

TREATY BODY MONITOR

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COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 42ND SESSION BAHRAIN, 1ST AND 2ND REPORTS 30 OCTOBER 2008

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Key facts¹

Ratification	Reservations	Party to Optional Protocol?	Other core treaties ratified
2002	Articles 2, 9, 15, 16, 29	No	ICERD, ICCPR, ICESCR, CAT, CRC

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

Information submitted to the Committee

State report

Bahrain submitted its 1st and 2nd reports to the Committee on the Elimination of Discrimination against Women (the Committee) on 12 November 2007.² The State report was not submitted on time as the deadline set by the Committee was 18 July 2003. This is the first time that Bahrain is appearing before the Committee since ratifying the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention) in 2002.

The State report is divided into two parts. Part I provides basic information about the country's political, legal, economic, and social systems. Part II provides clear explanations and examples of the progress Bahrain has made in implementing the Convention. The State supplied relevant statistics in relation to most of the articles. The report discusses, *inter alia*, the creation of the Supreme Council for Women (SCW), violence against women, public participation of women, health care, and equality in marriage.

In general, the State report openly recognises the challenges still facing Bahrain in terms of continuing traditional, cultural and societal perceptions towards women, which restrict their enjoyment of their rights. It also acknowledged need to increase women's awareness of their rights and freedoms.

List of issues

After having studied the report, on 15 April 2008, the Committee provided its list of issues to the State.³ The Committee provided comments and recommendations primarily on the following issues: employment; violence against women; and marriage and family relations. Specifically, the Committee requested further statistical information, information on the status of draft laws, information on training programmes for legal personnel, updates on the status of public awareness campaigns for women, and reports on the status of the ratification of the Optional Protocol to the Convention.

The State's response to the list of issues was submitted to the Committee in July 2008.⁴ In general, the State provided thorough and detailed information to the Committee's questions. However, some responses were incomplete, repetitive, and lacking in statistical information requested by the Committee.

NGO information

One individual non-governmental organisation (NGO)⁵ and two coalitions of NGOs⁶ submitted **written reports** to the Committee.⁷ The issues most frequently raised by NGOs were domestic workers, migrant workers rights, and trafficking. The coalition of NGOs represented by the Bahrain Centre for Human Rights, Bahrain Youth Society for Human Rights, and Coordination of Action Research on AIDS and Mobility (CARAM-Asia) was specifically concerned with the situation of migrant domestic workers in Bahrain. The remaining two reports addressed issues such as political representation and participation of women in the public sphere, marriage and family law, education, and health. There was a general overlap between the NGO

² CEDAW/C/BHR/2, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

³ CEDAW/C/BHR/Q/2, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

⁴ CEDAW/C/BHR/Q/2/Add.1, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

⁵ Bahrain Human Rights Watch Society.

⁶ One coalition of NGOs was headed by the Bahrain Women Union. The second coalition was represented by the following NGOs: Bahrain Centre for Human Rights, Bahrain Youth Society for Human Rights, and Coordination of Action Research on AIDS and Mobility (CARM-ASIA).

⁷ The NGO reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm

information and the list of issues of the Committee and the State report. One exception, however, was that there was no mention in the State report of the situation of women migrant domestic workers in Bahrain. Moreover, the issue of women's participation in political and public life is addressed in two of the NGO reports but not in the Committee's list of issues.

Before the examination of the State, an **informal meeting** took place between the members of the Committee and NGOs from Bahrain. The themes presented to the Committee were the following: the absence of a family law; violence against women; the nationality law; political participation; and domestic workers.

Themes and issues

The delegation of Bahrain was led by Dr Shaikha Mariam bint Hassan Al Khalifa, Deputy President of the Supreme Council for Women. She was supported by a large high-level delegation consisting of: Mrs Lulwa Saleh Al Awadi, Secretary General of the Supreme Council for Women; Mr Abdulla Abdullatif Abdulla, Permanent Representative to the United Nations in Geneva and Vienna; Dr Duha Ibrahim Al Zayani, member of the Constitutional Court; Mrs Dalal Jassim Al Zayed, Member of Shura Council; Dr AbdulAziz Abul, member of Representative Council; Mrs Lateefa Al Gaoud, member of Representative Council; and other mid-level bureaucrats, Government officials and experts.⁸

The introductory statement by the delegation was rather general and honest in identifying challenges that the Government of Bahrain is facing. The head of delegation commented that cooperation with State institutions for the development of women's rights is of great importance and the Queen of Bahrain and the President of the Supreme Council for Women have introduced many initiatives in this area. The delegation pointed out that Bahrain's ratification of many international conventions and its commitment towards international cooperation are signs of Bahrain's political will to promote women's issues. The delegation made it clear that during the preparation of the State report the delegation was particular in including input from private and public institutions, as well as civil society. The priority issues identified by the State are: the absence of family law; legislative and executive measures to deal with the problem of domestic violence; nationality of children of Bahraini women married to foreigners; and the amendment to the marriage contract.

