



The Legal Status of Women in Bahrain



BAHRAIN CENTER FOR HUMAN RIGHTS

Defending and promoting human rights in Bahrain

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About Us

The Bahrain Center for Human Rights (BCHR) is a non-profit, non-governmental organization, registered with the Bahraini Ministry of Labor and Social Services since July 2002. Despite an order by the authorities in November 2004 to close down, BCHR is still functioning after gaining a wide local and international support for its struggle to promote human rights in Bahrain.

The vast majority of our operations are carried out in Bahrain, while a small office in exile, founded in 2011, is maintained in Copenhagen, Denmark, to coordinate our international advocacy program. For more than 13 years, BCHR has carried out numerous projects, including advocacy, online security training, workshops, seminars, media campaigns and reporting to UN mechanisms and international NGOs. BCHR has also participated in many regional and international conferences and workshops in addition to testifying in national parliaments across Europe, the EU parliament, and the United States Congress.

BCHR has received a number of awards for its efforts to promote democracy and human rights in Bahrain. The current President is **Nabeel Rajab**, who has been jailed repeatedly, including most recently on 13 June 2016 for speeches and statements. His recent arrest has been criticized by a number of human rights organizations, the governments of the UK, the USA and France, as well as a number of UN dignitaries, including former **UN Secretary General Ban Ki Moon**, who have called for his release. BCHR's Vice-President **Said Yousif Al-Muhafdha** has been forced into exile since October 2013 after being a target of arbitrary arrests for his human rights work in Bahrain. Most of the staff inside Bahrain remain anonymous, including a second Vice-President and members of the Documentation Team.

Our Mission: To encourage and support individuals and groups to be proactive in the protection of their own and others' rights; and to struggle to promote democracy and human rights in accordance with international norms. To document and report on human rights violations in Bahrain. To use this documentation for advocacy to influence international policies according to the Universal Declaration of Human Rights.

For more information on our work, please visit our website and donate through: www.bahrainrights.org

1. Introduction

Women in Bahrain are among the most liberally educated in the MENA region, girls and women do not face legal exclusions from the workplace, and are active in tertiary education. However, they are still underrepresented professionally, and treated unequally in regards to personal status laws. To mark International Women's Day on 8 March 2017, this report will summarise laws in relation to Bahraini women, and explore the effect that such laws have on women in Bahrain.

Bahraini law is complex; a mixture of royal decree, Civil and Criminal codes, and Islamic Shari'a law. Whilst the ratification of international conventions such as the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, and the **International Covenant on Economic, Social and Cultural** rights, only enhances the complexity of the legal status of Bahraini women. This report will first set out Bahraini laws in relation to gender, before setting out the international obligations that Bahrain has acceded to.

2. Personal Status Laws

Perhaps the most important laws relating to female equality in Bahrain, are those referred to as Personal status laws. Personal status laws are upheld by Shari'a courts, and encompass a wide range of gender based issues that can broadly be described as family laws such as marriage, divorce, and custody arrangements.

Bahrain is one of the only Gulf / MENA countries that does not have Islamic family law that applies to all its Muslim citizens.¹ In 2009 Bahraini legislative bodies approved the codification of a section of the personal status laws. It is important to note that the codification of family law was extremely controversial in wide segments of Bahraini society, and due to opposition from leading clerics and academics the codification of Shi'a family law was dropped, and as such the legislation only applies to Sunni Muslims. Prior to the partial codification personal status law was decided by *Qadi* judges in Shari'a courts; judges would interpret Islamic texts and apply judgements on a case by case basis.

Women of ethnic minority backgrounds are not included in the laws subjected to Muslim Bahraini women. Civil courts in Bahrain will consider cases of non-Muslim, or non-religious women basing their decisions on the laws and accepted rules of their religious traditions.²

Civil courts govern personal status matters for non-Muslims. (See section on **Civil Courts**)

Inheritance

Women in Bahrain do not enjoy equal inheritance rights as wives and daughters. Shi'a women are only eligible to inherit the full estates of their father in the absence of a direct male heir, in the case of the husband's death women do not inherit their property. Shari'a law dictates that a woman's legal share is half that of her male siblings.³

¹ Bahrain Center for Human Rights, "Family Law In Bahrain" (2014), source: <http://www.bahrainrights.org/sites/default/files/BCHR%20Report%20on%20Family%20Law%20in%20Bahrain.pdf>

² European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p. 85, source: [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

³ UNICEF, "Bahrain MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa" (2011), p.2, source: <https://www.unicef.org/gender/files/Bahrain-Gender-Eqaulity-Profile-2011.pdf>; European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p. 82, source: [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

Marriage, Divorce, and Child Custody

Only marriage conducted under Shari'a law is legally recognized in Bahrain. In 2007 the minimum age for marriage was fixed at 15 for women. Shari'a courts are able to make exceptions to the minimum age requirement in cases of 'urgent need.' It is unclear what situations constitute urgent need.⁴ Forced marriages are legally prohibited.

Married women have to reside in the matrimonial home as chosen by their spouse. Under Shari'a law women should not be forced to reside with their spouse's family, or in the case of a polygamous marriage, with other wives. Women are also entitled to receive a dowry from their husband that they can then use as they see fit, women also retain their own property and assets when married.

