



European Center for Democracy and Human Rights

Americans for Democracy



& Human Rights in Bahrain



INSTITUTIONALIZING GENDER-BASED DISCRIMINATION IN BAHRAIN

For Consideration ahead of the 41st Session of the Universal Periodic Review Working Group

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Submitting Organizations

1. The following submission has been prepared by Americans for Democracy & Human Rights in Bahrain (ADHRB) based on data collection carried out by this organization, and information received from independent human rights defenders in Bahrain. ADHRB is a non-profit organization that fosters awareness of, and support for, democracy and human rights in Bahrain and the wider Gulf region. ADHRB has repeatedly requested permission to formally visit Bahrain to consult with official human rights bodies, such as the National Institute for Human Rights (NIHR) but has consistently been denied access. Thus far, the Government of Bahrain has declined to cooperate with ADHRB on any level. Iraqi Development Organization (IDO) is a nonprofit organization with offices in Iraq and the United Kingdom, accredited as a non-governmental organization with a special consultative status with the United Nations Economic and Social Council (UN ECOSOC). IDO works on variety of issues related to women and children and especially in the field of mental health and wellbeing. The European Center for Democracy and Human Rights (ECDHR) is a Brussels based NGO seeking to promote human rights and democracy in the Gulf Cooperation Council Countries.

Introduction

2. During its 3rd cycle Universal Periodic Review (UPR) in September 2017, the Government of the Kingdom of Bahrain received 33 recommendations pertaining to the protection and promotion of women's rights. Bahrain supported all of the recommendations except for 114.1 and 114.8¹.

Bahrain's domestic legislation

3. Article 353 of Bahrain's Penal Code still exempts perpetrators of rape from serving their sentence if they marry their victim(s). Although there was a proposal to repeal the article in 2016, it was ultimately rejected. Because the majority of the perpetrators of rape are men, this article is disproportionately harmful to women. Furthermore, marital rape is not criminalized under the Bahraini penal code, which means that married persons are denied by this legislation. Adultery and sexual relations outside of wedlock are criminalized, and there are ambiguous references to "indecent" in the code that provide great discretion to authorities to target sexual and gender minorities. Another article that unjustly affects women is Article 334 which states that penalties

¹ "Report of the Working Group in the Universal Periodic Review - Bahrain", *Human Rights Council*, 36th session, 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/185/49/PDF/G1718549.pdf?OpenElement>

can be reduced for perpetrators of honor crimes, including honor killings².

4. Historically, family law in Bahrain has been applied according to Sunni or Shia interpretations of Islamic law. In 2017, the different interpretations of family law came to an end with the introduction of a Unified Family Law. Nevertheless, family law in Bahrain tends to favor men over women with regard to custody, inheritance, and divorce rights as well as the right to confer Bahraini nationality to their children³. Despite the equality guarantee of Article 18 of the Constitution, the Family Law provides for a marital framework based on complementary rights, not equal rights, between the two spouses whereby in return for maintenance and protection from her husband, a wife is expected to obey him and care for the household.⁴
5. In 2017, Bahrain accepted recommendations 114.149, 114.150, 114.151, 114.152 and 114.153 asking for an amendment to the Bahraini law on citizenship which discriminates against women. However, it appears that Bahrain has not implemented these recommendations.
6. In the Bahraini Citizenship Act of 1963, Article 4 states that Bahraini nationality is passed on from the father to the child, whether the latter was born in Bahrain or abroad, and that a woman can only transmit her Bahraini nationality to her offspring if the father is unknown, without another nationality or if fatherhood cannot be established.⁵ For this reason, the law prevents women married to foreigners from transmitting Bahraini citizenship to their children.
7. In 2002, Bahrain ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) with Decree-Law No. 5 of 2002⁶. The authorities amended the latter with Decree-Law No. 70 of 2014 to allegedly help with the implementation of the CEDAW. They reformulated reservations to Articles 2, 16, and 15(4) to fulfil their obligations regarding the CEDAW. However, Bahrain has only committed to amending legislation if it would not violate the provisions of Islamic law, which means that women still face discrimination. Furthermore, the country has maintained its reservation to Article 29(1) to preserve its unchecked authority, and to

² “World Report 2021 - Events of 2020” *Human Rights Watch*, 2021,

https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf

³ “2020 Country Reports on Human Rights Practices: Bahrain” *US Department of State, Bureau of Democracy, Human Rights and Labor*, 2021,

