12) complaints, where it was communicated with the relevant authorities. A number of them have been resolved, and the remaining ones are being followed up.
- 3.11 The NIHR provided legal aid to (19) cases in (2019), and (28) cases in (2020), in addition to (27) related legal aid cases in the year (2021), where contact was made with the competent authorities about a number of them for humanitarian reasons. Informed about the procedures to be followed in a number of them, in addition to the monitoring of (19) cases in the year (2020), and (11) cases in (2021) related to the issue of this right, as the NIHR addressed the concerned authorities regarding them.
- 3.12 In order to determine the extent to which individuals enjoy an adequate standard of living, and the level of various services provided, during the years (2019-2021), the NIHR visited a number of locations, including: the Child Care Home, Muharraq Hospital for Maternity and Elderly Care, Al-Matrouk Center for Rehabilitation and Guidance, Batelco Centre for Domestic Violence, the Center for Support and Protection of Expatriate Workers, and Labor Accommodation for a number of companies operating in the Kingdom, in

addition to its field visit to the National Bank of Bahrain's home for the rehabilitation of disabled children.

3.13 Recommendations:

- (A) Seeking to set a timetable for processing and meeting requests related to housing services that have been in place for five years or more, by developing partnerships with the private banking and real estate sector and developing appropriate solutions and alternatives.**
- (B) Seeking to include the largest number of beneficiaries of housing requests in the "Mazaya" project with disregard to salary or age of the beneficiary, provided that the real criterion is the need for a housing service, considering the changes of life pattern in the community.**
- (C) Calling upon the competent authorities to study the laws and regulations in force related to the environment and to make the necessary amendments to them in a way that adapts to environmental changes and developments, or to issue a comprehensive and integrated law on the environment, to provide the necessary protection for environmental issues of all kinds, whether land or marine, or those related to climate change.**
- (D) Renewing the call for the establishment of a public prosecution office for the environment, whose mission is to initiate criminal proceedings in the name of the community before courts specialized in environmental issues of all kinds.**
- (E) Dealing appropriately with any administrative or legal violations or abuses issued by natural or legal persons, whether public (official) or private, that perform acts or refrain from acts required by laws, regulations, systems and decisions in force related to the protection of the environment.**
- (F) Inviting the competent authorities to raise comprehensive and continuous awareness of the category of fishermen to use safer and more environmentally friendly methods related to shrimp fishing, in a manner that does not negatively affect their living income levels.**

(4)The Right to Health: Article (12)

4.1 Article No. (8) of the Constitution of the Kingdom of Bahrain, guarantees the right to health, as paragraph (A) thereof states that “ Every citizen is entitled to health care. The State cares for public health and the State ensures the means of prevention and treatment by establishing a variety of hospitals and healthcare institutions. ,” followed by Paragraph (B) to provide that **“individuals and bodies may establish private hospitals, clinics or treatment centers under the supervision of the State, in accordance with the law.”**

4.2 Bahraini legislation has paid attention to the right to health by enacting a number of different legislations, most notably; Decree-Law No. (4) of 1973 and its amendments regarding the control of circulation and use of narcotic substances and preparations, followed by Law No. (3) of 1975 and its amendments on public health, which included a statement of health violations, the mechanism for disposing of them and health requirements, with an indication of how to monitor public water sources and control of health facilities, hotels, restaurants and public stores, and the penalties for violations, Decree-Law No. (14) of 1977 regarding health precautions for the prevention of infectious diseases was also issued, followed by Decree-Law No. (7) of 1989 regarding the practice of the profession of human medicine and dentistry, and Decree-Law No. (16) of 1989 regarding the transfer and transplantation of human organs. And with regard to regulating the profession of pharmacy and pharmacy centers, Decree Law (18) of 1997 was issued, and among those legislations was Law No. (8) of 2009 regarding combating smoking and tobacco and its types.

4.3 Within the framework of the government of the Kingdom of Bahrain’s endeavor to develop the health system, The National Health Insurance Program "Sehaty " (My Health) has been launched which aims to improve the quality and efficiency of health services, and to provide a comprehensive treatment umbrella for all patients, both citizens and residents in Bahrain, provided that the public and private sectors are service providers, and this Program will contribute to promoting investments in the private health sector.

4.4 In light of the exceptional circumstances and the spread of Covid-19, the Kingdom has dealt with caution and wise awareness with the pandemic, without prejudice to the rights and freedoms guaranteed under the Constitution and international and regional instruments related to human rights as much as possible, as it opened a number of isolation and quarantine centers in various regions, to provide the necessary medical care for people infected with the Corona virus, free of charge to all, whether citizens or residents, without any discrimination.

4.5 Considering some groups who's their health conditions require special attention, the government issued a number of decisions related to work, where the system of remote work was implemented for those who carriers of chronic diseases, pregnant women and mothers, and the work rotation system was applied in workplaces.

4.6 With regard to treatment, (4) approved vaccines were provided to citizens and residents of the Kingdom free of charge, and approved vaccines were provided to the elderly in their homes through special mobile units, and the same vaccines were provided to all inmates on an equal basis in detention centers.

