

Americans for Democracy



& Human Rights in Bahrain

Submission by Americans for Democracy & Human Rights in Bahrain (ADHRB)
NGO in General Consultative Status with ECOSOC

To the UN Committee on the Rights of Persons with Disabilities concerning the State of Bahrain's fidelity
to the Convention on the Rights of Persons with Disabilities

Americans for Democracy & Human Rights in Bahrain

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1. Information on Submitting Organization and Overview

Formed in 2002, Americans for Democracy & Human Rights in Bahrain (ADHRB) fosters awareness of, and support for, democracy and human rights in Bahrain and the Gulf Region.

In this document, ADHRB reviews the Government of Bahrain's compliance with its international human rights obligations under the Convention on the Rights of Persons with Disabilities to create a tolerant and inclusive society which safeguards the fundamental human rights and freedoms of disabled persons. Our review examines the impact of Bahraini policy on persons with disabilities in the following areas:

- Reallocation of disability budget allowances toward other social expenses by the Ministry of Social Affairs
- Insufficient disability benefit support provided by the government to uphold a decent standard of living and quality of life for disabled persons
- Limited accessibility of quality education for the disabled, along with poor training and pre-hiring screening procedures for teachers and school staff
- Crackdown on free functioning of independent civil society, cutting off critical support and social services distribution for disabled persons in Bahrain

Overall, we find that Bahrain has not complied with its commitments under the Convention.

2. Introduction

The Government of Bahrain claims to “ensure that people with disabilities obtain full rights on an equal basis with others, achieve comprehensive integration and receive the best care and development.” Indeed, the government has promulgated a number of laws and legal provisions meant to support persons with disabilities and provide them with equal access and equal rights. However, officials' implementation of these laws and provisions falls far short of the letter of the law. Thus despite nominal protections, the government has failed to actively work to promote and protect the rights of persons with disabilities and persons with disabilities continue to face more difficulties in securing equitable access to employment, healthcare, and housing than do able-bodied persons.

3. UPR Recommendations Pertaining to the Rights of Persons With Disabilities

During Bahrain's 3rd Universal Periodic Review (UPR) cycle in 2017, Bahrain received five recommendations pertaining to the rights of persons with disabilities.

114.162 Take effective measures to realize the rights enshrined in the Convention on the Rights of Persons with Disabilities, which was ratified in 2011 (United Arab Emirates);

114.163 Develop health programs in health-care centers and correctional and rehabilitation centers to accommodate all age groups and people with special needs (Oman);

114.164 Continue to improve the social security system, and take further steps to guarantee the rights of persons with disabilities and other vulnerable groups (China);

114.165 Continue to support the integration of persons with disabilities in society by strengthening educational support and job training (Singapore); and

114.166 Promote the participation of persons with disabilities and integrate them more widely in Bahraini society (Sudan).

Bahrain accepted these recommendations. However, even though it passed several laws concerning the rights of persons with disabilities, the government has failed to take steps to implement these recommendations.

4. Bahrain's National Strategy for Persons with Disabilities and its Failures

Bahrain launched its National Strategy for Persons with Disabilities on 3 October 2011. The government launched the Strategy in coordination with the Higher Committee for Disabled Affairs, the Ministry of Social Development, and the United Nations Development Programme (UNDP). According to Bahrain's state report, the National Strategy for Persons with Disabilities is "based on a range of field studies and the Convention on the Rights of Persons with Disabilities, to which Bahrain acceded in 2011, and seeks to ensure that people with disabilities obtain full rights on an equal basis with others, achieve comprehensive integration and receive the best care and development."

Bahrain's National Strategy for Persons with Disabilities includes:

- A media structure which transitions from the medical model to a social and rights model of disability;
- A subcommittee dedicated to disability issues, overseeing information, awareness, and social service programs;
- A fund supporting the full participation of disabled persons in the national economy; and
- The enhanced role of the Ministry of Labour in employing persons with disabilities.

Nearly eight years later, however, the government has not fully implemented these priorities. Reportedly, officials did not consult with independent civil society actors during the development of the Strategy, despite the important supporting role civil society organizations (CSOs) can play in addressing concerns regarding equal and fair rights for the country's disabled population. Nor is the national subcommittee that was created to address disability issues fully active or sufficiently funded. Rather, reportedly, the subcommittee's members frequently fail to schedule or attend meetings with stakeholders and concerned parties.

