

United Nations High Commissioner for Refugees

Bahrain

We would like to bring your attention to the following excerpts, taken directly from Treaty Body Concluding Observations and Special Procedure reports, relating to issues of interest and concern to UNHCR with regards to Bahrain.

Treaty Body Concluding Observations

**CERD/C/BHR/CO/7 66th session
14 April 2005**

14. The Committee remains concerned at the situation of migrant workers, in particular regarding their enjoyment of economic, social and cultural rights. In light of article 5 (e) (i) and of general recommendation XXX on non-citizens, the Committee urges the State party to take all necessary measures to extend full protection from racial discrimination to all migrant workers and remove obstacles that prevent the enjoyment of economic, social and cultural rights by these workers, notably in the areas of education, housing, employment and health. In addition, the State party should provide information in its next periodic report on any bilateral agreements it has entered into with the countries of origin of a significant or substantial number of migrant workers in Bahrain.

15. The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection of the Labour Code. In light of its general recommendation XXX and of its general recommendation XXV on gender-related dimensions of racial discrimination, the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

17. The Committee, noting the information provided regarding the acquisition of nationality, is concerned that a Bahraini woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Bahraini nationality in the same manner as a foreign woman. The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention. In this connection, it draws the attention of the State party to general recommendation XXV and to general recommendation XXX, which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

19. *The Committee strongly recommends that the State party ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, recognizing the close connection to articles 2, 4, 5 and 6 of the Convention.*

Special Procedure Reports

Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda

**A/HRC/4/23 4th session
24 January 2007**

47. *In accordance with the Palermo Protocol, such assistance should include protection of the privacy and identity of the victims, including, inter alia, by making legal proceedings relating to such trafficking confidential (art. 6 (1)). Trafficked persons must moreover be provided with information on relevant court and administrative proceedings (art. 6 (2) (a)) and assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence (art. 6 (2) (b)). States parties shall also consider implementing measures to provide for the physical, psychological and social recovery of victims, including in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of, inter alia, appropriate housing, education and care (art. 6 (3)). States parties shall ensure that their legislation provides victims the possibility of obtaining compensation for damage suffered (art. 6 (6)). Any measures to prevent and combat trafficking in persons, especially women and children, must safeguard the rights of victims under international law, in particular under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, including their right to protection against refoulement (art. 14 (1)).*

63. *The Special Rapporteur recommends that: Prevention of forced marriage in the context of trafficking in persons, especially women and children*

(d) States amend their immigration legislation so that victims of forced marriages are not dependent upon their spouses for legal immigration status but can obtain residence permits independently of their continued relation to their husbands. Governments should recognize forced marriage, especially in the context of trafficking in persons, as a condition giving rise to a claim of asylum based on gender-related violence and other forms of human rights violations, and ensure that the women and girls concerned are not deported;

- End of excerpts -

**Protection Operation and Legal Advice Section
Division of International Protection Services**

UNHCR
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