



**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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Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms of
Discrimination against Women**

**Replies of Bahrain to the list of issues and questions in
relation to its fourth periodic report*****

[Date received: 18 April 2019]

* The present document is being issued without formal editing.

** The annex to the present document may be accessed from the web page of the Committee.



Responses of Bahrain to the list of issues and questions in relation to the fourth periodic report of Bahrain on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

Note

- All data, statistics and figures in the present report were collected from 25 February 2018 to the end of March 2019.

Area

Legislative framework

Observations of the Committee

- Please inform the Committee about measures taken to achieve the effective separation of powers and ensure the primacy of statutory law, in line with the Convention, in order to guarantee its full implementation. Please provide information on measures taken to involve religious and traditional leaders as non-State actors in the implementation process in the fulfilment of the provisions of the Convention, in general. In paragraph 58 of its report (CEDAW/C/BHR/4), the State party indicates that, following accession to the Convention, it has become part of national law and that its definition of discrimination is applied in national legislation. Referring to Article 37 (2) of the State party's Constitution, requesting promulgation by law of treaties relating to the private rights of citizens, and to paragraph 59 of the report of the State party, please elaborate on the national legislation explicitly prohibiting and sanctioning direct and indirect discrimination against women in the public and private spheres and that dealing with intersecting forms of discrimination, in line with its obligations under articles 1 and 2 of the Convention, as previously recommended in the concluding observations of the Committee on the third periodic report of the State party (CEDAW/C/BHR/CO/3, para. 12) and in line with indicator 5.1.1 of the Sustainable Development Goals. In paragraph 58 of its report, the State party indicates that the definition of discrimination in the Convention is used by the courts when examining relevant cases. Please provide information on the draft legislation mentioned in paragraph 42 and on advancements made in the revision of discriminatory legislation, including the State party's Penal Code and Nationality Law (CEDAW/C/BHR/CO/3, para. 14).

Response

- The Constitution of Bahrain guarantees the separation of the legislative, executive and judicial branches and sets out the jurisdiction and powers of each. No branch may exceed its powers.
- Decree-Law No. 15 (2002) concerning the Shura Council and the Council of Representative, as well as the by-laws of both councils, set out the functions and competence of both council with respect to legislation and oversight of the executive branch.
- Decree-Law No. 42 (2002) promulgating the Judiciary Act enshrines the independence of the judiciary and its ability to monitor the extent to which the authorities respect the law.
- In addition, the judiciary was given its own budget pursuant to Decree-Law No. 44 (2012) amending certain provisions of the Judiciary Act.
- Bahrain would like to reiterate what it stated in paragraphs 56 to 58 of its fourth periodic report. The laws of Bahrain include provisions that clearly and explicitly prohibit and criminalize acts of discrimination against women. For example, article 29 of Act No. 36 (2012), concerning the promulgation of the Labour Code for the Private Sector, provides as follows: ... [t]aking into account the provisions of the present section, all provisions governing the employment of workers shall apply to female workers, without discrimination, when working conditions are similar. Moreover, article 39 provides that wage discrimination is prohibited simply on the basis of sex, origin, language, religion or creed. Accordingly, should there be any discrimination or violation of those articles, judges can rely directly on the provisions contained in those articles and do not need a special law to define discrimination.
- Pursuant to the provision of the Constitution under which international conventions are considered to be a part of the legislative framework of the State, there are many instances of judicial rulings that are based on international conventions. Perhaps the most significant of those are the rulings handed down by the Constitutional Court on the basis of the International Covenant on Civil and Political Rights.
- Decree-Law No. 59 (2018) amending certain provisions of the Labour Code for the Private Sector introduces a new article, 2 bis, to the Code prohibiting discrimination between workers who are subject to its provisions on the basis of sex, origin, language, religion or creed.

Area	Reservations
Observations of the Committee	
2.	<p>The State party informs the Committee, in paragraph 52, of the adoption of Decree-Law No. 70 of 2014, which reiterates its commitment to the implementation of articles 2, 15 (4) and 16 of the Convention. Considering that the State party affirms, in the same paragraph, that its reservations do not detract from the essence of the Convention or from the principle of equality of rights and duties between men and women, please provide a timeline for the review of its reservations, which, as at 1 June 2016, concern articles 2, 9 (2), 15 (4), 16 and 29 (1), with a view to withdrawing them, in order to guarantee the full implementation of the Convention.</p>
Response	
	<ul style="list-style-type: none"> ■ Article 2 of the Constitution provides that the State religion is Islam and the sharia is a principal source of legislation. Accordingly, the international conventions to which the Bahrain accedes or ratifies must not conflict with Islamic sharia. The reformulation of the reservations to articles 2, 15 (4) and 16 of the Convention pursuant to Decree-Law No. 70 (2014) has mitigated the legal effect of those reservations. However, the aforementioned instrument maintains the requirement that the provisions of the Convention should not conflict with Islamic sharia. ■ Bahrain reiterates that it continues to maintain reservations with regard to articles 9 (2) and 29 (1) of the Convention. The Decree-Law maintains, without any amendments, the absolute reservation of Bahrain to those articles of the Convention, as set out in the decree by which Bahrain acceded to the Convention: <ul style="list-style-type: none"> • Article 9 (2): Bahrain cannot commit to implementing this article prior to the amendment of the Nationality Act so as to give Bahraini women married to foreigners the right to confer citizenship unto their children. • Article 29 (1): The reservation of Bahrain to this article is based on its refusal to undermine the country's sovereignty and its judicial immunity, in accordance with which Bahrain refuses to appear before any international judicial body. ■ Bahrain reiterates that it is committed to implementing the provisions of articles 2, 15 (4) and 16 of the Convention without violating the Islamic sharia. ■ There is no timetable for the withdrawal of the reservation relating to article 9 (2). Any possible withdrawal of that reservation is tied to the amendment of the Nationality Act, something that is exclusively within the power of the legislature. ■ Bahrain maintains its reservation to article 29 (1) for reasons relating to its sovereignty. The application of articles 2, 15 (4) and 16 will remain contingent on non-violation of the Islamic sharia.
Area	Women and peace and security
Observations of the Committee	
3.	<p>In the light of the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, please provide information on measures taken to address obstacles, including legal, social, political or institutional, that hamper the participation of women in conflict prevention, management and resolution and to adopt a national action plan for the implementation of resolution 1325 (2000).</p>
Response	
	<ul style="list-style-type: none"> ■ Although Bahraini women live in a stable area and are far removed from armed conflicts, that does not mean they do not support women in friendly countries who are affected by armed conflict. Bahrain constantly strives to support women in countries that are suffering from the consequences of such conflicts by providing humanitarian relief and alleviating the suffering of victims. ■ There are no obstacles that prevent women from participating in conflict prevention, management and resolution. ■ A group of female military and police recruits are currently participating in a training programme for women in security and peacekeeping being held in Abu Dhabi, the United Arab Emirates. Organized by the Khawla bint al-Azwar Military School, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the General Women's Union of the United Arab Emirates, the aim of the programme is to prepare military women to participate in United Nations peacekeeping operations, increase the number of women qualified to work in this field and establish contacts between women interested in military and peacekeeping work. In addition, the programme promotes the strategic objectives set out in Security Council resolution 1325 (2000) concerning the importance of women's active participation in efforts to establish peace and security.

