



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding observations of the Committee on the Elimination of Discrimination against Women

Bahrain

1. The Committee considered the combined initial and second periodic reports of Bahrain (CEDAW/C/BHR/2 and CEDAW/C/BHR/2/Add.1) at its 860th and 861st meetings, on 30 October 2008 (see CEDAW/C/SR.860 and CEDAW/C/SR.861). The Committee's list of issues and questions is contained in CEDAW/C/BHR/Q/2 and the responses of Bahrain are contained in CEDAW/C/BHR/Q/2/Add.1.

Introduction

2. The Committee congratulates the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women, on June 2002. The Committee welcomes the combined initial and second periodic reports of the State party, which was well structured and generally complied with the Committee's guidelines for preparation of initial reports, but noted that it lacked references to the Committee's general recommendations. It also notes with appreciation the State party's submission of additional information containing new data and statistics, as well as the written replies to the list of issues and questions raised by the pre-session working group, which together provided further insights into the real situation of women in Bahrain and concrete information on the implementation of the Convention.

3. The Committee commends the State party on its high-level and large delegation, led by the Deputy President of the Supreme Council for Women and including representatives from the National Assembly, judiciary, various ministries, as well as academia. The Committee expresses its appreciation for the frank, open and constructive dialogue held between the delegation and members of the Committee.



4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental organizations, particularly women's organizations, in the implementation of the Convention.

Positive aspects

5. The Committee welcomes the adoption of the National Strategy for the Advancement of Bahraini Women to promote women's enjoyment of their rights in all areas, which includes several plans and programmes.

6. The Committee notes with satisfaction the establishment of the Supreme Council for Women in 2001 as the national mechanism for the advancement of women.

7. The Committee commends the State party's enactment of Law No. 1 of 2008 on human trafficking, which includes key provisions of the United Nations Convention against Transnational Organized Crime and the additional protocols thereto.

8. The Committee notes with appreciation the establishment within the Supreme Council for Women of a centre with offices in all governorates to receive and act on women's complaints.

9. The Committee welcomes the institution of several prizes, including the King's Prize aimed at encouraging Bahraini working women.

Principal areas of concern and recommendations

10. **The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and Parliament so as to ensure their full implementation.**

Parliament

11. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage its national Parliament in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.**

Legal status of the Convention and definition of discrimination

12. While noting that article 18 of the Constitution enshrines the principle of equality between men and women and that the Constitution further provides that the Convention has the status of law in Bahrain and can thus be directly applied, the

Committee remains concerned at the absence of a specific definition of discrimination against women in accordance with article 1 of the Convention, in domestic legislation. It recalls that the absence of such a specific provision with a definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private spheres, constitutes an impediment to the full application of the Convention in the State party.

13. The Committee calls upon the State party to take steps to incorporate the definition of discrimination against women as contained in article 1 of the Convention, into domestic legislation.

Visibility of the Convention

14. While commending the efforts made by the State party in disseminating and raising awareness of the provisions enshrined in the Convention, the Committee is concerned that the Convention and the Committee's general recommendations are not widely known in the country. The Committee is also concerned that the provisions of the Convention have been applied in only one case before the courts.

15. The Committee recommends that the State party continue to conduct its awareness-raising campaigns on the Convention and the work of the Committee and provide training for judges and the legal profession. The Committee requests the State party to report on progress made in this regard in the next periodic report, including cases where the provisions of the Convention were invoked or applied by courts.

Reservations

16. While noting the explanation provided by the delegation that the reservation on article 2 of the Convention does not impact negatively on the enjoyment of women of their human rights, and taking into consideration the commitment made by the State party during its consideration at the universal periodic review mechanism as well as during the dialogue with the Committee, of the State party's intention to withdraw its reservation to article 2, article 9, paragraph 2, article 15, paragraph 4, and article 16, the Committee remains of the opinion that these reservations are contrary to the object and purpose of the Convention.

17. The Committee strongly encourages the State party to intensify its efforts and to take all necessary steps for the withdrawal of all its reservations to the Convention so as to ensure that women in Bahrain benefit from all the provisions enshrined in the Convention.

National machinery for the advancement of women

18. While noting the important role played by the Supreme Council for Women led by Her Highness Shaikha Sabeeka bint Ibrahim Al Khalifa, in advancing gender equality and women's rights in Bahrain and the information by the head of delegation that a 2008-2009 action plan for the implementation of the National Strategy for the Advancement of Bahraini Women has been adopted and adequate financial resources have been allocated the Committee notes the limited support provided to non-governmental organizations.

