



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the fourth periodic report of Bahrain\*

1. The Committee considered the fourth periodic report of Bahrain (CEDAW/C/BHR/4) at its 1951st and 1952nd meetings (see CEDAW/C/SR.1951 and CEDAW/C/SR.1952), held on 14 February 2023. The Committee's list of issues and questions is contained in CEDAW/C/BHR/Q/4, and the responses of Bahrain are contained in CEDAW/C/BHR/RQ/4.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its fourth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/BHR/CO/3/Add.1) to the previous concluding observations of the Committee (CEDAW/C/BHR/CO/3). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Secretary-General of the Supreme Council for Women, Hala bint Mohammed Jaber Al Ansari, and included representatives of the Supreme Council for Women, the Ministry of Foreign Affairs, the Shura Council, the Supreme Judicial Council, the Public Prosecution, the National Health Regulatory Authority, the Ministry of Information Affairs, the Ministry of Justice, Islamic Affairs and Endowments, the National Communication Centre, the Ministry of Social Development, the Ministry of Education, the Ministry of Health, the Ministry of Interior, the Legislation and Legal Opinion Commission, the Ministry of Labour, the Labour Market Regulatory Authority, a civil society organization and a human rights expert, as well as the Permanent Representative of Bahrain to the United Nations Office and other international organizations in Geneva, Yusuf Abdulkarim Bucheeri, and other members of the Permanent Mission of Bahrain to the United Nations Office and other international organizations in Geneva.

\* Adopted by the Committee at its eighty-fourth session (6–24 February 2023).



## **B. Positive aspects**

4. The Committee welcomes the progress achieved since the consideration in 2014 of the State party's previous report ([CEDAW/C/BHR/3](#)) in undertaking legislative reforms, including the adoption of the following:

(a) Social Insurance Law No. 14 of 2022, raising social security contribution rates, revising the pension benefit formula, increasing the normal retirement age for women from 55 to 60 and revising the payment method for end-of-service benefits;

(b) Decree-Law No. 16 of 2021, amending the Labour Code for the Private Sector to prohibit unequal remuneration of female and male workers for work of equal value and repealing its article 30, which stipulated that the minister concerned shall determine the cases, jobs and circumstances in which women may not be employed at night, as well as its article 31, under which the minister concerned was required to issue a decision determining the occupations in which the employment of women is prohibited;

(c) Law No. 23 of 2018 promulgating the Health Insurance Law, guaranteeing health insurance for women migrant/expatriate domestic workers;

(d) Decree-Law No. 59 of 2018, amending the Labour Code for the Private Sector to prohibit discrimination based on sex, origin, language, religion or creed;

(e) Law No. 19 of 2017 promulgating the Family Law;

(f) Decision No. 26 of 2017, issued by the Minister of Labour and Social Development, concerning the conditions and procedures for licensing family guidance centres;

(g) Law No. 17 of 2015 on Protection against Domestic Violence;

(h) Civil Service Council Decree No. 4 of 2014, mandating the creation of equal opportunity committees in all ministries and official bodies.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) National plan for the advancement of Bahraini women (2013–2022), which has been extended to 2026;

(b) Digital national observatory for gender balance indicators (2018);

(c) National database and statistics on domestic violence (2017);

(d) National strategy for the protection of women from domestic violence (2015).

## **C. Sustainable Development Goals**

6. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize that women and men bear equal responsibilities in the realization of sustainable development and**

that women and men should be considered equally as driving forces of the sustainable development of the State party, and to adopt relevant policies and strategies to that effect.

#### **D. Parliament**

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

#### **E. Principal areas of concern and recommendations**

##### **Reservations**

8. The Committee notes that the interpretation of sharia law in compliance with the Convention can advance the goals of the State party and help it fulfil its obligations under the Convention. The Committee takes note of Decree-Law No. 70 of 2014 reformulating the State party's reservations to articles 2, 15 (4) and 16 of the Convention, with a view to ensuring that those articles are applied only "within the bounds of the Islamic sharia". The Committee notes with concern, however, that these reservations, as amended, still constitute an obstacle to the implementation of the Convention as a whole.

