



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

Distr.: General
20 February 2023

Original: English

**Committee on the Elimination of Discrimination
against Women
Eighty-fourth session**

Summary record of the 1952nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 14 February 2023, at 3 p.m.

Chair: Ms. Peláez Narváez

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(*continued*)

Fourth periodic report of Bahrain (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth periodic report of Bahrain (continued) (CEDAW/C/BHR/4; CEDAW/C/BHR/Q/4; CEDAW/C/BHR/RQ/4)

1. *At the invitation of the Chair, the delegation of Bahrain joined the meeting.*
2. **The Chair**, welcoming the Permanent Representative of Bahrain to the meeting, explained that the other members of the delegation would be participating via video link.

Articles 7–9

3. **A representative of Bahrain**, responding to questions raised at the previous meeting and referring to paragraphs 161–163 of the State party’s fourth periodic report (CEDAW/C/BHR/4), said that the parliament was reviewing a draft amendment to the Nationality Act and, as part of that process, was considering whether children born to a Bahraini mother and a foreign father should be required to retain their father’s nationality or be granted the right to acquire Bahraini nationality. Given the complexity of the issue at stake, it was not possible to give a timeline for the adoption of the draft amendment. In the meantime, the Government had taken steps to improve access to free education, health care and residency permits for children born to a Bahraini mother and a foreign father.

4. The parliament was considering whether it would be possible to align national law with the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. Stateless persons residing in Bahrain had the right to apply for a travel document. Under articles 4 and 5 of the Bahraini Nationality Act, Bahraini nationality was automatically granted to children born in Bahrain to a Bahraini mother and an unknown father or to two parents of unknown identity.

5. Civil society, including non-governmental organizations (NGOs), actively participated in the consideration of draft laws that came before the legislative committee in the parliament. Proposals for amendments to bills were included in the bills as annexes and were submitted to the parliament for its consideration. In that connection, the Bahrain Women Union had attended several sessions of the legislative committee.

6. **A representative of Bahrain** said that if a foreign domestic worker gave birth to a child out of wedlock and the father’s identity was unknown, the Bahraini authorities and the embassy of the domestic worker’s country of origin would be notified and the child would be granted a residency permit until his or her status had been regularized. The Minister of the Interior had issued a decision facilitating access to residency permits for the family members of certain residency permit holders. The wives of foreign residents had the right to apply for a 10-year residency permit.

7. **Ms. Ameline**, noting the Government’s opposition to the use of quotas to increase women’s political representation, said that she wished to know what measures would be taken to speed up the process of ensuring women’s equal representation at all levels of public life. She wondered whether the State party would consider taking measures, including legislative measures, to ensure that women from all walks of life could stand in local and national elections, hold senior positions within civil society organizations and participate in all aspects of public life.

8. The Committee would be interested to know whether women were involved in decision-making related to the implementation of the Sustainable Development Goals in the State party. It also wondered whether any steps were being taken to increase the participation of women in peace negotiations around the world and to ensure that women participated in them as a matter of course. The delegation might state to what extent the Government supported the relatively new concept of feminist diplomacy and whether it intended to draw up a national plan on women and peace and security.

9. **Ms. Al-Ansari** (Bahrain) said that there were no impediments to women’s participation in any area of public life. The Constitution provided that they could be

appointed to decision-making positions and could serve as members of the National Assembly and as speakers in the parliament. They could also occupy senior positions in the private sector, including in major industries such as banking. The Government was willing to provide information on the measures it was taking to implement Security Council resolution 1325 on women and peace and security. There was no question of changing the law on the rights of lesbian, gay, bisexual and transgender persons, as that would be contrary to the Bahraini people's beliefs and religion.

10. **A representative of Bahrain** said that there were 22 women judges, 14 of whom occupied decision-making positions in the courts, tribunals and prosecution services. Women presided over the Court of Cassation, the Supreme Court of Appeal and other courts and tribunals. A number of women occupied the post of public prosecutor.

11. **Ms. Ameline** said that the State party might consider formalizing its efforts to implement Security Council resolution 1325 on women and peace and security.

Articles 10–14

12. **Ms. Akizuki** said that she wished to know whether the State party would consider repealing article 56 of the Family Act, which required wives to obtain their husbands' consent if they wished to work. She wondered whether the Government was making efforts to identify and address the obstacles preventing women from participating equally in the workforce, including by challenging traditional gender roles and promoting women's participation in decision-making positions. The Committee would welcome information on any plans in place to assess, monitor and combat harassment and gender-based violence in the workplace.