4.7 The NIHR commends the issuance of Decision No. (27) of 2020, regarding stopping the collection of medical consultation fees, contained in Decision No. 2 of 2017 regarding health services fees for non-Bahrainis. The NIHR confirms that the Minister of Health's decision regarding suspension of fees for health services provided to foreign patients in the government health centers, seeks to strengthen the Kingdom's measures in combating the Covid-19 and the keenness and interest of the Ministry of Health to preserve the safety of all patients, whether citizens or residents.

4.8 In the interest of the NIHR to provide the necessary protection for the right to enjoy the highest level of health, it received a number of related complaints, totaling (49) complaints related to the right to health in (2019), in addition to (27) related complaints in (2020), and (27) complaints in (2021).The (NIHR) made direct communication regarding a number of them, and the concerned authorities were addressed about them, while some cases were saved for lack of authority.

4.9 The NIHR also provided legal aid to (126) cases related to the right to health in (2019), in addition to (125) in (2020), and (108) in (2021). The NIHR communicated directly in some cases, while some parties were addressed for humanitarian reasons.

4.10 In (2019), the NIHR monitored (13) cases related to the right to health, in addition to (46) cases in (2020), and (32) cases in (2021), where the NIHR immediately established direct communication with the owners of the observed cases or their families, and direct communication and correspondence were made to the official authorities of a number of them for humanitarian reasons, while some were informed of the procedures to be followed.

4.11 The NIHR also rushed during the pandemic period to make announced and unannounced field visits to a number of centers affiliated with the Ministry of the Interior and to isolation and quarantine centers affiliated with the Ministry of Health that the state has allocated in various governorates to treat people infected with Corona virus, follow up on the development of their cases, and the cases of those in

contact with them, in addition to making a number of visits to workers' accommodation.⁷

4.12 Recommendations:

- (A) The speedy issuance of a law dealing with medical liability to be an integrated legislation that deals in particular with clarifying the rights and duties of patients, doctors and health service providers and the consequences of the violation.**
- (B) That the competent authorities work to improve the monitoring performance of health services to ensure that medical errors are avoided.**
- (C) Increase the number of health centers, maternity hospitals, and medical staff in the five governorates, to be commensurate with the number of patients attending them in each governorate, in line with the rapid population growth in the Kingdom of Bahrain.**
- (D) That the competent authorities create a system for monitoring the drug stock and consumption rates in order to avoid cases of drug shortages or unavailability in various pharmacies.**
- (E) Studying market requirements with regard to the health field so that the number of scholarships dedicated to studying medicine in the subspecialties that the health sector suffers from will be increased.**
- (F) Allocate enough physicians charged with providing medical care to those whose freedom is restricted, with the need to train them to provide special physical and psychological protection for this category and treat diseases at the same level and quality that others obtain.**

⁷For more information on the visits of NIHR during the pandemic, refer to the Eighth Annual Report of the National Institution on Human Rights for the year 2020 on its website, under Annual Reports icon, <http://www.nihr.org.bh>

(5)The Right to Education: Articles (13-15)

5.1 The Constitution of the Kingdom of Bahrain guarantees the right to education in Article No. (7) of it, as it stipulates that **“A. The state sponsors the sciences, humanities and the arts, and encourages scientific research. The state also guarantees educational and cultural services to its citizens. Education is compulsory and free in the early stages as specified and provided by law; B. The law regulates care for religious and national instruction in the various stages and forms of education, and at all stages is concerned to develop the citizen’s personality and his pride in his Arabism; C. Individuals and bodies may establish private schools and universities under the supervision of the State and in accordance with the law; D. The State guarantees the inviolability of the places of learning.”**

5.2 Provisions of Law No. (27) of 2005 on Education, determined that education is a right guaranteed by the state to citizens, so that basic education (which starts from the age of obligation and lasts at least nine school years) and secondary education (which begins after basic education and lasts three years of schooling) are free in all public schools.

5.3 Emanating from that, government schools in the Kingdom of Bahrain receive Bahraini students, then students who are children of foreign workers in the government sector in the beginning, followed by students who are children of foreign workers in the private sector later, and all of them get the opportunity to education free of charge without paying any fees, in proportion to the absorptive capacity for these schools, which is consistent with the principle of progressive realization of the category of economic, social and cultural rights, including the right to education.

5.4 In contrast, the national law allows the establishment of private schools, which are schools that operate either as for-profit commercial enterprises, or schools sponsored by the embassies of their countries, and in the Kingdom of Bahrain there are a number of such schools which their curricula are in accordance with the standards of their countries of origin, and they are all regulated by law No. (25) of 1998 regarding private educational and training institutions.

5.5 It should be noted that the first private school in the Kingdom of Bahrain was established in 1899, and the first public school - regular - was established in 1919, as the Kingdom celebrated the centenary of education in 2019, which reflects the importance and depth of its history of education.

5.6 In order to spread the values of tolerance, coexistence, and non-violence to school students, spread the concept of citizenship, enhance the spirit of national

unity and reject all forms of discrimination, the Ministry of Education developed a special curriculum for education on citizenship and human rights for all school levels, from primary education to secondary education, in all public and private schools.