9. The Committee reminds the State party that reservations to articles 2 and 16 are incompatible with the object and purpose of the Convention (see the statement by the Committee on reservations, adopted at the nineteenth session in 1998) and that the Committee, in paragraph 66 of its general recommendation No. 33, recommends that States parties withdraw their reservations to the Convention, in particular to articles 2 (c), 5 (a), 15 and 16. Recalling its previous recommendations ([CEDAW/C/BHR/CO/3](#), para. 10), the Committee calls upon the State party to further review its reservations to the Convention, with a view to withdrawing them. In particular, it calls upon the State party to withdraw its reservations to articles 2, 15 (4) and 16. In doing so, the State party should take into consideration the practices of countries with similar cultural backgrounds and legal systems that have successfully harmonized their national legislation with their international human rights obligations, in particular those under the Convention.

##### **Women's rights and gender equality in relation to the coronavirus disease pandemic and recovery efforts**

10. The Committee welcomes the efforts by the State party to have a gender-responsive approach to mitigating the effect of the coronavirus disease (COVID-19) pandemic on the economic participation of women. The Committee remains concerned, however, that a large number of women migrant/expatriate workers, in particular migrant/expatriate domestic workers, have been negatively affected by the pandemic, which caused them to lose their jobs and left them unable to have access to social protection schemes. The Committee reminds the State party that women who are underrepresented and belong to disadvantaged groups are often disadvantaged owing to discriminatory structures, institutions and systems.

11. The Committee, in line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, recommends that the State party:

(a) Adopt institutional, legislative and policy measures to redress long-standing inequalities between women and men and to give renewed impetus to the achievement of gender equality by placing women at the centre of COVID-19 recovery strategies as a strategic priority for sustainable change, in line with the Sustainable Development Goals;

(b) Ensure that women and girls, especially those belonging to disadvantaged and marginalized groups, in particular migrant workers and those engaging in unpaid care work, benefit from COVID-19 recovery programmes and strategies and from stimulus packages aimed at mitigating the socioeconomic impact of the pandemic.

**Legislative framework, legal status of the Convention and harmonization of laws**

12. The Committee notes with appreciation the legislative reforms in the State party. It is concerned, however, that:

(a) National legislation does not contain an explicit prohibition of discrimination against women, in accordance with article 1 of the Convention;

(b) There have been delays in reviewing discriminatory legislation, including the Penal Code and the Nationality Law;

(c) The amendment of article 43 of the Law on Associations, which has been made more restrictive through the inclusion of a provision that board members must not have any political affiliation, has caused a shrinking of civic space, a development that may limit the right to freedom of peaceful assembly and of association;

(d) Some civil society organizations for women reportedly have not received funding from the government in the past three years.

13. The Committee reiterates its previous recommendations and calls upon the State party to:

(a) Adopt a definition of discrimination against women, encompassing both direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention;

(b) Give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, all discriminatory legislation, including discriminatory provisions in the Penal Code, Family Law and Nationality Law, and to sensitize parliamentarians, religious and community leaders, women human rights defenders and the general public on the need for legislative reform;

(c) Amend article 43 of the Law on Associations so that it becomes more inclusive and does not exclude board members because of possible political affiliation;

(d) Protect the rights to freedom of peaceful assembly and of association;

(e) Provide financial support to women's civil society groups and non-governmental organizations on an equal and inclusive basis.

### **National machinery for the advancement of women**

14. The Committee notes the critical role of the Supreme Council for Women as the national machinery for the empowerment and advancement of women and also as the State party's advisory body for the advancement of women's rights. It welcomes the launch of the National plan for the advancement of Bahraini women 2013–2022, the growing number of equal opportunity committees in both the public and private sectors, and the establishment of the Gender Balance Centre, the Women's Support Centre and the Women's Information Centre. The Committee expresses concern about reports that some civil society and non-governmental stakeholders are not fully included in collaborative efforts.

**15. Recalling the Committee's previous recommendations (CEDAW/C/BHR/CO/3, para. 16), the Committee recommends that the State party further strengthen its cooperation with all stakeholders, ensuring their full involvement in the development and implementation of strategies and programmes.**

### **National human rights institution**

16. The Committee notes that the National Institution for Human Rights was accredited with "B" status in May 2016 by the Global Alliance of National Human Rights Institutions. It notes with concern that the law is silent on the process for the selection and appointment of members of the Council of Commissioners of the Institution. In addition, the Committee is concerned at the lack of information on the number and outcomes of complaints received by the National Institution for Human Rights, as well as the human, technical and financial resources allocated to it.

