



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Fifty-seventh session

Summary record of the 1187th meeting*

Held at the Palais des Nations, Geneva, on Tuesday, 11 February 2014, at 10 a.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

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* No summary record was issued for the 1186th meeting.

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In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the chair.

The meeting was called to order at 10. 05 a.m.

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

Third periodic report of Bahrain (CEDAW/C/BHR/3; CEDAW/C/BHR/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bahrain took places at the Committee table.*
2. **Ms. Mariam Al Khalifa** (Bahrain), introducing the third periodic report of Bahrain (CEDAW/C/BHR/3), said that she wished to convey the greetings of Her Royal Highness Princess Sabeeka Bint Ibrahim Al Khalifa, wife of the King of Bahrain and President of the Supreme Council for Women. Women had become key partners in development in Bahrain, and their level of participation had increased in the labour market as well as in economic, social, cultural and political affairs.
3. Since the submission of the third periodic report in July 2011, the Supreme Council for Women, which was the lead agency for women's affairs in Bahrain, had organized the Second National Conference on Mainstreaming Women's Needs in Development, evaluated the national plan for the implementation of the National Strategy for the Advancement of Women, and carried out a joint study with the Arab Women's Organization on the public-sector workforce in Bahrain. The study showed that, as of 2011, women accounted for 48 per cent of public-sector employment. The sharp increase in women's participation in the general Bahraini workforce reflected the political will of the Bahraini leadership to empower women in all fields.
4. The Supreme Council for Women had developed a procedure for ensuring that government ministries and other public institutions set up internal committees to monitor and improve their performance in empowering women and in providing them with equal opportunities. It had also worked with the Supreme Judicial Council to strengthen the role of the family reconciliation unit of the Ministry of Justice and Islamic Affairs, which would begin to provide marital counselling services in 2014. In order to highlight the contributions of women in various fields of national development, the Supreme Council for Women organized events to celebrate Bahraini Women's Day on the first of December of each year.
5. The Council supported efforts to strengthen the role played by civil society organizations in the advancement of women. In cooperation with the Arab Women's Organization and the Supreme Judicial Council, the Supreme Council for Women had organized a forum for the examination of legal provisions in member States of the Arab League that were considered to be models on which to base legal principles for the protection of women's rights. As part of its regional cooperation efforts, representatives of the Council had participated in a workshop, along with members of the Chamber of Deputies, the Shura Council and the Arab Parliament, on the preparation of a document on Arab women's rights. Under its political empowerment programme, the Council had begun to prepare for the 2014 legislative elections and had enrolled 25 women in a one-year training programme for potential candidates. A law on political rights was in place that guaranteed women's right to participate in political life, whether as candidates or as voters, on an equal footing with men.
6. In January 2014, the Government had approved the draft text of an amendment to the nationality law that would allow children of Bahraini women with foreign fathers to obtain Bahraini nationality. In October 2013, the Shura Council had approved a preliminary bill on family violence for further consideration. A preliminary bill on civil society

organizations was currently before the legislature. In addition, on 19 January 2014 the Cabinet had agreed to reconsider and possibly lift some of the reservations to the Convention entered by Bahrain in cases where their withdrawal would be compatible with the Islamic sharia, as well as to formulate a preliminary bill to that effect for submission to the legislature.

7. The Government of the Kingdom of Bahrain was proud of its accomplishments in giving effect to the Convention, as well as to the Beijing Declaration and Platform for Action and the Millennium Development Goals. It nevertheless recognized that there would always be room for further improvement and would continue to work to overcome the challenges that remained.

8. **Ms. Haidar** said that, while noting the positive steps taken by the Government of Bahrain in implementing the recommendations of the Bahrain Independent Commission of Inquiry and in establishing the Ombudsman's Office and the Special Investigation Unit, she wondered about the ability of those institutions to fulfil their mandates independently. She would like to know how many alleged perpetrators of human rights violations had been prosecuted and how many victims had obtained redress. She remained concerned at reports that people were not being allowed to exercise the right to freedom of peaceful assembly and association, at the fact that a 2007 bill on violence against women was still pending and at the possibility that a recently adopted anti-terrorism law could lead to further limitations on the freedoms of association and expression in Bahrain. She would appreciate information on the involvement of women in the National Dialogue, which was an important process for achieving reconciliation in the country.

