



Americans for Democracy and Human Rights in Bahrain

Contribution to the 71st session of the Committee of the Economic, Social, and Cultural Rights

Discrimination in the Public Education Sector in Bahrain

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I. INTRODUCTION

Formed in 2002, Americans for Democracy & Human Rights in Bahrain (ADHRB) is a non-governmental organization that relentlessly fights against human rights violations and stands up to support victims of torture and abuse. The main objective of ADHRB is to foster awareness of, and support for, democracy and human rights in Bahrain and the Gulf region, by raising awareness in the international community of the violence perpetrated by the authorities.

In this document, ADHRB reviews the Government of Bahrain's compliance with its international human rights obligations under the International Covenant on Economic, Social and Cultural Rights.

Adopted by the United Nations General Assembly on December 16, 1996, and entered into force on January 3rd, 1976, the International Covenant on Economic, Social and Cultural Rights (ICESCR) intends to create a tolerant and inclusive society which safeguards the fundamental economic, social and cultural rights. Among these rights is the right to education. The Covenant's 171 Member States, including the Kingdom of Bahrain, are under the scrutiny of the UN Committee on Economic, Social and Cultural Rights.

Our review examines the status of the right of education in the Kingdom of Bahrain. Predominantly, this report will focus on highlighting the form and the scope of the restrictions on the right to education witnessed in the Sunni-led monarchy, while also attempting to provide a comprehensive analysis of the legal frameworks of both the ICESCR and Bahraini education laws.

Primarily, this document will approach the following areas:

1. Effects of religious persecution and discrimination upon education; and
2. Limited accessibility of education for children, with a specific mention on the effects of detention on children's education

Overall, the findings of this study reveal that Bahrain has failed to comply with its commitments under the ICESCR. We are particularly alarmed by the Bahraini government's continued perpetration of such violations. These actions further limit the right to education based upon forms of discrimination which have been fuelled by the Sunni-led monarchy and continue to be reinforced in Bahraini society.

II. EXECUTIVE SUMMARY

On July 16, 2007, the Kingdom of Bahrain approved the accession of Manama to the ICESCR according to Decree-Law No. 10 of 2007. The Kingdom of Bahrain then officially joined the ICESCR on September 27, 2007.

This Covenant, discussed for the first time in 1954 at the United Nations, presents a structure that is similar to that of the International Covenant on Civil and Political Rights (ICCPR). As in the ICCPR, the ICESCR encompasses a preamble and includes 31 articles, divided into five parts.

Among other economic, social and cultural rights, the ICESCR guarantees the right of education, including the right to free universal primary education. In this regard, Article 13 of the Covenant prescribes that Member States “*agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms.*”

Furthermore, it should be recalled that the Kingdom of Bahrain acceded to the United Nations Convention on the Rights of the Child on February 13, 1992 under Law No. 16 of 1992. Adopted by General Assembly Resolution 44/25 on November 20, 1989, the Convention on the Rights of the Child preserves the political, civil, social and economic rights of children.

In this regard, this document will report the most common restrictions to the access of the right to education, ranging from the effects of religious discrimination, to the effects of detention on children’s education. As such, the question this document will attempt to address is the following: will the Kingdom of Bahrain be respectful, or as a minimum, show further interest in complying with the ICESCR?

The first part will examine the background and legal framework of the Kingdom of Bahrain up until the latest Decree Laws introduced by the monarchy on the right to education. Furthermore, this initial section aims to provide a comprehensive overview of both the inconsistencies and internal discriminatory aspects which have become deeply embedded in Bahrain’s domestic laws. Later, emphasis will be placed upon the most common forms of restrictions on the right to education, emphasizing the historical patterns of violations, and introducing some case-studies which are indicative of the monarchy’s discriminatory policies. The final section will then contain an analysis of the limits to the inherent right to education witnessed by children who are detained in jails.

After conducting a comparative study of academic sources and legal articles, our research will attempt to assess the impact these restrictions may have and, above all, the best recommendations for change within the Kingdom of Bahrain to ensure the county acts in accordance with both the ICESCR and the Convention on the Rights of the Child.