Also concerning are government figures of persons with disabilities, demonstrating an inability to accurately track and understand the disabled population. While the Ministry of Social Affairs claims to track the prevalence of disabilities among Bahraini citizens and residents and to monitor living conditions of disabled persons, the government's numbers do not align with the figures proposed by CSOs, who put the figure of disabled persons much higher. Article 22 of Bahrain's state report claims that in 2001 there were just over 4,600 disabled individuals residing in Bahrain. This number climbs to 8,000 in 2012. CSOs say the number is higher, suggesting a lack of clear and consistent communication between the established national agencies and CSOs who interact more regularly with disabled persons.

5. Concerns Regarding Bahrain's Funding and Assistance to Persons with Disabilities

Independent CSOs serving Bahrain's disabled population report that authorities routinely mishandle and misuse funds meant to support disabled persons. When disabled persons attempt to collect benefits promised to them, officials frequently claim that funding for disability services has been reallocated to other, more pressing priorities.

Registration for benefits via the Ministry of Social Affairs remains complicated and the entire bureaucratic process is very lengthy. Article No. 7 of Law No. 74 of 2006 states that disabled Bahrainis are entitled to a generous monthly allowance, but reports from the ground indicate that those approved by the State do not receive reliable benefits and services because disability funding is routinely re-allocated for other Ministry of Social Affairs priorities. Other impaired individuals deserve, and have technically been approved for, federal assistance. However, they do not receive any supplemental income because the government does not protect these funds from being misdirected.

6. Restrictions to NGOs and Civil Society Organizations in Bahrain and its Impact on Persons with Disabilities

Since coordination and communication among national agencies remains poor, lacking necessary networks and resources, local assistance and fundraising efforts spearheaded by NGOs are thus very important. Unfortunately, such aid is inconsistent from month to month and proves insufficient as a citizen's or family's sole source of income. Additionally, NGOs' operations are hindered by the Ministry of Social Affairs, which requires that all civil society organizations register for government approval prior to licensing. This process is lengthy, unnecessarily complex and bureaucratic, and prohibits many disabled persons in Bahrain from receiving essential and life-saving aid and equipment. Attacks on independent civil society continue to occur, beyond the government's mandatory registration requirement for all non-governmental organizations, with freedom of expression and association severely limited in the aftermath of the 2011 pro-democracy protests. Authorities responded to these demonstrations with a campaign to dismantle many local charities in Bahrain, assuming they were fronts for pro-democracy movements, but the crackdown disproportionately affects disabled persons by removing local networks vital to their daily support and the provision of social services.

When civil society organizations report on the Bahraini government's abrogation of its responsibilities towards persons with disabilities, officials claim they are politicized and unfairly critical of the government. Independent organizations' ability to serve as advocates for disabled persons is further hampered by Amendment No. 4 of Law No. 74. Under this law, the Ministry of Social Affairs is responsible for creating different institutions to care for disabled persons. As part of its mandate it can also grant operational permits to civil society organizations, including to organizations seeking to help persons with disabilities. However the Ministry has failed to grant operational permits to civil society organizations and there are several pending applications that have yet to be approved. As a result, disabled persons are unable to appeal to supportive organizations for assistance.

7. Concerns Regarding Access to Employment for Persons with Disabilities in Bahrain

Under Bahraini law, persons with disabilities must be provided with access to equal treatment in employment and failure to do so is a crime punishable with a fine. However, due to lack of funding, the Ministry of Social Affairs is unable to adequately investigate cases of abuse and mistreatment against disabled persons. As a result, few abusers have been punished or held to account.

In an effort to ensure that persons with disabilities are not excluded from the labor force, officials have made facilities handicap accessible and mandated that at least two percent of employees in a company with more than 100 workers are persons with disabilities. However, the government does not effectively police or implement this policy.

The Government of Bahrain claims that Law No. 74 of 2006 effectively reorganizes the employment and social conditions of disabled persons. Authorities claim Law No. 74 provides improved incentive for Bahraini companies to hire disabled workers, but such commitments have thus far failed to increase employment rates for disabled individuals. Furthermore, the government refuses to guarantee the full benefit coverage of disabilities stemming from work-related injuries, with employers often able to manipulate injured employees by providing small compensatory payments in abuse of existing laws. Amendment No. 13 states that disabled people in Bahrain are entitled to equal protection under national law regarding employment practices, but some individuals report losing their job due explicitly to their disability or because employers claim a discrepancy in offered "quality of work." While individuals who have been dismissed from their jobs can submit complaints to the Ministry of Social Affairs or the Ministry of Labor, there is no settled grievance process in place. Most of the decisions on complaints are settlements, but as long as a dispute is ongoing, disabled persons cannot receive any other benefits from the government. In addition, individuals who are disabled due to work-related injuries rarely receive compensation and complaints filed are often stymied by bureaucratic delays and budget cuts. More broadly, there is no safety net for disability benefits and on the rare occasion that employers do compensate disabled employees, they provide meager funds.