**17. The Committee recommends that the State party implement the recommendations of the subcommittee on accreditation of the Global Alliance of National Human Rights Institutions in order to ensure a broad and transparent selection and appointment process and to strengthen the independence of the National Institution for Human Rights in its structure, composition and decision-making in order to bring it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, annexed to General Assembly resolution 48/134 of 20 December 1993). The State party is encouraged to seek technical assistance in this regard from the Office of the United Nations High Commissioner for Human Rights.**

### **Women human rights defenders**

18. The Committee notes with concern reports, including by United Nations special procedure mandate holders, of shrinking space for women human rights defenders and reports of reprisals against them, including intimidation, harassment, threats, physical abuse, sexual violence, travel bans and arbitrary detention.

**19. The Committee urges the State party to further strengthen and enforce measures and safeguards to protect women human rights defenders, women journalists, and women political opposition members from acts of reprisal.**

### **Temporary special measures**

20. The Committee notes that the national gender balance report is prepared every two years by the Supreme Council for Women in cooperation with the Ministry of Finance and National Economy, and that the State party has established a national observatory for gender balance indicators. The Committee notes with concern the decision of the State party not to put in place such temporary special measures as

quotas in areas where women are underrepresented or disadvantaged, including in economic, political and public life.

21. In line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and reiterating its previous recommendations ([CEDAW/C/BHR/CO/3](#), para. 18), the Committee recommends that the State party:

(a) Sensitize and train parliamentarians and other relevant officials on the non-discriminatory nature of temporary special measures within the meaning of article 4, paragraph 1, of the Convention, as interpreted in general recommendation No. 25;

(b) Adopt and implement temporary special measures, including statutory quotas and preferential recruitment of women, directed towards the achievement of de facto or substantive equality of women and men in areas where women are underrepresented or disadvantaged, including in political life, decision-making and the private sector;

(c) Adopt legislation to encourage the use of temporary special measures in both the public and private sectors.

#### **Stereotypes**

22. The Committee notes with concern the emphasis that the State party places in its Constitution on women's "duties towards the family". It reiterates its concern regarding the persistence of traditional stereotypes about the roles and responsibilities of women and men in society and, in particular, within the family.

23. Recalling the Committee's previous recommendations ([CEDAW/C/BHR/CO/3](#), para. 20), the Committee recommends that the State party continue to implement measures, including awareness-raising and education campaigns, to dismantle deep-rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society. It also recommends that the State party promote equal sharing of family responsibilities between women and men.

#### **Harmful practices**

24. The Committee notes with concern that, under article 20 of the Family Code, 16 years continues to be the minimum age of marriage for girls, compared with 18 years for men, and that the marriage of persons under the age of 16 can be authorized by the competent family court. It also notes with concern that the harmful practice of polygamy has not been prohibited by law.

25. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and the Committee's previous recommendations ([CEDAW/C/BHR/CO/3](#), para. 44), the Committee encourages the State party to amend article 20 of the Family Code to ensure that the minimum age of marriage is set at 18 years for both women and men, and to prohibit the marriage of all persons under the age of 18 without exception. The Committee also recommends that the State party prohibit polygamy, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations.

### **Gender-based violence against women**

26. The Committee notes that the Supreme Council for Women launched a national strategy to protect women from domestic violence in 2015. It also notes that a draft law has been proposed to repeal article 353 of Decree-Law No. 15 (1976) promulgating the Penal Code, pursuant to which a perpetrator of rape can evade punishment by marrying the victim. The Committee nevertheless notes with concern:

- (a) That article 344 of the Penal Code does not criminalize marital rape and excludes it from the definition of rape;
- (b) That there is no timeline for the adoption of the draft law to repeal article 353 of the Penal Code, so as to uniformly criminalize rape, including rape by a single perpetrator, gang rape and marital rape, and to remove the exemption from criminal liability if a perpetrator marries the victim of rape;
- (c) That articles 16 and 334 of the Penal Code provide for mitigated penalties for perpetrators of crimes committed in the name of so-called honour;
- (d) The lack of data, disaggregated by age, nationality, ethnicity, disability, urban or rural area, and the relationship between victim and perpetrator, on the number of reported cases of gender-based violence against women, investigations, prosecutions and convictions, as well as on the sentences imposed;
- (e) The lack of information on the number and duration of protection orders issued since the entry into force of the Domestic Violence Law, and the penalties imposed for violations of protection orders.