All marriages are sealed with a marriage contract. The contract stipulates the terms of the union, including the rights of a woman to divorce their spouse.⁵ If a clause allowing the woman to initiate a divorce is included in the marriage contract women have broader legal rights under Shari'a law. Traditionally divorce under Shari'a law is the exclusive right of the man.⁶ Male spouses are able to initiate a divorce verbally or in writing, through an agent or directly. Women can only divorce if the right is stipulated in the marriage contract and a *Qadi* judge accepts the divorce in a Shari'a court. Women can only apply for a divorce in extremely limited circumstances such as addiction, lack of proper support, or impotence.

Custody orders and judgements of foreign courts are not enforceable in Bahrain if they contradict or violate local laws and practices. In Bahrain Shi'a and Sunni women have different legal rights in relation to child custody, however, both groups of women are denied legal custody of their children. Women are usually only granted physical custody of their children in Bahrain, even if the father is absent. Sunni women are granted custody of their children up until boys are 15 years of age, and girls are 17 years of age, or until they married (whichever is sooner). Shia women are granted physical custody of male children until they are aged 7, and female children until they are 9 years of age.⁷ When the children reach this age they are then given a choice of whether to remain with their mother and father. Both parents must agree to conditions that they will

⁴ UNICEF, "Bahrain MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa" (2011), p.2, source: <https://www.unicef.org/gender/files/Bahrain-Gender-Eqaulity-Profile-2011.pdf>; European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p. 81-82, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

⁵ European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p. 81, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

⁶ *Idem*, p.82.

⁷ UNICEF, "Bahrain MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa" (2011), p.2, source: <https://www.unicef.org/gender/files/Bahrain-Gender-Eqaulity-Profile-2011.pdf>

maintain a child's religious beliefs, and guarantee the child's safety. Qadi judges retain the right to remove children from the custody of their mothers if they remarry. However, under Islamic law rulings on custody should always be made in the best interest of the children. The law also permits that the judge call upon experts in psychology and child welfare.⁸

⁸ European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p.82 section 7.2.1.4, source:
[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

3. Civil Law

Under civil law in Bahrain men and women are granted equal status. Women are legally entitled to bring cases to the civil court and access legal aid.⁹ Women are entitled to conclude contracts and manage their wealth, and property, under civil law. Civil law also grants women equal access to financial services and allows women to own businesses.

Education and Employment

Article 7, paragraph A., of the Constitution in Bahrain states that:

‘The State shall patronise the sciences, literature, and the arts, and shall encourage research. It shall be done to ensure educational and cultural services for citizens. Primary and secondary education shall be compulsory and free in accordance with the law. The law shall lay down the necessary plan to eliminate illiteracy.’¹⁰

Paragraph B., goes on to say that:

‘The law shall regulate the various aspects of religious education and attention shall also be given to the strengthening of the citizen’s personality and pride in his Arab nationality.’¹¹

There are also provisions for the establishment of private organisations for the provision of education. Women have equal access to education in Bahrain, there are no laws prohibiting girls from attending school, and a significant number of women enter, and complete, university level education. The state emphasis on combating illiteracy has ensured that there is no percentile difference between the literacy levels of both female and male youth. There is a 100% literacy level for both sexes. The net enrolment ratios for girls and boys in primary school are roughly equal, 97 and 98 percent respectively. In secondary school the net enrolment rate for girls’ is 91%, while that of boys is slightly lower at 87%.¹² It is harder to collect statistics for tertiary education, the UIS global database does not list any recent statistics, however the Supreme Council for Women states that in the year 2013-2014, 22,828 or 60% of individuals in higher education were women. In the same year 60% of those who graduated from government

⁹ Idem, p.86-87.

¹⁰ State of Bahrain, the Constituent Assembly, “Constitution of the State of Bahrain” (1973), art. 7§A, source: <http://confinder.richmond.edu/admin/docs/Bahrain.pdf>

¹¹ State of Bahrain, the Constituent Assembly, “Constitution of the State of Bahrain” (1973), art. 7§B, source: <http://confinder.richmond.edu/admin/docs/Bahrain.pdf>

¹² UNICEF, “Bahrain MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa” (2011), p.3, source: <https://www.unicef.org/gender/files/Bahrain-Gender-Eqaulity-Profile-2011.pdf>

universities and institutions were female, significantly higher than the number of male graduates.¹³

It is illegal in Bahrain to discriminate on grounds of gender, however there are some restrictions placed on women in the workplace.¹⁴ Under Article 301 of the Private Labor Law, with the exception of, Doctors, Nurses and other healthcare professions, women are restricted from working between 20:00 and 04:00 AM, and from doing heavy industrial work.¹⁵ Employers cannot dismiss women that are pregnant or on maternity leave. In the private sector women are entitled to 45 paid days of maternity leave, and 15 days of unpaid leave. 100 percent of the salary is paid to a woman in the first 45 days of maternity leave. In the public sector women are entitled to 60 paid days of maternity leave.¹⁶ Article 35 also provides provision for lactating female private sector workers, after their return from maternity leave, to two nursing periods of a minimum of one hour each, until her child is six months of age, when the child is aged six months to one year a woman is entitled to two further periods of care, that last for a minimum duration of 30 minutes.¹⁷ In the public sector lactating mothers are granted these so called mothering hours for two years.¹⁸

Female participation in the workplace doubled between 1980-2000, and families are coming to rely on female income. The importance of the financial contribution made by women to the overall financial stability of families has been important in changing social attitudes to women entering the workforce.¹⁹

In the public-sector, women have been appointed to positions in the judiciary and in the government. Bahraini women are well represented in the legal profession, 55% of lawyers are women.²⁰ The first female judges began hearing cases in 2006, when the first female judge, **Mona al-Kawari** was appointed. A second female judge, **Dhouha al-Zayani**, was appointed to the Constitutional Court in 2007, and a third, **Fatima Hubail**, was appointed in 2008 as a Lower

¹³ Supreme Council for Women, “Bahraini Women in Numbers” (2015), p.13, source:

<https://www.scw.bh/en/MediaCenter/Documents/Final-Numbers-May-2016.pdf>

¹⁴ European Parliament: Directorate-General for Internal Policies of the Union, “The Situation of Women in the Gulf States” (2014), p.84, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

¹⁵ *Idem*, p.54.

