

BAHRAIN REVIEW IN THE WORKING GROUP

Monday 7 April 2008 - Tiffany Henderson

PRESENTATION BY BAHRAIN

The delegation stated that they did not want to discuss their achievements but rather in the context of the interactive dialogue, to focus on the issues raised by several countries. They noted that many of the questions were given to their delegation 'late' in the process. The delegation stated that their report was compiled with the full involvement of civil societies and NGOs and that Bahrain has a good level of cooperation with both. The delegation did not speak directly of specific problems in their country but rather focused their report time on: achievements in response to the questions submitted by several countries, specific best practices they would like to offer and to learn from other states, and implementation.

Bahrain's Response to Questions submitted by countries:

1. Civil Society in Bahrain consulted with the UPR report.
2. A series of reforms started in 2002 and the Adoption of the National Charter have seen an improvement of human rights in Bahrain.
3. People live in harmony in Bahrain, this is evidenced with the coexistence of other religions.
4. Freedom of Assembly should be a right considered alongside the state obligation to provide national security.
5. Human Rights Defenders are seen as serving the interests of the public and stated that the judiciary is always open to deal with their complaints.
6. The new draft legislation of May 2007 passed by the Shura Council will remove criminal penalties for journalistic offenses in accordance with Freedom of Expression.
7. Equality between men and women exists at law, though it exists in accordance with Shari a Law.
8. Corporal Punishment is prohibited.
9. A new draft law currently being debated will allow nationality to be descent of a child from a Bahrainian mother, not only from a Bahrainian father.
10. Bahrain is recognizing the contribution of migrants through their laws concerning domestic workers.
11. The Death Penalty is allowed, though rarely used.
12. They will consider the ratification of the Rome Statute which created the International Criminal Court.
13. Bahrain is in the process of establishing a National Human Rights Institution in accordance with the Paris Principles.
14. Forced marriage is dealt with in accordance with the law
15. Bahrain will consider ratifying those treaties not yet ratified.
16. The constitution provides for the independence of the judiciary.

Best Practices Bahrain would like to learn:

Bahrain stated that their country has adopted a human rights approach to development and wanted to learn from other HRC how this could be adopted. Bahrain noted their high level of participation in the UPR process, particularly through raising awareness and participation via the governments website on UPR and consultations with stakeholders

and a team of scholars to monitor the 15 other countries under review in this first UPR review.

Implementation Plans:

Bahrain plans to implement the following:

1. Treaties already ratified but not yet entered into force domestically
2. Adoption of a human rights approach to development
3. A campaign against the trafficking of persons in Bahrain
4. A seminar on human rights and regional seminar on the UPR experience.
5. A law concerning NGOs.

They will implement the above through:

1. The establishment of a National Human Rights Institution
2. A National Human Rights Action Plan
3. Ratification of all the Human Rights Treaties Bahrain is a party to
4. Strengthening their national capacity
5. Cooperating with the mechanisms of the HRC, in particular through implementing its recommendations and responding to the visits of Special Rapporteurs
6. Participating in meetings dealing with Human Rights issues and joining other United Nations bodies, in particular the United Nations Security Council

Human Rights which were given specific mention by Bahrain concerning implementation:

7. Addressing the Human Rights of migrant domestic workers through directly visiting houses and regulating to a greater extent Bahrain's private sector.
8. Torture, where workshops and education in Human Rights for police and judicial officers will be conducted.
9. Freedom of Speech and Assembly will be a focus of implementation (Law of May 2007).
10. Bahrain will also seek technical assistance to ensure the protection of Human Rights in their country.

The Troika

The troika did not intervene in today's proceedings. Instead, the troika members consisting of Slovenia, United Kingdom and Sri Lanka presented questions within the time allocated for HRC member-State questions.

Questions/Issues/Human Rights/Recommendations brought up by States during the interactive dialogue

It should be noted that as this was the opening session of the UPR, many States commented on the mechanism of the UPR and their hopes for its success. Many states congratulated Bahrain on their Report and participation in the UPR process.

Migrant workers

- India wants to know measures taken for their protection.
- Saudi Arabia: What kinds of co-operation does Bahrain have with the ILO?
- Bangladesh: Question on the situation of Migrant Workers.

Bahrain: Action Plan reflects initiatives: inspection of workers housing, monitoring of private sector. Enhance protection. Bahrain passed a law on insurance for unemployed people, being Bahraini people or not. Significant number of migrant workers in B pursuant to short term contracts. Ongoing inspections of offices and employment

agencies in connection with migrant workers. Clearly established contracts are used, in which the salaries of the migrant workers are clearly set.

General/human rights

-Pakistan: How will the government replicate best practices?

- Malaysia: Want to know the cultural efforts and activities for raising human rights standards.

Bahrain: education ministry developed a new school subject dealing with citizenship and taught as of primary school and into secondary education: everything to do with HR and democracy. This subject explains the contents of the relevant Human Rights conventions and in particular the rights of the child and rights of women and the contents of all international documents.

Efforts to meet human rights standards: parliament have finished work to adopt ICESCR and ICCPR and adopted Convention against Organized Crime and Convention against trafficking in persons, including women and children.