Area	Access to justice
Observations of the Committee	
<p>4. In paragraph 70 of its report, the State party indicates that the Supreme Council for Women grants free legal assistance for cases involving marital reconciliation, divorce and custody, as well as in civil cases that may arise concerning other family-related matters. Please provide data on the cases reported to that institution, including cases regarding employment, education, sexual harassment, health and participation in political and public life.</p>	
Response	
<p>■ In 2017, the Legal Advice Department of the Women’s Support Centre of the Supreme Council for Women received 418 assistance requests. In 2018, it received 670 such requests. Applicants received legal advice and social and psychological support. They also received legal assistance and were referred to law firms that represented them in sharia and civil courts. Legal advice and guidance were provided to 25 individuals who had filed work-related complaints in 2017 and to another 35 in 2018.</p>	
Observations of the Committee	
<p>5. Please also provide information on the content of the training courses mentioned in paragraph 103, as well as on the roles of participants and their numbers. Please indicate measures taken to encourage women to report cases of violence against women (CEDAW/C/BHR/CO/3, para. 22 (f)–(g)), including cases of sexual abuse, rape and violence in the domestic sphere, such as raising awareness among women of provisions available in the State party for witness protection (para. 115) and guaranteeing that victims and perpetrators are interviewed separately.</p>	
Response	
<p>■ Bahrain wishes to reiterate what it stated in paragraph 103 of its fourth periodic report. The Office of the Public Prosecution provides training to members of the public through courses and lectures to raise people’s awareness and educate them about the rights of women, the legal, social and psychological protection available to them and the importance of reporting any kind of violence against women. (See annex I for the names of the programmes and training courses that have been implemented).</p>	
Area	National human rights institution
Observations of the Committee	
<p>6. Please provide information on the mandate of the National Human Rights Institution in relation to women’s rights, the number of complaints received from women and their outcomes. Please also indicate measures taken to raise awareness among women about that complaint mechanism and indicate whether assistance is available for those filing complaints. Please provide detailed information on measures taken to ensure the independence of the Institution, to provide it with the human and financial resources necessary to allow it to discharge its mandate efficiently and 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).</p>	
Response	
<p>■ Bahrain would like to reaffirm that the National Human Rights Institution is fully independent and is not subject to the oversight of any other agency or institution. In addition, Act No. 26 (2014) establishing the National Human Rights Institution, which entered into force following its publication in the <i>Official Gazette</i>, gives the Institution greater authority and powers in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights. The Institution is responsible for identifying human rights violations, conducting the required investigation and drawing the attention of the competent authorities to such violations. In addition, the Institution develops proposals for initiatives designed to end human rights violations and it receives complaints of human rights violations. It studies and probes those complaints and refers them, if it deems it necessary, to the competent authorities and then follows up actively on the status of those complaints. For more details, visit http://www.nihr.org.bh/.</p> <p>■ The table below lists the events that the Institution held in 2017 and 2018 and gives information concerning the number of participants and the percentage of women participants and women speakers.</p>	

Total number of events	2017	56	2018	49
Number of participants		1 218 participants		2 773 participants
Percentage of women participants		48%		54%
Percentage of women speakers		33%		42%

Area	Women activists, journalists and members of civil society organizations
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Observations of the Committee

7. In its previous concluding observations (CEDAW/C/BHR/CO/3, para. 29), the Committee expressed concern about the various forms of retribution perpetrated against women for their civic engagement. The State party, in paragraph 147 of its report, informs the Committee that those acts were based on judicial rulings and existing legal provisions, about which it elaborates in paragraphs 144 and 145. Please provide information on measures taken to guarantee the freedom of speech, movement and association of all women in the State party, including women activists, journalists and members of civil society organizations.

Response

- Bahrain reaffirms and reiterates that its laws and administrative regulations prohibit the imposition on women of such penalties as dismissal, suspension, downgrading of professional position, detention and revocation of nationality for their civic engagement. Bahrain allows freedom expression and, moreover, all citizens are free to form associations pursuant to Decree-Law No. 21 (1989) promulgating the Social and Cultural Associations and Clubs, Private Youth and Sports Organizations and Private Associations Act and its amendments, and pursuant to Act No. 26 (2005), concerning political associations, and its amendments.

Observations of the Committee

8. Please inform the Committee about measures taken to prevent, investigate, prosecute and punish abuses perpetrated against women activists and journalists before and after the adoption of the Committee's concluding observations (CEDAW/C/BHR/CO/3), which reportedly include travel bans, revocation of nationality, dismissal from employment, professional downgrading, threats, harassment and sexual harassment, violence, arbitrary detention and torture, and measures taken to ensure that women who are victims of such abuses provided with means of redress, including compensation.

Response

- Bahrain would like to reiterate what it stated in paragraphs 139 to 146 of its fourth periodic report:
- The Government of Bahrain has paid special attention to the allegations made by some women that they were subjected to ill-treatment and intimidation by law enforcement personnel, to dismissals and suspensions, and to other forms of retribution such as detention and revocation of nationality. All necessary legislative and executive measures have been taken for the purposes of the investigation, including the measures listed below:
- The General Secretariat of the Ombudsman was established pursuant to Royal Decree No. 27 (2012), which was amended by Royal Decree No. 35 (2013). Bahrain thus became the first country in the region to establish such an agency, which receives complaints filed against any employee of the Ministry of the Interior. The agency joined the International Ombudsman Institute in September 2013 and was awarded the Chaillot Prize for the Promotion of Human Rights in the Gulf Cooperation Council region in 2014 by the European Union. For more details, please visit <https://www.ombudsman.bh/w>.
- The Commission for the Rights of Prisoners and Detainees in Bahrain was established pursuant to Royal Decree No. 61 (2013) concerning the establishment and mandate of the Commission, which was promulgated on 2 September 2013. In the preamble to that Decree, it stated that the principles set out in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the United Nations General Assembly adopted on 18 December 2002 by its resolution 57/199, were taken into account. The Commission monitors prisons, detention centres, welfare centres for juveniles and

detainees, and other places where persons may be detained, such as hospitals and psychiatric clinics, in order to investigate the conditions of detention and the manner in which inmates are treated, and to ensure that they are not tortured or subjected to inhuman or degrading treatment.

- With regard to the allegations of some women concerning their detention, they were in fact found guilty of criminal offences following due process of law and a fair trial, during which they enjoyed the safeguards guaranteed by law. In addition, Bahrain has placed great emphasis on preserving the rights and freedoms of individuals, and has taken steps to prevent the violation of those rights and to punish those who dare to violate them, even if they are law enforcement officers. The Special Investigation Unit was established for the purpose pursuant to Attorney General Decision No. 8 (2012). It is an independent unit tasked with investigating and prosecuting any offences of torture, abuse and ill-treatment perpetrated by government officials as established by international standards, in particular the provisions of the Istanbul Protocol on the investigation and documentation of torture. It is staffed by medical examiners, psychologists and social experts and has all the human and material resources required to ensure the effective, efficient and independent performance of its functions.
- Nationality is withdrawn or revoked pursuant to a judicial ruling in cases to which the provisions of the law governing withdrawal of nationality are applicable (Act No. 21 (2014) amending certain provisions of the 1963 Bahraini Nationality Act), in particular when persons are convicted of terrorism offences, of jeopardizing the security of Bahrain or of committing the offences defined in articles 5, 6, 7, 8, 9, 12 and 16 of the Act on the Protection of Society from Acts of Terrorism.
- It should be noted that a judicial ruling to revoke citizenship can only be executed after the King has given his approval.