9. **Ms. Gabr** said that she would be interested in hearing a detailed explanation of the nature of the reservations to the Convention lodged by Bahrain, their grounds, the steps involved in their withdrawal and the time frame for the State party's withdrawal of all reservations to the Convention.

10. **Ms. Šimonović** said that she would like additional information on the role of the National Assembly in implementing the Convention and in withdrawing reservations to it. She wished to know whether the bill on associations would affect the financing of NGO projects and whether any restrictions were placed on NGOs that trained women who intended to stand for political office. Did the Government plan to take any measures to strengthen the role of the Bahraini national human rights institution? Lastly, she wondered how members of the delegation would formulate their response to individuals calling for the withdrawal of Bahrain from the Convention.

11. **Ms. Zou Xiaoqiao** said that she would appreciate more detailed information on the structure and human and financial resources of the Supreme Council for Women and, in particular, of its General Secretariat. Following its restructuring, had its role in monitoring the implementation of the Convention and of the Committee's concluding observations been strengthened? She wished to know what activities the Council carried out in conjunction with NGOs and what support it provided to women's organizations. Information would be appreciated on the human and financial resources of the Women's Support Centre of the General Secretariat. Did it have the capacity to meet the needs of the women who turned to it for assistance, and did it provide support to foreign migrant women whose rights had been violated? If it did not, how were such complaints addressed? What role did the Supreme Council for Women play in helping women who had lost their jobs during the 2011 uprisings?

12. Lastly, she would like information about the evaluation of the national action plan for the implementation of the National Strategy for the Advancement of Women. In particular, she wished to know which aspects had been updated and what goals or objectives had been established.

13. **Ms. Mariam Al Khalifa** (Bahrain) said that Bahrain had entered a number of reservations to the Convention upon accession in 2002. Its reservation to article 29, paragraph 1, of the Convention concerned the sovereignty of the State, and there had been no discussion concerning its withdrawal. One of the other reservations concerned a provision relating to freedom of movement which conflicted with the provisions of the Constitution on that subject; however, the debate on that reservation had resulted in an acknowledgement that it should be reviewed.

14. A bill currently before the legislative authority was expected to make it easier for children born to Bahraini mothers and non-Bahraini fathers to obtain Bahraini nationality. Legislative proposals had to be examined to determine if they were in compliance with the sharia before being submitted to the legislature, but the Government was considering ways of speeding up that process.

15. **Ms. Al Ansari** (Bahrain) said that the General Secretariat of the Supreme Council for Women had the ranking of a ministry, and its Secretary General had the same status as a minister. The resources of the Council were allocated to it by the State. Twelve years after its inception, the Council had been separated into two branches: one that dealt specifically with the status of women, and another that was in charge of research and statistics on women. The women's political empowerment initiative had evolved from its modest beginnings into a fully fledged programme whose scope had been extended beyond empowerment to include such aspects as raising awareness among voters and candidates about the role of women and encouraging young women to participate in public administration. The Council regularly addressed the needs and concerns of foreign and migrant women, in particular those of foreign women who had married Bahraini citizens and who had borne Bahraini children. They were given access to services on an equal footing with Bahraini women. Although it had its own budget, the Council endeavoured to establish partnerships with the private sector, which had shown interest in its projects.

16. **Ms. Al Zayed** (Bahrain) said that, under the Constitution, international treaties ratified by Bahrain, including the Convention on the Elimination of All Forms of Discrimination against Women, took precedence over national law. When a bill was under consideration, a special parliamentary committee for women's and children's affairs made sure that the bill was in conformity with the Convention. Under article 28 of the Constitution, freedom of association was guaranteed for all individuals, subject to respect for public order and the fundamental freedoms of others.

17. **Ms. Al Jeeb** (Bahrain) said that, as part of the annual programme of development activities in Bahrain, a special fund was set aside for civil society organizations. The fund was managed by a board composed of public- and private-sector representatives. In 2012, as a reflection of the importance attached to partnerships with civil society, such organizations had been authorized to undertake independent fundraising activities.

