



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

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States Parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Combined initial and second periodic reports of States Parties

Bahrain*

* The present report is being issued without formal editing.



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Introduction

Convinced of the need to promote women, achieve gender equality, and strengthen women's status and participation in developing the country and advancing society in various fields, Bahrain—under Decree-Law No. 5 of 2002—acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted by the UN General Assembly and presented for signing, ratification, and accession thereto under Resolution No. 34/180 of 18 December 1979, and which became effective on 3 December 1981 under Article 27(1) of the CEDAW, which stipulates:

“The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession”.

Upon ascending to the Convention, the Kingdom of Bahrain entered reservations to the following articles of the Convention:

- Article 2, in order to ensure its implementation within the bounds of the provisions of the Islamic Shariah;
- Article 9, paragraph 2;
- Article 15, paragraph 4;
- Article 16, insofar as it is incompatible with the provisions of the Islamic Shariah;
- Article 29, paragraph 1.

Excluding the articles to which reservations were entered, as elaborated in Part Two of this report, the Kingdom of Bahrain's accession to the CEDAW points decisively to the Kingdom's tireless efforts to firmly entrench the principles of gender equality and eliminate all forms of discrimination against women.

Under article 18 of the Convention:

“1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

“(a) Within one year after the entry into force for the State concerned;

“(b) Thereafter at least every four years and further whenever the Committee so requests.

“2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention”.

The Kingdom of Bahrain, complying with the provisions of the aforesaid article, submits herein its first and second reports with respect to the CEDAW. Work teams drawn from the concerned official agencies, women's associations, and civil society organizations prepared the reports collaboratively,¹ collecting information and stating their views on the report topics.

The Supreme Council for Women [SCW] has sought to prepare this report in the best manner possible. Academic experts from an independent agency were commissioned to review the reports to gauge the impact of the practical application of Bahraini laws on the status of Bahraini women and the extent to which Bahraini laws and public policies harmonize with CEDAW provisions.

¹ [See Annex 2 for participating entities]

The concerned agency has sought to prepare the report in cooperation with all the various concerned parties, endeavouring to include in the report diverse information that suffices from a theoretical and applied standpoint. It has exploited national and international expertise as much as possible. The preparation of the report in the optimal manner has entailed a significant time investment, and the CEDAW Committee, which supervises the Convention, was notified of the need to extend the deadline for submission of the reports concerning Bahrain.

First and Second Reports of the Kingdom of Bahrain on the Implementation of the CEDAW

Part One: Basic Information

I. Territory and Population

(1)

1. Location and Geography

Located in the Arabian Gulf approximately midway between the Straits of Hormuz and the mouth of the Shatt al-Arab Waterway, the Kingdom of Bahrain has enjoyed a key strategic geographical location of major importance to world civilization throughout history.

Bahrain has been and continues to be a key international commercial centre, serving as a primary East-West international trade and communications link. It comprises an archipelago of 40 islands with an area of 741.4 km² in the Arabian Gulf. Bahrain Island, which includes the capital Manama, is the largest of these islands with an area of 605.23 km². Causeways connect Bahrain Island to neighbouring islands, such as al-Muharraq, Sitrah, Umm al-Na'san, and al-Nabih Salih. Another causeway connects Bahrain with the Kingdom of Saudi Arabia. The Hawar islands, another main group of islands in Bahrain, have a total area of approximately 52.1 km² and are located 25 km south of Bahrain Island. Bahrain's official language is Arabic.

(2)

2. Population Data

Population: 459,000 according to the 2006 Census. Residents and citizens total 562,742 as detailed in the following table:

Item	Total			Non-Bahraini			Bahraini		
	Total	Female	Male	Total	Female	Male	Total	Female	Male
2001 census									
Number	650604	276955	373649	244937	75911	169026	405667	201044	204623
% of total population	100	42.6	57.4	37.6	11.7	26.0	62.4	30.9	31.5
2006 estimates									
Number	742,562	315,397	427,164	283,549	87,878	195,671	459,012	227,519	231,493
% of total population	100	42.5	57.5	38.2	11.8	26.4	61.8	30.6	31.2

Source: Central Information Agency.

(3)

Following are other population indicators:

- Religion: Article 2 of Bahrain's Constitution states, "The religion of the State is Islam. The Islamic Shariah is a principal source for legislation". Article 22 of the Constitution states, "Freedom of conscience is absolute. The State guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country".

According to the 2001 census, the population is distributed according to religion as follows:

<i>Religion</i>	<i>Percentage</i>
Muslim	81.22
Christian	8.96
Other religions	9.82

- Average life expectancy at birth rose to 74.8 years (77.3 years for women and 73.1 for men) in 2006.²
- The under-five mortality rate fell to 10.9 deaths per 1000 live births in 2006.³
- The maternal mortality rate fell to 13.3 deaths per 100,000 live births, compared to 22.2 per 100,000 live births in 2002.⁴
- The overall fertility rate per woman (age 15-44) fell to 2.6 children in 2005.⁵
- The Bahraini and non-Bahraini populations grew by 2.5% and 3.1% respectively according to the 2001 statistics,⁶ as shown in the following table.

<i>Population Growth Rate According to the 2001 Census</i>			
	<i>Bahraini</i>	<i>Non-Bahraini</i>	<i>Total</i>
Growth rate	2.5	3.1	2.7

Source: Central Information Agency.

- The literacy rate of males and females totalled 93.7% and 85.8% respectively according to the 2001 statistics, as shown in the following table:

<i>Literacy Rate According to the 2001 Census</i>			
	<i>Bahraini</i>	<i>Non-Bahraini</i>	<i>Total</i>
Males	93.7	85.7	89.6
Females	85.8	86.0	85.8
Total	89.7	85.8	80.0

(4)

3. Social and Economic Indicators

Bahrain has adopted the free economy system. The national currency is the Bahraini dinar. A free economic system entrenches economic openness and strengthens the freedom to invest and transfer capital, as underscored in the National Action Charter issued in 2000, which states, "The economic system of the state of Bahrain is based on individual initiative and freedom of capital movement in

² Source: Central Information Agency.