The dialogue between the delegation and the Committee was generally very constructive. The majority of the Committee's questions were answered directly by the appropriate experts in the delegation. The delegation was also honest in acknowledging the work that still needs to be done on particular issues.

Status of the Convention in domestic law

Bahrain has a number of reservations to the Convention, an issue of great interest to the Committee members. Committee member Ms Pramila Patten suggested that Bahrain study how other Islamic countries reconcile Sharia law with the Convention. She also inquired if the Convention has superiority in the event of a conflict between domestic law and the Convention.

The delegation responded that there have been no actual cases of conflict between the Convention and national laws. In case of such a conflict, the provisions of the Convention would prevail. Once ratified, the Convention became part of the national law.

Reservations to the Convention

⁸ The list of members of Bahrain's delegation is available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

Ms Patten enquired into the reservations by Bahrain and if these reservations are reviewed regularly. Mr Cornelis Flinterman asked if a campaign has been started towards removing the reservations to Convention. The Secretary-General of SCW responded that the reservations in themselves have no effect on the rights of women; they are merely a 'precaution'. Nevertheless, the reservation to Article 9 is being reviewed and will be withdrawn. As for the reservation to Article 15, the delegation stressed that it does not impose any restrictions on women's free movement throughout the Kingdom. Dr AbdulAziz Abul, member of the Representative Council, stressed however that the review of the reservations will be encouraged with a view to withdrawal in a manner that does not conflict with Sharia law.

In its concluding observations,⁹ the Committee states that the reservations are contrary to the object and purpose of the Convention and strongly encourages Bahrain to take all necessary steps for the withdrawal of all its reservations to the Convention.

Migrants and employment

Committee members expressed their interest in the issue of employment, especially with regard to the situation of women migrant workers and women domestic workers. Committee members were concerned about poor working conditions, low salaries, and the confiscation of passports of migrant women workers, and it asked the delegation for details of the proposed amendment to the Labour Code. The delegation replied that the new Labour Code makes no distinction between Bahraini nationals and foreign migrant workers; it ensures equality between local and migrant workers and provides the same social benefits and rights. Concerning the confiscation of passports, the delegation assured the Committee that, since 1990, the Supreme Court has stipulated that it is illegal for an employer to do this. Despite the presence of special centres for complaints, the delegation recognised frankly that more work needs to be done in dealing with violations of rights of workers.

In its concluding observations, the Committee expresses concern for migrant domestic workers who are unaware of their rights, cannot easily file complaints and seek remedies in cases of abuses, and are not covered by the current Labour Code. The Committee therefore calls upon the State to take all necessary measures to accelerate the adoption of the draft Labour Code, and to ensure that it covers all migrant domestic workers.

Marriage and family relations

The delegation said in its introductory statement that the absence of a family law is an issue of top priority. The Committee stressed the importance of a codified family law, and the Committee inquired how the process of putting this legislation into reality is proceeding. Mrs Lulwa Saleh Al Awadi of the delegation merely responded that legislation, rules, and norms are in place through the court system, but that they are not codified. In other words, a conflict exists between *de jure* and *de facto* policies. The delegation expressed its hope that legislation will soon be adopted to remedy this situation.

On a different issue, Ms Begum asked whether the Government has put in place measures to eliminate polygamy. She also voiced her concern about the fact that only men can annul a marriage. The delegation responded polygamy is uncommon in Bahraini society at large; it is more common among lower classes and the uneducated. The delegation informed the Committee that Sharia law does permit polygamy, and made no remarks or showed any interest in discussing this further.

Ms Zerdani noted that Bahrain has ratified the *Convention on the Rights of the Child*, according to which the age of majority must be 18. The delegation responded that although Islamic law does not stipulate a minimum

⁹ CEDAW/C/BHR/CO/2, available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

age for marriage for men or women, in reality girls and boys under 16 and 18 respectively rarely marry due to the spread of education where boys and girls attend Government schools until the age of 18. The delegation appeared defensive on this matter, and pointing out that the age of 18 is not specifically mentioned in the *Convention on the Rights of the Child*.

In its concluding observations, the Committee urges the State to take all necessary measures towards adopting a unified family law which provides women with equal rights. The Committee also urges the State to raise the minimum age of marriage of girls from 15 to 18, and to take all appropriate measures to end the practice of polygamy. In 2005, the Committee against Torture also expressed its concern about the absence of a Family Code in Bahrain and recommended the immediate adoption of such legislation, including measures to prevent and punish violence against women, especially domestic violence.¹⁰

Violence against women

The Chairperson of the Committee recommended that the State place emphasis on collecting more statistics on violence against women. Committee member Ms Ruth Halperin-Kaddari asked the delegation to clarify the term of rape in domestic law and if reforms to include rape in domestic legislation are envisaged. She also inquired if rape in marriage is criminalised. The delegation recognised that most cases of violence occur within the family and better legislation and sanctions need to be in place, along with medical protection and other measures. The delegation said that there are no cases of death resulting from domestic violence. Bahraini legislation does not criminalise violence against women *per se*, but such crimes are covered by a section on crimes of assault against persons in the Penal Code. These crimes include crimes of physical assault, violation of honour, and rape. The SCW has established a centre to receive and respond to complaints from women. This centre has offices in Bahrain's five governorates, to monitor cases of violence against women, recommend solutions, and to ensure proper follow-up to these cases. The centre operates a telephone hotline to receive and appropriately handle women's complaints, and it also helps women obtain free legal assistance.