18. **Ms. Al Zayani** (Bahrain) said that the Government had followed up on 19 of the 26 recommendations made by the Bahrain Independent Commission of Inquiry; follow-up to the other 7 recommendations was still pending. A national committee had been established to monitor implementation of the recommendations. Pursuant to the Commission's recommendations, a mechanism had been put in place to receive complaints of misconduct on the part of the security forces. Legal provisions under which women could be dismissed from public-sector jobs on discriminatory grounds had been repealed, as recommended by the Commission of Inquiry, and training was provided at all levels of government to raise awareness about the laws on freedom of expression.

19. **Mr. Al Asfoor** (Bahrain) said that the Ombudsman's Office was an independent body that operated under the auspices of the Ministry of the Interior. It received complaints,

conducted investigations, carried out visits to places of detention and published annual reports.

20. **Mr. Alsheikh** (Bahrain) said that the law establishing the national human rights institution guaranteed its independence and autonomy and that the institution was fully in line with the Paris Principles. Its president was elected by its members, and a separate budget was earmarked for its activities. The law providing for the institution's establishment had been drafted by the Ministry of Justice.

21. **Ms. Mariam Al Khalifa** (Bahrain) said that no society was ever in full agreement on any issue, and that the country's inhabitants enjoyed freedom of speech and were therefore free to criticize the Convention. The Government, however, was committed to fulfilling its Convention obligations.

22. **Ms. Gabr** said that information from the State party appeared to indicate that the legislative framework needed to implement temporary special measures in accordance with article 4 of the Convention was not in place. Many other countries in the region had implemented such measures, and she would like to know what legal steps were being taken to overcome the obstacles to their implementation.

23. **Ms. Šimonović** said that she would like to know whether Bahrain was considering ratifying the Optional Protocol to the Convention. Further information would be appreciated about the content of the bill on family violence and about how women were currently protected from such violence, including marital rape, which was not a criminal offence under Bahraini law. Regarding article 353 of the Criminal Code, which allowed rapists to avoid prosecution by marrying their victims, she questioned whether the victim truly had a free choice in the matter. Would the State party consider amending that provision, along with the article of the Criminal Code that provided for reduced sentences for so-called "honour crimes"?

24. **Ms. Jahan** said that there was evidence that many women and girls were trafficked into Bahrain for purposes of forced labour and sexual exploitation. She wished to know whether the 2008 law on human trafficking was gender-sensitive, whether it was based on the Palermo Protocol, whether a strategy and plan of action for its implementation were in place, and what provisions had been made for the protection and rehabilitation of victims. She would like to know how many shelters were available for victims and whether procedures were in place for victim identification and referral. She wished to know how many trafficking victims had been successful in obtaining alternative employment and what legal options were available to those who wished to stay in Bahrain. How many cases of trafficking had been investigated and what sentences had been handed down in those cases? She wished to know what special measures were being taken to prevent the trafficking of vulnerable women and girls and how government authorities monitored the activities of employment agencies. Lastly, according to information before the Committee, "free visas" and "artist visas" were often misused. She therefore wished to know what measures were taken to ensure that women and girls who entered the country on such visas were not forced into prostitution.

25. **Ms. Al Zayed** (Bahrain) said that article 353 of the Criminal Code had been invoked only once in the past four years, and the Family Act explicitly stated that marriage could be entered into only with the consent of both parties. Bahraini law did not use the term "marital rape", but it did punish all acts of sexual violence committed by a man against his wife. The bill on family violence currently under consideration provided for rehabilitation and legal aid for victims and established harsher punishments for violence committed by a parent against a child.

26. **Mr. Abdulla** (Bahrain) said that the measures taken to combat human trafficking were in line with international standards. Trafficking was an offence under various laws,

and legislation had also been enacted to punish employers for withholding wages. Bahrain had ratified various international instruments on trafficking and had drawn up a national anti-trafficking plan in partnership with civil society organizations based on the core principles of prevention, protection and prosecution.

