**Maat for Peace’ submission on “the State of Bahrain”**

**Executive summary:**

The State of Bahrain ratified the International Convention on the Elimination of All Forms of Racial Discrimination on March 27, 1990. It has become legally obligated to adapt and harmonize its national legislation and laws to the provisions of the Convention. In fact, from a legal point of view, Bahrain adapted the legislation to the International Convention on the Elimination of All Forms of Racial Discrimination. The Constitution and law in Bahrain currently contain many articles and texts that prohibit all forms of racial discrimination and ensure that all individuals in Bahrain enjoy all human rights without discrimination based on race, origin, religion, color, or sex. For example, Article No. 18 of the Bahraini Constitution states that people are equal in human dignity, citizens are equal before the law in public rights and duties, and there is no discrimination between them based on gender, origin, language, religion, or belief. Article No. (2 bis) of Decree-Law No. (59) of 2018 amending some provisions of the Labor Law in the private sector prohibits discrimination between workers based on gender, origin, language, religion, or belief.

The legal framework in Bahrain has prohibited racial discrimination and established the enjoyment by all individuals of all human rights without discrimination. However, in practice, many individuals in Bahrain, including women and migrant workers, are subjected to discrimination and inequality in human rights and violations of civil, political, economic, social, and cultural rights. So, Maat for Peace, Development and Human Rights presents in this report detailed observations of Bahrain’s commitment to the provisions of the Convention on the Elimination of All Forms of Racial Discrimination on the State party's review by the Committee on the Elimination of Racial Discrimination at its 108th session, focusing on the most important articles of the Convention that involves some human rights issues of particular concern to Maat, which we will discuss in detail as follows:

**Measures to Prohibit or End Racial Discrimination**

Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination stipulates that every state party to the Convention must take the necessary measures to prohibit or end all forms of racial discrimination by: adopting legislation that explicitly prohibits racial discrimination, amending or repealing any laws or regulations that lead to racial discrimination, and adopting strategies, action plans, and initiatives promoting equality, non-discrimination, tolerance and peaceful coexistence among various sects and groups of society.

The State of Bahrain adopted, since its accession to the International Convention on the Elimination of All Forms of Racial Discrimination in 1990s, some legislations aiming at harmonizing its national laws with the provisions of the Convention. For example, texts and articles included in the Constitution and law of Bahrain prohibit all forms of discrimination and inequality. Article No. 18 of the Bahraini Constitution states that people are equal in human dignity, citizens are equal before the law in public rights and duties, and there is no discrimination based on gender, origin, language, religion, or creed[[1]](#footnote-1). In addition to Article No. (2 bis) of Decree-Law No. (59) of 2018 regarding the amendment of some provisions of the Labor Law in the Private Sector No. (36) of 2012, which stipulates the prohibition of discrimination between workers based on sex, origin, language, religion, or belief. In addition to Article No. (1) and (2) of Decree-Law No. (16) of 2021 amending some provisions of the Labor Law in the Private Sector No. (36) of 2012 prohibited wage discrimination between male and female workers and the abolition of the ban imposed on women working in some jobs. So, women in Bahrain have the opportunity to work in any field without restricting their rights[[2]](#footnote-2).

Looking at the legislative framework against discrimination and inequality in Bahrain, Maat found that it consists of articles scattered in many provisions of Bahraini law. Until writing this report, the Bahraini authorities had failed to adopt unified legislation to combat all forms of racial discrimination, despite the legislative attempts made by the Bahraini authorities, the draft law on combating discrimination, hatred, and sectarianism from 2015 until now.

There is no national strategy for promoting the right to equality and combating racial discrimination in Bahrain. At the time of writing this report, Maat has noted that the Kingdom of Bahrain has, over the past years, adopted a set of strategic plans and national initiatives related to human rights and combating racial discrimination, such as the National Plan for the Advancement of Bahraini Women (2013-2022). In addition, the Kingdom of Bahrain’s Declaration of Tolerance on September 13, 2017, consolidated moderation and rejected intolerance, promoted the values ​​of love and peace among human beings, and rejected all forms of discrimination and racism[[3]](#footnote-3). The King Hamad Global Center for Peaceful Coexistence was established under Royal Decree No. (15) of 2018 to promote tolerance and peaceful coexistence and combat all forms of racial discrimination and inequality among all sects of society in Bahrain[[4]](#footnote-4).

**Recommendations:**

* Exerting more efforts and intensifying measures aimed at eliminating all forms of racial discrimination.
* Adopting a unified legislation or law to combat all forms of racial discrimination.
* Adopting a national strategy to combat all forms of racial discrimination and inequality.

**Ensuring that foreign workers enjoy economic, social and cultural rights without discrimination**

Article 5(e) of the International Convention on the Elimination of All Forms of Racial Discrimination obligates states party to the convention to ensure that all individuals, without distinction as to race, color, or national or ethnic origin, enjoy economic, social and cultural rights, in particular the right to work.

The State of Bahrain is obligated under this article to ensure that all individuals enjoy economic, social, and cultural rights without discrimination based on any basis, particularly the right to work. However, Maat noted that the Bahraini authorities continued, over the past years, to discriminate against foreign workers. Maat has seen reliable local and international reports that foreign workers in Bahrain are subjected to systematic discrimination in the recruitment process and the workplace. It is common for employers in Bahrain to advertise jobs for specific nationalities or languages ​​without justifying the reason for accepting people of that nationality or language group, which is the same discrimination faced by Shiite citizens in Bahrain. Some local human rights organizations have reported that Shiite citizens in Bahrain face widespread job discrimination in both the public and private sectors, as they are denied access to high governmental, leadership, and administrative professions and positions in the country[[5]](#footnote-5).