5.7 The Ministry of Education launched the Citizenship and Human Rights Promoting Schools Project, which aims at spreading citizenship and human rights principles through curricula that include multiple values, concepts and skills, focusing on belonging, loyalty, tolerance, volunteer work, moderation, dialogue, democracy, a culture of acceptance of diversity, pluralism within the framework of unity, crisis management, and sustaining peace, while noting that this project has been praised by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

5.8 The NIHR realizes the importance of paying more attention to the category of teachers (educators) by increasing the academic content of their studies at the university and making human rights courses among the requirement courses for them, with a deep focus on everything related to the rights of the child in the educational aspect, and linking them with the educational curricula, with the knowledge aspect given priority over the theoretical aspect. The NIHR can also contribute positively and influentially to the promotion and development of a culture of human rights, through the establishment of specialized training programs in issues related to human rights for educators.

5.9 The process of digital empowerment in education in the schools of the Kingdom of Bahrain began after the success of His Majesty King Hamad's project for the schools of the future. This pioneering project aims to enable students, educators, and workers in the educational sectors to prepare and train continuously to give them the ability to employ information and communication technology in education, to build national competencies capable of producing digital educational content, and to graduate generations capable of creativity, innovation and leadership in this field.

5.10 In view of the exceptional circumstances of the spread of the Covid-19, and the subsequent consequences that directly affected all human rights, including the right to education, and from the first moment in which the Kingdom of Bahrain decided, during the month of March 2020, to suspend the attendance of students in public and private schools, In kindergartens and higher education institutions, the competent authorities took a number of urgent measures to ensure the sustainability of education, by activating the distance learning system in all government schools, activating the digital content in the educational portal designated for students, which contained approximately (372) courses, many electronic educational enrichments, and previous exam questions with model answers to them.

5.11 In addition, the competent authorities formed (45) working teams to implement the new model lessons that are uploaded daily to the digital educational content for the various educational levels, with the publication of many discussion panels, activities and lessons produced by schoolteachers, within the direct relationship between the teacher and his students, which are uploaded on digital electronic content.

5.12 Within the framework of cooperation between the Ministries of Education and Information Affairs, a daily TV educational channel was launched, to meet the needs of all categories of students, so that these study materials are available to all, especially those who do not have digital devices in their homes, and video lessons were downloaded on YouTube, a service for all categories of students, which they can return to it at any time for study and review.

5.13 As for private schools, they were obligated to provide remote educational services to students, including lessons and applications, and to monitor the results of those applications and tests accurately and objectively, and many of these schools also offered a reduction in tuition fees for the months (April, May, June) 2020, which ranged between (5-10%), in addition to looking into the cases of insolvent parents who are unable to pay those fees as a result of being affected by those exceptional circumstances, by rescheduling the fees and relieving them of the amounts of services that have not been utilized and refunding their amounts to them if they had paid them in advance.

5.14 Public and private higher education institutions also continued to provide their educational services, lectures, applications, and tests for students remotely, as universities' options varied with regard to the subject of student assessment between the option of remote exams and tests, and postponing final exams to September 2020, and considering the student's record as an evaluation tool.

5.15 Some of the private universities expressed their willingness to provide discounts, financial facilities or reschedule the payment of due fees according to students' situation, considering the conditions of parents in proportion to their current circumstances.

5.16 Despite these efforts and the achievements made, the NIHR hopes that the authorities concerned with the right to education, will in the future be prepared for any emergency circumstances or changes, so it can ensure continuing the educational process without interruption, especially with the tremendous development in the field of information technology, artificial intelligence, and social media. All of this serves to ensure the continuity of the state in respecting, promoting, and protecting the right to education in a manner consistent with relevant international and regional standards.

5.17 Being keen to provide the necessary protection for the right to education, the NIHR received (5) related complaints in (2019), in addition to (3) complaints in (2020) whose contents varied in terms of the rights alleged to have been violated. It addressed a number of them through direct communication with the competent authorities, while one complaint was filed due to the absence of a violated right. NIHR did not receive any complaint regarding this right in the year (2021)

5.18 The NIHR provided legal aid to (7) cases in (2019), related to the right to education, (9) related legal aid cases in (2020), and (9) legal aid cases in (2021)., and some parties were addressed The NIHR communicated directly in some of them with authorities concerned for humanitarian reasons, while a number of applicants were informed of the procedures to be followed in such cases, in addition to the NIHR's monitoring of one case in 2019 related to the right to education, and two cases were monitored .in (2021), where the concerned authorities were contacted about it.

5.19 Recommendations:

- (A) Issuing a special law regulating the process of entitlement, and distribution of grants and scholarships to eligible students.**
- (B) Recognizing the importance by the concerned authorities in the education affairs for setting a detailed timetable within their national strategy in the field of education, which includes the steps and efforts that they will take 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.**
- (C) Increasing oversight of private education, in order to ensure that the educational and academic aspect dominates the profit-making aspect of private educational and training institutions, and in particular private higher education institutions.**
- (D) Reviewing the content of citizenship curricula for the purpose of including topics that develop culture and actual practice based on promoting respect for human rights.**