

UPR 27th session

Bahrain

Liberties and Human Rights Department -  
ALWEFAQ

# **Report on discrimination in appointments to senior jobs in 2015**

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## **1. Introduction**

**1.1.** Human Rights Council did not issue in its review meeting on Bahrain held in May 2012 any recommendation concerning discrimination regarding senior posts and appointments, while such violations cannot be overlooked after four years of presenting the previous recommendations in Geneva.

**1.2.** According to follow-ups, the authorities have violated the rights of many citizens and deprived them of suitable jobs and appointments due to their sectarian belief or political opinions.

**1.3.** This type of violation is due to the lack of a law that criminalizes discrimination, as well as the lack of guarantees to apply the law, and the lack of clear mechanisms to consider seriously the grievances and complaints related to discrimination.

**1.4.** This report reviews briefly discrimination in senior posts in the Kingdom of Bahrain, which is made through decrees or royal orders or Cabinet resolutions or ministerial or administrative decisions until 2015. This report will cover the following four headings:

- **The executive authority**
- **The royal family's influence in the state**
- **The sovereign ministries & the judiciary**
- **Women's presence in these appointments**

**1.5.** The report deals with appointments regardless of the reappointment, transfer, holding different position, or holding more than one position, taking into account that the appointment is the standard and it's recounted in case of reappointment or transfer or changing the Job Title. The report excludes appointments relating to the occupied post, like appointment in committees which include ministers or presidents or members of the bodies, as well as the in the positions which require being a member of a particular religious doctrine such as the appointment in the endowment directorates or in the religious judiciary, or the special appointments in the Ruling Family Council, or in the sovereign ministries.

**1.6.** The report depends in its statistics on the decrees, royal orders and ministerial resolutions issued in 2015 and published in the Official Gazette, and the report compares the current figures with the figures gathered in the past years. The report covers the appointments of senior posts between 1 January 2015 until 30 December 2015, which have been published in the official Gazette numbers (3192 - 3242), attached herewith in this report.

## **2. Background and legal framework**

**2.1.** Article 16. b of the Constitution of the Kingdom of Bahrain states "Citizens are equal in the assumption of public posts in accordance with the conditions specified by law". As well as, the Kingdom of Bahrain has ratified the International Convention on the Civil and Political Rights, which states in Article 25 / C "To have access, on general terms of equality, to public service in his country".

**2.2.** After the popular protests in 2011, the Bahrain Independent Commission of Inquiry (Bassiouni) recommended the Government of Bahrain, in paragraph 1725.b “the development of a national reconciliation programme that addresses the grievances of groups which are, or perceive themselves, to be deprived of equal political, social and economic rights and benefits across all segments of Bahrain’s population”, as the main causes that produced the political problem, and the King approved the report of this committee on the day of its publication on November 23, 2011.

**2.3.** The recommendations of the Human Rights Council for the Universal Periodic Review in May 2012 also stressed the need to implement the recommendations of Bassiouni’s Committee and considered putting a time frame is important to support the national spirit and consensus for moving forward in line with the legitimate aspirations of the people. The recommendations also stressed the need to respond to the aspirations of groups of victims of discrimination.

**2.4.** Although the authorities deny the existence of sectarian discrimination, repeated figures reveal, only in senior positions, a degree of certainty of power monopoly by the ruling family in senior positions, and recruitment on a sectarian basis, taking into account the tribal balances. In contrast, the appointments among the Shiite community is low, ranging at 15% and the lowest reached 13.5% in 2014.

**2.5.** The interior minister’s statement on February 21, 2016 <sup>1</sup> was one of the most prominent public statements that speak openly about the unwritten sectarian discrimination against Shia citizens by excluding them from the political partnership, and from occupying pivotal positions in the state, especially in the security and the police. In that statement, the Interior Minister unveiled the implied employment policy in the security institutions.