Maat also noted that the Bahraini labor law completely excludes domestic workers from the scope of its protection, as they do not have protection, which puts them at risk of exploitation and abuse by employers. According to reliable reports, more than 86,000 domestic workers in Bahrain are exposed to widespread violations, non-payment of wages, passport confiscation, deprivation of food, and inappropriate accommodation. They work too long working hours that sometimes reach 16 hours per day continuously without a break. They were subjected to verbal and physical abuse and denied all fair and satisfactory work conditions, including rest times, weekends, and overtime compensation[[6]](#footnote-6).

**Recommendations:**

* Taking the necessary measures to ensure that all individuals, without distinction as to race, color, or national or ethnic origin, enjoy economic, social, and cultural rights, particularly the right to work.
* Working to end all forms of discrimination in the recruitment process against foreign workers and Shiite citizens and to allow them to take up all professions like other citizens of the state, including sensitive professions in the security sector and the Bahraini army.

**Ensuring equal rights for men and women to enjoy all economic, social and cultural rights**

Over the past years, the Kingdom of Bahrain has ensured equality between men and women in all economic, social, and cultural rights. In this context, paragraph (b) of Article (5) of the Bahraini Constitution enshrined equality between men and women in all fields of political, social, cultural, and economic life. The article states that the state guarantees reconciliation between women’s duties towards the family and her work in society and her equality with men in political, social, cultural, and economic life without prejudice to the provisions of Islamic Sharia. The Kingdom has also established, under Resolution No. (4) of 2014 issued by the Civil Service Commission, committees for equal opportunities between the sexes in the government sector to ensure equal opportunities for women and men in government jobs.

Bahraini law guarantees women the same economic rights as men. Article 72 of the Bahraini Civil Code stipulates that every person is qualified to contract unless his capacity has diminished by law. Article 10 of the Trade Law stipulates, in this regard, that every Bahraini who has reached the age of eighteen and has not had a legal impediment related to his person or the type of commercial transaction that he conducts is qualified to engage in trade. Hence, the Bahraini law has equated that Men and women can acquire the eligibility to contract and engage in trade without discrimination based on gender. In further reforms in promoting women’s economic rights, the Bahraini Ministry of Labor and Social Development canceled on August 28, 2020, the ban imposed on women working at night, as it issued decision No. (50) of 2020; it allows women to work at night in the same jobs as their male counterparts[[7]](#footnote-7).

 Women are still suffering despite the efforts taken by the Bahraini government to promote women's economic rights on the same basis as men. Women suffer from societal stereotypes that impede their participation in the labor market in Bahrain, which are stereotypes related to gender roles in society. There is a societal view that limits the role of women in Bahraini society to the scope of the family and the upbringing of young people. Unemployment rates among women in Bahrain are the highest in the world, as well as their low contribution to the labor market compared to men. According to the General Federation of Bahrain Trade Unions, the percentage of unemployed women in Bahrain exceeds 63 %. It also represents only about a fifth of the working population, which is a low percentage compared to the reforms of the Bahraini government to increase its participation in the labor market[[8]](#footnote-8).

**Recommendations:**

* The necessity of working to increase the rate of women's participation in the labor market.
* The need to work on adopting many initiatives, programs, and awareness campaigns aimed at changing stereotypes about the role of women in Bahraini society.
1. المادة رقم 18 من الدستور البحريني، يمكن الاطلاع عل كامل مواد الدستور من خلال الرابط التالي: <https://bit.ly/3F6PvGz> [↑](#footnote-ref-1)
2. المادتان رقم (1) و(2) من المرسوم بقانون رقم (16) لعام 2021 الخاص بتعديل بعض أحكام قانون العمل في القطاع الخاص رقم (36) لسنة 2012، الرابط: <https://bit.ly/3eIz0W3> [↑](#footnote-ref-2)
3. برعاية ملكية..إطلاق "إعلان البحرين" في لوس أنجلس وتدشين مركز الملك حمد "للحوار بين الأديان"، الوطن، 12 سبتمبر 2017، <https://bit.ly/3CHq9fl> [↑](#footnote-ref-3)
4. أمر ملكي بإنشاء مركز الملك حمد العالمي للتعايش السلمي، الايام، 02 مارس 2018، الرابط: <https://bit.ly/3yOgfaH> [↑](#footnote-ref-4)
5. 2021 Country Reports on Human Rights Practices: Bahrain, US Department of State, April 2022, link: <https://bit.ly/3s4fwhF> [↑](#footnote-ref-5)
6. 2020 Country Reports on Human Rights Practices: Bahrain, Us department of state, March 30, 2021, link: <https://bit.ly/3mLsPBT> [↑](#footnote-ref-6)
7. Resolution No. (50) of 2020 regarding the employment of women at night, Legislation and Legal Opinion commission, August 27, 2020 link: <https://www.lloc.gov.bh/15497.aspx?cms=q8FmFJgiscJUAh5wTFxPQnjc67hw%2Bcd53dCDU8XkwhyDqZn9xoYKj62QFqJ90AeHiV8fR84xDwasQrYsc01MLw%3D%3D> [↑](#footnote-ref-7)
8. THE TWO SIDES OF WOMEN’S RIGHTS IN BAHRAIN, The Borgen project, MARCH 19, 2021, link: <https://bit.ly/3bPbJge> [↑](#footnote-ref-8)