³ Source: Central Information Agency.

⁴ Source: Central Information Agency.

⁵ Source: Central Information Agency.

⁶ Source: Central Information Agency.

terms of investment and transfer. It lays emphasis on the role of private sector in resource development as well as in activating the economy”.

(5)

Bahrain has made major efforts to support and highlight the private sector's role in stimulating the Bahraini economy. It has also worked hard to create a favourable investment climate to attract greater Arab and foreign capital to its various activity sectors. All of these efforts are channelled into diversifying the income sources of individuals and society. Bahrain thus continues to update its economic legislation consistent with its desire to create an investment climate that supports a free economic system. It is also simplifying procedures through technology, instituting transparency in transactions, and improving services to enhance its global competitiveness.

(6)

To further these objectives, an Economic Development Board was formed in April 2000. Its main tasks include formulating a future economic development strategy for Bahrain, monitoring implementation of the strategy with the relevant ministries and state institutions, and integrating the various aspects of economic activity to create a free economic climate. The board's economic development strategies for Bahrain exploit the activities of the various sectors—including financial, business, healthcare, education and training, and tourism services, and other hi-tech sectors—to keep pace with current needs. The board is also acting to boost exploitation of Bahrain's main sectors—oil, gas, and aluminium.

(7)

In other developments, a Financial Control Bureau and an Administrative Control Bureau have been established to promote financial and administrative supervision, ensure equal opportunity for all citizens without exception or discrimination, guarantee employment transparency in the various concerned government departments, eliminate the overlapping of responsibilities, and simplify administrative procedures. These developments are positively affecting the economic and administrative systems. Finally, a free trade agreement with the United States was ratified in 2004.

(8)

Regarding national product and per-capita income, Bahrain has achieved major economic success. In 2003, GDP totalled BD 3162 million, growing 13.7% at current prices and 6.8% at constant prices. In the same year, gross national income at current prices rose to BD 3416 million from BD 2979 million in 2002, increasing 14.7% at current prices and 7.7% at constant prices to provide a decent living for citizens and generally raise the standard of living.⁷

(9)

Per-capita share of GDP at current prices rose to BD 4955 in 2003 from BD 4432.5 in 2002. Per-capita share of government expenditures rose from BD 1533.9 in 2002 to BD 1567.1 in 2003. Per-capita share of government spending on educational services (excluding sums transferred to the University of Bahrain) rose to BD 1077 in 2003 from BD 906 in 2002.⁸

Bahrain has successfully diversified its revenue sources, lowering the oil sector's GDP share at constant prices to 15.7% in 2003.

⁷ Source: Central Information Agency.

⁸ Source: Central Information Agency.

(10)

Bahrain has also achieved its lowest inflation rates (-0.7% in 2000, -1.2% in 2001, -0.5% in 2002, and 1.6% in 2003) due to reductions in the prices of water, electricity, housing services, university tuition, etc. Bahrain's general budget deficit totalled 2.5% of GDP at current prices in 1999. The budget realized a surplus of BD 5.3 million in 2000, a surplus of BD 3.1 million in 2001, a deficit of BD 4.1 million in 2002, and a surplus of BD 13.6 million (rounded off) in 2003.⁹

(11)

These matters are reflected in international reports, including the Human Development Report [HDR] for 2003 issued by the UNDP. The report ranks Bahrain first among the Arab countries and 37th among 175 countries with respect to human development indicators. According to HDR 2004, Bahrain continued to rank first among the Arab countries and was 40th among the countries of the world. These high rankings point to Bahrain's well-developed, successful policy to strengthen the human and economic security of Bahraini citizens. In 2006, Bahrain maintained its top Arab and international ranking, being classified among the high human development countries. Other international reports mention Bahrain's economic growth and many other positive indicators reflecting the government's policies in different sectors. Bahrain was ranked 16th in the American Heritage Foundation's Index of Economic Freedom for 2003. This index is based on a number economic freedom measures, the key ones being financial freedom, monetary freedom, trade freedom, freedom from government (a measure of government spending, including government consumption), investment freedom (flow of foreign capital and investments), and property rights.

(12)

In recent years, the Bahraini Government has adopted a primarily human-oriented social development policy. This policy promotes and unleashes human capabilities through social investment in various areas related to social development to provide fundamental remedies for social problems. It transcends social assistance to include the establishment of an independent Ministry of Social Development, which is responsible for implementing social development policy.

II. General Political Structure

(13)

Introduction and Overview of the History of Bahrain

Bahrain came under British protection in 1861. It obtained its independence in 1971, after which it joined international and regional organizations, including the United Nations, League of Arab Nations, and other such organizations and forums.

The political authority and popular will moved toward the establishment of a new state on modern foundations and toward the formulation of a constitution for the country. In 1972, elections were held for the first Constituent Assembly, which formulated Bahrain's Constitution on 6 December 1973.

(14)

His Majesty the King, Sheikh Hamad Bin Isa Al Khalifah, became ruler in 1999. He had a far-reaching vision and strong desire to promote institutions active in society and to increase popular participation. He held a series of meetings with various popular national groups and civil sectors in the Kingdom. The meetings produced a document called the National Action Charter [NAC]. An

⁹ Source: Central Information Agency.

absolute majority of 98.4% of the Bahraini people, with its diverse groups and concerns, approved the NAC in a general referendum in 2000.