Observations of the Committee

9. Please provide data on complaints brought before the General Secretariat of the Ombudsman since its establishment in 2012.

Response

- Complaints filed with the General Secretariat of the Ombudsman since its establishment in 2012: the General Secretariat of the Ombudsman began operating officially in July 2013 and has, since that time, issued an annual report containing all the statistics relating to the requests that it received, such as source, sex and action taken. Those requests fall into two basic categories:
 - Complaints: These relate to wrongful acts on the part of employees of the Ministry of the Interior that require legal action against the respondents on the grounds that they have violated the law, decisions or rules of work.
 - Requests for assistance: These relate to acts that are not wrongful but rather to individual or collective needs or to requests for information regarding such matters as education, visits, communications and medical services provided to inmates and persons in preventive detention.
- Approximately 70 per cent of the enquiries received by the General Secretariat of the Ombudsman relate to requests for assistance, not complaints.
- The following table shows the number of enquiries (complaints and requests for assistance) received by the General Secretariat of the Ombudsman for each operating year, as set out in the five annual reports that it has issued.

Year	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Number	242	908	992	1 156	1 094

- Note: Please see the annual reports of the General Secretariat of the Ombudsman for detailed information regarding these figures and statistics and the actions taken in response to these enquiries:

<http://www.ombudsman.bh/en/periodic-public-reports>

Observations of the Committee

10. Please also indicate whether the draft law on civil organizations and institutions will allow women's associations to benefit from the State party's funding while engaging in political activities, alleviate registration procedures for those associations and reduce the supervision of them, and provide a timeline for its adoption (para. 155).

Response

- Bahrain would like to reiterate what it stated in paragraph 151 of its fourth periodic report. This matter is regulated by the legal framework established by the Fundraising Act (No. 21) of 2103 and implementing regulation No. 47 (2014), which was issued by the Cabinet. Article 9 of the relevant decree-law provides that the authorized person may not transfer any funds raised to a person or entity outside Bahrain without the approval of the Minister, in accordance with the procedures set out in the implementing regulations. Moreover, articles 13 and 14 of the implementing regulations provide that in order to accept donations from outside Bahrain, the permit issued must include an authorization to do so.
- Legally licensed associations benefit from State assistance and registration procedures are alleviated pursuant to the Associations and Clubs Act.

Area

Temporary special measures

Observations of the Committee

11. In its report, the State party repeatedly underlines that its Constitution, as well as its legislation, regulations and ministerial guidelines, grant men and women equal rights, freedoms and duties (paras. 56, 71, 74 and 82). Taking into account the State party's data that illustrate the lower participation of women in some fields covered by the Convention (see, for example, para. 75–77), please inform the Committee about measures taken to overcome those de facto inequalities, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and to ensure that women benefit equally from the rights, freedoms and duties granted by the State party's Constitution in all areas covered by the Convention.

Response

- Bahrain would like to reiterate what it stated in paragraph 82 of its fourth periodic report and to add that, in the parliamentary and municipal elections held in November 2018, Bahraini women won six seats in the Council of Representatives and now make up 15 per cent of that body's members. A woman currently holds the post of Speaker of the Council of Representatives. The elections also saw four women win municipal council seats.
- Bahrain strives assiduously to promote women's participation and ensure that women are adequately represented in several positions.
- Several decisions have been amended and others adopted in order to achieve balance between women and men and ensure the equitable participation of women:
 - On 30 April 2018, the Cabinet decided to establish a national observatory for gender equality indicators under the Information and eGovernment Authority to monitor the competitiveness of Bahrain with regard to women's issues at the regional and international level.
 - The Coordinating Committee, in its decision No. 3-228-2018, instructed the Information and eGovernment Authority to prepare, in cooperation with the Supreme Council for Women, a national report on gender equality every two years, starting in 2018. The Information and eGovernment Authority collects and prepares data according to the framework established by the Supreme Council for Women.

Area	Stereotypes and harmful practices
Observations of the Committee	
<p>12. The Committee notes the State party's approach to women's rights, referring to their "duties towards the family", in its Constitution. Please elaborate on measures taken to interpret that approach in line with the Convention. Please also inform the Committee about measures taken to evaluate its approach to women's rights in order to change widely shared stereotypes regarding the roles of women and men (CEDAW/C/BHR/CO/2, para. 22, and CEDAW/C/BHR/CO/3, para. 20) and to ensure that women enjoy substantive equality of rights and duties on an equal basis with men beyond the content of legislation, regulations and ministerial guidelines (para. 71) and in daily life.</p>	
<p>■ Bahrain would like to reiterate what it stated in paragraphs 93 to 116 of its fourth periodic report and to provide the following additional information:</p> <ul style="list-style-type: none"> • Bahrain uses its national framework for integrating the development needs of women in order to create an institutional environment that promotes sustained progress for women in employment and to help women achieve balance between their work and family duties. The Council has been using the national framework to develop many initiatives and take several measures in that regard specifically, including childcare and early education services, flexible and teleworking arrangements, and childbirth and parental leave for both parents. Those measures are promoted as being supportive of parents and the entire family in achieving balance between the role of each individual in the context of the family, on the one hand, and their professional and educational obligations, on the other. • Efforts are being made develop a culture that supports gender equality and, to that end, universities, schools and civil society organizations are working closely with each other to bring about gender equality. In that connection, we would like to make it clear that there are no stereotypes concerning women's participation in public affairs in Bahrain. Any obstacles to meaningful participation are addressed by developing the necessary plans and programmes. 	
Observations of the Committee	
<p>13. Please provide data on the polygamous and child marriages contracted during the reporting period, including on exceptions granted to the minimum age of marriage by courts. Please inform the Committee about measures taken to bring the Family Code of 2017 into line with the Convention by outlawing harmful practices, including child and/or forced marriage, including marriages of girls under the age of 18, polygamy (CEDAW/C/BHR/CO/2, para. 39, and CEDAW/C/BHR/CO/3, para. 44 (d)), the practice of the family choosing the husband, the payment of exorbitant bride prices, dowry, female genital mutilation and face covering in the territory of the State party.</p>	
Response	
<p>■ Bahrain wishes to reiterate what it stated in paragraphs 201 and 202 of its fourth periodic report. With regard to the recommendation to raise the minimum age of marriage for girls to 18 years, in line with that for boys, the Family Code sets the age of marriage at 16 years and article 12 of Decree No. 1 (2016), which contains the list of persons legally authorized to perform marriages, stipulates that the marriage shall be contracted and registered provided that the spouses (both male and female) are not under 16 years of age at the time that the contract is concluded. The law does not allow the marriage of persons under the age of 16, except at the request of the persons concerned and once the permission of the competent family court has been obtained and the propriety of the marriage ascertained. This is consistent with the Children's Act, promulgated by Act No. 37 (2012), article 4 of which defines a child as a person under the age of 18 full Gregorian years. Special laws provide exceptions for persons below this age. It should be noted that, in practice, the average age of marriage for females in Bahrain is 24.</p> <p>■ In addition, Bahrain would like to reiterate that polygamy is governed by the Islamic sharia in accordance with the applicable rules and regulations. Bahraini lawmakers have addressed this aspect of the sharia in the Family Code by requiring the husband to indicate his marital status in the marriage form. If the man is married, he must state the number of wives that he has taken (see article 19 of the Family Code).</p> <p>■ With regard to forced marriage or female genital mutilation, those practices are non-existent and not part of Bahraini culture.</p>	

