



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Information received from Bahrain on follow-up to the concluding observations on its fourth periodic report*

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* The present document is being issued without formal editing.



Request of the Committee on the Elimination of Discrimination against Women that Bahrain provide, within two years (from February 2023), written information on the steps taken to implement its recommendations

| <i>Recommendation No.</i> | <i>Text of recommendation</i> |
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| 13(c) | Amend article 43 of the Law on Associations so that it becomes more inclusive and does not exclude board members because of possible political affiliation |

Reply of the Ministry of Justice, Islamic Affairs and Religious Endowments

- The aforementioned article is fully consistent with the human rights enshrined in numerous international conventions and treaties including, in particular, article 25, paragraphs (a), (b) and (c) of the International Covenant on Civil and Political Rights, which provide that every citizen shall have the right and the opportunity, without any distinctions and without unreasonable restrictions:
 - (a) To take part in the conduct of public affairs, directly or through freely chosen representatives
 - (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors
 - (c) To have access, on general terms of equality, to public service in his country.
- The exercise of political rights is also guaranteed in article 21, paragraph 1 of the Universal Declaration of Human Rights, which provides as follows: “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives”.
- Those rights are guaranteed under the Bahraini Constitution, article 1, paragraph (e) of which provides that all citizens, both men and women, have the right to participate in public affairs and enjoy political rights, including voting and running for office. In article 27, the Constitution provides for a law regulating the freedom to form associations and unions and setting forth rules for the exercise of that right. The law under review includes comprehensive regulations for associations, social and cultural clubs, private youth and sports groups, and private entities.
- The law sets out restrictions on individuals’ exercise of that right in relation to the establishment, management and dissolution of associations. Regulating the exercise of rights is part of the discretionary power of the legislative branch. In essence, that power amounts to comparing options and choosing the one most conducive to the public interest. There is no contradiction between asserting the right to establish associations and regulating that right. Indeed, regulations create an environment in which rights can be exercised. Failing that, rights and freedoms would lead to a state of chaos in which society could not survive.
- The article referred to in the recommendation provides that candidates for membership of the managing board of associations subject to Decree-Law No. 21 (1989) must enjoy their political rights, alongside other conditions stipulated by law. That provision is consistent with the Constitution and the law

and is motivated by public interest considerations. It is, moreover, in the interests of the associations to ensure that they are not managed by individuals deprived of their political rights. The fact that someone does not enjoy those important rights indicates that they are not suitable, as they have effectively lost the prerequisites for a position that entails serving the public interest.

The task of amending local laws, whether by removing, adding or redrafting the provisions thereof, is the prerogative of the legislative branch, one of the three branches of government. The recommendation leaves it to the discretion of that branch to take such action as deemed appropriate and consistent with the public interest and requirements of necessity. The article in question consists of an amendment introduced in 2018 in a draft law that was submitted by the Council of Representatives to the Government, approved by the latter, and then approved by a vote of the legislative branch, consisting of the Shura Council and the Council of Representatives.

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| 19 | To further strengthen and enforce measures and safeguards to protect women human rights defenders, women journalists, and women political opposition members from acts of reprisal |
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Reply of the Office of the Public Prosecution

The Office wishes to make the following points:

1. The Office is part of the judiciary. It conducts investigations and criminal proceedings and, in that context, endeavours to apply the law impartially and objectively, without discrimination of any type.
2. The Office files charges once it finds that a legally prohibited act has been committed and that there is evidence that the defendant committed it. During the proceedings, all the established legal guarantees are afforded, including the presence of a lawyer and the right to file motions and mount a defence.
3. As regards the recommendation to strengthen and enforce measures to prevent acts of reprisal, the Office of the Public Prosecutor is responsible for providing the means of protection established by law for victims and witnesses. It has an Office for the Protection of Witnesses and Victims, which receives requests for protection and the grounds given by prosecutors for that purpose.

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| 23 | Continue to implement measures, including awareness-raising and education campaigns, to dismantle deep-rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society (...); promote equal sharing of family responsibilities |
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Reply of the Ministry of Culture and Information

In view of its Islamic values and humanitarian principles, Bahrain has made considerable progress in strengthening and protecting human rights in general and, in particular, empowering women and providing guarantees for their enjoyment of fundamental rights and freedoms. The high status of women in Bahrain is guaranteed under the Constitution and national laws.

The Ministry of Information is committed to its important role of highlighting successes and presenting an accurate image of authentic Bahraini history and the achievements to which Bahraini women have contributed alongside men.

Accordingly, the Ministry has made a range of efforts to document the country's progress in strengthening and protecting women from all forms of discrimination without prejudice to the provisions of the Islamic sharia. Those efforts include the following:

- Awareness-raising and education campaigns in the media
- Television and broadcast programming: programmes address issues of interest to Bahraini women, such as labour, education and healthcare rights. The programmes highlight success stories of Bahraini women in various areas.
- The social media accounts of the Ministry of Information on Twitter, Instagram and YouTube are being used to spread content that raises awareness of many of the rights enjoyed by Bahraini women.
- Documentaries have been made to showcase the most prominent achievements of Bahraini women and help change stereotypes of women's role in society.