In its concluding observations, the Committee regrets the lack of specific legislation which criminalises violence against women. The Committee therefore calls upon Bahrain to enact legislation on violence against women, including domestic violence. The Committee recommends that training and awareness-raising programmes should be offered to judicial personnel, law enforcement officials, members of the legal and health professions, community leaders, and the general public. Furthermore, the Committee urges Bahrain to strengthen its collaboration with civil society and NGOs in combating violence against women.

Education

Committee members expressed their concern about education, especially higher education, in Bahrain. The main issue was women's access to post-graduate education and measures in place to ensure that family responsibilities do not impede access. Committee member Ms Magalys Arocha Dominguez inquired if teachers are trained in human rights and whether human rights are regularly taught in classes. Committee member Ms Pimentel enquired whether sexual education is included in the school curriculum. The delegation's responses to these inquiries were less than satisfactory, as they merely stated that there is complete equality between men and women with regard to education and that secondary education is accessible to all.

In its concluding observations, the Committee recommends that Bahrain continue to raise awareness of the importance of education for the empowerment of women. It encourages Bahrain to take steps to overcome traditional attitudes which constitute obstacles to the education of girls and women. The Committee further recommends that girls and women be actively encouraged to choose non-traditional education and professions.

¹⁰ CAT/C/CR/34/BHR, available at www2.ohchr.org/english/bodies/cat/cats34.htm.

Other issues

In its introductory statement, the delegation stated that Bahrain's reservation on Article 9 on the granting of **nationality** to children is being reviewed and that it will be withdrawn. Committee members expressed their hope that this will take place and that clearer legislation will come into existence to ensure equality between men and women on this issue. One concern expressed by the Committee was that Bahrain does not grant citizenship to children born to a Bahraini woman and a foreign man. The delegation was a bit vague in its response, saying that currently procedures are in motion to amend the article of the draft law concerning this matter. The delegation assured that the law will not allow children to be stateless.

Committee member Ms Saisuree Chutikul inquired about the existence of a national committee against **trafficking** in Bahrain. She also asked if there is a national strategy in place against trafficking and if the State is working closely with NGOs on this issue. Committee member Ms Ferdous Ara Begum asked questions regarding prostitution of migrant women and if there are policies in place to punish and prosecute perpetrators involved in the exploitation of women for prostitution. The delegation responded that there is a Criminal Code in place, which criminalises prostitution and legislation is being prepared to address trafficking. Similarly, there exists a national strategy to fight trafficking and the Government is in constant dialogue with civil society to seek its input. The delegation repeated on numerous occasions that Bahrain will host an international conference on trafficking in the near future and that international cooperation on this issue is a priority for the State.

Health was another issue under discussion between the Committee and the delegation. Ms Yoko Hayashi and Ms Pimentel were especially interested in this area. One question posed was why more women do not undergo examinations for women-related cancers and whether any steps are being taken to rectify this situation. The delegation responded to this by informing the Committee of an existing awareness campaign on breast cancer for women. Free mammographies have also been offered, but there has not been much interest in this from women. The delegation believed that this was because of women's fear of psychological consultations. Measures have been taken to allow consultations to be held at general health care facilities so there is no longer a need to go to specific centres.

The Committee also engaged the delegation in discussion on the following themes: the role of the SCW, temporary special measures, stereotypes and cultural practices, and p participation of women in public life.

Conclusions and next steps

In its concluding comments, the delegation thanked the Committee for the constructive dialogue and assured it of Bahrain's continuing commitment. In the Committee's concluding remarks, Ms Dubravka Šimonovic, Chairperson of the Committee, commented that more visibility and implementation is needed for the Convention at the national level. Bahrain should continue towards removing discriminatory legislation and the withdrawal of all reservations, in particular its reservation to Article 9 on equality with regard to nationality. Other areas for urgent action are the drafting of a family law and a law on domestic violence.

In its concluding observations, the Committee urges Bahrain to fully utilise the *Beijing Declaration and Platform for Action* in its implementation of the Convention and to work towards achieving the Millennium Development Goals where a further integration of a gender perspective is necessary. The Committee asks the State to include information on these two efforts in its next report. The Committee requests that Bahrain ratify the treaties to which it is not yet a party, namely the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, the *Convention on the Rights of Persons with*

Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee also requests the wide distribution in Bahrain of the present concluding observations to inform the people, public institutions, and organisations of its content.

The Committee invites Bahrain to respond to its concerns in the concluding observations by submitting its 3rd periodic report, which is due on 18 July 2011.

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