<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/bahrain/>

⁴ Article 38-29, “Bahraini Family Law n°19/2017”, *Kingdom of Bahrain*, 2017,

<https://www.legalaffairs.gov.bh/Media/LegalEng/K1917.docx>

⁵ “Bahraini Citizenship Act - 1963”, *Kingdom of Bahrain*, 1963,

https://menarights.org/sites/default/files/2016-12/BHR_CitizenshipLaw_0.pdf

⁶ “Convention on the Elimination of All Forms of Discrimination Against Women - Declarations and Reservations”, *United Nations Treaty Collection*,

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-8&chapter=4#EndDec

Article 9(2) which declares that the “States Parties shall grant women equal rights with men with respect to the nationality of their children.”⁷ Bahrain argues that it needs to first amend its nationality law before reviewing this latest reservation.⁸ These types of postponements to the full implementation of CEDAW shows the profound unwillingness of the Bahraini government to grant women the same rights as men when it comes to citizenship.

8. In 2014, Bahrain reformulated its reservation on Article 2 of the CEDAW and committed itself to implementing Article 2 “without violation to the provisions of Islamic Sharia”. Sharia law dictates that women should inherit less than their male counterparts in certain situations. When women and men are similarly related to the deceased, women inherit significantly less. For example, a daughter only inherits half the amount her male siblings do. Another issue is that in practice, actions can sometimes be guided by social norms rather than legislation, and men sometimes refuse to give women what they are entitled to by law. Furthermore, family courts can sometimes deny women their legal rights in order to act on traditional and conservative values. Therefore, women often face discrimination and difficulties in accessing inheritance.⁹
9. Regarding custody rights, the Sunni mother has priority in custody of her children. For a son this is until he reaches fifteen years old and for a daughter, until she is married and the marriage is consummated.¹⁰ Once a son reaches fifteen or a daughter reaches seventeen years of age and is not married, each is given the option of being under the care of either the mother or father.
10. A Shia mother has priority in custody of her children until a son or daughter reaches seven years of age, after which custody reverts to the father. Once a son reaches fifteen or a daughter reaches nine years of age, each is given the option of being under the care of either the mother or father. In all cases, a mother must be Muslim and of sound health and mind to have custody of her children, while no such provisions exist for the father. If the mother remarries, custody of the children reverts to the father, unless a judge determines that it is in the interest of the child for her or him to remain in the custody of the mother. Article 129 of the Family Law permits a judge to award custody to other relatives or other parties in the absence of the parents. Article 130 permits

⁷ “Convention on the Elimination of All Forms of Discrimination Against Women”, *Office of the High Commissioner for Human Rights*, 1979, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

⁸ “Bahrain: Gender Justice & the Law”, *United Nations Development Programme et al.*, 2018 [https://www.arabstates.undp.org/content/dam/rbas/doc/Gender%20Justice/English/Full%20reports/Bahrain%20Country%20Assessment%20-%20English-min\(1\).pdf](https://www.arabstates.undp.org/content/dam/rbas/doc/Gender%20Justice/English/Full%20reports/Bahrain%20Country%20Assessment%20-%20English-min(1).pdf)

⁹ Dunya Ahmed Abdulla Ahmed, “Women’s rights in the Middle East and Northern Africa”, *Freedom House*, 2010, <https://www.refworld.org/docid/4b9901260.html>

¹⁰ Articles 124-125 and 128, “Law No. (19) of 2017”, *Kingdom of Bahrain*, 2017, <https://www.legalaffairs.gov.bh/Media/LegalEng/K1917.docx>

a judge to call experts in psychological and social matters to a custody hearing to assist in the determination of what is in the best interests of the child, so long as it does not contradict the custody provisions laid out in the law.