¹⁶ The Labour Law for the Private Sector (Bahrain 2012), Article 32, paragraph A, source:

http://www.rrc.com.bh/media/141168/labour_law_2012_1_.pdf

¹⁷ The Labour Law for the Private Sector (Bahrain 2012), Article 35, source:

http://www.rrc.com.bh/media/141168/labour_law_2012_1_.pdf

¹⁸ For more information see: <https://www.csb.gov.bh/en/civil-service-legislation/civil-service-law/law-48-20101.html>

¹⁹ European Parliament: Directorate-General for Internal Policies of the Union, “The Situation of Women in the Gulf States” (2014), p.54, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

²⁰ Supreme Council for Women: Statistics (2015), source:

<http://www.scw.bh/en/AboutCouncil/Pages/record2016.aspx>

Criminal Court judge. In 2010 Freedom House reported that there were 7 female members of the judiciary in Bahrain,²¹ according to the Supreme Council for Women there are currently 21 female judges in Bahrain.²² There are no female judges in the Shari'a courts.

Bahrain is ranked 170th by the Inter-Parliamentary Union for female representation. The country last held elections in 2014, and a number of women were appointed to both houses in the country. In the Council of Representatives, out of 40 seats, 3 were won by women, meaning that 7.5% of Bahrain's lower house is occupied by women. In elections for the Shura Council, 22.5% of the seats, 9 out of 40 available, were awarded to women.²³ There are 8 female members of the municipal councils.²⁴ Bahrain's liberal education system means that women are politically active, women were granted suffrage in 2002, and are able to vote from the age of 18.

The private sector has also seen an increase in the percentage of women in employment. The Supreme Council for Women states that 33% of the private sector labour force in Bahrain is women. Technical fields such as engineering also have a relatively strong female presence, 21% of the engineering profession in Bahrain are women.²⁵ There is currently a draft labour law giving women protections in the private sector undergoing legislative review. The law would increase benefits for women in the private sector, giving them access to bereavement loans, and financial support for childcare. The law also aims to reduce discrimination in the provision of benefits, training, wages, and the payment of bonuses, based on gender.

It is important to note however, that upward mobility for women remains restricted. Bahrain's employment market is governed by systems of patronage. Both Shi'a and Sunni women are less likely to be in high-level positions than their male counterparts.

Overall, between the period 1971-2013, the percentage of women in the workforce has increased from 4.9% to 31.8%. Although this is a significant improvement in a short period of time, there is still much to be done to achieve gender equality in the workplace.²⁶

²¹ Freedom House, "Bahrain", *Women's Rights in the Middle East and North Africa Progress Amid Resistance*, ed. Sanja Kelly and Julia Breslin (New York, 2010), p.20, source:

https://freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf

²² Supreme Council for Women, "Bahraini Women in Numbers" (2015), p.30, source:

<https://www.scw.bh/en/MediaCenter/Documents/Final-Numbers-May-2016.pdf>

²³ Inter-Parliamentary Union: Women in National Parliaments (2017), source:

<http://www.ipu.org/wmn-e/classif.htm>

²⁴ Supreme Council for Women: Statistics (2015), source:

<http://www.scw.bh/en/AboutCouncil/Pages/record2016.aspx>

²⁵ Ibid.

²⁶ Supreme Council for Women, "Bahraini Women in Numbers" (2015), p.21, source:

<https://www.scw.bh/en/MediaCenter/Documents/Final-Numbers-May-2016.pdf>

Citizenship

The legislation governing issues of Bahraini nationality are codified in the **Bahraini Citizenship Act 1963**.²⁷ The act was modified in 1981, and states that an individual is eligible to be regarded as a Bahraini national by descent or by birth.

Bahraini nationality is transmitted through the male line. It is extremely difficult for Bahraini women to convey their Bahraini citizenship to their children, foreign born spouses, and stateless spouses. In 2002 Bahrain ratified the **Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW).²⁸ Article 9 of CEDAW does make provision for women to pass on their citizenship to their children, however the Bahraini government have so far only extended this provision in extremely limited circumstances through exceptional royal decrees. The slow implementation of CEDAW, and the failure to implement a law allowing women to pass on their Bahraini citizenship approved by the Bahraini cabinet in 2014 demonstrates the extreme reluctance of the Bahraini authorities to permit women to transmit their Bahraini citizenship to their children.²⁹

Dual nationality in Bahrain is illegal without permission from the Bahraini ministry. Bahraini born women with Bahraini citizenship cannot take on another nationality without applying for permission from the ministry. On 7 July 2014, the King of Bahrain ratified and issued Law 21, amending some provisions of the Bahrain Citizenship Law of 1963. According to Article 9, Bahraini citizenship may be withdrawn upon the request of the Interior Minister with the permission of the cabinet from any Bahraini citizen who receives another nationality without prior approval.

Citizenship will be withdrawn with a decree if the Minister of Interior did not approve the foreign nationality after obtaining the cabinet approval. The only exception is if the dual citizenship is with one of the GCC countries. In this case, the citizen would be subject to a fine of up to 10,000 BHD.

