



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### List of issues prior to submission of the combined eighth to fourteenth periodic reports of Bahrain\*

#### General information

1. Please provide information on any recent significant developments in the legal and institutional framework through which human rights, and in particular those contained in the Convention, are promoted and protected at the national level. Please indicate how the Committee's previous concluding observations have been taken into account in realizing these developments.
2. Please provide information on the status of the Convention in the domestic legal order and whether it can be directly invoked in domestic courts. Please also provide information on measures taken to increase the visibility of the Convention among the population and to raise awareness of the rights and protection persons are entitled to under the Convention.
3. Please provide updated information on the ethnic composition of the State party, including on the composition of non-citizens, such as asylum seekers, refugees, stateless persons and migrants. Please clarify whether there are groups that are officially considered to be national or ethnic minorities in the State party and, if so, which groups, taking into account the Committee's general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention and No. 24 (1999) concerning article 1 of the Convention.

#### Article 1

4. Please provide information on:
  - (a) Whether the definition of discrimination has been incorporated, or if measures are being taken to incorporate it, into the domestic law of the State party and, if so, whether the definition encompasses racial discrimination with all the elements set forth in article 1 of the Convention;
  - (b) Whether both direct and indirect discrimination are, or will be, included in the definition of racial discrimination in domestic law;
  - (c) The extent to which domestic laws provide for differential treatment based on citizenship or immigration and the compliance of that differentiation with article 1 (2) and (3) of the Convention.

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\* Adopted by the Committee at its ninety-third session (31 July-25 August 2017).



## Article 2

5. Please provide information on the legal framework and the policies in place to eliminate racial discrimination and to give effect to the provisions of article 2 (1) and (2) of the Convention. In this regard, please provide information on, among others, the draft amendment to the Act on social security, progress achieved towards adopting a uniform family code, the draft law amending certain provisions of the Act on citizenship of 1963, and on the Government Programme of Action 2015-2018.

6. Please provide information on the National Institution for Human Rights, including on its mandate, independence and resources, indicating also whether it is mandated to combat racial discrimination, including through the consideration of individual complaints of racial discrimination. Please also provide information on steps taken to bring the institution into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

7. Please provide information on whether the legal system of the State party allows or provides for special measures to secure the adequate advancement of groups and individuals protected under the Convention. If so, please describe those measures and provide information on the results achieved.

8. Please indicate measures taken to amend the Law on non-governmental organizations, especially concerning the provisions allowing the ministry responsible for social development to intervene directly in such organizations' internal affairs and activities or to withdraw their operating licences. Please also provide information on steps taken to ensure that human rights defenders, including those working to combat racial discrimination, can operate freely in the State party without undue interference.

## Article 3

9. Please indicate measures taken to prevent and avoid the segregation of groups and individuals protected under the Convention, including the Shia community, in particular the Ajam and Baharna communities, as well as migrant workers and non-citizens, in all areas, including in education and housing.

## Article 4

10. Please provide information, including with respect to their implementation, on the legislative measures taken to prohibit:

(a) All dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination;

(b) All acts of violence or incitement to such acts against any group of persons of another colour or ethnic origin;

(c) The provision of any assistance to racist activities, including the financing thereof;

(d) Organizations, as well as organized and all other propaganda activities, that promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

(e) Public authorities or public institutions, national or local, from promoting or inciting racial discrimination.

11. Please indicate whether racial motives are considered an aggravating circumstance under domestic penal legislation.

12. Please provide information on decisions taken by national courts and other State institutions regarding acts of racial discrimination, in particular those offences referred to in article 4 (a) and (b) of the Convention. Please also provide statistical data, disaggregated by sex, age and ethnic or national origin, on complaints filed, including to the police, the

National Human Rights Institution, the Office of the Ombudsman, the Special Investigations Unit and the commission on the rights of prisoners and detainees, as well as on prosecutions launched and sentences handed down for acts prohibited under article 4 of the Convention and on compensation provided to victims.

## Article 5

13. Please provide information on the enjoyment of the rights set out under article 5 of the Convention by ethnic or ethnoreligious minorities, migrants and non-citizens.

14. Please provide information on measures taken to:

(a) Prevent any discriminatory or racist statements by public officials, the media or members of political parties against groups protected under the Convention, especially concerning the Shia community;

(b) Reduce and eliminate statelessness and repeal discriminatory legal provisions in the Act on citizenship concerning granting Bahraini nationality for children of non-Bahraini fathers;

(c) Ensure that all individuals belonging to ethnic or ethnoreligious groups can enjoy their right to freedom of thought, conscience and religion without undue interference;

(d) Combat discrimination in the labour market against migrant workers, especially female migrant domestic workers, and abolish the practice of illegal “free visa” arrangements, debt bondage, passport retention and illegal confinement;

(e) Facilitate family reunification for migrant workers;

(f) Extend the protection of the Labour Law (2012) to domestic workers, adopt the draft law on domestic workers and collect data on the frequency and coverage of labour inspections;

(g) Ensure equality in hiring, appointment and promotion processes, including for public posts.

15. Please provide information on the situation of Bidoon, and the steps taken towards their naturalization. Please also provide information on measures taken for naturalized citizens to enjoy the same rights as those granted Bahraini nationality by birth.

## Article 6

16. Please provide information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 6 of the Convention. In particular, please provide information on the practice and decisions of courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention.

17. Please provide information, including examples, on the types of reparation and satisfaction that are considered adequate in domestic law in cases of racial discrimination. Please also provide information on the burden of proof in civil proceedings for cases involving racial discrimination.

## Article 7

18. Please provide information on legislative and administrative measures taken to combat prejudices that lead to racial discrimination, including general information on the educational system. Please also provide information on steps taken to include in textbooks, at all appropriate levels, chapters about the history and culture of groups protected under the Convention and living in the State party’s territory, especially concerning the Shia community, in particular the Baharna community.

19. Please indicate the role of media in the dissemination of information to combat prejudices that lead to racial discrimination. Please also provide information on action taken to encourage awareness among professionals of all media about their particular responsibility not to encourage prejudice and to avoid reporting incidents involving individual members of groups protected under the Convention in a way that blames such groups as a whole.

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