11. However, the law remains discriminatory as Bahraini fathers have priority over the guardianship of their children. A father or guardian is responsible for managing the child's affairs, upbringing, and education. A mother who holds custody may not move outside of Bahrain with the child except by permission of the child's guardian, and a guardian may not move the child to another country without permission of the custody holder.
12. Bahrain made reservations on the optional protocol of the CEDAW.¹¹ One of the reservations is on Article 16 which states the need to provide equal marital rights for females and males, particularly in marriage contracts, raising children, and custody.
13. The Family Law (2017) sets forth the stipulations granting the right to divorce. Under this law the termination of a marriage can take two forms. First, a marriage can be terminated by invoking a Khul', also known as an abdicative divorce. Second, the two parties can simply terminate their marriage contract.¹² The man's right to divorce is absolute and effective immediately while the woman's right is limited.
14. Article 6 of the Family Law states that both spouses may specify any condition in their marriage contract so long as they are not contrary to the purposes of marriage. Under Sunni fiqh, a woman has a right to divorce in the event her husband breaches a condition of the marriage contract. However, the law does not guarantee a similar right to a Shia woman. Moreover, under Islamic law, the mother can jeopardize her right of custody if she remarries.
15. Article 20 of the Family Law (19/2017) allows girls younger than 16 years old to be married with the permission of the specialized Islamic court (Sharia court) upon verifying the suitability of the marriage. There is no absolute minimum age of marriage below which a Sharia court judge cannot permit marriage.

Economic Rights and Labor Law

¹¹ "Convention on the Elimination of All Forms of Discrimination Against Women - Declarations and Reservations", *United Nations Treaty Collection*, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4#EndDec

¹² Article 88, "Law No. (19) of 2017", *Kingdom of Bahrain*, 2017, <https://www.legalaffairs.gov.bh/Media/LegalEng/K1917.docx>

16. During the last UPR, Bahrain accepted recommendations 114.73, 114.138, 114.143, 114.144 and 114.146 pertaining to the advancement of women in the social and economic spheres. Despite this women still face difficulties in the workplace.
17. The 1976 Labor Law for the Private Sector includes a chapter that details labor laws specifically tailored to the employment of women. Chapter 9 of the Law includes seven articles (59-65) that sets out the following provisions: the right to maternity leave under Article 61 and the complete ban on terminating a female worker's contract due to pregnancy or marriage (Article 63). Furthermore, since the last UPR review, Bahrain amended its labor law to improve women's treatment in the workplace. The amendment, made in December 2018, bans sexual harassment and discrimination based on sex, origin, language or creed.¹³ In addition, new mothers are afforded special accommodations under Article 63 which stipulates that "during the two years after the date of giving birth, a female worker returning to her work after the maternity leave shall be entitled to a period or two periods of rest not exceeding a total of one hour daily in addition to the normal intervals of rest given to all workers in order to suckle her newly born child."¹⁴
18. However, the role of women in the labor sector is restricted under articles 59, 60, and 62. For instance, Article 59 states that "No female shall be employed between the hours of 8 p.m. and 7 a.m. except employment in infirmaries and other institutions for which the conditions of work therein shall be prescribed in an Order to be made by the Minister for Labor and Social Affairs." Article 60 bars women from working in industries or in occupations "which are dangerous or unhealthy for her unborn child."¹⁵ Furthermore, the amendment bans discrimination based on sex but does not refer to sexual orientation or gender identity.¹⁶
19. Women are granted equal economic opportunities under Article 5(b) of the Bahraini Constitution which stipulates that "the State guarantees the reconciliation of women's duties towards the family, their work in society and their equality with men in the fields of political, social, cultural and economic life, without prejudice to the provisions of Islamic law."¹⁷ However, women still face discrimination in economic representation, both because of legislation and social norms.

¹³ Supra note 2

¹⁴ "Labor Law for the Private Sector", (Law n°23/1976). *Kingdom of Bahrain, 1976*.
[The Labour Law for the Private Sector, 1976 \(menarights.org\)](https://www.menarights.org/en/law/labor-law-for-the-private-sector-1976)

¹⁵ Ibid

¹⁶ Supra note 2

¹⁷ "The National Report of the Kingdom of Bahrain Regarding the Progress of Implementing the Beijing Declaration and Platform for Action 2020", *Kingdom of Bahrain, 2019*,
<https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/national-reviews/bahrain-en.pdf?la=en&vs=1045>

20. Even though Bahraini legislation does not bar women from taking part in the labor force, women are greatly outnumbered by men in the workforce and occupy a significantly lower economic position. According to data gathered in 2017, Bahraini women made up 44.04% of the labor force.¹⁸ This figure constitutes an improvement from previous years. For instance, in 1981, only 18.24% of Bahraini women were part of the labor force. It is also important to note that economic representation among women varies with age. Thus, the data reported that women between the ages of 25-34 occupied 60.85% of the female labor force while women between the ages of 45-54 only constituted 28.07%.
21. Additionally, wage equality in Bahrain continues to be an issue. Data gathered from the World Economic Forum shows that Bahraini women earn less than their male counterparts.¹⁹