27. **Ms. Al Jeeb** (Bahrain) said that a government-funded centre had been established to care for victims of violence and trafficking. The centre provided social, psychological, medical and legal assistance as well as physical protection. A committee that dealt with assistance for victims of trafficking worked to rehabilitate victims and to overcome the obstacles that prevented them from seeking alternative employment. It also helped them to obtain legal documentation that would allow them to remain in Bahrain.

28. **Mr. Buallay** (Bahrain) said that the assistance provided to trafficking victims also included a comprehensive witness protection programme and translation services, and the number of labour inspectors had been increased. Human trafficking carried a penalty of from 5 to 7 years' imprisonment. Attempts to return victims to their countries of origin were often hindered by a lack of legal cooperation on the part of those countries.

29. **Ms. Shehab** (Bahrain) said that the Ministry of Labour processed complaints from foreign workers about employment agencies and conducted inspections of such agencies. Those found to have violated the law were prosecuted.

30. **Mr. Humood** (Bahrain) said that police officers were trained in the prevention of human trafficking, and campaigns were conducted to raise awareness of the issue. Prostitution was a criminal offence.

31. **Ms. Mariam Al Khalifa** (Bahrain), responding to the question about ratification of the Optional Protocol, said that all States enjoyed full sovereignty when deciding whether to become a party to an international instrument. Bahrain had taken a number of temporary special measures to accelerate the achievement of de facto equality between men and women and was working on legislation that would allow Bahraini women to transmit their nationality to their children.

32. **Ms. Haidar** said that the Committee would like to see more women involved in the National Dialogue that had been initiated in response to the unrest of 2011. She would like further information on the implementation of the seven pending recommendations of the Bahrain Independent Commission of Inquiry, particularly with regard to the status of human rights defenders, a large number of whom had remained in jail ever since the unrest.

33. **Ms. Zou Xiaoqiao** said that she wished to know which government agency processed complaints from foreign migrant workers and whether those workers received any legal assistance. She asked what role the Supreme Council for Women played in following up on cases of sexual violence committed during the events of 2011 and cases in which women had lost their jobs during those events.

34. **Ms. Šimonović** said that she welcomed the fact that the Convention had been incorporated into national law. Nevertheless, she noted that the reservations Bahrain had entered to articles 2 and 16 of the Convention ran contrary to its purposes, and she would therefore like to know when the State party planned to withdraw those reservations. How was violence defined in the bill on family violence?

35. **Ms. Gabr** asked whether the bill on private-sector organizations, if adopted, would loosen the restrictions on funding for those organizations. She wondered how the Ombudsman's Office could be independent when it was located on the premises of the Ministry of the Interior.

36. **Ms. Jahan** said that she would like to have additional statistics on the number of investigations carried out into cases of human trafficking and on the sentences handed

down. Since there was potential for “artist visas” to be exploited as a way of forcing women into prostitution, how was that situation monitored? What steps was the Government taking to reform the sponsorship system, which gave employers an inordinate amount of power over foreign workers?

37. **Ms. Al Zayed** (Bahrain) said that the National Dialogue that had begun in 2011 was still ongoing. A number of women had participated in the Dialogue as representatives of parliament, civil society organizations, political associations and other groups, and they had been influential in helping to shape a new vision for the country.

38. **Ms. Al Zayani** (Bahrain) said that the seven pending recommendations of the Bahrain Independent Commission of Inquiry were related to long-term measures, such as the amendment of laws on the media, the inclusion of human rights as a subject in school curricula and the reconstruction of places of worship. There was no evidence that the Government had arrested female political activists during the events of 2011. Her delegation could provide statistics on the arrests made at that time, if the Committee desired. The persons who had been arrested had been brought before the courts and had the right to a fair trial.

39. **Ms. Al Ansari** (Bahrain) said that the Women’s Support Centre provided a number of services, including legal services, to Bahraini women and to foreign women who were married to Bahraini men and had custody of Bahraini children. Complaints from migrant workers, on the other hand, were processed by special support centres intended specifically for those workers.

40. **Ms. Al Zayed** (Bahrain) said that Bahrain, in accordance with its obligations under international agreements aimed at fighting corruption, terrorism and money-laundering, required private-sector organizations to report any funds that they received to the corresponding ministry. The purpose of that requirement was to ensure the legitimacy of those funds.