(15)

The issuance of the NAC led to important political, constitutional, and legal changes, the most salient being the amendment of the Constitution on 14 February 2002, the holding of the first free parliamentary elections for the Council of Representatives, and the promulgation of many laws to harmonize with the political, economic, and constitutional developments and the start of a new era in Bahraini history. Bahrain also joined many treaties and agreements on human rights, which are mentioned below in this report. As a result of the trend toward renewal and change, Bahraini women achieved many key gains regarding rights and freedoms, the most important being the granting of full political rights to women. Bahrain also acceded to a number of agreements on women, the most prominent being the CEDAW, the subject of this report.

(16)

Bahrain's ascension to the CEDAW points to the Kingdom's efforts to entrench gender equality consistent with the NAC and the orientations adopted by the government and other organizations to increase popular participation and grant individuals full rights and freedoms, especially to Bahraini women, who had been denied certain freedoms for many decades.

(17)

1. The NAC

The NAC is an important document that paved the way for key political, economic, constitutional, and legal changes in Bahrain. It was approved by 98.4% of the people in a general referendum held in 2000.

The NAC includes a historical preamble, seven chapters, and a conclusion. Chapter I covers the basic principles of society, treating the most salient rights and freedoms. Chapter II treats the government system, which is based on the separation of powers and the rule of law. Chapter III treats the economic fundamentals of society, with emphasis on the need to establish a Financial Control Bureau. Chapter IV deals with national security. Chapter V concerns parliamentary life, emphasizing the need to adopt a bicameral legislature (one appointed chamber and one elected chamber). Chapters VI and VII cover Gulf relations and foreign relations respectively.

(18)

The NAC is also concerned with women. Women have had a key influence on political and social developments in Bahrain. The NAC guarantees women fundamental rights and freedoms. According to the NAC, the goals of the government and system of government include the achievement of comprehensive sustainable development in various fields for all members of society, both men and women.

(19)

The NAC stresses the need to achieve absolute equality among citizens, particularly equality before the law. It states, "All citizens are equal before the law in terms of rights and duties, without distinction of race, origin, language, religion or belief".¹⁰ The NAC refers to the state's obligation to guarantee freedom of belief, freedom of expression and publication, freedom of scientific research, and freedom of the press and printing.

¹⁰ [NAC, Chap. I, Paragraph (2) (1)]

(20)

The NAC also stipulates the state's obligation to support the activity of NGOs, stating, "The state ensures the freedom to form non-governmental, scientific, cultural, professional associations and unions at a national level for legitimate purposes through peaceful means".

(21)

The NAC regards the family as the basic structural unit of society. It stipulates the state's obligation to protect the legal form of the family, maternity, and childhood. It affirms women's rights explicitly, stipulating the state's obligation to support the rights of women and to enact the necessary special legislation to protect the family and family members.

The NAC guarantees the basic rights of women. It states that the people is the source of all powers, and that Bahraini women are fully entitled to exercise their basic rights, particularly the right to stand for election and vote in general elections. The NAC states, "Citizens, men and women alike, have the right to participate in public affairs and political rights including suffrage and the right to stand for election as prescribed by law".

(22)

In addition to the preceding, the NAC affirms the right of Bahraini women to obtain an education, own property, run a business, and engage in economic activity.

2. The Constitution

(23)

As stated above, Bahrain's first constitution after independence was established on 6 December 1973. However, to achieve the goals of the NAC issued in 2000, and to carry out the people's will as expressed in its approval of the NAC's principles, Bahrain's Constitution was amended on 14 February 2002 to reflect the political, economic, and legal developments that had occurred in Bahraini society and the start of a new era in Bahraini history.

(24)

The Constitution states that the Kingdom of Bahrain is an independent Arab state with full sovereignty and a democratic system of government, wherein the people possess sovereignty as the source of the legislative, executive, and judicial branches. The system of government is that of a hereditary constitutional monarchy, which exercises power based on the people's participation. The Constitution adopts a bicameral legislature. Article 1(e) as amended states: "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 this Constitution and the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law". The State is committed to the reconciliation of women's work in society with their duties toward their families and to gender equality in the different spheres of life. Article 5 (b) stipulates, "The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the provisions of Islamic canon law (Shariah)." We thus find that the Constitution is consistent with the provisions of international conventions on gender equality and does not discriminate between men and women with respect to public rights or duties.

(25)

3. Regulation of the Legislative, Executive, and Judicial Authorities

The Bahraini Constitution stipulates that sovereignty is in the hands of the people, which is the source of the three branches. The Constitution provides for a system of government that is based on the separation of, and cooperation among, the legislative, executive, and judicial branches according to the provisions of the Constitution.

(26)

a. The Legislative Branch

The King, Consultative Council, and Council of Representatives are responsible for the legislative branch. The National Assembly comprises the Consultative Council and the Council of Representatives under the constitutional amendments of 2002. Under Chapter V of the NAC and constitutional amendments, Bahrain shifted from a unicameral to a bicameral parliamentary system, which includes:

The Consultative Council:

(27)

This Consultative Council comprises 40 members appointed by royal order. Members are chosen for their expertise in various areas. The current Consultative Council was formed under Royal Decree No. 41 of 2002. The number of female members appointed to the Consultative Council rose from six in 2002 to ten in 2006. Women thus constitute 15% of the Consultative Council. The Consultative Council and the Council of Representatives are jointly responsible for legislating. The Consultative Council and Council of Representatives must pass all laws promulgated in Bahrain. The Consultative Council has no political or oversight authorities.

The Council of Representatives:

(28)

This Council of Representatives comprises 40 members elected in direct, secret, general elections for a term of four years. Bahraini women participated effectively in the first elections held after the Constitution was amended. Eight women ran for the Council of Representatives, with none winning a seat on the council. In the second parliamentary elections held in 2006, a Bahraini woman won a seat unopposed. The Council of Representatives alone discharges a political/oversight function through multiple channels in addition to legislating with the Consultative Council.