Education

22. Bahrain accepted recommendation 114.148 calling for the diversification of educational and professional choices for girls and women.
23. Education for all Bahraini citizens is guaranteed by the state under Article 7(a) of the Constitution which stipulates that “the state also guarantees educational and cultural services to its citizens. Education is compulsory and free in the early stages as specified and provided by law.”²⁰ Girls are thus afforded the same rights to education as boys, at least through the early education stages. The state, through the Ministry of Education, has sought to expand the vocational and technical training of girls and women. In 2007, the Bahraini government launched the Technical and Vocational Education Development Project, which gave young girls the opportunity to enroll in technical and vocational education programs.²¹
24. However, women and girls still face difficulties entering technical and vocational fields of study. Postsecondary non-tertiary figures from 2017/2018 show a substantial gap between female and male students. There were only 4,988 female students compared with 9,933 male students.²²

¹⁸ Esteban Ortiz-Ospina et al., “Women’s employment”, *Our World in Data*, 2018, <https://ourworldindata.org/female-labor-supply>

¹⁹ “Global Gender Gap Report 2021”, *World Economic Forum*, 2021, [WEF_GGGR_2021.pdf \(weforum.org\)](https://www.weforum.org/reports/global-gender-gap-report-2021)

²⁰ “Constitution of the Kingdom of Bahrain”, *Kingdom of Bahrain*, 2002, <https://www.refworld.org/docid/48b54f262.html>

²¹ Supra Note 17

²² “Number of Students in Post-Secondary non-tertiary:2015/2016 - 2017/2018”, *Ministry of Education*, <https://www.moe.gov.bh/archive/statistics/2015-2016--2017-2018/2.pdf>

Domestic Workers

25. Bahrain accepted recommendations 114.88, 114.154, and 114.171 calling for legal protections for migrant domestic workers, safe working conditions, and efforts to combat human trafficking and forced labor.
26. Domestic workers, the vast majority of whom are foreign women, are not protected by Bahrain's labor law, and since these women work in the home, they are more vulnerable to abuse. Recruitment agencies often lie to these workers to lure them to Bahrain, and employers treat them as commodities, confiscating their passports and phones and physically and sexually abusing them. Domestic workers work 15 to 17 hours a day with few or no breaks and face arrest and prosecution if they run away. They are not included in Bahrain's labor law, which theoretically grants equal rights to migrant workers, and many never see a work contract. As a result, some are not paid their wages and their living conditions can be unsanitary. Many are denied their freedom of religion and cannot leave their homes to interact with others in the community. Despite these conditions, inspectors are hesitant to enter private homes to verify allegations of abuse.²³
27. Given the lack of legal protection, many domestic workers are victims of human trafficking as they are forced to work in inhumane conditions against their will. Law No. 1 of 2008 on anti-trafficking outlines strict punishments and empowers the Labour Market Regulatory Authority to enforce it. However, convictions have been rare despite the widespread violations of the law, with only the most serious cases referred to the prosecution. With a 34% resolution rate, many workers rarely file complaints, especially as they can face retaliation for doing so. Rather than punishing abusive employers, the authorities prosecute victims for absconding and prostitution if they try to escape even though many escapees are victims of sex trafficking.²⁴

Political and Civil Rights

28. Bahrain accepted all recommendations pertaining to the protection of political and civil rights. It has accepted recommendations 144.49, 114.73, 114.134, 114.137, 114.138, 114.140, 114.141, 114.142, 114.143, 144.144, 114.155, 114.156, and 114.157.

²³ "Living as Commodities", *Americans for Democracy and Human Rights in Bahrain*, 2016, https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2016/11/ADHRB_Commodities_Web.pdf

²⁴ Ibid.