13. She would be interested to hear what the Government was doing to effectively implement the Labour Code and would be grateful for details of the labour inspection mechanisms used to determine whether employers were observing those laws and respecting employees' rights. The delegation might provide information on the number of reports of, and investigations into, violations of labour rights relating to unpaid wages, passport retention and sexual harassment. The Committee would also welcome information on the outcomes of those investigations.

14. Noting that women migrant domestic workers were not protected by the Labour Code, she asked whether there were any plans to enhance protection for such workers, including by amending the Code. The State party might describe any mechanisms in place to ensure that employers of women migrant domestic workers complied with the Labour Code and state whether any steps were being taken to increase such workers' awareness of labour rights, support mechanisms and legal remedies. She would be grateful to learn whether the State party intended to gather data or conduct research in order to better understand the risks facing domestic workers, and whether it intended to ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189).

15. **Ms. Manalo** said that she wished to know what measures would be taken to reduce the maternal mortality rate and expand the number of health clinics for mothers and children. Noting that women were prohibited by law from refusing to have children unless they had a valid reason and obtained their husband's consent, she asked what grounds women could invoke, under the Family Act, if they did not wish to have children. The State party might describe any plans in place to increase women's access to information on family planning and contraception, to incorporate age-appropriate sex education into the curricula of primary and secondary schools and to ensure that teachers were properly trained to teach that subject.

16. The Committee would be interested to know whether the State party would consider decriminalizing abortion and expanding the grounds on which abortion was permitted to include cases where the fetus was seriously malformed or the pregnancy resulted from incest or rape. She wished to know how many women had undergone abortions and what penalties had been handed down to those who had done so without having sought the advice of a medical professional.

17. **A representative of Bahrain** said that the Family Act was based on the Islamic sharia. It was necessary to acknowledge that, under the Act, a woman could not refrain from becoming pregnant without her husband's permission. The Act provided that women and

men were jointly responsible for decisions related to pregnancy and maternity. Contraceptives were available in all pharmacies and medical centres and could be purchased by women without a prescription and without their husbands' consent. Under the Family Act, women were permitted to leave the home to work or carry out errands without being supervised and without having to obtain their husbands' permission. Husbands were not permitted to prevent their wives from working if the latter requested to do so. The Family Act clearly defined the rights of husbands and wives and their obligations to each other.

18. **A representative of Bahrain** said that consideration was being given to a bill that would allow abortions to be carried out in situations where the fetus was malformed.

19. **A representative of Bahrain** said that the country had a national health plan and various initiatives had been introduced to provide services to mothers, including support during pregnancy, regular check-ups for their children, family planning services and postnatal care. Those services were also available to migrant persons. Several programmes were being implemented to reduce mortality rates in all public and private hospitals, in line with the Sustainable Development Goals.

20. **A representative of Bahrain** said that the Ministry of Education had developed training programmes for teachers and students to raise awareness of the importance of families, in cooperation with civil society organizations. A department was responsible for developing school programmes to promote the role of family and address issues such as pregnancy and marriage.

21. **A representative of Bahrain**, referring to paragraphs 172–173 and 180 of the State party's fourth periodic report, said that laws and regulations had been passed to prevent discrimination in the workplace. A complaint of harassment lodged by a migrant worker had been duly investigated and had been handled in the same way as if the victim had been a Bahraini national.

22. **A representative of Bahrain** said that employment contracts of migrant or foreign domestic workers contained clauses that protected their rights to paid holidays and other benefits. The Labour Code for the Private Sector contained provisions intended to protect domestic workers, including a requirement for all workers' remuneration to be paid into a bank account in order to avoid abuses. A helpline was available where domestic workers could access information on their rights. With regard to involvement of civil society, the Migrant Workers Protection Society provided social and legal services to foreign domestic workers.

23. Inspections were carried out of all kinds of workplaces and a labour inspectorate had a special unit for dealing with harassment or bullying. Checks were also carried out to ensure that migrant workers were not being subjected to abuses such as being forced to work excessive hours. Any labour law violations were brought to the attention of the relevant authorities and court action was taken where necessary.