III. BACKGROUND AND LEGAL FRAMEWORK

According to Bahrain's Education Law No. 27 of 2005, education aims to develop the learner at the cultural, vocational, scientific, national, emotional, ethical, mental, social, health, behavioural and sport levels within the tenets of Islam, Arab heritage, modern culture and the customs and traditions of the Bahraini society. Additionally, it aims to infuse and indoctrinate the learner with the spirit of nationalism and patriotism within the framework and linkage between duties and rights. It emphasizes the role of the Islamic religion in defining the personality of the individual and as the primary guide for everyday life. Furthermore, by instilling civil, cultural, religious and political values, the learner acquires a deliberate sense of allegiance to the King. What is more, the religious curriculum in public schools includes several branches of religious sciences, such as the interpretation of the verses of the Quran, interpretation of the *hadiths* (sayings), the biography of the prophets and the companions, and the Islamic creed. Despite the varying interpretations of these matters between Sunni and Shiite sects, Shiites are obliged to study according to the Sunni teachings.

Bahrain has the oldest education system in the Gulf countries (established in 1919), and according to UNESCO, has the highest literacy rates in the Arab world.¹ The educational system in the Bahrain consists of nine years of basic education. This includes both primary (students aged 6-11) and secondary (students aged 12-14) stages of education.² According to Law 27/2005, the Ministry of Education (MOE) is the one responsible for the administration of the public education system in the Kingdom and for executing the State's educational policies. In addition to this, the MOE established a procedure for reviewing the performance of private schools to ensure that they adhere to teaching standards prescribed by the State.

In line with reducing illiteracy rates in the country, Law 27/2005 and the Constitution of 2002 ensures free access to education to all its citizens. In particular, Article 7 of the Bahraini Constitution states that education is "*compulsory and free in the early stages as specified and provided by law.*" This is then reinforced by Law 27/2005, which not only ensures secondary stages of schooling are free, but also prescribes that basic education (nine years of schooling) shall be compulsory for children aged 6 to 15 years old.

However, the position of religion in the Bahraini education system should also be kept in mind, given its pivotal role in the educational curricula of public schools. Conflictingly, Article 22 of the Bahraini Constitution guarantees freedom of conscience, the inviolability of worship, and the freedom to perform religious rites. However, in practice, there are several restrictions to the exercise of these rights within Bahrain's education system, with discrimination against the Shia community observed at every education stage. In contrast to what the Constitution states, Bahraini authorities channel significant power into implementing sectarian policies against its Shia students, with the MOE playing a prominent role in this regard. Its policy of discrimination is pervasive at multiple levels of the education system, including administration, curricula, educational expeditions and teaching plans. In addition to this, high school graduates and high-achieving students of Shiites affiliation are excluded from local and foreign scholarships.

¹ Data available at <http://uis.unesco.org/en/country/bh>

² Ministry of Foreign Affairs, available at <https://www.mofa.gov.bh/Default.aspx?tabid=7741>

Moreover, despite the abundant availability of local Shia teachers, the MOE employ discriminatory hiring practices which give preferential treatment of foreign Sunni teachers from countries such as Jordan, Saudi Arabia and Egypt. Consequently, Shia teachers remain unrepresented within any significant positions at the organizational level. Shia teachers are also prohibited from teaching Shiite principles, as part of an ongoing policy of sectarian discrimination to marginalize the Shia community and deprive them of their educational rights. In an attempt to push the Sunni rhetoric and convert Shia students, religious teachings regularly denounce Shia beliefs and principles and even refer to the Shiite community as infidels.³

According to Bahrain's Independent Commission of Inquiry Report (BICI), education represents the cornerstone of social reforms, which is why civil rights are taught at every stage of education. The BICI Report stated that the MOE works closely with UNESCO to enhance and include the principles of tolerance and coexistence into the academic curricula at every level.⁴ This was again confirmed during Bahrain's Universal Period Review (UPR) in 2017, where the responsibility to uphold the coexistence between education and human rights was attributed the MOE.

It is worth mentioning at this time that Bahrain has acceded to several international conventions concerning access to education, protection of children's rights, and the elimination of all forms of discrimination.⁵ This means that the country has accepted the offer or opportunity to become a party to a treaty. This resulting acceptance has the same legal effect as ratification. However, in practice, Bahrain has widely failed to comply with the commitments associated with these international conventions and has consistently disregarded the obligations imposed by their ratification.