**27. Recalling its previous recommendations (CEDAW/C/BHR/CO/3, para. 22) and general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

- (a) Amend article 344 of the Penal Code to criminalize marital rape and base the definition of rape on the absence of consent rather than the use of force;**
- (b) Expedite the adoption of the draft law to repeal article 353 of Decree-Law No. 15 (1976) promulgating the Penal Code, pursuant to which a perpetrator of rape can evade criminal liability by marrying the victim;**
- (c) Repeal or amend articles 16 and 334 of the Penal Code to preclude mitigated penalties for perpetrators of acts committed in the name of so-called honour or custom that would otherwise be punished as crimes;**
- (d) Provide in the next periodic report statistical data, disaggregated by age, nationality, ethnicity, disability, urban or rural area, and the relationship between victim and perpetrator, on the number of reported cases of gender-based violence against women, investigations, prosecutions and convictions, as well as on the sentences imposed;**
- (e) Also provide in the next periodic report detailed information on the number of protection orders issued since the entry into force of the Domestic Violence Act and their duration, and the penalties imposed for violations of protection orders.**

### **Trafficking and exploitation of prostitution**

28. The Committee notes the establishment of the Expatriate Protection and Assistance Centre in 2015, which includes a shelter specifically for victims of trafficking. It welcomes the reinstatement of the National Committee to Combat Trafficking in Persons in 2022 and the development of a strategy and action plan to

combat trafficking in persons by the National Committee, as well as the operation of dedicated hotlines for trafficking victims and for receiving complaints about employers extracting money from workers to transfer visa sponsorship and change jobs. The Committee notes with concern, however, the low prosecution rates in cases of labour trafficking. It is also concerned at reports that trafficking victims are reluctant to file complaints owing to fear of retribution or deportation. The Committee further notes with concern that women in prostitution are criminalized in the State party, and that there is a lack of information on measures to discourage the demand for prostitution and to prosecute cases of exploitation of women in prostitution.

**29. Recalling its previous recommendations (CEDAW/C/BHR/CO/3, para. 26) and general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

**(a) Carry out an analysis of labour trafficking to better understand and address the discrepancy between the number of investigations of labour trafficking and the number of cases prosecuted;**

**(b) Provide capacity-building on gender-sensitive interviewing, early identification and referral of trafficking victims to appropriate services for immigration police and other authorities dealing with trafficking cases, and ensure that victims can report their cases without fear of deportation or retribution;**

**(c) Ensure that trafficking victims have access to protection and victim support services and can obtain a temporary residence permit irrespective of their ability or willingness to cooperate with the prosecution authorities;**

**(d) Decriminalize women in prostitution and provide exit programmes, including alternative income opportunities, to women wishing to leave prostitution;**

**(e) Provide in the next periodic report comprehensive information on the issue of prostitution, including measures adopted by the State party to discourage demand for prostitution and to prosecute and punish those who exploit prostitution.**

#### **Equal participation in political and public life**

30. The Committee notes the efforts made by the State party to promote women's participation in political and public life. It notes with concern, however, that despite some progress having been made, women's representation in the National Assembly, local councils and the judiciary remains extremely low. The Committee is also concerned that the amendment to article 43 of the Law on Associations unduly restricts women's participation in political life based on past political activities.

**31. The Committee, recalling its previous recommendations (CEDAW/C/BHR/CO/3, para. 28) and its general recommendations No. 23 (1997) on women in political and public life and No. 25 (2004) on temporary special measures, recommends that the State party adopt temporary special measures in the form of quotas, with time-bound targets, to accelerate substantive equality of women and men in political and public life, including in the National Assembly, local councils, government offices and all instances of the judiciary, including in family courts. It recommends that the State party continue its efforts to promote women in leadership positions in the public and private sectors.**



### Women and peace and security

32. The Committee welcomes the commitment of the State party to implement Security Council resolution 1325 (2000) on women and peace and security and other subsequent resolutions on women and peace and security through the integration of elements of resolution 1325 (2000) into the national plan for the advancement of Bahraini women. The Committee notes with regret, however, that a national action plan on the implementation of Security Council resolution 1325 (2000) has not been envisaged.

**33. The Committee recalls its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and recommends that the State party, in cooperation with representatives of women's civil society organizations, expeditiously develop and adopt a specific national action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security.**

### Nationality

34. The Committee notes with concern the delay in adopting the 2014 draft amendment to the Nationality Law, pursuant to which Bahraini women would be granted the same rights as Bahraini men to transmit their nationality to their children. It also notes with concern that the draft amendment does not provide for an automatic transfer of nationality to the child when the woman is married to a foreign spouse, unlike when a Bahraini man is married to a foreign spouse, thereby putting the woman's child at risk of being stateless.