29. According to Article 18 of the Bahraini Constitution, “People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion, or creed.”²⁵ A woman’s right to a fair trial, the right to peaceful assembly, and freedom of expression are protected under the Bahraini Constitution, particularly Article 20 (c) which stipulates that a person is innocent until proven guilty and has the right to a legal trial.²⁶ Additionally, Article 14 (1) of the ICCPR states that “All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”²⁷
30. Despite the apparent acceptance and promotion of civil rights by the Bahraini government through Constitutional legislation and through its general acceptance of the ICCPR Article 14, Bahrain has failed to protect the civil rights of women human rights defenders.
31. Although Bahrain is a party to the International Covenant on Civil and Political Rights (ICCPR) the country continues to maintain its reservations to Covenant articles 3, 9(5), 14(7), 18, and 23.²⁸ The reservation to Article 3 seems to disregard the rights enshrined in Article 18 of the Bahraini Constitution. Article 3 urges “The States Parties to the present Covenant [to] undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”²⁹ Moreover, Article 18(1) stipulates that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.”³⁰ By continuing to maintain its reservations on these articles Bahrain has shown a lack of commitment to protecting its citizens’ civil and political rights to their full extent.

The Right to Vote and Political Representation

²⁵ Supra note 20

²⁶ Supra note 20

²⁷ “International Covenant on Civil and Political Rights” 1966. *United Nations*, 16 December 1966

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

²⁸ “International Covenant on Civil and Political Rights : Concluding observations on the initial report of Bahrain”. *United Nations*. 15 November 2018.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBHR%2fCO%2f1&Lang=en

²⁹ “International Covenant on Civil and Political Rights” 1966, *United Nations*. 16 December 1966.

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

³⁰ Ibid.

32. Concerning the right to vote and equal political representation, Bahrain has accepted recommendations 114.74, 114.138, 114.143, 114.144, 114.145, 114.146, 114.147, and 114.158.
33. In Bahrain, the right to vote is protected by the Bahraini Constitution under Paragraph (e) of Article 1 which states that: “Citizens, both men and women, are entitled to participate in public affairs and may enjoy political rights, including the right to vote and to stand for elections, in accordance with the Constitution and the conditions and principles laid down by law. No citizen may be deprived of the right to vote or to nominate oneself except by law”.³¹
34. Bahrain promotes the advancement of female political representation under Article 1 of Decree-Law (14) of 2002 which stipulates that “All citizens - men and women - may exercise the following political rights: To express opinion in every referendum held in accordance with the provisions of the Constitution. To elect members of Parliament.”³² Moreover, women’s rights bodies, such as the Supreme Council of Women (SCW), have sought to advance and promote political participation among women by creating national campaigns, such as the fifth edition of the Women’s Political Participation Programme, also known as the Campaign Programme (2016-2018) and the Framework Programme for the Women’s Political Participation Programme (2019-2022).³³ Both of these programs, created by the Supreme Council of Women, were meant to develop and promote women’s participation in political affairs. Despite the extensive and seemingly progressive legislation, the reality is that in practice these laws have not been adequately and successfully implemented, and the actions of the SCW have not led to any comprehensive reforms.
35. The 2018 parliamentary and municipal elections highlighted the low political representation that characterizes Bahraini politics. The elections resulted in the appointment of only 10 female politicians (6 women were elected to the Council of Representatives and 4 women won seats in the municipal councils) and the nomination of the first female president of the Council of Representatives.³⁴
36. Although there has been an increase in the number of women participating in elections, either by voting or by running for office, women still find it difficult to adequately exercise their political rights. The Bahraini government must improve and facilitate political representation.

³¹ Supra Note 20

³² Supra Note 17

³³ Supra Note 17

³⁴ Supra Note 17

37. Finally, women cannot sufficiently express themselves and their opinions when the fear of government retaliation exists. As will be evident by the next section, women defending their rights often face harsh reprisal from Bahraini officials in the forms of harassment, forced confessions and even torture.

Female Human Rights Defenders

38. Even though Bahrain accepted recommendation 114.98, asking for the protection of human rights defenders and particularly of vulnerable groups such as women, the country has shown a lack of commitment to protecting their rights.

39. In Bahrain, women actively defending human rights since the demonstrations of the 2011 Arab Spring, and even more so since 2017 when the government intensified its oppression of people criticizing Bahraini authorities, have been victims of state repression and harsh suppression on any form of political dissent. These women are arrested without search warrants, often in police raids, detained incommunicado, and during interrogations are subjected to physical, psychological, and sexual assault, including threats of rape and death against them and their relatives.³⁵ Najah Yusuf and Ebtisam AlSaegh have both reported being sexually assaulted by officers of the National Security Agency (NSA) during their interrogation at the Muharraq Security Council.