19. The Committee recommends that the State party continue to support the Supreme Council for Women and ensure that it can effectively implement its

mandate. It further recommends that the Council strengthen its cooperation with all stakeholders, including non-governmental organizations.

Temporary special measures (article 4, paragraph 1, of the Convention)

20. The Committee notes the State party's insufficient understanding of the purpose of, and need for, temporary special measures in accordance with article 4, paragraph 1, of the Convention and expresses its concern that they are regarded as contrary to the Constitution and discriminatory. It is further concerned that no temporary special measures are in place to accelerate the achievement of de facto or substantive equality between men and women, in particular with regard to participation of women in politics and in the workplace.

21. The Committee urges the State party to adopt and implement, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, temporary special measures, in particular in the field of participation of women in public life and in the area of employment of women. The Committee further recommends that the State party raise public awareness about the importance of temporary special measures in accelerating the process of the achievement of gender equality.

Stereotypes and cultural practices

22. While noting the efforts made by the State party, including the adoption of a national strategy to promote the human rights of Bahraini women and eliminate stereotypes about the role of women and men, the Committee remains concerned about the persistence of entrenched, traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large, which are reflected, in part, in women's educational choices, their situation in the labour market and their low participation in political and public life.

23. The Committee urges the State party to effectively implement and monitor its national strategic plan, in particular to bring about change in the widely accepted stereotypical roles of women and men by promoting equal sharing of family responsibilities between women and men. The Committee recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project a positive image of women and the equal status and responsibilities of women and men in the private and public spheres.

Violence against women

24. While commending the State party for its study on violence against women and the various measures taken, including the establishment of a shelter for battered women and the increase of the number of women police officers dealing with domestic violence, the Committee regrets the lack of specific legislation criminalizing violence against women, including domestic violence. It is further concerned that article 535 of the Penal Code exempts perpetrators of rape from prosecution and punishment if they marry their victims.

25. The Committee urges the State party to implement the recommendations identified in the study on violence against women and monitor their impact. Furthermore, the Committee calls upon the State party to enact legislation on

violence against women, including domestic violence. The Committee urges the State party to revise relevant provisions of the Penal Code so as to ensure that all forms of domestic violence, including marital rape, are criminalized and that marriage to the victim does not exempt perpetrators of rape from prosecution. 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, taking into account its general recommendation No. 19 on violence against women. The Committee further encourages the State party to strengthen its collaboration with civil society and non-governmental organizations with respect to violence against women to ensure the understanding that all forms of violence, including domestic violence, are unacceptable. In this regard, the Committee encourages the State party to make use of the study of the Secretary-General on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1) and the multi-year campaign launched in 2008 to eliminate such violence.

Trafficking

26. While commending the State party's enactment of Law No. 1 of 2008 on human trafficking, which includes the provisions set forth in the United Nations Convention against Transnational Organized Crime and the additional protocols thereto, and the establishment of a National Committee to Combat Human Trafficking with the responsibility to devise programmes to prevent and combat human trafficking and protect victims from further harm, and to coordinate with national machinery with regard to human trafficking data, the Committee remains seriously concerned at the existence of trafficking in women and girls into the State party for the purposes of sexual exploitation. The Committee also regrets the lack of statistical data on women who are being trafficked in and out of the country.

27. **The Committee recommends that the State party effectively implement the recently adopted law on human trafficking and introduce and implement a strategy that includes measures of prevention, prosecution and punishment of offenders, as well as measures to protect and rehabilitate victims and reintegrate them into society. The Committee further calls upon the State party to increase its efforts in regard to international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange. The Committee requests that the State party carefully monitor the impact of measures taken and provide information on the results achieved as well as statistical data in its next periodic report.**

Political participation and participation in public life

28. While noting the State party's initiatives to promote the participation of women in public and political life, the Committee is concerned that women continue to be underrepresented in public and political life and in decision-making positions, particularly in the Council of Representatives and in Municipal Councils.

29. **The Committee urges the State party to take all appropriate measures, including temporary special measures under article 4, paragraph 1, of the Convention, and the Committee's general recommendation No. 25, and to**

establish concrete goals to accelerate the increase of women in the Council of Representatives and Municipal Councils. The Committee recommends that the State party encourage political parties to use quotas. The Committee recommends that the State party continue to undertake awareness-raising campaigns about the importance of women's participation in decision-making at all levels.