In normal circumstances, the mother of non-Bahraini children is allowed to sponsor her child or children, so that they can gain Bahraini citizenship. However, in 2016 the Bahraini authorities forcibly deported **Mahmoud Ahmed Khawouri**, after he had been held in the deportation centre for two years. Khawouri, a football player, had been arrested on 29 April 2013 for his participation in the 2011 protests. He was accused of unlawful assembly and rioting by the First-

²⁷ Bahrain State, “Bahraini Citizenship Act” (1963), source: <http://www.refworld.org/pdfid/3fb9f34f4.pdf>

²⁸ United Nations, “Convention on the Elimination of All Forms of Discrimination against Women” (1979), Art. 9§1, §2., source: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

²⁹ Ahmed, Dunya Ahmed Abdullah, “Bahrain” in *Women’s Rights in the Middle East and North Africa: Progress Amid Resistance*, ed. Sanja Kelly and Julia Breslin (2010), source: https://freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf

Tier Criminal Court and sentenced to one year in prison. After he had completed his sentence Khawouri was transferred to the Criminal Investigations Directorate (CID), and then to an immigration detention centre where he was held by the Department of Citizenship, Passports and Residency, due to his lack of Bahraini citizenship. Khawouri had been denied a Bahraini passport, even though he had lived his whole life in the country, due to his father's foreign (Shia Iranian) origin. His mother was a Bahraini citizen, and had attempted to sponsor her son on numerous occasions. Khawouri had been raised, and educated as a member of Bahraini society.³⁰

Resources and Assets

Under Civil Law Bahraini women have equal rights to men. Women are allowed to access and manage land and nonland assets.³¹ Upon marriage a woman retains control of her personal assets, and can control them as she sees fit and unless stipulated in the marriage contract, can manage these assets without her husband's consent.

However, women do not enjoy equal inheritance rights (see section on **Personal Status Laws: Inheritance**)

Financial Services

Legally there is no discrimination in Bahrain between the access that men and women have to financial services. If married, women must gain the permission of their husbands to access some state subsidised loans. Many banks do not allow women to access financial services such as bank loans without prior permission of their husband or closest male relatives. In turn this impacts the percentage of women that engage in entrepreneurial activity.

³⁰ Bahrain Center for Human Rights, 'Football Player Khawouri Split between Bitterness of Deportations and Staying in Prison for Life,' 7 April 2016, source: <http://bahrainrights.org/en/node/7779>

³¹ European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p.84-85, source: [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

4. International Regulation

Bahrain acceded to CEDAW with five reservations, four of which directly relate to the status of women in Bahrain. to CEDAW in 2002. The country also failed to ratify the optional protocol of preventing violence against women. The reservations Bahrain expressed, preventing total implementation of CEDAW protocol, were against the following articles:

1. Article 2, Paragraph 2, which states that a country should condemn all types of discrimination
2. Article 9, Paragraph 2, which states that women should enjoy the same rights as men in terms of transmitting citizenship to their children
3. Article 15, Paragraph 4, which states that women should be given the same rights as men in choosing their homes
4. Article 16 which states that the need to provide equal marital rights to females and males particularly in marriage contracts, raising children and in custody agreements

All articles that Bahrain expressed a reservation against were in direct contravention to Shari'a and/or existing Bahraini law. For example, Bahrain's second reservation in relation to the transmission of citizenship, contravenes national law which dictates that only Bahraini men can transmit citizenship to their children, even if the mother is a Bahraini national. Children of foreign born spouses are therefore unable to acquire Bahraini citizenship through their mother. Objections to Article 15, Paragraph 4 were made as social customs prevent unmarried women living outside of the family home, and traditionally married women are unable to freely choose their matrimonial home.³²

Bahrain submitted its third, and most recent state party report to CEDAW in December 2011, in which they laid out the steps that they had taken to comply with the CEDAW convention.³³ The report was submitted as a follow up to CEDAW's 2008 recommendations.

In 2014, following Bahrain's third periodic review, CEDAW issued the following recommendations to Bahrain:

³² European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p.87-88, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

³³ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*, Third periodic report of States parties: Bahrain, 21 December 2011, CEDAW/C/BHR/3, source: <http://www.refworld.org/docid/525bdf134.html>

- To take the necessary legislative steps to fully implement CEDAW before the next reporting period
- To directly prohibit and sanction discrimination against women in line with its obligations under Article 1, and 2 of the Convention
- To strengthen education and training programmes for law enforcement officials, and members of the legal profession on CEDAW, and the forms and scope of discrimination
- To prioritise its reform process, and to modify or repeal, discriminatory legislation, including legislation in its Penal Code, the Nationality Law and in family matters
- That the Supreme Council for Women strengthens its cooperation with all stakeholders by supporting civil society groups and NGOs
- To put in place a comprehensive national strategy and programme to address all forms of violence against women including expediting the adoption of the bill to combat and criminalise domestic violence
- To revise the Penal Code, repealing provisions that condone acts of violence against women and to add provisions to criminalise marital rape
- To systematically collect gender specific data
- To take measures, including temporary special measures in the form of quotas, to increase the number of women in political and public life at all levels
- That the State party promote women in leadership positions and foster an environment conducive to the promotion of women in all sectors
- To ensure that women's civil society groups and NGOs may be freely established, and can raise funds

CEDAW's concluding report on Bahrain's third periodic review also contained specific recommendations for women human rights defenders (WHRDs) urging the country to:

- Expedite the implementation of all the recommendations of the Bahrain Independent Commission of Inquiry
- Ensure that any sanctions against women who peacefully participated in the February 2011 protests are immediately discontinued, and that women do not suffer the impact of their political affiliations and are reinstated in posts that they occupied with compensation and rehabilitation
- Ensure that women activists are able to exercise their rights to freedom of expression and association, and to ensure that legislation does not have a negative effect in this regard.