40. These allegations of ill-treatment and torture are not being investigated by the courts, with judges even using coerced confessions to convict these women. Once convicted, women human rights defenders continue to face blatant abuses. Many of them are not able to obtain alternative sentences, even when eligible under Law No. 18 of 2017. In prison, these women still do not have easy access to legal counsel, adequate medical care, and proper hygiene. Some prison officers, including the Head of Isa Town Prison, have committed reprisals against women after international advocacy campaigns were started on their behalf.³⁶

41. These actions from the Bahraini government are in violation of national Bahraini laws but also international treaties to which Bahrain is a state party. On the national level, the Code of Criminal Procedure is not respected, including Article 61 stipulating that the arrested individual “shall be treated in such a manner as to maintain his human dignity and shall not be subjected to any bodily or psychological harm. Every person who is arrested shall be informed of the reasons for his arrest. He shall have the right to contact any of his relatives to inform him of what has happened

³⁵ “Breaking the Silence”, *Americans for Democracy and Human Rights in Bahrain*, 2019, https://www.adhrb.org/wp-content/uploads/2019/09/ADHRB_BreakingTheSilence_Web.pdf

³⁶ Ibid.

and to seek the aid of a lawyer.”³⁷ Even the country’s Penal Code and Constitution are violated, specifically Articles 208, and 232 of the Penal Code³⁸, and Articles 19, 20 and 25 of the Constitution.³⁹ At the international level, the rights and standards outlined by the ICCPR, the CAT, the CEDAW and the UDHR are not respected by the Bahraini authorities.⁴⁰

The Supreme Council for Women and the National Plan

42. Bahrain accepted recommendations 114.137, 114.139, 114.140, 114.141 and 114.157 regarding the implementation of the National Plan for the Advancement of Bahraini Women.
43. Established in 2001, the Supreme Council for Women (SWC) is an official advisory body to the King concerning women’s rights in Bahrain. The Council “[...] has jurisdiction to express opinion and to consider direct and indirect matters related to the position of women and whose opinion should be sought by all official authorities before taking any action or decision in this regard.”⁴¹
44. The Council is affiliated with the King and operates on a National Plan approved by him. The president of the council is the King’s first wife, Princess Sabeeka.⁴² The Council recently launched a “Women’s support center” app to provide support online.⁴³ However, the Supreme Council has stayed notoriously quiet on the government’s continued gender discrimination as well as the government’s persecution of women’s rights defenders and other violations of human rights.⁴⁴ The government also uses the existence of the Council as proof of its commitment to women’s rights and to reject international criticism on the topic.⁴⁵

³⁷ “Code of Criminal Procedures”, *Kingdom of Bahrain*, 2002, https://menarights.org/sites/default/files/2016-11/BHR_CriminalProcedureCode_EN.pdf

³⁸ “Bahrain Penal Code”, *Kingdom of Bahrain*, 1976, https://menarights.org/sites/default/files/2016-12/BHR_PenalCode_1976.EN_.pdf

³⁹ Supra Note 20

⁴⁰ Supra Note 35

⁴¹ “About the Council”, *Supreme Council for Women*, 2021, <https://www.scw.bh/en/AboutCouncil/Pages/History.aspx>

⁴² “National Plan”, *Supreme Council for Women*, 2021, <https://www.scw.bh/en/AboutCouncil/NationalPlan/Pages/default.aspx>

⁴³ “SCW launches 'Women's Support Centre' Application”, *Bahrain News Agency*, 25 April 2021, <https://www.bna.bh/en/news?cms=q8FmFJgiscL2fwIzON1%2BDstmSN%2F6AqE7KaO%2BEZLTY28%3D>

⁴⁴ “Whitewashing Women’s Rights Violations: The Participation of Bahrain’s Supreme Council for Women in the Gender Equality Forum” *Americans for Democracy and Human Rights in Bahrain*, 2 June 2021, <https://www.adhrb.org/2021/06/whitewashing-womens-rights/>

⁴⁵ “Royal support to Bahraini women lauded”, *Bahrain News Agency*, 8 March 2021, <https://www.bna.bh/en/RoyalsupporttoBahrainiwomenlauded.aspx?cms=q8FmFJgiscL2fwIzON1%2bDpWZSiVLR8bP8D38zql%2fqDM%3d>