**35. The Committee recommends that the State party expedite the adoption of the 2014 draft amendment to the Nationality Act and revise it to ensure that Bahraini women have the same right as Bahraini men to transfer their nationality to their children, including when they are married to a foreign spouse. The Committee, in line with its previous recommendation (CEDAW/C/BHR/CO/3, para. 34), recommends that the State party accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

### Education

36. The Committee welcomes the increased percentage of women and girls graduating in the fields of science, technology, engineering and mathematics. It notes with concern, however, that:

(a) The increased enrolment of women and girls in the fields of science, technology, engineering and mathematics has not led to increased labour market participation by women in these fields;

(b) Comprehensive sexual and reproductive health education is not part of the national curriculum.

**37. Recalling its previous recommendations (CEDAW/C/BHR/CO/3, para. 36) and general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Continue and strengthen measures to further diversify the educational and vocational choices of girls and boys, and to address persistent traditional attitudes and stereotypes that restrict girls' and women's choice of non-traditional fields of study and career paths;**

(b) **Integrate comprehensive age-appropriate education on sexual and reproductive health, including on responsible sexual behaviour, modern forms of contraception and sexually transmitted diseases, into curricula at all levels of education;**

(c) **Consider acceding to the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization.**

### **Employment**

38. The Committee welcomes the adoption by the State party of legislation prohibiting wage discrimination, criminalizing sexual harassment in the workplace and removing restrictions on the employment of women during the night. The Committee nevertheless notes with concern:

(a) That, under article 56 of the Family Law, it is considered an act of disobedience if a woman takes up employment without the consent of her husband after entering into marriage;

(b) The lack of information on the effective implementation of articles 33 and 39 of the Labour Code, prohibiting dismissals based on a woman's marital status or maternity and wage discrimination, respectively.

39. **The Committee recommends that the State party:**

(a) **Take immediate steps to repeal or amend article 56 of the Family Law to ensure that a woman may take up employment after entering into marriage without the consent of her husband;**

(b) **Strengthen labour inspections, with a view to monitoring women's conditions and terms of employment and ensuring full compliance by employers with articles 33 and 39 of the Labour Code;**

(c) **Identify and address barriers to the equal participation of women in the workforce, including by addressing traditional gender roles and promoting women's access to decision-making positions;**

(d) **Ratify the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization (ILO);**

(e) **Ratify the ILO Violence and Harassment Convention, 2019 (No. 190).**

### **Women migrant workers**

40. The Committee notes the launch of a new work permit system pursuant to Resolution No. 1 of 2022, under which permit holders are allowed to work for multiple employers. It notes, however, that more than half of the women migrant/expatriate workers officially registered in the State party are engaged in domestic work and regrets that domestic workers are not eligible to apply for the new work permit system. It also notes with concern:

(a) That the Labour Code does not apply to domestic workers, most of whom are migrant/expatriate women in the State party;

(b) That the model tripartite contract for domestic work, which regulates the relationship between the employer, domestic worker and recruitment agency, does not regulate maximum working hours, overtime compensation and rest periods, leaving woman migrant/expatriate domestic workers vulnerable to exploitation, and that employers who recruit domestic workers directly are not required to adhere to the tripartite domestic contract;

(c) The continued application of the sponsorship system governing employer-migrant/expatriate worker relations.

**41. The Committee calls upon the State party to:**

(a) **Strengthen the legal protection of women migrant/expatriate workers by extending the application of the Labour Code to domestic workers;**

(b) **Adopt contract guidelines, impose adequate penalties for abusive contracts and provide access to free legal aid and confidential and independent complaint mechanisms for women migrant/expatriate workers under abusive employment contracts, whether concluded through a recruitment agency or bilaterally with the employer;**

(c) **Continue taking steps with a view to effectively abolishing the sponsorship system, and to seek technical assistance from ILO in that regard;**

(d) **Consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189).**

**Health**

42. The Committee notes the State party's efforts to raise awareness about infectious diseases, family planning services and modern contraceptives. It also notes that the Ministry of Education, in cooperation with civil society organizations, has developed training programmes for teachers and students to address issues relating to pregnancy and marriage. The Committee notes with concern, however, that:

(a) Article 40 of the Family Law provides that a woman may not refrain from having children by her husband except upon his permission and for a good reason;

(b) Abortion is criminalized under article 321 of the Penal Code; a doctor may perform an abortion only if the woman's life is at risk; and the draft law on abortion currently being considered in parliament decriminalizes abortion only in cases where the fetus is malformed, but not in cases of rape or incest.