Area	Gender-based violence against women
Observations of the Committee	
<p>14. Please provide detailed information on the forms of violence against women and girls that are criminalized and indicate whether marital rape, physical punishment of women and girls by their husbands, guardians or fathers and violence occurring outside the family setting are part of the criminalized forms of violence. Please provide data, disaggregated by age, nationality, ethnicity, disability, whether the case occurs in an urban or rural area and the relationship between victim and perpetrator, on cases of violence against women, on the number of complaints filed, investigations initiated and convictions issued, as well as on the sentences imposed. Please also provide information on the number of protection orders issued since the enactment of the Domestic Violence Act, whether they have been issued upon the request of the victim or another entity, the reasons for issuance and their lengths of validity.</p>	
Response	
<ul style="list-style-type: none"> ■ Bahrain wishes to reiterate what is stated in paragraphs 93 to 116 of its fourth periodic report and to provide the following additional information: ■ Any physical, psychological, sexual or economic violence committed against women within the context of the family, whether by their husbands, brothers or any other family members, is punishable by clearly defined penalties in the Domestic Violence Act. In addition, such types of violence are criminalized and penalized under the Penal Code. ■ Any act of physical, psychological or sexual violence committed against women falls within the scope of the Penal Code, regardless of whether it takes the form of physical harm, such as assault or battery, psychological assault, such as cursing and verbal abuse, or sexual assault, such as rape, sexual harassment, enticement to engage in licentious acts and crimes of sexual exploitation. ■ The details of such complaints are private and confidential information and relate to the privacy of the complainants and State sovereignty. The relevant authorities can provide examples and statistics in that regard at the forthcoming meetings to discuss the periodic report of Bahrain. 	
Observations of the Committee	
<p>15. Please provide a timeline for the adoption of legislation to repeal: (a) article 353 of Decree-Law No. 15 of 1976, so as to uniformly criminalize rape, including rape by a single perpetrator, gang rape and marital rape, and to remove the option for a perpetrator of rape to escape punishment by marrying the victim in any circumstances; and (b) articles 16 and 334 of Decree-Law No. 15, granting mitigated penalties for a husband assaulting and murdering his wife for committing adultery.</p>	
Response	
<ul style="list-style-type: none"> ■ Bahrain would like to reiterate that a bill has been proposed to repeal article 353 of Decree-Law No. 15 (1976) promulgating the Penal Code. Pursuant to that article, a perpetrator of rape can escape punishment by marrying the victim. However, it is not possible to provide a timetable for the adoption of that bill because it is a matter that concerns the legislature, which is free to discuss the draft laws that are before it when it sees fit. The executive branch does not interfere with the work of the legislature in keeping with the principle of separation of powers. Therefore, if the legislature agrees to repeal article 353, perpetrator will be punished even if he marries the victim. It should be noted that rape is a crime in Bahrain whether committed by one offender or several offenders. 	
<ul style="list-style-type: none"> ■ Article 334 of the Penal Code does not discriminate in any way between men and women. In this instance, the word “husband” is being used a general term. Accordingly, either the husband or the wife who discovers his or her spouse committing adultery in flagrante delicto can benefit from a mitigated penalty. In any case, there is no such thing as honour crimes in Bahrain. 	

Observations of the Committee	
16.	Please inform the Committee with regard to plans to raise the minimum age of sexual consent to 18 years and the penalties imposed on women for adultery, and please provide data on stoning and death penalties imposed on women in the State party.
Response	
	<ul style="list-style-type: none"> ■ Bahrain would like to reiterate that the penalties for adultery, or any other offence set out in the Penal Code, apply to any offender, whether a man or a woman, without distinction. Under articles 348 and 349 of the Penal Code, the death penalty is applied only for serious crimes in which there are aggravating circumstances (for further details, see paragraph 177 of the fourth periodic report). Bahrain reaffirms that the penalty of stoning is not part of its national laws.
Observations of the Committee	
17.	Please provide information on the achievements of the national strategy to protect women from domestic violence, the number of places currently available in shelters for victims of domestic violence and efforts undertaken to expand shelter services for victims of domestic violence throughout the State party. Please also provide information on the number of protection orders issued since the enactment of the Domestic Violence Act, whether they have been issued upon the request of the victim or another entity, the reasons for issuance and their lengths of validity.
Response	
	<ul style="list-style-type: none"> ■ In November 2015, the Supreme Council for Women launched the national strategy to protect women from domestic violence. The main themes of the strategy are prevention, protection, services, legislation and laws, awareness-raising, media support, studies and research, evaluation and follow-up. It was developed by a national team comprising representatives from all relevant ministries, official institutions and civil society organizations. An implementation plan for the strategy has been devised that includes precise indicators for the various stages of implementation, reflecting the mandate of each stakeholder. ■ Progress has been made in implementing the strategy and its programmes and initiatives in cooperation with ministries, government institutions and civil society. The incidence of domestic violence against Bahraini women has declined following the launch of the strategy, of which 81 per cent has been implemented from 2015 to 2018, and the enactment of the Domestic Violence Act. ■ Bahrain would like to reiterate what it stated in paragraphs 82, 98, 101, 104, 107, 108, 199 and 206 of its fourth periodic report regarding the achievements of the national strategy to protect women from domestic violence. ■ With regard to the number of places currently available in shelters for victims of domestic violence, Bahrain would like to reiterate what it stated in paragraphs 110 to 113 of its fourth periodic report and to provide the following additional information: <ul style="list-style-type: none"> • The Batelco Domestic Violence Shelter is the first centre in the Arab Gulf region that is dedicated to assisting victims of domestic violence. It offers its pioneering services free of charge to all victims, whether men, women or children, of all nationalities. The services provided include training courses, counselling and awareness-raising lectures regarding domestic violence. • The Child Protection Centre, which was established in May 2007, is a social welfare agency under the Ministry of Labour and Social Development that is tasked with caring for children up to the age of 18 and protecting them from all forms of abuse and neglect (sexual and psychological abuse, as well as extreme neglect).
Area	Trafficking and exploitation of prostitution
Observations of the Committee	
18.	Please provide data on the number of cases of trafficking in women and girls, the number of investigations, prosecutions and convictions and the sanctions imposed on the perpetrators during the reporting period. Please also provide information on cases brought forward by women migrant domestic workers or “expatriate workers” regarding non-payment of salary, withholding of passports and other personal documents, as well as regarding sexual, physical and psychological abuse by employers in the State party, indicate whether those cases were investigated under the Labour Code or as trafficking offences and provide information on sanctions imposed. Please indicate whether its definition of trafficking is compatible with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, provide information on the number of shelters available to victims of trafficking (para. 122), their geographical distribution and the

number of cases that may be received there, as well as on the nature of their funding, and indicate the criteria on the basis of which victims are referred there or to the Migrant Worker Shelter and Services Centre (para. 126). In line with the Committee's previous recommendation (CEDAW/C/BHR/CO/3, para. 26 (f)), please provide comprehensive information on the prevalence of prostitution in the State party and on policies and measures adopted to prevent the sexual exploitation of women and girls in prostitution. Please also provide information on measures envisaged or in place to decriminalize prostitution, to reduce the demand for prostitution and to support women who wish to exit prostitution.