The National Assembly, comprising the Consultative Council and Council of Representatives, passes laws. The Council of Representatives also exercises oversight of the executive branch's actions through multiple channels, the key ones being questioning, interpellation, formation of boards of inquiry, and formation of committees to examine citizens' complaints.

b. The Executive Branch

(29)

The King, Prime Minister, and ministers are responsible for the executive branch, which formulates and implements the state's general policy, supervises the government apparatus, and looks after the state's interests. The Constitution defines the functions, authorities, and responsibilities of the King, Prime Minister, and ministers.

Bahraini women have worked throughout the government, holding key positions therein. The Minister of Health and Minister of Social Development are currently women, another woman holds the rank of minister, a woman previously served as an ambassador in the Diplomatic Corps, the current president of the University of Bahrain (Bahrain's official university) is a woman, and women hold a number of key posts in the executive branch, serving as deputy ministers, assistant directors-general, etc., all of which points to the qualifications of Bahraini women and the Kingdom's firm, confident steps toward implementing the CEDAW.

c. The Judicial Branch

(30)

The judicial branch is independent of the other branches in the state. The Supreme Judicial Council supervises the activity of the courts and agencies assisting the courts. The law establishes courts of various levels and types, stating their functions and jurisdictions.

The right to litigate is an essential right and fundamental principle stipulated by Bahrain's Constitution. The Constitution guarantees this right equally to both men and women, without discrimination due to ethnicity, sex, or religion. The judicial branch is one of the three state authorities treated by the Bahraini Constitution (articles 104-106), which affirms the judicial branch's impartiality and the equality of all who stand before it. The Constitution also affirms that no person or authority may interfere in the judiciary's activity or influence the course of legal actions under penalty of criminal penalty. Women are present in the judicial branch. A female judge was appointed to the Constitutional Court for the first time. Her appointment was preceded by the appointment of the first female judge in the Gulf region to the Senior Civil Court. Women can be found increasingly in the Office of the Public Prosecutor, a division of the judicial branch under the Constitution. A number of women have been appointed to serve as deputy public prosecutors.

(31)

Two Judiciaries in the Kingdom of Bahrain

Bahrain's Constitution separates the legislative, executive, and judicial branches. Each branch discharges its assigned role without interference or pressure from any of the other branches. The framers of the Constitution were especially concerned with the judicial branch. They believed that justice must be the foundation of any state, as article 4 of Bahrain's Constitution states explicitly: "Justice is the basis of government. Cooperation and mutual respect provide a firm bond between citizens. Freedom, equality, security, trust, knowledge, social solidarity and equality of opportunity for citizens are pillars of society guaranteed by the State".

The Bahraini legislator enacted a separate law for the judiciary. The Judicial Branch Law, issued under Decree-Law No. 42 of 2002, states the appointment requirements, accountability, authorities, and duties of judges. This law clearly reflects the Bahraini legislator's concern with the judiciary and desire to enable it to perform, with the greatest ease, its role in administering justice for all citizens, men and women alike.

(32)

Under the aforesaid law, the jurisdiction of the Bahraini courts is divided between the regular judicial authority and the Shariah judicial authority. The regular judiciary has jurisdiction in all civil, criminal, and commercial matters and the personal status matters of non-Muslims. The Shariah judiciary has jurisdiction to examine personal status matters of Muslims. In 2005, a chamber was established to examine administrative actions. In addition, the Shariah courts are

divided into Sunni and Shiite Shariah courts. The civil courts handle the personal status affairs of non-Muslims, who are subject to their own laws.

(33)

Each judicial authority comprises two levels of litigation, consistent with the recognized substantive principle of the jurisprudence of the law that a litigant's action may be heard twice before two different courts at different levels. The Court of Cassation is the highest court. It serves as a supreme court for litigants, reviewing the quality and correctness of the application of the law by the first and second levels of the judiciary. Only judgments issued in civil, commercial, criminal, and personal status matters involving non-Muslims may be appealed to the Court of Cassation. Judgments issued by the Shariah courts in personal status matters of Muslims may be appealed only to the High Shariah Appeals Court.

The Supreme Constitutional Court examines the constitutionality of laws and regulations, i.e., the extent to which they are consistent with the Constitution. This court is itself an independent judicial branch.

III. The General Legal Framework for the Protection of Human Rights

1. Means of Legal Protection of Human Rights and Women's Rights in Bahrain

(34)

a. The NAC

The NAC is an important means of legal protection of human rights in general and women's rights in particular. As stated above, the NAC is concerned with the position of women in Bahraini society. It affirms the dignity of women and guarantees their basic rights and freedoms. According to the NAC, the goals of the government and government system include the achievement of comprehensive sustainable development in various fields for all members of society, both men and women.

The NAC also affirms the need to achieve absolute equality among all citizens. It states that all citizens are equal before the law in terms of rights and duties without discrimination due to sex, origin, language, religion, or creed. The NAC does not discriminate between original and naturalized citizens, considering both equal. This is reflected in the Constitution and legislation, wherein all citizens may equally exercise political rights, hold public positions, and benefit from state services, including housing services. The NAC also affirms the state's guarantee of freedom of belief, freedom of expression and publication, freedom of scientific research, and freedom of the press and printing and the state's commitment to support the activity of civil society organizations.

(35)

The NAC stipulates the state's obligation to protect the legal form of the family, support maternity and childhood, support and protect women's rights, and enact the necessary legislation for these purposes.

The NAC guarantees women's political rights, particularly the right to suffrage and stand for elections. The NAC affirms the right of Bahraini women to obtain an education, own property, run a business, engage in economic activity, etc.

b. The Constitution

(36)

Bahrain's Constitution guarantees respect for human rights consistent with the sublime values and great humanitarian principles included in the NAC. Bahraini women have obtained full political

rights. The Constitution recognizes a woman's right to participate in public affairs and to enjoy political rights, including the right to vote and stand for elections. Article 1 (e) of the Constitution states, "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".