41. **Ms. Shehab** (Bahrain) said that migrant workers were granted the same labour rights as Bahraini nationals under the new labour law, which had been translated into English and was accessible to foreign workers. The Ministry of Labour was responsible for monitoring the implementation of labour standards and ensuring that workers’ rights were respected. Public awareness-raising campaigns had been conducted to promote labour rights, and public offices had been set up to receive complaints and investigate possible violations of workers’ rights.

42. **Ms. Alawadhi** (Bahrain) said that the large number of international treaties to which Bahrain was party were a constituent part of the national legal framework. In the event of a conflict between national legislation and one of those international treaties, international law would prevail. Every effort was made to domesticate treaty law in order to forestall such conflicts, however.

43. **Mr. Al Asfoor** (Bahrain) said that the Ombudsman’s Office was a fully independent body which had been established in response to recommendations made by the Bahrain Independent Commission of Inquiry. The Office worked to ensure accountability and to provide training. Complaints filed with the Office were transmitted to the courts.

44. **Mr. Abdulla** (Bahrain), responding to questions about “artist” visas, said that there was no such category of visa for entry into Bahrain. Efforts were being made to ensure that the tourist visa system was not abused, and anyone found to be doing so or offering “artist” visas would be prosecuted.

45. **Mr. Buallay** (Bahrain) said that, according to data collected in 2013, 25 inquiries had been initiated into allegations of trafficking in persons, sexual exploitation and abuse of labour contracts.

46. **Ms. Al Zayed** (Bahrain) said that the draft domestic violence law, which was currently before parliament, contained not only a definition of domestic violence but also a broadened definition of the family which included all relatives living in the same household and all persons dependent on the head of household. Different categories of violence, including corporal punishment and psychological violence, were also defined in the draft. It also contained provisions stipulating the recourse to be made available in the event of a violation. Efforts had been made to ensure that the new law was in line with international standards.

47. **Ms. Al Jishi** (Bahrain) said that corruption was being tackled through the rigorous regulation of financial transactions and fundraising, in line with the international legislation to which Bahrain was party. Legal provisions stipulating that no NGO could receive funding from international organizations or from foreign or anonymous donors were in place in order to prevent money laundering. Receipt of funds from foreign donors was punishable by deprivation of liberty and confiscation of those funds, which would be placed in the public treasury.

48. **Ms. Shehab** (Bahrain) said that, under Decree No. 79 of 2009, which set forth the regulations governing employment, foreign workers were free to change employers.

49. **Ms. Al Ansari** (Bahrain) said that the Supreme Council for Women played a key role in supporting the work of the Bahrain Independent Commission of Inquiry. Efforts were being made to ensure that the views of civil society were taken into account when new legislation was being drafted. To date, the Supreme Council for Women had not received any complaints of sexual abuse or rape in connection with the events of 2011.

50. **Ms. Al Zayani** (Bahrain) said that there had been no dismissals of women from employment in the civil service in connection with the unrest of 2011 either.

51. **Ms. Zou Xiaojiao** said that, while she welcomed the State party's efforts to increase women's participation in political and public life, women remained underrepresented in the public sector in Bahrain. She wished to know whether any studies had been conducted to identify the root causes of the low level of participation. Studies of that sort would provide a basis for change, including changes in traditional thinking, which would be necessary if real progress was to be made. Did the State party intend to set quotas for women's political participation or to consider applying other temporary special measures, as provided for under article 4 of the Convention? She hoped that modifications to the draft law on civil society organizations would provide for extra services and support for participation by more women's associations in politics.

52. **Ms. Schulz** said that the Committee was deeply concerned by the State party's reservation to article 9 of the Convention. In its previous concluding observations (CEDAW/C/BHR/CO/2), the Committee had expressed concern about the fact that the draft law on nationality had not yet been adopted. Unfortunately, neither the information provided in the State party's replies to the Committee's list of issues (CEDAW/C/BHR/Q/3/Add.1) nor the additional comments made during the current meeting indicated that Bahraini women married to foreigners would be treated equally to Bahraini men married to foreigners. She wished to know whether the new law would grant Bahraini citizenship to children with a Bahraini mother and a non-Bahraini father, or whether it would simply codify the current procedure for applying for citizenship. If the latter were the case, she wished to know what criteria would be used to determine whether an application would be accepted or rejected. She would like to know when the new law would be adopted and implemented.