Response

- With regard to the request for precise information concerning cases and victims, the details of such complaints are private and confidential information and relate to the privacy of the complainants and State sovereignty. The relevant national authorities will provide examples and statistics in that regard at the forthcoming meetings to discuss the periodic report of Bahrain.
- Pursuant to article 2 of Act No. 1 (2008) on combating trafficking in persons, the penalty for the offence of trafficking in persons is imprisonment and a fine of not less than 2,000 dinars and not more than 10,000 dinars. Pursuant to article 4, paragraph 2, of that Act, the fact the victim is under the age of 15, female or disabled is considered an aggravating circumstance.
- The definition of trafficking in persons is set out in Act No. 1 (2008) on combating trafficking in persons. To see the text of that Act, please visit the following page:
<http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=519#.XLIPivZuJdg>
- The Centre for the Protection and Support of Migrant Workers was opened in 2015 and is the first full-service centre that includes a shelter specifically for victims of trafficking. The Centre provides a full range of services for migrant workers. The United Nations has praised the Centre and recommended that the vision behind its establishment should be disseminated. The Centre can accommodate approximately 120 persons of both sexes, and its capacity can be increased to 200 persons, if necessary. In addition to offering a range of integrated services, including protection, primary medical services and mental health services, the Centre offers legal advice to residents, informs them of their rights and how they can exercise them, and helps them to reach a settlement or file a lawsuit.
- The Centre was established with funding from the State, and victims are received and referred in accordance with the law and the referral system used at the Centre.

Area

Participation in political and public life

Observations of the Committee

19. Please provide updated data, disaggregated by sex, age, nationality, ethnicity, disability and whether in a rural or urban area, on women in all elected and appointed positions in the legislative, executive and judicial branches at the national, governorate and local levels. Considering that women occupy 15 per cent of the positions in the legislature and 20 per cent of seats in municipal councils only (para. 75), please also elaborate on special measures taken, on the basis of benchmarks and specific timetables, to reach substantive de facto equality in political and public life at all levels and in all areas (CEDAW/C/BHR/CO/2, para. 29, and CEDAW/C/BHR/CO/3, para. 28).

Response

- Bahrain would like to reiterate what it stated in paragraphs 130 to 136 of its fourth periodic report and to provide the following statistical information, disaggregated by sex:
 - The representation of women in the Council of Representatives (the elected body) increased from 7.5 per cent in the fourth legislative session (2014) to 15 per cent in the fifth legislative session (2018). In 2018, a woman was appointed as Speaker of the Council of Representatives for the first time in the history of that elected body.
 - The representation of women in the Shura Council (the appointed body) stood at 23 per cent in the fifth legislative session (2018), which is where it stood in the fourth legislative session (2014).
 - The representation of women in the Council of Representatives (the elected body) and the Shura Council (the appointed body) increased from 15 per cent in the fourth legislative session (2014) to 18.75 per cent in the fifth legislative session (2018).
 - The representation of women in municipal councils increased from 20 per cent in the fourth legislative session (2014) to 23 per cent in the fifth legislative session (2018). Municipal councils include the municipal council of the capital (appointed) and the councils of the other municipalities (elected).

- The proportion of executive posts in the government sector held by women increased from 21 per cent in 2006 to 40 per cent in 2016, an increase of 19 per cent over 10 years.
- The proportion of executive posts (supervisory and administrative) held by women in the private sector increased from 32 per cent in 2008 to 34 per cent in 2018.
- The number of women in judicial and administration of justice positions rose from 9 in 2008 to 19 in 2018, a more than twofold increase.
- The table below provides some of the significant statistics regarding women in leadership positions.

Table 1. Women in key leadership positions (2001–2018)

Position	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Minister or comparable position	1	1	1	2	3	3	3	3	3	3	4	4	4	4	4	4	4	4
Deputy Minister or comparable position	—	—	—	1	1	2	2	2	3	3	4	4	5	6	7	7	6	5
Undersecretary or comparable position	1	2	3	4	6	10	12	14	11	11	13	11	12	22	23	26	27	31
Members of the Council of Representatives (elected)	—	—	—	—	—	1	1	1	1	1	4	4	4	3	3	3	3	6
Members of the Shura Council (appointed)	—	6	6	7	6	10	11	10	10	11	11	11	11	9	9	9	9	9
Ambassadors	1	1	1	1	1	—	1	2	2	2	3	3	3	1	1	1	1	1
Members of municipal councils and the municipal council of the capital	—	—	—	—	—	—	—	—	—	1	1	1	1	9	9	8	8	9
Women in judicial, administration of justice and comparable positions	—	—	—	—	—	1	3	9	15	18	18	17	17	17	17	14	18	19

Area

Nationality

Observations of the Committee

20. In the light of the Committee's previous recommendations ([CEDAW/C/BHR/CO/2](#), para. 31, and [CEDAW/C/BHR/CO/3](#), para. 34), please provide a timeline for the adoption of the amendment to the Nationality Act that would allow a Bahraini woman married to a foreigner to confer Bahraini citizenship to their children under certain conditions (para. 159), and provide information on further measures planned to guarantee that Bahraini women can confer their nationality to their husbands and children under the same conditions as men. Please also provide a timeline for the accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Response

- In 2014, the Cabinet referred a bill to the legislature amending the Nationality Act so as to allow the children of Bahraini women to obtain citizenship. That bill is still before the legislature, and it is not possible to provide a timetable for the adoption of that bill because it is a matter that concerns the legislature, which is free to discuss the draft laws that are before it when it sees fit. The executive branch

does not interfere with the work of the legislature in keeping with the principle of separation of power, as detailed in paragraphs 160 to 163 of the fourth periodic report.

- Act No. 35 (2009) contains important temporary measures that enable the foreign wife of a Bahraini national and the children of a Bahraini woman married to a foreigner to pay the same fees as a Bahraini national for certain government services, the most significant of which are education, health care, childcare, housing and social services.