Since 2005, education in the Kingdom of Bahrain has undergone major reforms as part of the National Education Reform Project, in order to achieve Bahrain's Economic Vision 2030. Whilst these reforms may have implemented a more creative, diversified and technology-based education, the issue of discrimination remains untouched and prevails in Bahrain's current-day education system. Overshadowed by the appearance of economic achievements and developments, Shia students and teachers remain affected by the MOE's ongoing policy of sectarian discrimination and continue to be denied basic educational rights enshrined in multiple aspects of Bahrain's domestic and international legal systems.

IV. RESTRICTIONS ON THE RIGHT TO EDUCATION

In 1992, the Kingdom of Bahrain officially acceded to the Convention on the Rights of the Child. This was then followed by the 2007 accession to the International Covenant on Economic, Social and Cultural Rights. Notwithstanding these accessions, obstacles for children and young persons in accessing their education are still widely observed. This has been seen most notably since the Arab

³ Additional data available at <http://gidhr.org/PDF/Religious%20Education-%20English.pdf>

⁴ Bahrain Independent Commission of Inquiry (BICI) Follow-up Report, December 2013, available at http://www.biciunit.bh/reports/Final%20Report_EN_Dec_2013.pdf

⁵ To monitor the status of the ratification and accession, please read here: <https://indicators.ohchr.org/>

Spring in 2011, after the Sunni-led monarchy employed a number of techniques to repress dissent in the Kingdom, including restriction of access to education.

First and foremost, relevant religious education is denied to Shia minors, who experience discrimination both in public and private schools. Although Shia Muslims adhere to the Islamic faith through a different understanding and interpretation of the Quran, the Hadiths and the biography of the prophets, Shia students are forced to follow Sunni religious curricula in schools and Shia teachers are consequently obliged to teach them. This occurs despite the notion that the majority of the population in Bahrain adheres to the Shia doctrine. Moreover, Shia teachers are extensively impeded in finding a job in education, due to the preference afforded to foreign or local Sunni candidates.

In addition to the issues of religious discrimination in the education system, minors are frequently subjected to periods of arbitrary detention which further violate their right to education. Minors are commonly arrested in Bahrain without a warrant, on accusations of illegal assembly, possession of illegal arms, rioting, or attacks against security forces. Their arbitrary detention sees them forcibly disappeared for weeks without the possibility to even speak with their families. During this period of enforced disappearance, minors cannot go to school and are unable to obtain any form of education in detention facilities. The climate of repression that characterizes Bahrain, as well the control held by the royal family and its institutions, discriminates against certain members of society who cannot access the same possibilities as their peers.

a. EFFECTS OF RELIGIOUS PERSECUTION AND DISCRIMINATION ON EDUCATION

The discrimination faced by the Shia population in the Kingdom is deeply pervasive. This sectarian divide is reflected most in the field of education. The obligation of students and teachers to follow Sunni religious curricula in schools comes in the context of what Shiites call ‘systematic marginalization’ against their sect, and amid the government’s disregard for their demands for the right to decide their curriculum of religious education.

When it comes to religious education, there fails to be a clear distinction between public and private schools. Foreign communities have the right to establish a school in Bahrain and to teach according to their national values and faith. This results in the approval of other religious teaching, such as Christian or Hindu beliefs for Christian and Hindu private schools respectively. However, the MOE can refuse to approve any curricula which it perceives contradictory to government values. As teaching curricula is exclusively approved and strongly controlled by the MOE, this has seen the discriminatory prohibition of Shia religious teachings.

These obstacles to religious education for the Shia population are the result of a sectarian mentality, which denies Shiites their rights to an education which adheres to their principles and beliefs. The consequence of such discrimination contributes to a sharper marginalization of Shia children, and spreads a message of intolerance amongst Shiites and Sunnis in the country.

The effects of such sectarian approach and consequent discrimination are also heavily observed in the employment sector. According to the Al-Wefaq National Islamic Society, thousands of Shiite

graduates have been prevented from teaching in schools following the government’s decision to enrol “large numbers of male and female teachers from Saudi Arabia and Egypt.” This occurred while “thousands of unemployed Bahraini teachers [wait] for the same jobs and are denied employment only because of their sectarian affiliation.”⁶ Al-Wefaq considered these actions as just another attempt by the government and the monarchy to obstruct pluralism, diversity, and dissent in the country.