53. **Ms. Al Jishi** (Bahrain) said that, by law, there were two categories of civil society organizations: voluntary organizations, including voluntary women's associations, and political associations. The former did not have the right to participate in politics, but every

individual had the right to take part in political life. Temporary special measures had been adopted in 2006 to support women who wished to stand for election to parliament.

54. **Mr. Humood** (Bahrain) said that the Ministry of the Interior had taken a range of measures to find lasting solutions for statelessness and to ensure that stateless persons enjoyed full rights. Plans for granting Bahraini citizenship to stateless persons were under consideration.

55. **Ms. Alawadhi** (Bahrain) said that the draft law on naturalization was being considered by the Cabinet. Bahraini women married to foreigners who were citizens of States members of the Cooperation Council for the Arab States of the Gulf (GCC) could transmit their Bahraini nationality to their children, provided they were resident in Bahrain.

56. **Ms. Mariam Al Khalifa** (Bahrain) said that the Islamic sharia did not make distinctions based on nationality or include provisions on naturalization. It was hoped that the new legislation on naturalization would be enacted in the near future.

57. **Ms. Schulz** said that she wished to know how the new legislation would guarantee that the rights of Bahraini women married to foreigners were equal to those of Bahraini men married to foreigners. If equal rights were not guaranteed, the State party would be unable to withdraw its reservation to article 9.

58. **Ms. Šimonović** said that she wished to reiterate her question regarding the State party's intention to withdraw its reservations to articles 2 and 16 of the Convention. Was marital rape included in the definitions of violence contained in the draft domestic violence law? She also wished to know whether any cases of marital rape had been tried under the provisions of the Criminal Code and whether a perpetrator of rape could be exonerated if he married his victim.

59. **Ms. Al Zayed** (Bahrain) said that marital rape was not defined as such in the law. In the event of a violation of a woman's physical integrity, she could file a case under article 353 of the Criminal Code. If the victim of a rape stated before the court that she was willing to marry the perpetrator, then he would not be prosecuted.

60. **Ms. Mariam Al Khalifa** (Bahrain) said that a foreign woman married to a Bahraini could apply for Bahraini citizenship after having been married for five years provided that she was residing in Bahrain. The withdrawal of reservations to provisions of the Convention was in the hands of the legislative branch of government.

61. **Ms. Isa** (Bahrain) said that the draft law on nationality contained provisions that would establish a balance between the rights of men and women and between their rights and those of their children. Residency would be a requirement for the granting of Bahraini nationality in order to ensure that there was an emotional link between the child and the country of which he or she would be a citizen.

62. **Ms. Gbedemah** said that she wished to know what measures were being taken to ensure that the same curriculum was used for boys and girls. The State party was to be commended for its efforts to follow up on the Committee's recommendation to encourage girls to enter non-traditional occupations. Had any statistics been gathered in that regard? She wished to know how many girls were now pursuing vocational and non-traditional courses in comparison with previous years and as a proportion of the total student body. She also wished to know what measures were being taken to reduce gender stereotyping in textbooks and educational materials.

63. **Ms. Patten** said that she would appreciate information on the measures being taken to follow up on the recommendation of the Bahrain Independent Commission of Inquiry concerning the reinstatement of public-sector employees following the large-scale dismissals that had taken place in 2011. She was concerned about shortcomings in the

enforcement of legal provisions designed to protect the rights of domestic workers and would be interested to hear the delegation's views on the proposed Gulf domestic workers contract. She was also concerned that new legislation on employment in the private sector might bar women from some types of jobs. What was being done to ensure that protective measures for women in employment were confined to those relating to maternity and were not a means of promoting stereotypical views of women's role in society? Legal provisions on sexual harassment in the workplace were insufficient, and she would like to know whether a review of those provisions would be undertaken. She also wished to know whether steps would be taken to enhance women's participation in the labour market and prevent discrimination in recruitment processes and in the workplace, particularly in the private sector.

The meeting rose at 1 p.m.