National Human Rights Institution

- Qatar: What are the special institutions of HR in the government or civil spheres

Bahrain: Establishment of HR institution in Bahrain: establishment in Nov 2007 and hoping the HR Institution formed during 2008

Women

- United Arab Emirates: Wants further information about how Bahrain is giving women a higher profile

- Slovenia*: Gender integration needed: what has Bahrain done through their national board and through consultations to ensure this; remove reservations to CEDAW and ratifying CEDAW Optional Protocol

Want these put on record as recommendations

- Switzerland: *Recommendation*: that a non-discriminatory family code against women will enter into force as soon as possible: how will the authorities proceed with its adoption into force?

Recommends that an extensive Human Rights campaign be launched to provide content for the concerned professionals; could they give an account of the measures taken to guarantee the rights of foreign female workers in the domestic sphere mentioned in paragraph 60 of the Bahrain report; any measures taken to remedy fact that foreign workers specifically excluded from private sector employment

- Sweden: Freedom of discrimination on basis of sex inconsistent with Islamic canon law, what will Bahrain do to ensure the full equality of women including family matters?

- Mauritania: What achievements have been made in the area of women since 2001?

Bahrain: Supreme women's council signed memorandum of cooperation with the legislative branch of authorities to ensure appropriate laws adopted to move to equality of rights between women and men.

Decision making in the home: these 3 areas mean assistance to women and help participation in political life, in economy and ensure women have a better standard of living. Violence against women: Hotline established for any kind of violence against domestic workers.

Law on the protection of violence of victims in women's homes. Other questions raised: CEDAW Convention, ratified in 2002. Bahrain works to implement the convention in accordance with Islamic Sharia.

The equality of men and women: amending legislation on an ongoing basis and legislation dealing with the rights of women. New laws established to ensure maternity leave and to stay at home if they so wish. In addition an initiative to amend the state budget (regular) taken to enshrine values promoted by the UN to ensure the promotion of equality between men and women. Law to be enacted soon to ensure the equality of men and women in the budget law.

Involvement/cooperation of/with the civil society and NGOs when preparing the report

- Cuba: Want more information on the 'schools for future project'; what is the civil society involvement in the UPR process

Bahrain: writing this report was a process and gave them chance to interact with all communities in Bahrain. A lot of criticism was taken them favorably and Bahrain modified its Action Plan according to the comments received.

Unemployment

- China: How does Bahrain intent to specifically implement measures for improving human rights for unemployed, what obstacles do they see in this process?
- Djibouti: What measures taken to address the problem of unemployment?

Bahrain: Unemployment has dropped to 7 000 people and this includes housewives who are not really working. Measures: Labour market reform authority and Labour fund. Spent 50 million on the training of the people to cut unemployment. Also trying to improve the living conditions of people.

Justice

- France: *Recommendations*: independence of judiciary essential, signing of Covenant on enforced disappearances

Bahrain: Article 104 of Constitution states that judge is autonomous in decisions taken. Relevant law stipulates judge autonomous and this autonomy includes fact that a judge can only be removed or isolated by decree.
Judiciary based on separation of powers. Based on Islamic Sharia and grants polygamy. Amended regime of Sharia courts that work with a solidarity fund for women.
Coordinates with other bodies such as assoc of American jurists to improve procedures in this area.

Prisons

- Russia: Want extra information with regards to training of staff of penitentiary bodies; entry into force as quickly as possible of draft law concerning nationality of children.

Human Rights Defenders

- Netherlands: *Recommends* that the new legislation concerning HR defenders and migrant workers be informed to the HRC before there next UPR report; which special procedures will have a standing invitation to their country?

Convention on the Rights of the Child

- Egypt: What are the efforts undertaken to ensure national legislation conforms with CRC?
- Sudan: How is Bahrain implementing CRC?

Press freedom

- UK: Press Freedom and ICCPR obligations: counter-terrorism laws need to be compliant with ICCPR and deadline for proposed press law.
- Kuwait: Steps taken to widen freedom of expression in Bahrain?
- Canada: Could Bahrain provide information on the protection of freedom of information and expression?
- Sweden: *Recommends*: Look at laws that restrict freedom and some sentences extended that prevent the Freedom of the Press

Bahrain: Bahrain has 8 journals and 66 publications reflecting the concerns of their populations. Association of Journalists set up in 2003 that deals with the needs of journalists. Modernizing their legislation, in particular with publications → transparency . Kingdom enjoyed prosperity with rights of media. Ideas exchanged in atmosphere of freedom and transparency. Freedom of Expression is enshrined in our legislation.

Impunity

- Jordan: Address impunity through looking at the examples given by other countries

Human Trafficking

Bahrain worked to adopt measures that will deter, prosecute and punish perpetrators. Wife of King attended conference against trafficking. Inter-Mini Task force chaired by Foreign Ministers to tackle trafficking. Shelter to provide protection of women for all nationalities offering health and mental care, assistance and legal counseling. Special Unit within Ministerial Interior to combat trafficking. International Organization Against Migration: holding workshops and capacity building programs. Last months new law includes a comprehensive view of trafficking and the best such legislation in the Arab region. Debated and Approved by both sides of parliament and ratified by the king.

States that spoke but did not raise questions/issues/recommendations:

Palestine, Turkey, Algeria, Libya, Sri Lanka, Azerbaijan, Oman, United-States, Yemen.

Human Rights mentioned in the NGOs reports but not raised during the review

- Extra judiciary, summary and arbitrary executions
- Arbitrary Detention

Human Rights mentioned during the review but which did not bring a response by Bahrain

- Impunity (mentioned by Jordan)

Disclaimer: this summary is by no means exhaustive as it is just an indication of the discussion that took place during the review and should therefore not be quoted as an official document of the UPR process.