

Universal Periodic Review (41st session)

Contribution of UNESCO

Bahrain

I. Background and framework

| <i>Title</i> | <i>Date of ratification, accession, acceptance, or succession</i> | <i>Declarations /Reservations</i> | <i>Recognition of specific competences of treaty bodies</i> | <i>Reference to the rights within UNESCO's fields of competence</i> |
|--|---|---|---|---|
| Convention against Discrimination in Education 1960 | Not ratified | Reservation to this Convention shall not be permitted | | Right to Education |
| Convention concerning the Protection of the World Cultural and Natural Heritage (1972) | Ratification on 28 May 1991 Committee Member (2007-2011 and 2017-2021) | | | Right to take part in cultural life |
| Convention for the Safeguarding of the Intangible Cultural Heritage (2003) | Ratification on 7 March 2014 | | | Right to take part in cultural life |
| Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) | Not ratified | | | Right to take part in cultural life |

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of the Kingdom of Bahrain¹ does not enshrine the right to education but guarantees educational and cultural services to its citizens in its article 7. Article 18 proscribes discrimination.
2. The Education Law of 2005² enshrines the right to education for citizens in article 2 and establishes that basic education is compulsory from the age of six to fifteen (article 1). In addition, article 7 stipulates that “Basic and secondary education shall be free of charge in the Kingdom's schools.”

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of speech is guaranteed under the Constitution of Bahrain³, in article 23.
4. Freedom of information and access to information are not guaranteed in the Constitution, however, the Press Law of 2002 (Decree 47/2002)⁴ provides that “any restraints on flow of information or that might cause unequal access to information for newspapers or disrupt citizens’ right to knowledge are prohibited if they do not violate public security and the nation’s supreme interests” (article 32). The right to access information is further mentioned in articles 31, and 33.
5. The country did not respond to UNESCO’s annual survey aimed to assess implementation of right to information (RTI) guarantees, mandated by the Decision on Monitoring and Reporting on SDG Indicator 16.10.2 (on public access to information) adopted by the Intergovernmental Council of the International Programme for the Development of Communication at its 31st session in November 2018.
6. Articles 68-69 of the Press Law criminalize a range of expressions, including criticism of the King, and public morals. In addition to the Press Law, the Information

¹ <http://www.unesco.org/education/edurights/media/docs/flad2bf21810d11d94cab98321602b496db65627.pdf>

² <http://www.unesco.org/education/edurights/media/docs/456b3868456b5b22c78f927566909e409fe4d46b.pdf>

³ https://www.constituteproject.org/constitution/Bahrain_2017.pdf?lang=en

⁴ http://www.bahrainjournalists.org/References_and_documents/Law

Affairs Ministry issued Edict 68/2016⁵ in 2016 to regulate online activities of the newspapers, requiring them to acquire a supplementary license to publish online. These licenses need annual renewal and are issued by the Mass Media Directorate at the Information Affairs Authority. The edict retains the Ministry of Information Affairs' authority to license publications and a mandate to ban those that "harmed the regime, the official state religion, morality or different confessions in a way likely to cause a breach of the peace".

7. Bahrain's Penal Code⁶ considers defamation a criminal offense in article 364. The legal protection for confidentiality of journalists' sources is not specifically guaranteed by media legislation in Bahrain. Bahrain has yet to introduce an organic law on access to information.

Implementation of the law:

8. In Bahrain, the medias are supervised by three institutions: the Ministry of State for Information Affairs (MSIA)⁷, the Information Affairs Authority (IAA), and the High Authority for Media and Communication.⁸

Safety of journalists:

9. UNESCO has recorded the killings of three journalists in Bahrain since the Organization began systematic monitoring in 2006 [and as at 17 February 2022]⁹. One of the killings remains unsolved. In 2019 and 2020, Bahrain responded to the UNESCO Director-General's request for information on judicial follow-up of killings of journalists, but in 2021, no response was provided.

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework:

10. Decision No. 99/MN/2017 on the Student Discipline Regulations was issued for all students at all academic levels in public and private schools for 2017.¹⁰

⁵ <https://www.refworld.org/docid/5be16b2613.html> ;

⁶ https://menarights.org/sites/default/files/2016-12/BHR_PenalCode_1976.EN_.pdf

⁷ <https://www.mia.gov.bh/?lang=en>

⁸ <https://www.mia.gov.bh/the-ministry/faq-ar/?lang=en>

⁹ <https://en.unesco.org/themes/safety-journalists/observatory>

¹⁰ National report submitted to the 10th consultation on the Convention and Recommendation against Discrimination in Education, see the Observatory on the right to education: <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

- Ministerial Order No. 3 of 2018 on Establishing the Counseling and Vocational Guidance National Committee and Determining its Competencies.¹¹
- National Childhood Strategy 2018-2022¹²: Based on the four principles of the Convention on the Protection of the Rights of the Child, it covers all aspects of the lives of children in the Kingdom, including foreign children, from birth until before they reach adulthood at the age of eighteen.
- Strategic and Action Plan 2019-2021¹³: Includes training on human rights for civil societies, businesses and the National Institute for Human Rights (NIHR) Commissioners and Staff, collaboration with organizations to promote and protect human rights among other measures.

Non-discrimination

- Enshrining the principle of non-discrimination in the Education Law of 2005 is essential in order to ensure the full enforcement of the right to education. The definition of discrimination could be taken from the Convention against Discrimination in Education which states in its article 1(1) “the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education”.

School enrolment

- In the report submitted to the 10th consultation on the Convention against Discrimination in Education¹⁴, Bahrain reported the following figures:
 - Total number of students in primary education in 2019: 70,371 (male: 35,0019; female: 35,352)
 - Total number of students in middle school in 2019-2020: 36,713 (male: 18,453; female: 18,260)

¹¹ National report submitted in 2020 for the 10th consultation on the Convention and Recommendation against Discrimination in Education.