The Constitution refers to the other rights of women in Chapter II on the basic constituents of society and in Chapter III on public rights and duties.

The Constitution affirms respect for public rights and duties that ensure welfare, progress, stability, and prosperity for the homeland and citizens. Article 4 stipulates that "... equality...and equality of opportunity for citizens are pillars of society guaranteed by the State".

(37)

Article 5 (b) stipulates, "The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the provisions of Islamic canon law (Shariah)".

Article 18 of the Constitution refers to the principle of equality in all fields, stating, "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".

(38)

A general perusal of constitutional provisions demonstrates the Constitution's affirmation of the principle of absolute equality among all members of the society, particularly equality between men and women. Moreover, the Amended Constitution, unlike the 1973 Constitution, does not distinguish between native-born and naturalized citizens. It thus permits all citizens to exercise political and civil rights on an equal footing.

Article 19 of the Constitution refers to personal freedom. Article 22 provides for freedom of conscience. Article 23 provides for freedom of opinion, scientific research, and expression. Article 24 provides for freedom of the press, printing, and publication. Article 8 affirms the right to health care.

(39)

The Constitution permits the formation of associations, unions, and civil society organizations provided they have patriotic principles and legal goal, use peaceful means, and do not infringe on religion or public order. Thus, a number of associations and organizations concerned with women's activity, the family, and child welfare have been founded in addition to the SCW, which was established before the Constitution was amended. The National Assembly passed a Political Associations Law, which was issued in 2005.

Article 28 (a) of the Constitution entitles individuals to assemble privately without the need for permission or prior notice. Article 29 entitles individuals to address the public authorities. It should be stressed that—in a time-honoured tradition—the King grants audiences to citizens to allow them to submit petitions and complaints directly.

c. International Agreements

(40)

Under article 37 of the Constitution, which regulates the process for ratifying international treaties, "The King shall conclude treaties by Decree, and shall communicate them to the Consultative Council and the Chamber of Deputies forthwith accompanied by the appropriate statement. A treaty shall have the force of law once it has been concluded and ratified and published in the Official

Gazette. However, peace treaties and treaties of alliance, treaties relating to State territory, natural resources, rights of sovereignty, the public and private rights of citizens, treaties pertaining to commerce, shipping and residence, and treaties which involve the State Exchequer in non-budget expenditure or which entail amendment of the laws of Bahrain, must be promulgated by law to be valid...”

(41)

Bahrain’s amended Constitution thus divides treaties and international conventions into 1) those that may be ratified by decree of the King, provided the Consultative Council and the Council of Representatives are so notified; and 2) those that must be ratified by the legislative branch (the Consultative Council and the Council of Representatives) and promulgated in a law in order to be valid under article 37 of the Constitution.

Bahrain’s Accession to International Conventions on Women’s Rights

(42)

Bahrain has acceded to a number of UN conventions directly or indirectly concerning women, including:

- International Covenant on Civil and Political Rights (under Law 56 of 2006).
- International Covenant on Economic, Social and Cultural Rights (under Law No. 10 of 2007).
- Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the UN General Assembly on 9 December 1948. Bahrain acceded to this convention under Decree-Law No. 4 of 1990.
- Slavery Convention signed in 1926; the Protocol Amending the Slavery Convention done in 1953; and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), to which Bahrain acceded under Decree-Law No. 7 of 1990.
- International Convention on the Elimination of All Forms of Racial Discrimination (1965), to which Bahrain acceded under Decree-Law No. 16 of 1991.
- Convention on the Rights of the Child, adopted in November 1989. Bahrain acceded to this convention under Decree-Law No. 16 of 1991.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on 10 December 1984. Bahrain joined this convention under Decree-Law No. 4 of 1998.
- Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979. Bahrain acceded to this convention under Decree-Law No. 5 of 2002.
- Convention of the Arab Women’s Organization, to which Bahrain acceded under Decree No. 24 of 2002.
- United Nations Convention against Transnational Organized Crime, and its supplementary protocols, including 1) Protocol Against The Smuggling of Migrants By Land, Sea and Air and 2) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Bahrain acceded to this convention and its protocols under Law No. 4 of 2004.

- Optional Protocol to the Convention on the Rights of The Child on the Involvement of Children in Armed Conflict, and Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Bahrain acceded to these optional protocols under Law No. 19 of 2002.

(43)

Bahrain has acceded to other international conventions issued by the International Labour Organization [ILO] that directly or indirectly concern women's rights, including:

- Convention concerning the Application of the Weekly Rest (CO14 of 1921), ratified by Bahrain under Decree No. 5 of 1981.
- Convention concerning Forced or Compulsory Labour (CO29 of 1930), ratified by Bahrain under Decree No. 5 of 1981.
- Convention concerning Labour Inspection in Industry and Commerce (CO81 of 1947), ratified by Bahrain under Decree No. 5 of 1981.
- Convention concerning Night Work of Women Employed in Industry (CO89 of 1948), ratified by Bahrain under Decree No. 5 of 1981.
- Convention concerning the Abolition of Forced Labour (CO105 of 1957), to which Bahrain acceded under Decree No. 7 of 1998.
- Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) (CO159 of 1983), to which Bahrain acceded under Decree No. 17 of 1999.
- Convention concerning Discrimination in Respect of Employment and Occupation, ratified under decree No. 11 of 2000 (CO111 of 1958), ratified by Decree No. 11 of 2000.