5. Women Human Rights Defenders and Other Activists:

The Bahraini government has continued its crackdown on human rights activists, stepping up its campaign to repress the voice of civil society, and those who speak out against government atrocities. The next section will highlight the case of women human rights defenders and other female activists who have been targeted by the Bahraini authorities.³⁴

Taiba Darwish

In March 2016 Taiba Darwish was sentenced to five years' imprisonment for harbouring wanted fugitives. Whilst imprisoned Darwish has been prevented from accessing adequate medical treatment for a previously diagnosed condition; uterine fibroids. Following her arrest the symptoms of her condition worsened, although prison authorities initially allowed her access to minimal treatment, this soon ceased. In April 2016 Darwish suffered pain



and bleeding caused by her condition, and although she was allowed to go to the military hospital for treatment, there was no doctor present during her medical examination. Doctors questioned Darwish through a police officer, who then reported Darwish's responses to the doctor. No medical reports were presented to Darwish at this time, although doctors did tell Darwish that she would receive two-months of treatment. Doctors then stated that they would perform a hysterectomy if the treatment failed to work in the allotted time frame. Prior to this visit medical tests showed that Darwish's conditions had not progressed further, and that existing fibroids had started to shrink. Darwish reported feeling humiliated by the doctor's threat to remove her uterus. No action was taken in response to the complaints Darwish made to prison authorities. In addition, Darwish has not received any medical attention for a kidney condition, which continues to cause her pain. The lack of adequate, and timely medical care has not only impacted Darwish's physical condition, but also her psychological state. Darwish has also been subjected to verbal abuse in front of her family during visitation, and reports being subjected to worse abuse than that witnessed. The European-Bahraini Organization for Human Rights (EBOHR) has also reported that Darwish was subjected to ill-treatment whilst detained, and that she has been forbidden from having contact with her family for long periods of time. Darwish

³⁴ It is important to note that the cases highlighted in this report are no more important than those of other activists targeted by the authorities.

has three children, the authorities threatened to stop her visitation rights when one of her children climbed onto her lap during visiting time.³⁵

Maryam Al-Khawaja

Human rights defender Maryam Al-Khawaja has repeatedly been targeted by the Bahraini authorities. In 2014 she was sentenced in absentia to one year in prison by Bahraini authorities on charges related to an alleged assault on a police officer in Bahrain's airport. Al-Khawaja had travelled to Bahrain in an attempt to visit her father, imprisoned human rights defender, and co-founder of BCHR, Abdulhadi Al-Khawaja, who was on hunger strike, at the time of his daughters visit. Following a rapid decline in her father's health Al-Khawaja travelled to Bahrain to visit in the hopes of visiting her father, she was detained on arrival in the country. She was subsequently held in prison for 19 days, and was released whilst the investigation was ongoing, as no travel ban had been imposed on her, she chose to leave the country, to avoid a lengthy sentence on baseless charges.



Zainab Al-Khawaja

Over the past five years activist Zainab Al-Khawaja has been repeatedly targeted by the Bahraini government. Since 2011 she has been detained several times for various lengths of time, and has had over 13 cases brought against her in Bahraini courts. Most recently, the authorities arrested Al-Khawaja on 14 March 2016 following a house raid. She was sentenced to serve a sentence of 3 years and 1 month in prison, and fined 3,000BHD (USD 7,900). Al-Khawaja was charged over tearing a photo of the King. Due to the young age of her son, he was kept with his mother whilst she was detained. Al-Khawaja has suffered from ill-treatment, and been detained in poor conditions. After considerable international pressure, her sentence was suspended and she was released on 31 May 2016, on humanitarian grounds. Due to threats of indefinite detention Al-Khawaja was forced into exile, and now resides in Denmark.³⁶



³⁵ Bahrain Center for Human Rights, 'Bahrain must provide prisoners with full access to adequate medical care,' 5 August 2016, source: <http://bahrainrights.org/en/node/8051> ; Bahrain Center for Human Rights, 'Bahrain Continues Targeting Women Human Rights Defenders - A Briefing Of The Situation,' 25 November 2016, source: <http://bahrainrights.org/en/node/8337>

³⁶ Bahrain Center for Human Rights, 'NGOs Call for the Release of Activist Zainab al-Khawaja,' 14 March 2016, source: <http://www.bahrainrights.org/en/node/7757>

Taiba Ismaeel

On 31 August 2016, Taiba Ismaeel was one of three Bahraini activists sentenced on charges relating to posting statements online or delivering speeches allegedly insulting the King of Bahrain or the Kingdom's authorities. Ismaeel was arrested on 26 June 2016, no warrant was presented for her arrest or for the search of her property. Her mobile phone was confiscated. The Public Prosecution interrogated Ismaeel the following day and charged her with allegedly 'insulting the King and inciting hatred against the regime.' She was remanded in custody for seven days by the Public Prosecution. These charges have been levied frequently at activists using social media such as Twitter, to expose human rights failings in the country. Ismaeel has two small children, and reported being subjected to psychological pressure during interrogation at the Criminal Investigation Department.³⁷