45. The Supreme Council created the National Plan, which was approved by the King, to improve the situation for Bahraini women in both public and private life. It specifies important national goals such as reducing domestic violence and ensuring women's economic empowerment. The period 2013-2022 is focused on implementing the National Plan "through partnerships and alliances." However, and despite this ambitious plan, women still face discrimination in several sectors: family life, equal opportunities, career, political arena, etc. Although there has been some improvement in women's participation in economic activity, the actions of the SCW have not led to any major legal reforms to improve the situation of women.
46. Furthermore, the Council is not committed to protecting women's rights defenders. In a recent event organized on the sidelines of the UN Women's Generation Equality Forum, the Secretary-General of the SCW Hala Al-Ansari was asked to comment on the Council's actions towards women's rights defenders. She responded that the term "women's rights defender" is skewed and narrow because it insinuates that there is a war going on against women in Bahrain, a sentiment she rejected. She further denied that women are facing any danger or attacks in Bahrain, effectively downplaying, and devaluing the actions of many courageous women fighting for their rights.⁴⁶

Conclusions and Recommendations

47. In conclusion, the Bahraini government has not implemented the recommendations it accepted during the last UPR review. Provisions in domestic legislation, such as gender discriminatory articles regarding the right to custody, inheritance, and divorce as well as the right to transmit Bahraini nationality to their children, are still in contradiction with both the Bahraini Constitution and international treaties pertaining to gender equality, such as the CEDAW.

Concerning Family Law and the Penal Code

- Repeal Article 353 of the Penal Code permitting rapists to marry their victim to avoid criminal penalties.
- Repeal Article 334 of the Penal Code permitting more lenient sentences for individuals killing a close relative and/or their partner when caught in the act of adultery.
- Reform the Citizenship Act of 1963 or amend Article 4 so that women can transmit their Bahraini nationality to their children, regardless of the father's nationality.
- Reform custody law to abide by the CEDAW, Articles 16(1)(d) and 16(1)(f) par. 19-20.
- Lift all reservations made on Articles 2, 9(2), 15(4), 16 and 29(1) of the CEDAW.

⁴⁶ Generation Equality Forum, "Launch of the Princess Sabeeka Bint Ibrahim Al Khalifa Global Award for Women's Empowerment", General-Secretary of the SCW Hala Al-Ansari, 01-06-2021, <https://www.unwomen.org/en/news/stories/2021/7/princess-sabeeka-bint-ibrahim-al-khalifa-global-award-for-womens-empowerment-launched>

Concerning Marital Rights

- Reform Family Law or amend Article 6 to achieve equality between Shia and Sunni women in regard to the right to divorce.
- Reform Family Law or amend Article 20 to forbid the marriage of girls under the age of 18, regardless of decisions from Islamic courts.

Concerning Labor Law

- Reform the Labor Law for the Private Sector of 1976 or amend Articles 59, 60 and 62 of Chapter 9 to remove the labor restrictions for women.
- Ensure the application of Article 5(b) of the Constitution guaranteeing equal economic opportunities for women.
- Reform Law No. 1 of 2008 and the Labor Market Regulatory Authority to better prevent, investigate, and prosecute human and sex trafficking.
- Enact legislation to codify and protect domestic workers' rights and abolish the kafala sponsorship system for migrant workers.

Concerning Political and Civil Rights

- Enforce Article 1(e) of the Constitution and Article 1 of Decree-Law (14) of 2002 to ensure the respect of women's political rights and their participation in the electoral process.
- Lift the reservation made on Article 3 of the ICCPR.

Concerning Women Human Rights Defenders

- Immediately release all female political prisoners and prisoners of conscience arrested for peacefully practicing their rights to free expression and assembly.
- Require both judges and prosecutors to initiate investigations into all allegations of torture, coercion, sexual harassment, and threat of rape and to reject all confessions or testimony determined to have been obtained through torture or provided under duress.
- Ensure the proper application of the Code of Criminal Procedure, especially Article 61, and the Constitution, notably Articles 19, 20 and 25.

Concerning the Supreme Council for Women and the National Plan

- Ensure the independence of oversight institutions to investigate all complaints and ensure the confidentiality of the victims.
- Enforce the National Plan for the Advancement of Bahraini Women to achieve its goal of improving the situation of women.