2. Protection of Rights and Freedoms under Bahrain's Legal System

(44)

Bahrain's Constitution provides for equality and equal opportunity. In particular, article 18, which concerns the equality of citizens before the law regarding public rights and duties, stipulates, "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". Article 4, which concerns the foundations and pillars of government, such as freedom, equality, and equal opportunity, stipulates, "Justice is the basis of government. Cooperation and mutual respect provide a firm bond between citizens. Freedom, equality, security, trust, knowledge, social solidarity and equality of opportunity for citizens are pillars of society guaranteed by the State". Likewise, article 1 (e) of the Constitution, which concerns the right of citizens, both men and women, to participate in public affairs and to enjoy political rights, states, "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 this Constitution and the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law".

(45)

a. Equality of Men and Women Before the Law

In addition to the NAC and constitutional provisions on the protection of human rights (paragraphs 34-39 of the NAC), it should also be said that women enjoy the same legal capacity as men. Women may conclude contracts and manage funds and property. Article 72 of Bahrain's Civil

Code, promulgated under Decree-Law No. 19 of 2001, states, “Every person shall be competent to conclude a contract barring the stripping or diminishment of competency under a legal judgment”. Men and women thus have equal capacity under the law to conclude contracts without sexual discrimination, because capacity is based solely on mental ability and understanding.

(46)

A woman may also conclude all contracts concerning credit, real estate, and other property and engage in commercial activities in her personal name without the prior need for a marriage license. In this context, article 10 of Bahrain’s Commercial Code, promulgated under Decree Law No. 7 of 1978, stipulates, “Every Bahraini who reaches the age of 18 shall be competent to engage in commerce barring any legal obstacle established concerning his person or the type of commercial dealings in which he engages”. Thus, the law equates men and women regarding capacity to engage in commerce without sexual discrimination.

Women are also entitled to manage their property without the interference of a man or the need for a man’s consent. A woman may sell, buy, mortgage, transfer, borrow, lend etc. without having to obtain the permission or consent of her husband or father, regardless of whether the concerned property was transferred to her before or after her marriage.

(47)

A Bahraini woman who works or has a fixed monthly income and supports a family, and a divorced woman with custody of her children, are entitled to use established housing services provided by the state. For example, they may obtain a housing loan, residential apartment, standard home constructed by the Ministry of Housing, etc.

(48)

Women and men are treated equally before the courts. A woman may bring an action and file a complaint in her own personal name. Bahraini law clearly permits women to practice as attorneys, as there are many female Bahraini attorneys. Female attorneys are entitled to represent their clients before the courts and various judicial authorities and serve as members of juries and arbitration panels.

(49)

Women benefit equally with men from all legal services, including legal assistance in criminal complaints which they file if they are unable to pay the legal expenses and attorney fees. In actions brought before the Shariah courts, such legal services are provided solely to women.

(50)

All official agencies and women’s associations are appreciably active in educating women about their rights before the judiciary, particularly in family actions. Relevant seminars and workshops have been held, including: a workshop held by the SCW in late April 2004 on “The Situation of Women in Substantive and Procedural Family Rulings”, a training course on “Civil Service Regulations and the Situation of the Working Women” held in late December 2004, a training course on “The Rulings of the Shariah Judiciary” held in March 2005, and a training course on “General Law Principles and the Capacity of Women in Litigation Proceedings before the Shariah Courts” held in early March 2006 with the participation of members of different national women’s associations and civil society organizations in cooperation with the University of Bahrain.

b. The Law and Compensation for Damages

(51)

Bahraini law treats men and women equally in this regard. Compensation awarded to a woman for damages is equal to that awarded to a man in similar circumstances. The same judgments and damages imposed on women are also imposed on men in the same circumstances. Bahrain's Civil Code has no provisions that discriminate between men and women regarding damages and civil liability in general. The same applies to other laws, such as the Social Insurance Law and other laws on the rights of workers and their beneficiaries in the event of a work injury, old age, or death.

c. The Law and the Working Woman

(52)

Bahraini law treats men and women equally with respect to labour. Only one-fourth of the salary of a working woman or man may be garnished, regardless of whether the woman is employed in the private sector. If various debts compete for this fourth, one-half of the fourth is allocated to pay maintenance and the other half is allocated to repay the other debts.

Likewise, a family's residence may not be attached to pay a man's debts or any other debts owed by a woman. In this regard, there is full equality between men and women.

In deference to women, Bahraini law regards all types of a woman's maintenance as preferred debt which the husband must pay before other debts. Generally, Bahrain's accession to international conventions and other conventions issued by the United Nations and its subordinate organizations and agencies, particularly the International Labour Organization, has had a positive effect. This can be seen in Bahrain's adoption of labour legislation, laws and regulations that focus substantively on gender equality with respect to economic rights and equal opportunity. Such laws and regulations include the Labour Law for the Private Sector issued under Decree-Law No. 23 of 1976 and the Social Insurance Law issued under Decree-Law No. 24 of 1975. Many ministerial decrees supporting working women's rights have also been issued. These decrees protect women by prohibiting the employment of women in occupations that are dangerous and damaging to their health and prohibiting the employment of women at night between 8:00 pm and 7:00 am. All of these laws, regulations, and decrees are mentioned below.

d. The Law and Women's Exercise of Political Rights

(53)

As mentioned above, article 1 (e) of the Constitution states, "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". Accordingly, Decree-Law No. 14 of 2002 on the Exercise of Political Rights was issued. It entitles Bahraini women to participate in any referendum held according to the Constitution and to vote for members of the Council of Representatives. Decree-Law No. 15 of 2002 on The Consultative Council and the Council of Representatives was also issued. It entitles Bahraini women to stand for election to the House of Representatives and to be appointed to the Consultative Council.