Nedal Al-Salman and Enas Oun

Nedal Al-Salman, Head of International Relations and Women and Children Advocacy at the Bahrain Center for Human Rights (BCHR), was interrogated on 15 November 2016 on charges of 'illegal assembly.' Al-Salman undertakes advocacy duties for BCHR on the international stage, and publicly calls for reform in Bahrain. She was interrogated on the orders of the Public Prosecution. Enas Oun is Head of BCHR's Monitoring and Documentation Section. Oun was summoned on 13 November 2016, and was accused of organising an assembly on 20 June 2016 in the Al-Dair area. Like Al-Salman, Oun was also interrogated and later released. This is not the first time both women have been targeted for their human rights work. In August 2016 both women were placed under travel bans, and only made aware of this whilst at attempting to travel to attend human rights conferences. Al-Salman was prevented from attending the 33rd session of the Human Rights Council in Geneva, and Oun was unable to attend an event in Tunisia. The aviation authorities refused to let Al-Salman travel on orders from the Public Prosecution, and Oun on an order issued by the Criminal Investigations Directorate.³⁸



³⁷ Bahrain Center for Human Rights, 'Bahraini Authorities Sentence More Activists to Prison Terms for Criticising the King,' 9 September 2016, source: <http://www.bahrainrights.org/en/node/8148> ; Bahrain Center for Human Rights, 'On Eve of UN Resolution for Internet Freedom: Websites blocked, Internet Disrupted, and Social Media Posts Continue to Lead to Arrests in Bahrain,' 3 July 2016, source: <http://www.bahrainrights.org/en/node/7969>

³⁸ Bahrain Center for Human Rights, 'Bahrain Continues Targeting Women Human Rights Defenders - A Briefing of the Situation,' 25 November 2016, source: <http://www.bahrainrights.org/en/node/8337>

Photos of Women Protesting in Bahrain³⁹



³⁹ Both photos credited to AFP

6. Violence Against Women (VAW)

Sexual harassment is illegal in Bahrain, legislative clauses however, refer to protection of honour rather than the protection of women's rights. There is no direct reference to VAW in the law.⁴⁰ Submissions to the Universal Periodic Review of the Human Rights Council have also noted the lack of organisations that support victims of domestic and sexual violence. Like many other countries VAW is significantly under reported, and although pressure from the Supreme Council for Women has resulted in training in gender issues being offered to the police force and the judiciary, reporting rates remain low, and women are still subjected to gender based violence.⁴¹

Rape is legally recognised as a crime in Bahrain, and offenders will be punished by the court system. However spousal rape remains taboo, and is not regarded as a crime by legislative bodies. Whilst Article 353 of the Penal Code allows rapists to marry their victims to avoid punishment. Marriages such as these often result in further psychological and physical damage being inflicted on the victim and traditionally have high rates of divorce. Allowing rapists to marry their victims means that perpetrators escape punishment, and if they later divorce to also avoid spousal duties of care, doubly victimising the victim.⁴²

Spousal abuse has a low reporting rate, and although a minority of women cite abuse in divorce cases, there is still a reluctance for victims to come forward and report abuse. In one reported case a woman's request for divorce on the grounds of abuse was rejected, although the judge did permit the woman to reside elsewhere for her own protection.⁴³

Since 2011 Bahraini women have become increasingly involved in political activism in Bahrain, and are active members of civil society in Bahrain. *The Situation of Women in the Gulf States* proposes that the advanced education received by women in Bahrain has made women more likely to become involved in civil society.⁴⁴ Moreover, in 2002 Bahrain was one of the first Gulf states to extend the right to vote to women, although women remain underrepresented politically. Women have therefore been active in Bahraini civil society for a number of years.

⁴⁰ Ahmed, Dunya Ahmed Abdullah, "Bahrain" in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, ed. Sanja Kelly and Julia Breslin (2010), p, 69, source:

https://freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf

⁴¹ Idem, p.63.

⁴² Idem, pp. 4, 63.

⁴³ Bahrain Center for Human Rights, "Family Law In Bahrain" (2014), p. 15, source:

<http://www.bahrainrights.org/sites/default/files/BCHR%20Report%20on%20Family%20Law%20in%20Bahrain.pdf>

⁴⁴ European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p.18, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

As women become increasingly visible in the pro-democracy movement BCHR has documented an increased number of female activists targeted by the Bahraini authorities. Female human rights defenders are often targeted with gender based violence, threatened with rape and sexual assault during interrogation, and periods of detention.

Since 2011 BCHR has documented the arrest of more than 300 women. In 2016 there were 34⁴⁵ women arbitrarily detained in Bahrain, in the first two months of 2017 alone there has been 9 women arrested. This demonstrates that women are subjected to the same arbitrary system of arrest as male human rights defenders, and that they are active in civil society. In April 2016 Taiba Darwish, a Bahraini citizen, was convicted and sentenced to five years' imprisonment on charges of 'harbouring wanted suspects,' the European-Bahraini Organization for Human Rights (EBOHR) reported that Darwish was subjected to ill-treatment whilst detained. Darwish was also forbidden from having contact with her family for long periods.⁴⁶

In 2011 **Nazeera Saeed**, a prominent female journalist, reported being tortured whilst being interrogated in Bahrain. Saeed was beaten with plastic tubing, had her head put down a toilet which was then flushed to stimulate drowning, and had a caustic liquid, believed to be urine poured on her body. She was verbally abused throughout the ordeal. On her release, Saeed reported her torture to the Bahraini authorities, and although she could identify her attackers, only one was put on trial, and none were held accountable for the incident. This case represents a failing in the Bahraini legal system, and its inability to protect Bahraini citizens from incidents of torture.⁴⁷