Without complete labor market integration, the lack of a comprehensive safety net for disabled persons in Bahrain is even more troublesome.

8. Concerns Regarding Access to Education for Persons with Disabilities in Bahrain

Article No. 8 of Law No. 74 clarifies that disabled persons' educational expenditures should also be exempt from taxation, but the Government of Bahrain does not provide adequate assistance or grants for specialized schools. Teachers receive poor training in disability-specific educational practices, and mistreatment of pupils is common. Even if special-needs schools were offered free of charge, few families could regularly send their children due to difficulties securing accessible transportation. The Government of Bahrain and relevant Ministries occasionally offer reliable means of transport at the beginning of the school year, but when disability funding is subsequently reallocated, students and families must find their own transport. If the family's primary provider must also travel to his place of employment, alternate means of transport are not always readily available, so disabled students are routinely dropped from school rosters and fall behind in educational attainment.

9. Concerns Regarding Access to the Judicial System for Persons with Disabilities in Bahrain

Disabled persons in Bahrain face impeded access to the judicial system, along with frequent infringement on associated rights and freedoms. Impairment and material poverty often go hand in hand within the country, with monetary limitations preventing many disabled Bahrainis from hiring personal defense lawyers. While the government offers to provide an attorney for such citizens free of charge, ADHRB received reports of court-appointed lawyers failing to appear and fulfill their duties during scheduled trial dates – allegedly due to budgetary constraints and/or reallocation of resources.

Bahraini authorities also mistreat disabled persons detained in the country's various prisons, many of whose cases are represented by ADHRB in official complaints submitted to United Nations Special Procedures. Sayed Kadhem Abbas Hashem Ali, for example, was temporarily released from prison on humanitarian grounds after a brain tumor diagnosis and multiple surgeries. Prior to these operations, authorities reportedly denied Ali essential medical treatment on several occasions. These delays directly contributed to the severe deterioration of Ali's health condition. He suffers from significantly impaired vision, unable to recognize faces or light, and corrective surgeries continue to be unsuccessful.

Dr. Abduljalil AlSingace, another Bahraini citizen, faces ongoing mistreatment in prison. A prominent human rights defender detained for life in Jau prison due to political expression, AlSingace suffers from health complications resulting from post-polio syndrome and sickle-cell anemia. He is partially paralyzed and restricted to crutches or a wheelchair. Bahraini authorities continue to deny him regular access to necessary medications and doctor visits and follow-up treatments have been prohibited unless he agrees to be shackled – a practice considered unnecessary and degrading. AlSingace's crutches have also worn down and the prison authorities refuse to replace them.

Police forces in Bahrain similarly abused brothers Khalil, Jaafar, and Mahdi Kuwaid, taking advantage of pre-existing physical conditions and mental disabilities to exacerbate torture techniques and coerce criminal confessions. Such behavior is unacceptable, given the country's CRPD commitments and responsibilities under other human rights mechanisms.

10. Legal Analysis of Bahrain's Commitment to the CRPD

Despite Bahrain's accession to the CRPD in 2011, which sets the international legal ground for disabled persons's rights, the kingdom has violated several of its articles.

Article 9 - Accessibility

Article 9 of the CRPD provides that "to enable persons with disabilities to live independently and participate fully in all aspects of life, States parties shall take appropriate measures to ensure to persons with disabilities access to the physical environment, to transportation, to information and communication, including information and communication technologies and systems, and to other facilities and services open or provided to the public [...]"

The Bahraini government's targeting of NGOs and charities, including those who provide material assistance to disabled people, removes critical local networks essential to providing access to social services, and therefore should be viewed in the context of denial of accessibility. Moreover, this review underlines how lack of accessibility, especially in terms of transportations and infrastructure, is affecting the right to education of disabled children.

States' obligation to provide accessibility is an essential part of the duty to respect, protect, and fulfil equality rights in the international law. Since accessibility is a precondition for persons with disabilities to live independently, as provided for in Article 19 of the Convention, and to participate fully and equally in society, denial of access to the physical environment, transportation, information and communication technologies, and facilities and services open to the public should be viewed in the context of discrimination.