Area	Employment
Observations of the Committee	
<p>21. Please inform the Committee about planned measures to repeal Decree No. 23 of 2013 concerning work for which women may not be employed and what steps have been taken to repeal the sponsorship system for all women, including Bahraini women, women “expatriate workers” in the domestic sphere and women who are holders of flexible work permits. Please provide information on mechanisms in place to monitor the implementation of article 39 of the Labour Code and as article 39 of the Labour Code for the Private Sector, which both prohibit wage discrimination on the grounds of sex, and provide data, disaggregated by sex, nationality, ethnicity, whether in a rural or urban environment and whether in the public or private sector, on the wages paid in the State party. Please also provide data on cases filed during the reporting period regarding discrimination against women in the workplace, including wage discrimination and sexual harassment, and the outcome of such cases. Please inform the Committee about measures taken to promote women in decision-making positions in the private and public sectors and provide a timeline for accession to the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization (ILO) (CEDAW/C/BHR/CO/3, para. 38).</p>	
Response	
<ul style="list-style-type: none"> ■ Bahrain would like to reiterate what it stated in paragraphs 172, 173, 180 and 181 of its fourth periodic and to add that the Decree No. 23 (2013) remains in force because it protects women. The repeal or amendment of that Decree is a matter for the legislature. ■ Bahrain was ranked 12th in the world in wage equality for similar work in the 2018 Global Competitiveness Report published by the World Economic Forum. ■ The Labour Code for the Private Sector was amended by Decree-Law No. 59 (2018) through the addition of two articles: article 2 bis, which makes it illegal to discriminate between workers, and article 192 bis, which criminalizes sexual harassment in the workplace. In addition, article 46 was replaced by a new provision ensuring that workers are paid their wages in accordance with specific controls and by methods that employers are obliged to use. To view the text of Decree-Law No. 59 (2018) amending certain provisions of the Labour Code for the Private Sector promulgated by Act No. 36 (2012), please visit the following web page: http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=166542#.XLISOVZuJdg ■ Gender-disaggregated statistics confirm that Bahraini women have leadership and decision-making positions in various agencies and branches (legislative, executive and judicial), as well as in private sector companies. For further details, please see the statistical table on Bahraini women in annex IV. ■ Article 56 of the Family Act does not prevent women from working. That article establishes a woman’s right to work and her right not expend any of her salary to support her family unless she wishes to do so. Article 56 (b) of the Act does not restrict in any way a woman’s freedom to choose the work that she wishes to do. All that the woman has to do is explicitly require that of her husband in the marriage contract. Moreover, the wife does not need the approval of the husband if he was aware that she worked prior to their marriage. 	
Area	Women migrant domestic workers
Observations of the Committee	
<p>22. Please clarify whether women migrant domestic workers or “expatriate workers” in the domestic sphere, as well as women who are holders of flexible work permits, are covered by the provisions of the Labour Code for the Private Sector regarding wages, leave, settlement of disputes by the Ministry of Labour and Social Development and compensation for termination of service, in spite of article 2 (b) thereof (para. 184). If women “expatriate workers” in the domestic sphere and women who are holders of flexible work permits are not covered by those provisions, please provide</p>	

information on steps taken to adopt legislation granting their protection. Should the mentioned protections already apply to women “expatriate workers” in the domestic sphere and women who are holders of flexible work permits, please provide information on measures taken to raise their awareness of those provisions, to monitor its implementation and to support victims of violations in the filing of complaints and in gaining access remedies before their residence permit expires, and provide data in that regard. Please also provide information as to whether they have access to health insurance, and provide a timeline for the adoption of the bill on health insurance. Please further inform the Committee about steps taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CEDAW/C/BHR/CO/3, para. 54) and the ILO Domestic Workers Convention, 2011 (No. 189).

Response

- Bahrain would like to reiterate what it stated in paragraphs 184 and 185 of its fourth periodic report. The rights of female domestic workers are guaranteed by the relevant provisions of the Labour Code, including drafting and registration of their work contracts and ensuring that those contracts set out the worker’s rights, wages, a minimum of 30 days paid leave every year and end-of-service compensation.
- With regard to disputes, section 13 of the Labour Code, concerning individual labour disputes, applies to domestic workers.
- Bahrain would like to reiterate that there are no “migrant labourers” in the country; they are “expatriate workers”.
- With regard to the steps taken to adopt legislation that would protect women migrant domestic workers in the domestic sphere and those who hold flexible work permits, the Labour Market Regulatory Authority regulates the flexible work mechanism in accordance with decision No. 108 (2017) on the regularization of the residency status of persons applying for an employer’s authorization (flexible work arrangements), pursuant to which women expatriate workers whose work permits were cancelled or have expired and not been renewed by their employers can be issued this type of permit, which can help them to maintain their financial and professional situation.
- One of the most important advantages of this type of permit is that it puts the status of women workers on a sound legal basis. They are not tied to an employer and can work as individuals on a contractual basis with anyone they like, based on their profession. Moreover, women workers can exit from and return to the country because their residency will have been renewed for a two-year period and they will have a multiple entry visa.
- Pursuant to article 37, a worker’s wages are established by an individual or collective labour contract or the labour regulations of the relevant enterprise. If the wages are not defined in any of those ways, the worker is entitled to the standard wage, if one has been stipulated; otherwise, the wage is calculated according to the custom of the profession in which the worker is engaged. If there is no custom, it is up to the competent court to estimate the wages due to the worker, in line with the requirements of justice.
- Health insurance is guaranteed for women migrant and expatriate workers working in the domestic sphere under Act No. 23 (2018) promulgating the Health Insurance Act, article 37 (d) of which provides that the government is obliged to pay the compulsory health insurance contributions of domestic workers and individuals performing similar work who are employed by a Bahraini national.
- Decree-Law No. 59 (2018) amends the Labour Code for the Private Sector by adding two articles. One of those articles concerns the prohibition of discrimination between workers and the other defines the mechanism for disbursing workers’ salaries. Articles 46 (a) and (b), 58 and 116 apply to domestic workers and individuals performing similar work. To view the text of those articles, please visit the following web page:
<http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=166542#.XLISOVZuJdg>
- The Labour Code for the Private Sector does not apply to foreigners who hold flexible work permits, because they are considered to be foreign persons. If they perform work for another person, then they are doing so independently, on a contractual basis and on their own account. Such persons are not covered by the definition of a worker in respect of the manner in which their work is supervised and managed. This puts them in a better legal position than an ordinary worker. However, if they enter into a contracted work arrangement with an employer, then the definition of worker applies to them and they will enjoy all guarantees provided by the law.