⁴⁵ Bahrain Center for Human Rights, "Annual Report: Bahrain 2016" (2017), p.8, source: http://bahrainrights.org/sites/default/files/BCHR_AnnualReport_Web-REV-1.pdf?_ga=1.10030517.1657969421.1482157062

⁴⁶ Bahrain Center for Human Rights, 'Bahrain Continues Targeting Women Human Rights Defenders - A Briefing Of The Situation,' 25 November 2016, source: <http://www.bahrainrights.org/en/node/8337>

⁴⁷ Bahrain Center for Human Rights, 'Trial of Radio Monte Carlo Doualiya's Reporter Nazeera Saeed Begins Monday,' 12 January 2017, source: <http://www.bahrainrights.org/en/node/8423>

7. Migrant Women

In direct contravention of CEDAW the Bahraini government has not legislated on issues directly pertaining to the rights of migrant women. Migrant women, particularly those employed as domestic workers, are at increased risk of violence and sexual assault.⁴⁸ Domestic workers that are subjected to domestic violence and sexual assault rarely come forward to the Bahraini authorities out of fear of retribution and the social shame that still surrounds issues of abuse in the country.

There are approximately 460,000 migrant workers, mostly from Asia, in Bahrain. These individuals make up around 77 percent of the country's private workforce. Bahrain's legal and regulatory framework fails to provide safeguards for migrant workers, the inability to successfully implement and enforce laws means that migrant workers, particularly female workers, endure serious abuses such as unpaid wages, passport confiscation, unsanitary living conditions, and both physical and psychological abuse. There is also concern among the human rights community that female domestic workers are being deprived of their rights to worship, and that their religious freedoms are being restricted.

It is estimated that there are in excess of 80,000 female workers in Bahrain. These women most commonly work as maids, and are treated as private property by their employers, in a modern-day form of slavery. These women are deprived of even their basic human rights, many are unable to leave their residents, and are unable to communicate or form relationships with individuals in their community. Female workers are deprived of their freedom to worship, and are forbidden from wearing religious symbols such as a cross. There are reported cases where women have been severely punished for portraying their religion. There are no laws in Bahrain that restrict these activities.⁴⁹

In 2014 in response to Bahrain's third periodic review, CEDAW issued the following recommendations in relation to female migrant workers in Bahrain:

- To strengthen the legal protection of women migrant workers by amending legislation to make provisions applicable to migrant female workers
- To seek assistance from the International Labour Organization aid in the abolishment of the sponsorship system

⁴⁸ Human Rights Watch "For a Better Life Migrant Worker Abuse in Bahrain and the Government Reform Agenda" (2012), Human Rights Watch: New York, p.53, source: https://www.hrw.org/sites/default/files/reports/bahrain1012_appendices.pdf

⁴⁹ Bahrain Center for Human Rights, 'Bahrain: Domestic Workers Freedom of Religion and Worship Rights,' 6 September 2016, source: <http://bahrainrights.org/en/node/8139>

- To prosecute and sentence violent, abusive and exploitative employers and recruitment agents
- To raise awareness of labour rights among women migrant and domestic workers
- To ensure effective access by women migrant workers to legal aid and complaint mechanisms
- To provide victims of exploitation and abuse with protection and assistance, including immediate access to shelters and rehabilitation services

The number of female migrant workers in Bahrain is estimated to exceed 80,000

They are subjected to:



Image of Domestic Workers Taken from a BCHR report

8. Male Guardianship

In 2004, the passport law was amended to allow married women to apply for a passport gaining the permission of their husband. Legally women do not need consent to travel, and it is illegal for a man to confiscate his spouse's travel documents. In terms of employment article 55, paragraph A, of the personal status law acknowledges a woman's right to work. However, in some cases women have to gain permission from their husbands to work outside of the home, and marriage contracts must stipulate a woman's right to work, or the man must be aware of his female spouse's desire to work at the time of marriage. A male can also provide post-marriage consent if their female spouse wishes to gain employment. Paragraph B of Article 55 also stipulates that a wife will lose her alimony if she engages in work against the wishes of her husband, and against the interests of the family.⁵⁰

In August 2016 Bahrain's Ministry of Justice, Endowments and Islamic Affairs issued a set of new regulations for pilgrims intending to go to Hajj. These new regulations stipulate that female pilgrims under the age of 45 are obligated to be accompanied by a guardian, such as a husband, father, brother or son, if travelling to Mecca. The regulations violate CEDAW; by acceding to the convention Bahrain committed themselves to implement measures to end discrimination against women. The regulation also constitutes a violation of Article 13 of the Universal Declaration of Human Rights (UDHR), and Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of religion.⁵¹

⁵⁰ European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p.82-83, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

⁵¹ Bahrain Center for Human Rights, 'Bahraini Women Under 45 Restricted from Going on Hajj Without Male Guardians,' 21 August 2016, source: <http://www.bahrainrights.org/en/node/8081>

9. Organisations Promoting Women's Rights:

The main organisation promoting women's rights in Bahrain is the **Supreme Council for Women (SCW)**. The organisation was established by royal decree in 2001, and is governed by Amiri orders No. 44, and 2. The establishment was amended by Royal Decree No. 36 in 2004. The organisation is directly affiliated to the crown, and is currently run by a member of the royal family. Moreover, Bahraini authorities are mandated to seek the opinion of the SCW prior to taking any action in regards to the position of women. International reports have also noted that the SCW, although restricted by its allegiance to the government, has been pivotal in ensuring that women's rights are addressed by the state, and in increasing the awareness of women's rights.⁵²