Nationality

30. While welcoming the royal decree, issued in September 2006 by the King granting citizenship to at least 372 children of Bahraini mothers and non-citizen fathers, the Committee remains concerned that to date, the draft Nationality Law concerning the elimination of nationality-related cases of discrimination against women allowing the transfer of Bahraini citizenship to the children of Bahraini women and non-citizen fathers on the same basis as children of Bahraini fathers and non-citizen women has not yet been passed.

31. The Committee urges the State party to take all necessary steps to expedite the adoption of the draft Nationality Law in order to comply with article 9 of the Convention, and to withdraw its reservation to article 9, paragraph 2.

Education

32. While welcoming the introduction of a new curriculum entitled "Citizenship", which includes human rights issues with the view to empower women in society, as well as a cooperation protocol of 2006 regarding the review of curricula and educational material in order to eliminate stereotypical portrayal of women, and the significant progress made by the State party with regard to equality in education, the Committee remains concerned that certain areas of education, such as industrial and vocational training, are available mainly to boys.

33. The Committee recommends that the State party enhance its compliance with article 10 and continue raising awareness in the State party of the importance of education for the empowerment of women. It encourages the State party 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.

Employment

34. While welcoming the information provided by the State party concerning the draft labour code which is currently being discussed by the Parliament, the Committee is particularly concerned at the poor working conditions of female migrant domestic workers who are unaware of their rights, who in practice cannot easily file complaints and seek redress in cases of abuses, and who are not covered by the current Labour Code.

35. The Committee calls upon the State party to take all appropriate measures to expedite the adoption of the draft labour code, and to ensure that it covers all migrant domestic workers. The Committee further urges the State party to strengthen its efforts to ensure that migrant domestic workers have adequate

legal protection, are aware of their rights and have access to legal aid. The Committee requests the State party to include information on the legal and other measures adopted and their impact, and data on the prevalence of violence against women migrant domestic workers, in its next periodic report.

Health

36. While commending the State party for its high quality of health services and the fact that family planning services are provided free of charge as part of primary health services, the Committee is concerned that the husband's consent is required before a Caesarean-section delivery is performed on his wife. The Committee is also concerned at the very low number of women who undergo breast and cervical examination directed at the early detection of breast and cervical cancer.

37. The Committee calls on the State party to take appropriate measures to ensure that women can consent to Caesarean-section procedures and the medical treatment without the consent and/or authorization of any other person, including that of their husbands. The Committee recommends that the State party take note of general recommendations No. 21 on equality in marriage and family relations and No. 24 on women and health (article 12 of the Convention). The Committee also recommends that the State party undertake systematic awareness-raising among women on the importance of regular medical examination to facilitate early detection of breast and cervical cancer.

Family relations

38. The Committee is concerned that the laws applicable to family matters are not uniform and contain differences resulting from sectarian interpretational and jurisprudential differences between Sunni and Shia. The Committee is deeply concerned at the lack of a codified family law containing clear and non-discriminatory provisions on marriage, divorce, inheritance and child custody in compliance with the Convention. The Committee is also concerned at the discrimination in the minimum age of marriage, which is 15 for girls and 18 for boys.

39. The Committee urges the State party to take, as a matter of priority, all necessary measures, including through awareness-raising campaigns among all sectors of the society, particularly traditional leaders, religious clerics, the media and civil society, on the importance of adopting a unified family law which provides women with equal rights. The Committee also urges the State party to raise the minimum age of marriage of girls from 15 to 18. It further urges the State party to take all appropriate measures to end the practice of polygamy, in accordance with the Committee's general comment No. 21 on equality in marriage and family relations.

Economic consequences of divorce

40. Taking into consideration the high rate of divorce in the State party, the Committee is concerned at the possible negative economic consequences of divorce on women.

41. The Committee calls upon the State party to conduct a study on the economic consequences of divorce on both spouses and to adopt legislative measures to remedy possible adverse effects of existing rules of property distribution.

Follow-up to the Beijing Declaration and Platform for Action

42. The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

43. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

Dissemination of concluding observations

44. The Committee requests the wide dissemination in Bahrain, of the present concluding observations in order to make the people, including Government officials at the national and local levels, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. It requests the State party to continue to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Ratification of other treaties

45. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Bahrain to 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

¹ 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.

Families; the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Article 20, paragraph 1

46. While welcoming the statement of the delegation of the State party that the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee has been accepted and that legal steps are being taken to formalize such decision, the Committee encourages the State party to finalize this process so that amendment can be accepted.

Follow-up to concluding observations

47. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 30 and 38. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate for implementation of the above recommendations.

Date of next report

48. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which is due on 18 July 2011.