**43. Recalling its previous recommendations (CEDAW/C/BHR/CO/3, para. 42) and general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Repeal or amend article 40 of the Family Law to ensure that women cannot be forced by their husband to have children and can decide freely on the number and spacing of their children;**

(b) **Amend article 321 of the Penal Code, with a view to legalizing abortion at least in cases of rape, incest, threat to the life or health of the pregnant woman and severe fetal impairment, and decriminalizing it in all other cases.**

**Economic empowerment of women**

44. The Committee welcomes the legislative measures taken by the State party to strengthen women's access to social insurance and prohibit sex-based discrimination in access to credit. It notes with concern, however, that social insurance does not cover migrant/expatriate workers, including women, who account for more than half of the population of the State party.

**45. The Committee recommends that the State party extend to migrant workers, including women migrant workers, the same protection and benefits that are accorded to Bahraini nationals under the Social Insurance Law No. 14 of 2022.**

### **Women in detention**

46. The Committee notes with appreciation that the Ministry of the Interior has signed a memorandum of understanding with the International Committee of the Red Cross (ICRC) allowing ICRC to visit prisons and detention centres and conduct training courses on human rights and international humanitarian law for employees of the Ministry. It is concerned, however, at reports about conditions of detention below international standards and allegations of ill-treatment, physical and sexual assault, abuse and torture, as well as at reports that women, including journalists and activists, who are in detention in the State party do not have access to health and sanitary facilities.

**47. The Committee recommends that the State party ensure that women in pretrial detention receive adequate legal assistance and access to justice in line with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and that the conditions of detention for women, including in migrant removal centres, are in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), that all reports of ill-treatment or abuse in detention facilities are effectively investigated and that perpetrators are prosecuted and adequately punished.**

### **Marriage and family relations**

48. The Committee notes that the State party has adopted the unified Family Law No. 19 (2017) and is encouraging mediation in family disputes. It notes with concern, however, that, despite the Committee's previous recommendations ([CEDAW/C/BHR/CO/3](#), para. 44), the unified Family Law still does not stipulate equality and effective access to justice in family issues, in particular with regard to marriage, divorce, inheritance and child custody. In particular, the Committee notes with concern:

- (a) The requirement that a male guardian give his consent for a woman to enter into marriage;
- (b) The unequal inheritance rights of women heirs under sharia law;
- (c) The limited grounds for women to file for divorce as compared with men and the negative economic consequences for women in a *khul'* divorce, which requires the woman to forgo her financial rights, including by giving up her dowry;
- (d) The deeply gendered child custody and guardianship law, in particular giving priority to the father as the guardian of the child during marriage and after divorce, and the potential loss of maternal custody in case a mother remarries.

**49. The Committee recommends that the State party consider revising the Family Law No. 19 (2017) so that all of its provisions apply to everyone equally, regardless of sex and religious affiliation. It also recommends that follow-up research be carried out on women's rights in mediation. It further recommends that the State party:**

- (a) **Abolish the requirement that a male guardian give his consent for a woman to enter into marriage;**
- (b) **Undertake legislative reform to ensure equal inheritance rights for women and girls as for men and boys;**
- (c) **Amend Family Law No. 19 (2017) to remove all discriminatory provisions relating to divorce and ensure women's economic protection in case of divorce, in keeping with the Committee's general recommendation No. 29**

(2013) on the economic consequences of marriage, family relations and their dissolution, as well as its previous recommendations (CEDAW/C/BHR/CO/3, para. 46);

(d) Amend its guardianship law so that both parents are recognized as the guardians of the child, unless special circumstances demand otherwise;

(e) Ensure that women are allowed to be judges and mediators in family disputes.

#### **Beijing Declaration and Platform for Action**

50. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

#### **2030 Agenda for Sustainable Development**

51. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

52. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

#### **Ratification of other treaties**

53. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

#### **Follow-up to concluding observations**

54. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (c), 19, 23 and 41 (a) above.

#### **Preparation of the next report**

55. The Committee will establish and communicate the due date of the fifth periodic report of the State party in line with a future predictable reporting

<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

56. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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