The World Report on Disability Summary, published in 2011 by the World Health Organization and the World Bank, stressed that when the built environment, transport systems, and information and communication are inaccessible to persons with disabilities, they are further prevented from enjoying some of their basic rights, such as the right to seek employment or the right to health care. The level of implementation of accessibility laws remains low in many countries, and persons with disabilities are often denied their right to freedom of expression owing to the inaccessibility of information and communication.

Articles 12 and 13 – Equal Recognition Before the Law and Access to Justice

Prisoners with disabilities are entitled to enjoy their human rights on an equal basis with other prisoners, with no discrimination on the basis of their disability or any other grounds, as codified in international law.

Article 12 provides that, “States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and “States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law.”

The language of Article 13 of the CPRD discusses access to justice for persons with disabilities in a manner which retains the inherent dignity of persons. Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role, including as witnesses, in all legal proceedings. Additionally, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Many documented cases in this review show how Bahrain is denying disabled persons the access to justice and right to be treated with equality and dignity before the law and in the prison system.

Articles 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

Article 15 of the CRPD provides that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment [...] and States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment”.

The Committee has called on States parties to protect the security and personal integrity of persons with disabilities who are deprived of their liberty, including by eliminating the use of forced treatment, seclusion, and various methods of restraint in medical facilities, including physical, chemical, and mechanic restrains. The Committee has found that these practices are not consistent with the prohibition of torture and other cruel, inhumane, or degrading treatment or punishment against persons with disabilities pursuant to article 15 of the Convention.

The cases of Sayed Kadhem Abbas Hashem Ali and Dr. Abduljail AlSingace are hallmark examples of the Bahraini government’s disregard for prisoners with disabilities. Both individuals suffered severe torture and ill-treatment, and denial of necessary medical treatment.

Article 24 – Education

Article 24 of the Convention recognizes the right to education for disabled people without discrimination and on the basis of equal opportunity. In realizing this, States shall ensure that “(a) persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory education [...]; (d) persons with disabilities receive the support required, within the general education system, to facilitate their effective education; (e) effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.”

The Committee stressed that “the measures needed to address all forms of discrimination include identifying and removing legal, physical, communication and linguistic, social, financial, and attitudinal barriers within educational institutions and the community.”

Bahrain’s reallocation of disability funding, resulting in the lack of adequate and available transportation for disabled students to attend school, demonstrates how the Government of Bahrain is infringing its obligations under Article 24 and restricting disabled persons’ right to education.

Article 27 – Work and Employment

Article 27 of the Convention states that “ States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. They shall safeguard and promote the realization of the right to work [...] and promote employment opportunities [...], as well as assistance in finding, obtaining, maintaining and returning to employment.”

States should ensure that persons with disabilities and other persons that have been discriminated on the basis of disability have easy access to mechanisms through which to challenge these situations. The International Disability Alliance (IDA) suggests to create within the national system bodies in charge of promoting nondiscrimination and enforcing obligations, which can investigate complaints and bring actions against the relevant parties. Effective mediation services between the employer and disabled persons who allege discrimination can also play a key role in ensuring the protection of disabled persons’ right to equal employment. It is also important that the level and type of sanctions for discriminatory acts and practices are sufficiently relevant to discourage discrimination.

The reported cases of individuals losing their jobs in Bahrain due to their disability, coupled with the lack of an efficient and trustable complaint system, demonstrates just some of the barriers that still exist in Bahrain when it comes to equal employment for those with disabilities.

11. Recommendations for Bahrain

- Amend Article No. 4 of Law No. 74 to allow unimpeded operation of independent civil society and other local charity groups in Bahrain, which are indispensable to the provision and distribution of social services for disabled persons
- Amend Article No. 15 of Law No. 74, imposing clear penalties for labor market discrimination against disabled workers and requiring due employer compensation for persons whose work-related injuries prohibit further activity, with a pension amount equal to the victim’s salary prior to impairment

- Provide detainees and prisoners in Bahrain adequate healthcare, including prescriptions, medical equipment, and doctors' visits.
- Investigate allegations of torture and prosecute prison authorities and police officers who use individuals' disabilities against them during interrogation and detention proceedings.
- Follow through on existing amendments and recent reforms to educational standards for the disabled, investing in special needs education and improved screening procedures for teachers and school staff.
- Ratify the Optional Protocol of the Convention recognizing the competence of the Committee to receive complaints from individuals or groups of individuals.