At the same time that thousands of young Shiite graduates find themselves unable to enter career paths in education, the effects of religious discrimination are also felt for students whose access to scholarships are systematically obstructed. In 2019, the Bahrain Transparency Society (BTS) requested more clarity on the nature of scholarship distribution, urging the government to “follow the principle of transparency and publish the results of the distribution of scholarships, including name, graduation average, university name and speciality.”⁷ According to BTS, the Bahraini government would impede the free choice of majors in universities and would allow frequent episodes of discrimination in favour of Sunni students. As a result, the BTS called on the MOE to publish the results of the distribution of scholarships in the local press “per the principle of transparency and the right to access information guaranteed by the Constitution of the Kingdom of Bahrain”, and to “verify that the [MOE] has followed fair and professional standards in the distribution of scholarships to superior students without discrimination or favouritism.”⁸

b. EDUCATION DENIED TO THE CHILD AND THE EFFECTS OF DETENTION ON CHILDREN’S EDUCATION

As aforementioned, Bahrain has acceded to the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, and has therefore accepted the obligations which they impose. Both of these conventions recognise the right to education, and promote the ideals of understanding and tolerance amongst all religious groups in the provision of this right.⁹ This right to education is also upheld in the Universal Declaration of Human Rights,¹⁰ and within the domestic legislation of Bahrain’s own Constitution.¹¹

Despite their accession to such binding treaties and claims by the Kingdom that the right to education is consistently upheld, children in detention are systematically denied access. In order to understand this phenomenon, it is necessary to briefly examine the history of the country and retrace these occurrences to the 2011 Arab Spring.

⁶ Bahrain Mirror (2019-08-26) *Al-Wefaq: Thousands of Shiite Graduates Prevented from Employment in the Education Sector, Saudis and Egyptians Brought*. Available at: <https://bhr.global.ssl.fastly.net/en/news/55589.html>

⁷ Bahrain Mirror (2019-07-26) *Bahrain Transparency Society Asks Education Ministry to Meet Demands of Top Students and Publish Scholarships Distribution*. Available at: <https://bhr.global.ssl.fastly.net/en/news/55121.html>

⁸ *Ibid*

⁹ Convention on the Right of the Child. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>;
International Covenant on Economic, Social and Cultural Rights. Available at:
<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

¹⁰ Universal Declaration of Human Rights. Available at: <https://www.un.org/en/universal-declaration-human-rights/>

¹¹ Constitution of the Kingdom of Bahrain. Available at: <https://www.wipo.int/edocs/lexdocs/laws/en/bh/bh020en.pdf>

Although Bahrain was once viewed as a promising model for political reform and democratic transition, following the Arab Spring the country has gradually become one of the Middle East's more repressive states.¹² In 2011, Bahraini activists and human rights defenders took part in a peaceful pro-democracy movement demanding fundamental rights and expressing their dissent towards the government. The Bahraini authorities violently crushed the pro-democracy movement, dismantled the political opposition, and blamed the uprising on the Shia population. This grossly misrepresented attribution of blame soon grew into the violation of a vast array of human rights against the Shia population, including the use of arbitrary detention, restrictions on assembly and demonstrations, and denial of representation in government security forces.

Despite recommendations of the international community to respect human rights, the Sunni-led monarchy has since continued its campaign of repression, strengthened its control of civil society, and has actively targeted activists, journalists, political opposition leaders attempting to exercise their freedoms of expression and assembly. Amongst such dissidents has included students and children who were minors at the time of their arrests, and who were commonly detained without a warrant on charges of illegal gatherings and rioting, destroying property, attacking police officers and possessing Molotov cocktails. Once detained, security forces deny them contact with their families and access to legal advisors, whilst simultaneously subjecting them to torture, ill-treatment and physical and psychological abuse. During their periods of detention, they are denied all access to education, forcing them to miss years of integral education.

To increase awareness of these circumstances, a number of cases have been reported,¹³ including the following:

AA, Bahraini citizen was arrested at the age of 15. Masked Bahraini security forces raided his home on April 9, 2013. Following the arrest, security forces took him to the Central Investigation Department (CID), where he suffered verbal insults, harassment and abuse during his detention. Security forces threatened to further harm his pre-existing injury to his leg, and was coercing into confessing to the crimes against him. During interrogation, the authorities denied him access to a lawyer. He was prosecuted under Bahrain's excessively broad anti-terrorism laws and was convicted to three years in Jau Prison as a child on September 19, 2013. In a letter sent whilst imprisoned, Ahmed stated the following:

"I had many hobbies, I enjoyed photography and swimming, and wished to graduate high school and attend the university with his friends. I should be at school and playing with friends but instead, I'm a political prisoner. There are many children here, thus I ask you to do whatever possible to get us out of prison so we can live our childhood like all other children."