Area	Health
Observations of the Committee	
<p>23. Please inform the Committee about steps taken or plans to amend its Criminal Code, with a view to decriminalizing abortion and extending the grounds for obtaining abortion beyond situations in which the life of the mother is at risk to include, in particular, cases of serious fetal malformation and pregnancies arising from incest or rape (CEDAW/C/BHR/CO/3, para. 42). Please provide data on penalties applied to women who have undergone abortions in the reporting period. Please also provide data, disaggregated by age, nationality, ethnicity, disability and whether their location is in an urban or rural area, on women living with HIV/AIDS, as well as on the prevalence of cervical and breast cancers. Please inform the Committee about measures taken to prevent the transmission of HIV and other sexually transmitted diseases, to enhance access for women and girls to family planning information and services and contraceptives, to integrate age-appropriate education on sexual and reproductive health and rights, including on responsible sexual behaviour, into educational curricula at the primary and secondary levels and to adequately train teachers in that regard. Please provide information on sports services available outside Dar al-Aman to promote women's physical and mental health and whether the State party promotes women's national sports teams.</p>	
Response	
<ul style="list-style-type: none"> ■ Bahrain would like to reiterate what it stated in paragraph 193 of its fourth periodic report. Pursuant to articles 321 to 323 of the Penal Code, medically supervised abortion is permitted in specific cases. The regulations governing the medical profession allow for abortion when it is necessary to save a woman's life. Article 321 of the Code provides that any woman who undergoes abortion without consulting a physician or without a physician's knowledge shall be imprisoned for a term not exceeding six month and fined a maximum of 50 dinars. ■ Article 322 provides that any person who terminates a woman's pregnancy without her consent shall be imprisoned for a term of up to 10 years. The penalty shall be imprisonment if the attempted abortion results in the death of the victim. Article 323 provides that there shall be no punishment for attempting an abortion. ■ The Ministry of Health is working to raise awareness in the community about infectious diseases, family planning services and contraception. ■ Bahrain would like to reiterate what it stated in paragraph 113 of its fourth periodic report concerning the services available at Dar al-Aman, which includes a sports club that will promote women's physical health. ■ The National Committee for the Prevention of Acquired Immunodeficiency Syndrome (AIDS) was established and its mandate defined by Prime Ministerial Decision No. 20 (1995). The mandate of the National Committees includes, inter alia, development of a general strategy to prevent all members of society, including women, from contracting the virus and programmes to educate the community about the disease, how it is transmitted and how to protect against it. The National Committee has been reconstituted more than once to carry out the same mandate with which it was entrusted at the time of its establishment. ■ Articles 2 to 12 of section II of Act No. 1 (2017), on protecting society against acquired immunodeficiency syndrome (AIDS) and protecting the rights of persons living with AIDS, protect the rights of persons living with human immunodeficiency virus (HIV)/AIDS by prohibiting any act or act of omission that results in discrimination against or the exploitation of such a person, regardless or sex or age. In addition, that section of the Act empowers persons living with HIV/AIDS to raise awareness of the disease and prevention methods. Article 16 to 21 of section IV address protection, awareness-raising and the media. Article 16 stipulates the establishment of a committee called the National Committee to Combat Acquired Immunodeficiency Syndrome that comprises representatives from the relevant governmental and other competent agencies. ■ Under article 21, the competent authorities and media agencies are required to cooperate with the Ministry of Health and other ministries, including the Ministry of Education, in efforts to raise awareness of and educate about responsible sexual behaviour, with a view to preventing the spread of the disease in the community. ■ The Ministry of Health has drafted implementing regulations for Act No. 1 (2017) on protecting society against acquired immunodeficiency syndrome (AIDS) and protecting the rights of persons 	

living with AIDS. The implementing regulations include detailed provisions regarding the implementation of that Act. The legal steps to promulgate the implementing regulations are being taken now.

- Section 11 of the Public Health Act (No. 34) of 2018 addresses the issue of communicable diseases in its articles 37 to 52, with a view to preventing the spread of and protecting society from communicable diseases, whether transmitted sexually or otherwise.

Area	Women facing intersecting forms of discrimination
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Observations of the Committee

24. Please provide information on measures taken to protect and support Bahraini women and girls living in Qatar, those returning from Qatar after the decision on 5 June 2017 to cut diplomatic ties with the country, those who are on the list of 59 alleged terrorists issued together with Egypt, Saudi Arabia and the United Arab Emirates, which may also include women activists, and those who are family members of individuals on that list from hate speech and incitement to hate. Please inform the Committee about measures taken to bring the conditions of detention in places of deprivation of liberty, including in women's removal centres, into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) ([CAT/C/BHR/CO/2-3](#), para. 23 (a)).

Response

- Bahrain would like to reiterate what it stated in paragraph 143 of its fourth periodic report and to add the following:
- It should be noted that all citizens of Bahrain, including women and girls, have absolute freedom to travel to and from the State of Qatar in accordance with the relevant controls and decisions, which are measures of a regulatory nature that are not aimed at restricting freedoms in any way. No complaints have been received in that regard at all.
- The Ministry of Interior is committed to applying all laws and regulations concerning correctional and rehabilitation centres and the relevant agreements signed. The Ministry is also committed to maintaining the rights and enforcing the obligations of inmates in correctional centres, as stipulated in the Reform and Rehabilitation Institutions Act, which was promulgated by Royal Decree No. 18 (2014), and its implementing regulations. Among those rights are the right to health care, psychological and social care, continuing education, communication with the outside world through such means as telephony, freedom of worship and weekly visits, as well as other rights that are set out in the Act. Under the Act, inmates have the right to file complaints and applications with the competent judicial authorities. A guide on arrest and preventive detention was prepared in accordance with local laws and regulations and international standards and norms. This guide is based on the six principles of the police, namely, rapid response, transparency, humane treatment, accountability, partnership with society and effectiveness; its purpose is to establish uniform procedures for places of detention and preventive detention operated by the subsidiary agencies of the Ministry of Interior.
- The Ministry of the Interior has signed a memorandum of understanding with the International Committee of the Red Cross (ICRC) under which the former is allowed to visit prisons and detention centres and to conduct training courses in human rights and international humanitarian law for Ministry personnel, with a view to developing their skills and inculcating and disseminating a culture of human rights.
- The women's deportation centre is subject to the same regulations and laws, which are in accordance with the relevant international laws, treaties and conventions.

Area	Equality in the law and in civil matters
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Observations of the Committee

25. In paragraphs 70 and 82 of its report, the State party informs the Committee about the measures taken to grant divorced or abandoned women, childless widows and single orphaned women temporary accommodation. Please indicate measures taken to allow all women to own permanent housing, including with the State's assistance, without having to obtain the permission of their husband or ex-husband.

Response

- Housing is a right for all families in Bahrain. Housing is granted to an entitled person not because he is a man, but rather because the person is the head of household, who can be either a man or a woman, depending on the person's social status and the status of the family. The relevant criterion when granting housing rights is that the beneficiary is the head of household. The Housing Act list the categories of families that are eligible for housing, among which are families where the beneficiary is a woman. Article 4 of Decision No. 909 (2015), concerning the housing system, provides as follows:
- The head of household of any of the categories referred to in article 3 of the present decision is defined as follows:
 - Category 1: The husband or the wife is a Bahraini, with the consent of the husband or both.
 - Category II: One of the parents or the wife is Bahraini.
 - Category III: A child who has been selected in accordance with the provisions governing this category.
 - Category IV: A child who is 21 years old.
 - Category V: A divorced, abandoned, widowed or single woman.
- With regard to the eligibility of divorced or abandoned women, widows and single orphaned women for housing, Bahrain would like to reiterate what it stated in its fourth periodic report. Those who are in category V are eligible for temporary housing strictly at the discretion of the housing committee. If eligible, a woman can benefit from life-long housing in accordance with specific conditions and guidelines.
- Bahrain guarantees equality between men and women with regard to the criteria for entitlement. A divorced or widowed woman who is caring for minor children has the same rights as a man who meets the criteria and requirements for housing benefits. Although women can be the beneficiary under any family category, the Ministry has established specific benefits for women (category V) that are offered to single, widowed, divorced or abandoned women without children.
- A Bahraini woman who is married to a foreigner and has minor children who hold Bahraini nationality are included in the categories of persons who are eligible for standard housing benefits, not just temporary housing.
- The housing allowance is disbursed in order to assist Bahraini women who are the primary family member in category II (divorced or widowed), so that they can have adequate housing from the date on which their applications are accepted. By contrast, the housing allowance is not disbursed to men until five years after the date on which their applications were accepted.
- In addition, the wife may share in the ownership of the housing unit with the consent of the husband, but without being required to pay the instalments. The housing application can be transferred to the wife's name if her husband dies or no longer satisfies the eligibility requirements for housing benefits, provided that she meets the eligibility requirements and forms an independent family.