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=109176&p_country=BHR&p_count=337&p_classification=09&p_classcount=18

¹² http://tstprl.bahrain.bh/new/en/humanrights-strategies_en.html

¹³ <http://www.nihr.org.bh/EN/Administrator/MediaHandler/GenericHandler/documents/Download/Strategy-English-7-3-19.pdf>

¹⁴

- Total number of students in high school in 2019-2020: 30,247 (male: 12,000; female: 18,247)
- Total number of students in technical and vocational education in 2019-2020: 6,229 (male: 5,621; female: 608)
- As revealed by these last numbers, while gender parity is achieved in primary and middle school, in TVET, a vast majority of students enrolled are male. Progress in this area should be strengthened. A similar recommendation was made in the previous UPR cycle (N° 114.148).

Pre-primary education

- No legal provision has been identified that guarantees free and compulsory pre-primary education in accordance with Education 2030 Framework for Action.

Adult education

- According to the 10th consultation national report, adult education has contributed to reducing the illiteracy rate to less than 2.4%.¹⁵

Minimum age of marriage and girls' and women's right to education

- The Family Law of 2017 provides in its article 20 a “girl under the age of sixteen years old (Gregorian calendar) may not be married off except with the permission of the Sharia court after verifying the appropriateness of the marriage.” Not only is the absolute minimum age not specified for girls, but also no age is specified for boys. Child marriage is closely intertwined with the right to education, as girls may drop out of school to get married and those who are out of school are more likely to get married. As such, international human rights law requires States to raise the minimum age of marriage to 18 years.
- Bahrain could consider legally protecting the right to education of pregnant and parenting girls.

COVID-19 pandemic

- The Ministry of Education has announced an operational strategy for public and private educational institutions adopted in line with the COVID-19 Alert Level

¹⁵ National report submitted in 2020 for the 10th consultation on the Convention and Recommendation against Discrimination in Education.

Traffic Light System, which incorporates both in-person and remote learning with the decision to return to in-person learning left to the discretion of students' legal guardians.¹⁶ The strategy allows schools to provide safe, in-person learning for students under the Green, Yellow, and Orange Alert Levels. Under the Red Alert Level, all educational institutions must transition to remote learning.

Digital education

- UNESCO's Initiative on the Evolving Right to Education raises the risks that learners encounter in the digital environment. In this regard, the use of digital technology and devices in education could be covered to ensure learners privacy and protection in the digital environment, including through legislative measures. Measures to enhance digital inclusion and teacher training in the use of technologies could also be enhanced.

Specific recommendations:

11. The Kingdom of Bahrain should be encouraged to:

- Ratify the UNESCO Convention against Discrimination in Education.
- Proscribe all forms of discrimination in education in the Education Law of 2005.
- Introduce at least one year of free and compulsory pre-primary education in the legislation.
- Continue efforts to diversify educational choices of girls and women.
- Set the minimum age of marriage for both girls and boys at the age of 18, with no exceptions.
- Introduce a legal protection for the right to education of pregnant and parenting girls.
- Consider enhancing the digital inclusion of learners while ensuring their protection and privacy.
- Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.

¹⁶ Ministry of Health website, 'Bahrain's Ministry of Education announces the operational strategy for educational institutions under the COVID-19 Alert Level Traffic Light System', accessible at: <https://healthalert.gov.bh/en/article/News-139756>

- Share with UNESCO any relevant information to update its country profile on UNESCO's [Observatory on the Right to Education](#) and [Her Atlas: Monitoring the right to education for girls and women](#).

B. Freedom of opinion and expression

12. It is recommended that the Kingdom of Bahrain amend the provisions in Decree No. 47 (2002) that criminalize defamation, blaspheme and criticizing public officials, and place them within a civil code that is in accordance with international human rights standards.
13. The Kingdom of Bahrain is encouraged to introduce an access to information law that is in accordance with international human rights standards.
14. The Kingdom of Bahrain is encouraged to co-operate with UNESCO's annual survey instrument to measure global progress on access to information, and to consider including relevant information in their Voluntary National Reviews under the SDGs.
15. It is recommended that Bahrain modify the provisions in Edict 68/2016 that require newspapers to acquire a supplementary license to publish online, and bring them in line with international human rights standards.
16. The Kingdom of Bahrain is urged to continue to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a mean to strengthen protection of journalists and freedom of expression.
17. It is recommended that Bahrain introduce an access to information law that is in accordance with international standards.

C. Cultural Rights

18. The Kingdom of Bahrain is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). The UNESCO Culture Conventions promote access to and participation in cultural heritage and creative

expressions and thereby are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Bahrain is encouraged to facilitate the participation of communities, practitioners, cultural actors and civil society organizations as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

19. The Kingdom of Bahrain did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2018 to 2021. Therefore, Bahrain is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice. Bahrain is invited to pay particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) as well as human rights obligations related to the practice of science generally; the human rights related to access to and uses of scientific knowledge through education; the principle of non-discrimination, requiring, in this case, active promotion of women and girls entering scientific careers, as well as protections for human rights of human subjects of research. As reported in Bahrain's previous report to the UPR, the Constitution stipulates: "The State shall safeguard the sciences, the humanities and the arts and shall encourage scientific research" (para. 52). With that in mind, Bahrain is encouraged to continue to provide and to further expand input on the issues covered by the 2017 Recommendation in its national report to the UPR to allow dedicated discussions at the Human Rights Council and the formulation of specific recommendations. Additionally, Bahrain is urged to consider expanding the scope of

application of freedom of expression to include scientists and scientific researchers.