(54)

Bahraini women participated actively in the first elections held after the Constitution was amended, with 47.7% of women voting and eight women standing for the Council of Representatives, though

none won a seat on the council. In the parliamentary elections held in 2006, 16 women ran, with one winning a seat unopposed.¹¹

Women were also granted the right to stand and vote in elections for the municipal councils based on Decree-Law No. 35 of 2001, which opened the door to Bahraini women's active participation in the 2001 elections for the municipal councils. In these elections, 51% of women voted and 31 Bahraini women ran for the municipal councils, but none won. In the 2006 municipal elections, five women ran, but none were elected.¹² The international conventions mentioned in paragraphs 40-43 above are also relevant to the law and women's exercise of political rights.

(55)

3. The CEDAW's Legal Status under Bahrain's Legal System

Article 37 of the Constitution states, "The King shall conclude treaties by Decree, and shall communicate them to the Consultative Council and the Chamber of Deputies forthwith accompanied by the appropriate statement. A treaty shall have the force of law once it has been concluded and ratified and published in the Official Gazette. However, peace treaties and treaties of alliance, treaties relating to State territory, natural resources, rights of sovereignty, the public and private rights of citizens, treaties pertaining to commerce, shipping and residence, and treaties which involve the State Exchequer in non-budget expenditure or which entail amendment of the laws of Bahrain, must be promulgated by law to be valid. Under no circumstances may a treaty include secret clauses which conflict with those openly declared".

(56)

In this context, a convention ratified or acceded to by Bahrain, including the CEDAW, becomes equivalent to a domestic law once it is passed.

(57)

4. Channels for Seeking Justice

The judicial authorities in Bahrain to which recourse may be had are mentioned above. Article 20 (f) of Bahrain's Constitution also states that the right to litigate is guaranteed under the law.

Moreover, the Ministry of Justice provides free legal aid in cases of crimes punishable by death or life imprisonment. The SCW also provides free legal aid in Shariah cases to indigent women.

(58)

5. National Authorities Concerned with Protecting Human Rights and Women's Rights in Bahrain

Bahraini women have made many important gains in the area of rights, freedoms, and equality with men, the most important being the obtainment of full political rights, particularly the right to vote and stand for election.

The Constitution provides the necessary means to ensure that the gains made by women are respected and not infringed or violated. It establishes a solid foundation for the protection of rights and freedoms. Article 31 of the Constitution stipulates, "The public rights and freedoms stated in this Constitution may only be regulated or limited by or in accordance with the law, and such regulation or limitation may not impair the essence of the right or freedom". This provision states explicitly that only a law may regulate individual freedoms and rights. Thus, the first guarantor of individual freedoms and rights is the legislative branch, which comprises the King and the National

¹¹ Source: Central Information Agency.

¹² Source: Central Information Agency.

Assembly under article 32 of the Constitution. Article 31 of Constitution states that no law regulating individual freedoms and rights may impair the essence of a given right or freedom. Any legislation issued by the legislative branch that violates or limits the substance of a right is unconstitutional. Thus, the Constitutional Court is the second guarantor of the protection of individual freedoms and rights. A third guarantor is the SCW in Bahrain. The SCW is concerned primarily with protecting women and promoting their role in society. It may submit bills and draft laws supporting women's rights and provide its opinion and recommendations on the amendment of existing legal provisions that conflict with women's rights and relevant international conventions. The media is another important guarantor of women's rights and human rights in general. In the following, we treat each of these guarantors of women's rights in Bahrain.

(59)

a. The King

The King is the most important authority guaranteeing protection of the Constitution, law, and individual rights and freedoms. Article 33 (b) of the Constitution stipulates, "The King safeguards the legitimacy of the government and the supremacy of the constitution and the law, and cares for the rights and freedoms of individuals and organisations".

The King is obliged under the Constitution to use all his constitutional authorities to protect individual rights and freedoms and the Constitution. The King is a key authority who guarantees protection of women's rights given his standing in the country and his constitutional authorities.

b. The Legislative Branch

(60)

The legislative branch comprises the Consultative Council and the Council of Representatives. No law may be promulgated in Bahrain without being passed by these two councils and approved by the King.

These councils are also responsible for approving treaties relating to state territory, natural resources, rights of sovereignty, public and private rights of citizens, commerce, navigation, residence, and encumbrance of the state treasury with non-budget expenditures, or treaties that entail amendment of the laws of Bahrain.

Hence, the legislature is a key branch that guarantees protection of human rights in general and women's rights in particular, because all rights and freedoms may be regulated solely by law. In other words, only the legislative branch may regulate rights and freedoms. This provides serious, effective protection of human rights, ensuring that legislation infringing on individual rights and freedoms will not be promulgated.

c. The Constitutional Court and Judiciary

(61)

The Constitution states the need to establish a court to review the constitutionality of laws and statutes. Article 106 of the Constitution stipulates, "A Constitutional Court shall be established, and shall comprise a President and six members, all of whom are appointed by a Royal Order for a period specified by the law. The court's area of competence is to watch over the constitutionality of laws and statutes. The law shall state the regulations that ensure that the members of the Court are not liable to dismissal, and specifies the procedures that are followed before the Court. The law shall guarantee the right of the Government, Consultative Council, the Chamber of Deputies and notable individuals and others to challenge before the Court the constitutionality of laws and statutes. A ruling by the Court that a text in a law or a statute is unconstitutional shall have a direct

effect, unless the Court specifies a subsequent date for the purpose. Thus if the Court's rule on unconstitutionality is related to a text in the penal code then the convictions made on the basis of such a text are deemed null and void. The King may refer to the Court any draft laws before they are adopted to determine the extent of their agreement with the Constitution. The Court's determination is binding on all State authorities and on everyone”.