24. **Ms. de Silva de Alwis** said that she wished to know what measures the State party had introduced to support women human rights defenders; to ensure that they were able to participate fully in public life on an equal footing with men; to prevent recurrence of rights violations such as arbitrary detention, sexual violence and travel restrictions; and to hold the perpetrators of such violations accountable. She wondered how the State party intended to give effect to Security Council resolution 2467 (2019), which recognized the key role of women human rights defenders in ensuring national peace and security.

25. She would appreciate information about prison conditions and measures taken to ensure humane treatment of women detainees and prisoners and to address violence against persons in custody. In the light of a recent crackdown on civil society organizations in response to protests over prison conditions during the COVID-19 pandemic, she would be interested to hear what steps had been taken to ensure that the perpetrators of rights violations during the crackdown were held responsible and to uphold the right to freedom of assembly of human rights defenders.

26. **A representative of Bahrain** said that all cases of human rights violations in places of detention were duly investigated and a dedicated office had been established to protect the rights of women and children. Detainees had access to health-care and education services,

were permitted to communicate with the outside world, including through online visits, and enjoyed freedom of worship. Various remedies were available to victims of abuse in prisons, including a complaints mechanism. The General Secretariat for Grievances was responsible for investigating any complaints or referring them to the competent authority. The National Institute for Human Rights and the courts also played a role in monitoring prison conditions. The Ministry of the Interior and the International Committee of the Red Cross (ICRC) had signed a memorandum of understanding to allow ICRC to visit detention centres and provide training workshops on human rights and international humanitarian law.

27. **A representative of Bahrain** said that the rights of women detainees were fully guaranteed. In particular, the Reform and Correctional Facilities Act No. 18 of 2014 guaranteed women the right of regular access to their children.

28. All detainees were entitled to submit grievances to the General Secretariat for Grievances if they considered that their rights were being violated. The Commission for the Rights of Prisoners and Detainees could then visit prisons and conduct interviews with women detainees in order to ascertain whether their complaints were well-founded. If they found evidence of transgressions or ill-treatment, the grievance would be reported to the competent authority, for example the General Directorate for Reform and Rehabilitation, the Internal Investigation Department of the Ministry of the Interior or the Public Prosecutor's Office. Detainees, including women, could also submit complaints or grievances to the authorities directly, through a hotline or through lawyers. In addition, conditions of detention were regularly monitored by the Public Prosecutor's Office.

29. **Ms. de Silva de Alwis** said that her questions regarding women human rights defenders had been based not on anonymous complaints but on the communication sent to the State party in 2019 by six United Nations special procedures mandate-holders.

30. **Ms. Haidar** said that she wished to draw attention again to article 43 of the Act on Social and Cultural Associations and Clubs, Private Organizations Working in the Field of Youth and Sports and Private Institutions which, according to information received by the Committee, had prevented more than 660 women from standing for election to the boards of directors of civil institutions because of their previous affiliation with political associations. The State party should review article 43 of the Act in order to ensure that candidates fully enjoyed all their civil rights, regardless of their opinions or previous political affiliations.

Articles 15 and 16

31. **Ms. Hacker** said that the Committee had stated in its previous concluding observations (CEDAW/C/BHR/CO/3) that the State party's reservations to articles 15 (4) and 16 were incompatible with the object and purpose of the Convention and had encouraged the State party to adopt a unified family law that would provide women with equal rights. While a Family Code had been enacted in 2017, no action had been taken to introduce amendments to marriage and divorce legislation in line with the Convention. She believed that there was currently no internal dialogue conducive to the interpretation of sharia law in a manner that was less discriminatory towards women.

32. She would be interested in hearing about the extent to which the hotline of the Supreme Council for Women was used to raise issues relating to family relations and the Family Code. The major changes reported in the area of family mediation could both empower and disempower women. For example, some mediators tended to ignore domestic violence. She wished to know whether women's relative power in family mediation had been studied and assessed.

33. She asked whether the State party encouraged the writing of egalitarian wills as a means of surmounting its discriminatory inheritance law. She also wished to know whether the State party encouraged prenuptial agreements, pursuant to which husbands would agree not to marry another woman and wives would be permitted to apply for a divorce. In that context, she wondered whether women could play a professional role in handling cases of divorce, for example as a judge, a mediator or a lawyer. It would be useful to know whether women's testimony was equal to that of men and, if not, whether the State party planned to rectify such discrimination. In addition, she would appreciate clarification of the claim by NGOs that women received no legal aid in divorce proceedings. She would welcome

information on the number of women who had sought court authorization in response to guardians' unreasonable refusal to grant approval for a marriage, and how frequently such requests had been granted or denied.