On July 23, 2012, **JS (Bahraini citizen)** was arrested by Bahraini authorities while participating in a peaceful protest. While detained at the CID and during interrogation, he was beaten, slapped, insulted, tortured and humiliated by the security officers who forced him into confessing. He was kept in solitary confinement for ten days. He wasn't allowed to contact any member of his family and his

¹² Bahrain's Human Rights Crisis. Available at: <https://www.hrw.org/news/2011/07/05/bahrain-human-rights-crisis>

¹³ Champions for Justice: Bahrain's students prisoners. Available at: <http://birdbh.org/2015/08/champions-for-justice-bahrain-student-prisoners/>

lawyer was not allowed to attend his interrogation. On April 4, 2013, the Bahraini Criminal Court convicted Jihad to ten years in prison under Bahrain's anti-terrorism law, despite the fact that he told the court he had been tortured into giving a false confession. He was imprisoned in Jau Prison. In a letter written whilst imprisoned, he stated the following:

“My hobbies were photography, sports and travelling. I wished to graduate from high school and go to university with my friends to study engineering. Instead, I was deprived of doing what I love and pursuing my education. I would have now been in my freshman year at university, not in prison. I should be a student, not a political prisoner.”

DD (Bahraini citizen) was arrested at the age of 17 in July 2013. After his grandfather's house was raided by the Bahraini authorities, they beat Dhaif in front of his family and arrested him without presenting a warrant. Following his arrest, he was taken to the CID, where he was beaten and humiliated. He was then transported to Dry Dock Detention Centre where they tortured him and kept him in solitary confinement for five days. They denied him contact with his family during this time. The government accused Dhaif of multiple charges, including murdering a policeman with explosives, possession of Molotov cocktails, and protesting. On August 13, 2014, the Bahraini Criminal Court sentenced Dhaif to life imprisonment. An appellate court subsequently reduced his sentence to 15 years. Dhaif is now serving out his sentence at Jau prison. As a result, he wasn't able to finish his final year of high school, and experienced psychological trauma resulting from the torture he endured. In a letter he wrote whilst imprisoned, he said:

“I was a hardworking and outstanding student, I wanted to go to the university and have a good future. However, this unjust verdict denied me all that I dreamed.”¹⁴

These cases clearly demonstrate the Bahraini government's deprivation of the right to education for imprisoned children, in violation of their domestic laws, the Bahraini Constitution, as well as several international conventions. Attempts by the government to control the dissident rhetoric in the country have seen a complete disregard by the Bahraini government to their international commitments and to the basic rights of its citizens. This deprivation has a serious impact on educational development and leaves many children suffering the long-term impacts of the government's failure to uphold this fundamental right.

V. RECOMMENDATIONS FOR BAHRAIN

The cases reported above, combined with the discriminatory restrictions on the right to education, demonstrate only some of the barriers that prevail in Bahrain's education system. The Bahraini government continues to violate several provisions enshrined in international treaties, and disregards the obligations imposed by international law. In order for Bahrain to adhere to their international obligations and to respect their own domestic assurances, ADHRB recommends the government to:

¹⁴ Dear PenPal: *Letters from Bahraini's Child and Adolescent prisoners*
http://www.bahrainrights.org/sites/default/files/ADHRB_Penpal_Brochure.pdf

1. Act in compliance with the Education Law No. 27 (2005) and the Constitution of 2002, which each ensure the free access to education, without distinction of sex, race, religion, personal and social conditions;
2. Act according to the principles of free and compulsory education outlined in Article 7 of the Bahraini Constitution, and impose clear penalties for all forms of restrictions on this right to education;
3. Open a transparent investigation into Bahraini officials implicated in this practice, and suspend all funding to institutions involved in restricting the access to education based upon this long-standing policy of discrimination;
4. Take effective steps to amend all relevant national laws to adhere to Bahrain's obligations under international law and treaty bodies;
5. Provide prisoners in Bahrain, including children in detention centres, with adequate access to education; and
6. Repeal without delay all provisions that prevent any minorities from attending day schools and ensure that their rights to education are fully respected.