Partnerships are in place with several bodies that train media professionals:

- The Ministry of Information works with civil society organizations to strengthen media messaging, including by organizing workshops and seminars to discuss the role of women and share personal experiences. For example, workshops are organized periodically for male and female Ministry staff in cooperation with the Batelco Centre for Family Stability.
- Partnerships are in place with several national universities to hold training sessions and lectures about the rights of Bahraini women and the conventions to which Bahrain is a party, in order to empower and advance women.
- With regard to media workshops, the Ministry has continued to hold training sessions for Ministry staff who edit newsletters or produce television and radio programmes. The sessions address ways to discuss women's issues objectively, highlight the successes of Bahraini women and avoid negative stereotypes.
- Responding to United Nations reports
- Publication of reports: The reports of Bahrain are consulted, and the efforts of Bahrain to strengthen the role of women and achieve gender balance are highlighted when producing media content.
- Responding to recommendations: The public is kept informed of all the standards applied by Bahrain to guarantee women's rights and prevent discrimination against women. These include developing and ensuring the optimal implementation of policies to support women; upholding equal opportunities between men and women in leadership posts and decision-making positions; and launching initiatives to consolidate the gains made by Bahraini women.
- Media coverage of Bahraini Women's Day
- Special activities: Media coverage has been provided for activities organized by Bahraini ministries and entities on the occasion of Bahraini Women's Day. The activities included conferences and seminars focused on women's achievements and their role in social, economic, and political development, in addition to celebrations to mark the occasion.
- Broad media coverage: Hours of in-depth television and media coverage are devoted to that national occasion. A spotlight is cast on Bahrain women's success stories in various areas with a view to strengthening their role in society.

Through those efforts, the Ministry endeavours to give an authentic account of Bahraini leaders' firm commitment to women's rights, and to foreground the support and interest shown by the Government and all competent agencies for women's empowerment, the protection of women's rights and their increased participation in all areas of national development. Such efforts are undergirded by an appreciation of the role of Bahraini women and their contribution to the development and prosperity of Bahrain in all areas.

41 (a) Strengthen the legal protection of women migrant workers by extending the application of the Labour Code to domestic workers

Reply of the Ministry of Labour

- Bahraini lawmakers work continuously to develop national legislation, taking into consideration the rights and standards set forth in the conventions and recommendations of the International Labour Organization (ILO). They seek to improve national laws to strengthen legal protections for migrant workers and uphold fundamental labour rights, while seeking to strike a balance and avoid affecting the interests of employers.
- Bahrain has included domestic workers in the scope of the Labour Code for the Private Sector (Act No. 36 (2012)). Articles 2 *bis*, 6, 19, 20, 21, 37, 38, 40, 48, 49, 58, 116, 183 and 185 of the Code thus apply to domestic workers. Those provisions cover the principles of employment contracts, wage protections, annual leave, severance pay, and exemption from litigation fees for labour disputes.
- Domestic workers are included in discrimination protections pursuant to Decree-Law No. 59 (2018) amending the Labour Code for the Private Sector. In the relevant articles, the amendment expressly prohibits discrimination between men and women in general.
- Domestic workers are also included in the practical measures to prevent sexual harassment in the workplace. Such behaviour is specifically prohibited in civil law and employment law, which provide means of redress and deterrent penalties. Sexual harassment in the workplace is criminalized in the amended Labour Code.
- The amended Labour Code imposes graduated penalties up to imprisonment. The penalty is increased if the perpetrator is an employer or their representative. The amended Code extends legal protection from workplace sexual harassment to private-sector employees, both men and women. In accordance with the relevant ILO recommendations, it imposes a deterrent penalty on anyone who exploits their position or authority in the workplace to commit such an act. In drafting the amendment, the Ministry drew on analogous experiences in numerous States.
- Domestic workers benefit from all the services and means of legal protection afforded to migrant workers, as is detailed below.
- Bahrain has established call centres in the Labour Market Regulatory Authority that use several of the languages of migrant workers (currently nine languages). Employees can verify the status of their work permits on various electronic platforms to ensure that their employers comply with the terms of their licences. The call centres receive some 14,000 calls each year, including queries, complaints and notifications of violations.

- The Authority has produced brochures in 14 different languages. The brochures explain migrant workers’ rights and duties and are distributed to the workers prior to their arrival in Bahrain through the various crossings.
- The Labour Market Regulatory Authority has distributed free SIM cards to migrant workers in order to keep them constantly updated on the progress of their work permits and their legal status via text messages that are sent to their phones in their own language. In the period 2021–2023, some 70,000 SIM cards were distributed to migrant workers arriving in Bahrain for the first time.
- The Labour Market Regulatory Authority has printed more than 150,000 copies of a guide, which are distributed to migrant workers. The guide gives detailed explanations about legal procedures in Bahrain and about mechanisms for submitting complaints and regularizing legal status. The guide has been printed in 13 languages, namely Arabic, English, Chinese, Indonesian, Filipino, Urdu, Hindi, Nepali, Thai, Bengali, Turkish, Malayalam and Sri Lankan.

Conclusions

The foregoing shows that Bahrain has adopted various laws and practices that provide adequate legal protection for domestic workers. Bahrain is continuing with that approach by analysing gaps and formulating new initiatives aimed at putting in place measures to uphold the principle of decent work for domestic workers.