The SCW is responsible for drafting national plans to promote women's rights, reviewing laws and legislation, and making recommendations for legal reform. The institution can only lobby for change on issues that the Bahraini government tacitly agree with, or it risks closure. However, it has publicly lobbied for changes in the law in relation to the status of women. In 2005 the SCW publicly came out in support of the longstanding campaign for the codification of the Personal Status laws.⁵³ NGOs had campaigned on the issue of codification since 1982. In 2009 the organisation launched a lobbying campaign to amend the nationality law, which prohibits women from transmitting their Bahraini citizenship to their children. (see section on **Citizenship and Nationality**)

The SCW General Secretariat is also home to the Women's Support Centre (WSC), which was set up to deal with gender based issues that affect women. The WSC monitors the needs of women in the kingdom, and receives complaints from female residents of Bahrain. The centre operates within the framework of the SCW mandate. The most prominent issues the centre address relate to the granting of Bahraini nationality to the children of foreign born spouses and Bahraini women, and the entitlement of women with custody of children to welfare and social support. The centre works with other organisations created at the behest of the Bahraini government such as the Batelco Care Centre for Family Violence Cases, and the social centres attached to the Ministry of Human Rights and Social Development, and the Dar al-Aman shelter. All of these organisations are affiliated with the government, and can therefore only offer restricted services to women, in line with the official mandate.⁵⁴

Shelters for abused women, and organisations offering legal support to women are beginning to operate in Bahrain. However, it is a slow process, international NGOs are unable to work in Bahrain, and Bahraini

⁵² European Parliament: Directorate-General for Internal Policies of the Union, "The Situation of Women in the Gulf States" (2014), p.51-54, source: <http://www.bahrainrights.org/en/node/8081>[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPO_L_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPO_L_STU(2014)509985_EN.pdf)

⁵³ Ahmed, Dunya Ahmed Abdullah, "Bahrain" in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, ed. Sanja Kelly and Julia Breslin (2010), p, 69, source: https://freedomhouse.org/sites/default/files/inline_images/Bahrain.pdf

⁵⁴ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*, Third periodic report of States parties: Bahrain, 21 December 2011, CEDAW/C/BHR/3, pp.10-12.: general overview art. B, source: <http://www.refworld.org/docid/525bdf134.html>

organisations are all registered and monitored by the Ministry of Social Development. The surveillance of NGOs means that they are unable to operate as freely as they would like and subsequently their efficacy is severely limited. What is more, Bahraini NGOs are not able to accept funds from international organisations, if they are found to be associated with international NGOs the Ministry of Social Development can revoke their license and stop them from operating. The main body of support then for women seeking counselling and advice is active members of civil society and small Bahraini NGOs.⁵⁵

In 2014 CEDAW urged Bahrain to collaborate with, and provide adequate funding to NGOs, to increase the number and capacity of shelters and services for victims of violence against women. This was followed by a recommendation that Bahrain take measures to increase the collection of data on violence against women, to ensure the provision of reintegration and rehabilitation services for victims of violence. International bodies have therefore recognised the lack of civil society infrastructure in Bahrain to address gender specific issues.⁵⁶

The most politically viable option for developing civil society in Bahrain has been the partnership model. Joint partnerships between business associations, civil society and political rights organisations have been less politically problematic, and have been effective in providing services to women.⁵⁷ For example in 2007, a partnership was formed between the US-based NGO, Vital Voices, the US State Department and the Bahraini company Smart Coaching and Research Centre. One of the aims of the partnership is to increase access to training in advocacy and volunteerism, and to advance discussions in civil society on issues such as domestic violence.⁵⁸

⁵⁵ European Parliament: Directorate-General for Internal Policies of the Union, “The Situation of Women in the Gulf States” (2014), p.51-54, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

⁵⁶ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding observations on the third periodic report of Bahrain*, 28 February 2014, CEDAW/C/BHR/CO/3, p. 5, 24 A/B

⁵⁷ European Parliament: Directorate-General for Internal Policies of the Union, “The Situation of Women in the Gulf States” (2014), p.44, source:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

⁵⁸ Ibid.

Appendix:

Item 1. Bahraini Citizenship Act 1963⁵⁹

A person shall be regarded as a Bahraini national by descent if one of the following conditions are met:

- (A) Born in Bahrain after the effective date of this Act and his father was a Bahraini at the time of birth
- (B) Born outside Bahrain after the effective date of this Act and his father was a Bahraini national at the time of birth, provided that the father or the grandfather was born in Bahrain
- (C) Born in Bahrain or abroad after the effective date of this Act and his mother was a Bahraini national at the time of birth, provided that the father was unknown, without the nationality or fatherhood was not substantiated

A person shall be regarded Bahraini by birth if:

- (A) Born in Bahrain after the effective date of this Act and his father was also born in Bahrain and has made Bahrain his permanent residence, at the time of birth of that person provided, however, that this person is not holding another nationality
- (B) Born in Bahrain, after the effective date of this Act, to unknown parents. The illegal child shall be deemed to have been born in Bahrain, unless otherwise proved.

⁵⁹ Bahraini Citizenship Act (last amended 1981) [Bahrain], 16 September 1963, source: <http://www.refworld.org/docid/3fb9f34f4.html>