### **3. The Executive Authority**

**3.1.** The Cabinet reshuffle 65/2015, came to harmonize the government and the policy of austerity caused by the high prices. However, the new composition did not change in the size of the government so much. It was formed of 22 ministers, and the new change kept the same faces of the old government, and the most important is maintaining the previous balance based on the concentration of power in the hands of the ruling family, starting with the Prime Minister (Shaikh Khalifa bin Salman Al Khalifa), who spent 47 years in office, and his deputies, including the first Deputy Prime Minister (the Crown Prince), and three other deputies from the ruling family too, except for one deputy from the Shiite community.

As for the ministerial posts, the royal family has kept the sovereign ministerial posts such as Foreign Affairs, Interior, Defense, Finance and Justice), while the service ministries left for the Shiite community.

<sup>1</sup>. Interior Minister’s statement on 21 February - <http://www.alwasatnews.com/news/1082042.html>

### **4. The Royal family influence in the state**

**4.1.** The recent cabinet reshuffle shows the size of the royal family's presence in the government by occupying 9 out of 22 posts, 41% of the posts. The government positions occupied by the royal family are: (the Prime Minister, the first deputy prime minister, three deputy prime ministers, in addition to four ministers: Foreign Affairs Minister, Interior Minister, Finance Minister, and Justice Minister, in addition to the Ministry of Defence, which is not represented in the Cabinet for special considerations related to state power-sharing within the ruling family).

**4.2.** As for the distribution of ministerial posts, eight posts were occupied by the Sunni community, by 36%, while the share of the Shia were five ministerial posts, including making 23% of the total posts. The posts are (one of the Deputy Prime Ministers , Minister of Cabinet Affairs , Energy Minister , - Minister of Works and Municipalities Affairs and Urban Planning and Minister of Labour and Social Development).

**4.3.** In addition to the previous senior posts which are occupied by members of the ruling family, a number of posts, ranging from Undersecretary (of Defence - Foreign Affairs), Governor (Muharraq), Ambassador Extraordinary and Plenipotentiary, Ambassador, heads of authorities, boards chairmen and directors in a number of state authorities including, the Sunni Awaqf (Endowment) which reached 28 posts.

**4.4.** It is remarkable that a large number of appointments of members of the royal family was in the government authorities or boards of directors, and their presence ranged between the president (President of Bahrain Authority for Culture and Antiquities (BACA) - Chairman of the Labour Fund - Chairman of the Supreme Council for Health), or members of the Board of Directors (The Central Bank of Bahrain (1) – National Health Regulatory Authority (2) - the Sunni Waqf Board of Directors (2) - the Supreme Council for Youth and Sports (4) - The Supreme Committee for the disabled affairs (2).

**4.5.** Consequently, having a look at the appointments in senior posts during the year 2015, confirm the impact of the use of the royal family for their authority in recruiting their sons in high positions to reserve (38 jobs ) of total appointments for 2015 only, 15% of the senior jobs.

**4.6.** In terms of overall percentages for the distribution of senior posts through appointments in the year 2015, figures show a slight growth in the appointments for the Shia community, unlike previous years, although they are still discriminated. Figures have revealed the appointment of 54 Shiite among 256, 21.1%, while 78.9% of the posts were given to the ruling family and the Sunni community. The ruling family has gained 14.5%, which is a ratio close to some extent to their size among the country's population.

**4.7.** Over the past years, the ratio of the Shiite sect appointments in senior posts isn't more than 15%. In 2014, the Shia was occupied 13.5% of public posts, compared with 16% in 2013.

## **5. The Sovereign Ministries**

**5.1.** The employment in senior posts in the sovereign ministries is a prominent indicator of discrimination in state institutions; while many ministries are occupied by the ruling family, the figures of appointments every year reveal an absence for the Shiite community from the vacant posts in these ministries.

**5.2.** Lack of standards in filling job vacancies and competitiveness are the major reservations concerning the appointments in key ministries and others. Other factors are also related to security, as there is a lack of trust towards Shiite community in general and they aren't treated as equal partners. Therefore, they are excluded from these jobs, especially in these institutions.