Observations of the Committee

26. Please provide information on measures taken to repeal legal provisions requiring the husband's consent to prevent pregnancy.

Response

- Reproduction and pregnancy are rights that are shared by the spouses. The rights of the wife are addressed in the Family Act, article 39 of which provides that no husband may deprive his wife of the children he has fathered. Article 40 of that Act provides that the wife can only prevent pregnancy with the husband's consent or if she has a reason to do. Therefore, a woman can prevent pregnancy without the husband's consent if she has a reason to do so. Accordingly, reproduction is matter that is decided on by the spouses, as usually happens in practice.

Observations of the Committee

27. Please provide information on measures taken to repeal legal provisions requiring the husband's consent for a woman to leave the marital home, and report on measures taken to allow the freedom of movement of all women without a legal guardian, including for their participation in the hajj.

Response	
<ul style="list-style-type: none"> ■ The wife's right to leave the matrimonial home it is not subject to the husband's consent. She can leave the house to do all her tasks, go to work or visit her parents. If the woman leaves the matrimonial home because she does not wish to remain there or has had her rights violated, she is not forced to return under any circumstances if she does not wish to do so. The Family Act prohibits forced return in such cases. ■ Women, like men, have freedom of movement in and outside the country without the consent of their spouse. Article 19 of the Constitution of Bahrain provides that a person cannot be arrested, detained, imprisoned or searched, or his place of residence determined or his freedom of residence or movement restricted, except in accordance with the provisions of the law and under judicial supervision. ■ With regard to participation of women in hajj rituals, Decree-Law No. 26 (1976) regulating hajj affairs does not include any requirements that restrict women's freedom to perform such rituals. 	
Area	Marriage and family relations
Observations of the Committee	
<p>28. Please provide information on steps taken to bring its legislation into line with the Convention, including by repealing the following legal provisions: (a) allowing for marriages with the consent of a male guardian or judge instead of the woman's own consent; (b) allowing men to unilaterally divorce their spouses (talaq); (c) obliging women to pay compensation upon divorce initiated without the husband's consent; (d) imposing a waiting period of four years before abandoned women may initiate divorce proceedings; (e) preventing the provision of written evidence on issues related to marital relationships, which may result in discriminatory distribution of debt and property upon divorce; and (f) introducing differential treatment between Sunni and Shi'a women, including with regard to marriage, divorce and custody.</p> <p>Please also provide information on measures taken to allow women to take up guardianship and full custody of their children upon divorce and to retain custody if she remarries, to ensure that women under no circumstances are compelled by law or practice to accept reconciliation (para. 206) and to guarantee equal distribution of property upon abandonment of the wife and of inheritance among surviving daughters and sons.</p>	
Response	
<ul style="list-style-type: none"> ■ Under the Family Act, the woman must give her consent in order for the marriage to be contracted. That consent (affirmation and acceptance) is an essential condition of the marriage contract, which is not valid unless that condition has been met. ■ The requirement for a guardian is something that is stipulated in the Islamic sharia. In any case, that requirement does not hinder the right of the woman to consent to or refuse marriage. The Family Act curtails the guardian's power to such an extent that he can be stripped of his guardianship should he prevent the woman from getting married, and the law allows judges to sanction the marriage of a woman without the consent of her guardian. ■ Divorce is the right of the man under the Islamic sharia, while the woman has the right end marriage through <i>khul'</i>. Accordingly, this provision cannot be repealed because it is stipulated in the Islamic sharia, which is the principal source of legislation in Bahrain. ■ The wife may request a judicial divorce without the husband's consent for several reasons, including harm, discord, imprisonment of the husband, drug addiction on the part of the husband and failure to spend on the wife. She may request such a divorce and still claim all her rights arising from the marital relationship. ■ The woman can exercise her right to end the marriage through <i>khul'</i> by paying a consideration that does not exceed the amount of her dowry. That provision is included in the Family Code because it is enshrined in the Islamic sharia. ■ With regard to the imposition of a waiting period of four years on abandoned women, it should be noted that there are a limited number of cases in which the Family Act requires a four-year waiting period before divorce proceedings can be initiated, because the Act makes a distinction between two types of abandonment or absence. <ul style="list-style-type: none"> • The first is covered by article 107, which addresses the abandonment by the husband of his wife or his absence without cause when he has a known domicile or place of residence. In this case, the wife is not obliged to wait for any period of time. She may sue for divorce immediately on grounds of 	

harm. The judge will grant the divorce after warning the husband that he must reside with his wife, move her to his place of residence or divorce her.

- The second is covered by article 108, which relates to cases where the husband has disappeared or gone missing and the wife does not know whether he is alive or dead, or what his domicile or place of residence is. The wife may request a divorce in such a case. The judge, after investigating whether the husband is dead or alive, will grant the divorce four years after it has been established that the husband has disappeared or gone missing. That waiting period is vital and was established for the sake of the wife, as it does not make sense to grant the divorce before investigating whether the husband is dead or alive.
- The independent financial responsibility of the spouses is established in the Islamic sharia. However, that does not prevent the spouses from entering into another arrangement, either by agreeing to joint financial liability or by allocating debts and assets between them in a manner upon which they agree.
- The question did not make clear where there is differential treatment between Sunni and Shi'a women. Divorce, custody, marriage and other matters that fall under the sharia are governed by the jurisprudence of each community. Given that the Family Act respects the authority and jurisprudence of each community, there is no basis for differential treatment between Sunni and Shi'a women.
- Guardianship is a right that is shared by the spouses. However, if the wife separates from her husband, then custody goes to the wife in both systems of jurisprudence. The Family Act governs custody and sets out the conditions for the awarding and loss thereof, taking into account the interests of the child. Accordingly, even if the mother remarries, she can be granted custody if the court determines that this would be in the interest of the child, in both Sunni and Shi'a jurisprudence.
- The provisions governing inheritance are based on the Islamic sharia. According to jurisprudential interpretations of Islamic legal texts, women receive a greater share of inheritance than men when their male relatives die than men do when their female relatives die. Accordingly, the sharia does not discriminate in that regard when one takes into account all the benefits defined in the Qur'an that women enjoy.

Area	Optional Protocol and amendment to article 20 (1) of the Convention
Observations of the Committee	
29. Please inform the Committee about a timeline for the State party's accession to the Optional Protocol to the Convention and for the acceptance of the amendment to article 20 (1) of the Convention.	
Response	
<ul style="list-style-type: none"> ■ Bahrain will not ratify the Optional Protocol to the Convention because it undermines national sovereignty by allowing international actors to interfere in the country's internal affairs, particularly in the work of the judiciary, the sole body authorized to hear complaints filed by citizens, dispense justice and enforce the law. Moreover, doing so would run counter to the reservations that Bahrain entered when it acceded to Convention. Bahrain recently redrafted some of those reservations, without withdrawing them, by means of Decree-Law No. 70 (2014). Those reservations were entered because national law conflicts with Convention (article 9 (2)), or because the provisions of the Convention either conflict with the absolute provisions of the Islamic sharia (articles 2, 15 (4) and 16) or they undermine State sovereignty (article 29). 	