34. She would be interested in hearing about the percentage of cases in which judges had awarded joint or sole custodianship and physical custody to mothers. She wished to know how courts ruled on child custody in cases in which a mother accused a father of sexually or physically abusing their child and in cases of proven domestic violence against the mother.

35. She asked what was the rate of divorce and, in particular, what was the rate of concluded divorces initiated by women. She would like to know whether an unwed father was required to provide the same support for his children as a married father, and whether a child whose father was a migrant worker could sue for support.

36. **Ms. Al-Ansari** said that most issues pertaining to guardianship, inheritance and women's testimony were regulated by the Civil Code rather than the Family Code.

37. **A representative of Bahrain** said that guardianship was shared in all married couples. However, in the event of separation or divorce, guardianship was granted to the mother, bearing in mind the best interests of the children. Husbands could not exert any influence on judgments related to custody and guardianship, and wives could not relinquish their legal right to guardianship.

38. Domestic violence pertaining to economic, psychological, physical and other issues was criminalized and clearly defined in the country's legislation. Penalties were prescribed for perpetrators, and violence perpetrated by guardians or custodians constituted aggravating circumstances.

39. **Ms. Al-Ansari** (Bahrain) said that mediation services in family disputes could be provided by NGOs. In addition, all staff of the Supreme Council for Women had been registered with the Ministry of Justice as accredited mediators.

40. **A representative of Bahrain** said that the Supreme Council for Women contained a unit that received complaints regarding family disputes. It engaged in consultations aimed at resolving disputes before referral to the courts was required. Psychological and legal consultations and counselling were provided free of charge to all men and women.

41. According to the most recent statistics, the divorce rate was 1.6 divorces per 1,000 citizens. Family mediation services were highly beneficial in that regard, since they permitted the non-judicial settlement of family disputes.

42. With regard to custody and guardianship, the Supreme Council for Women, acting in cooperation with the Ministry of Labour and Social Development, had taken steps to implement decisions on visitation rights and to achieve amicable solutions for both parties. More than 240 cases had been resolved to date.

43. **A representative of Bahrain** said that an Alimony Fund had been established on behalf of divorced wives if their husbands failed to pay or were unable to pay the requisite alimony, or pending the delivery of a judgment.

44. The Islamic sharia prescribed very clear conditions for women's testimony. Their testimony in cases involving financial transactions and other issues was equal to that of men.

45. Inheritance pursuant to the Islamic sharia was based on a comprehensive system and women could not be deemed to inherit less than their male peers. There had been many cases, according to the jurisprudence of Al-Azhar and other Islamic scholars, in which women had inherited more than men or inherited the same amount. In addition, women had been the sole inheritors in 30 cases, according to the Islamic scholars. Inheritance was thus based on the principles of justice and impartiality.

46. **Ms. Al-Ansari** (Bahrain) said that the impact of the Family Code was being constantly monitored with a view to ensuring that its provisions were fully consistent with women's constitutional rights, especially in the areas of employment and education. The Supreme Council for Women took full account of all opinions expressed by NGOs and the media and in international reports. Sharia law could be interpreted in many different ways with a view to giving priority to family interests and the interests of the general public.

47. With regard to women's role in the judiciary, 60 per cent of lawyers were women and a large number of women worked in courts that addressed disputes pertaining to the Family Code.

48. **The Chair** said that the Committee urged the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the Committee's meeting time. A model instrument of acceptance would be sent to the Permanent Mission of Bahrain.

49. The Committee encouraged the State party to take all necessary measures to implement its recommendations. Those requiring immediate action would be highlighted at the end of the concluding observations, and the State party was invited to submit information regarding their implementation within the specified deadline.

50. **The Permanent Representative of Bahrain to the United Nations and other international organizations in Geneva** said that the interactive dialogue had constituted an excellent opportunity to receive input from Committee members, which would prove truly beneficial. His country's authorities looked forward to receiving the recommendations, which would boost their endeavours to ensure gender equality in Bahrain.

The meeting rose at 4.45 p.m.