**5.3.** Accordingly, appointments figures can be read in this context. From 22 posts (20 directors, a coordinator and deputy coordinator), filled all by Sunni officers with various ranks, which means a complete exclusion of the Shiites of senior positions in the security, and affirms the questioning loyalty of Shia. Appointments in other ministries were not better as they make 0% of employment in the defense and finance ministries, while their proportion in the Foreign Ministry did not exceed 8% by appointing one Shiite woman only as an ambassador of the total appointments, and appointments remained within the Foreign Ministry far from Shiites.

**5.4.** In 2014, the proportion of appointments in the foreign, interior and finance ministries was 0% for each previous ministry. From 8 senior posts, two were devoted to the ruling family, while the other five were occupied by members of the Sunni community, 4 directors and deputy chief of mission.

**5.5.** Interestingly, it is observed that appointments figures indicate that the exclusion is on the sectarian basis and it affects Shiites. It seems that some authorities are kept confidential, such as the Central Informatics Organization, which raises concerns over the process of demographic change by illegal naturalization which aims to transform the majority in the country to a minority. The appointments in the Central Informatics Organization were also 0%, of the total 10 appointments in senior posts.

## **6. The judiciary**

**6.1.** Judicial appointments in the judiciary were not better than the rest of the appointments in the executive branch. Out of 22 appointments in various judicial departments, only one post was occupied by the Shiite community, and it was in the Committee on the settlement of stalled real estate development projects.

**6.2.** According to the map of appointments in various posts, Shiite community offered 0% in the following posts (Supreme Judicial Council adviser, judicial appointments, a member of the Constitutional Court, judges in the High Civil Appeal Court, a director in the Public Prosecutions), while the appointments reached 18 posts. Overall, the percentage does not differ from the appointments in 2014, which reached 10% of the 154 judicial appointments.

**6.3.** With respect to appointment of prosecutors, 0% of the appointees were Shiite for the second year similar to 2014.

## **7. Women**

**7.1.** Despite women's civil rights empowerment, particularly with regard to the right to run and vote in the elections, it's clear that the senior posts occupied by women are still limited which made the Human Rights Council call on the Government of Bahrain during universal periodic review in May 2012 to promote women's participation in State institutions.

**7.2.** The figures of women's appointments reveal another type of discrimination added to the sectarian discrimination. It reflects the narrow space available to women for career promotion and access to senior posts, or being members of committees or boards unrelated to women issues.

**7.3.** Women appointments reached 18.75%, 48 out of 256 posts, 60% of the appointments were by ministerial decisions which reflect the low degree of the posts seniority .

**7.4.** With regards to Shiite women in appointments, 14 out of 48 jobs were occupied by Shiite women, 29% of jobs won by women, and 5% of the total senior jobs.

## **8. Recommendations**

- To implement the recommendations of the Bahrain Independent Commission of inquiry (Bassiouni), and to implement the recommendations of the Human Rights Council.
- To adopt the principle of transparency, and competitiveness in order to reach the senior posts in the state.
- To take the necessary measures to eliminate all forms of discrimination.
- To harmonize domestic law with the obligations accepted by Bahrain in signing international treaties.
- To correct the legislative authority structure in order to have an essential role in controlling and accountability of the executive authority.
- To carry out political reforms, and to ensure citizens' justice, equality, political, civil, social, economic and cultural rights.
- To ensure equality between members of the royal family and the rest of the people in getting jobs and privileges, based on equal opportunities.
- To integrate all citizens from all sects in the security services and sovereign ministries.
- To issue a law criminalizing all forms of discrimination based on the international definition of racial discrimination.

- To review existing laws or to endorse new legislations to harmonize international laws that Bahrain is a party, including the voluntary pledges to improve the human rights situation.
- To provide information and facilitate accessing to it, with respect to appointments and their occupants, and not to discriminate its circulation.
- To ensure the independence of the judiciary away from any influence of the executive authority, to carry out the roles assigned to it.
- To advertise judicial vacancies and to place the candidates for these jobs to professional competitions program.
- To strengthen the role of women and to allow them to compete for the senior posts.

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