(62)

Accordingly, a Constitutional Court was established under Decree-Law No. 27 of 2002. The aforesaid decree states the court's composition and authorities to review the constitutionality of laws and to repeal any provision in a law or statute that violates the Constitution. The Constitutional Court is independent of the judicial system in Bahrain and not subject to the Supreme Judicial Council's supervision. It is therefore independent and unbiased in its actions. The judicial system may refer any law of doubtful constitutionality to the Constitutional Court. It is thus essential that the Constitutional Court be independent of the judicial system.

(63)

Decree-Law No. 27 of 2002 entitles a number of entities to challenge the constitutionality of a provision of a law or statute. These entities include the: King, who exercises this right with respect to draft laws (prior review); Prime Minister; President of the Consultative Council; President of the Council of Representatives; and individuals.

The Constitutional Court is a recourse providing legal protection for constitutional provisions. It is an important guarantor of women and the rights of women provided in the NAC and Constitution, inasmuch as it is empowered to repeal any law or statute that infringes on women's constitutional rights.

Hence, the Constitution's mention of women's rights and freedoms is an important guarantee. The legislative and executive branches may not infringe on these rights and freedoms in any way. If these branches issue any law or statute that violates women's rights and freedoms, the Constitutional Court may deem such law or statute unconstitutional and repeal it.

d. Supreme Council for Women

(64)

The NAC requires all state institutions to support, and enact the necessary legislation to support, women's rights. The state has expedited the establishment of institutions concerned with women, the family, and children. The SCW is in the forefront of institutions concerned with Bahraini women. Established in 2001, it is chaired by Her Majesty Sheikha Sabika bint Ibrahim Al Khalifah, the wife of his Royal Majesty King Hamad Bin Isa Al Khalifah, the King of the country.

Functions of the SCW

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Article 2 of Emiri Order No. 44 of 2001, as amended by Royal Order No. 36 of 2004, specifies the SCW's functions as follows:

1. Recommends public policy for developing women's affairs in society's constitutional and civil institutions.
2. Empowers women to perform their role in public life, and incorporates women's efforts in comprehensive development programmes without discrimination.
3. Formulates a draft national plan to promote women and solve problems they face in all fields.

4. Promotes the principles concerning women in the NAC and Bahrain's Constitution, and establishes appropriate mechanisms for this purpose in corporation with ministries, official institutions, and NGOs.
5. Monitors and evaluates public policy on women, and submits its recommendations and remarks to the competent authorities in this regard.
6. Submits recommendations to amend current legislation on women, consults on draft laws and decrees on women before they are presented to the competent authority, and recommends the necessary draft laws and decrees to improve the conditions of women.
7. Monitors the application of laws, statutes, decrees, and international conventions on women to ensure they are implemented to achieve non-discrimination against women; and monitors the implementation of programmes adopted in government plans and programmes concerning women.
8. Participates in official committees and bodies formed by the government regarding all that pertains to women's issues directly or indirectly.
9. Represents Bahraini women in Arab and international forums and organizations concerned with women's affairs, and enters into cooperation agreements and joint programmes with such forums and organizations.
10. Develops a documentation centre to collect information, data, and studies on women and conducts studies and research on women.
11. Holds conferences, seminars, and discussion groups to discuss subjects pertaining to women.
12. Educates society through appropriate mechanisms on the role, rights, and duties of women.
13. Issues publications, magazines, and printed and electronic material relevant to its goals and functions.
14. Handles subjects and tasks referred or assigned to it by the King.

Committees of the SCW

(66)

The SCW chairwoman forms the necessary committees to discharge the functions mentioned above. She determines the number of committees and the committees' tasks in the economic, social, cultural, political, educational, health, and legal spheres and any other tasks which she deems necessary. She may form a special or temporary committee to handle a specific task as defined in her decision to form the committee.

The royal order mentioned above requires state agencies to provide the SCW and its secretary-general with the data and statistics which they request concerning the SCW's functions, and to cooperate with the secretariat-general to facilitate the SCW's tasks and functions. It also requires ministries and official institutions to cooperate with the SCW in implementing special plans and programmes to empower women, and to give priority to SCW recommendations, proposals, and drafts when formulating their development programmes and plans.

e. Publication and Consciousness Raising

(67)

The government publishes all laws, agreements, and treaties ratified by the Kingdom in Arabic in the *Official Gazette*, which is made available to all citizens, NGOs, and the official and private media. In addition, all legislation, agreements, treaties, decrees, royal orders, statutes, and decrees are published and updated on the government's electronic site to enable everyone to peruse them.

(68)

Bahrain's accession to the CEDAW and other human rights conventions renders these conventions part of domestic legislation under article 37 of Bahrain's Constitution. Therefore, major efforts are needed to become familiar with these conventions to eliminate any ambiguities regarding them and to familiarize women and society with their key content. The full text of the CEDAW has been published in Bahrain's official newspaper.

(69)

Official and popular entities have joined efforts to carry out this education mission. The SCW has adopted a long-term strategy that includes providing information on the implementation of the CEDAW. It has begun formulating a preliminary plan to disseminate the articles of the CEDAW. To this end, it has taken up various activities (workshops, training courses, round tables, and publications) with specific groups of young male and female attorneys, members of the executive and legislative branches, and staffs of civil associations to train and educate them regarding the CEDAW.

The SCW held a series of training workshops on the CEDAW to enhance participants' skills and to inform them about the convention and its mechanisms.

It also held a series of seminars to spread awareness of the Convention among young people and the staffs of various civil associations, including charitable groups, human rights associations, and women's associations.

A workshop was held to raise awareness about the CEDAW in cooperation with the Kingdom's five governorates. About 300 persons, both male and female, attended the workshop, including young people from the public and private sectors, public and private organizations, and civil society organizations. Several civil society organizations have also organized workshops on the CEDAW.

(70)

These workshops and seminars have produced a series of important recommendations, the most salient being the need for more workshops on the CEDAW and more training time. These activities have benefited the SCW, giving it a basis for formulating a strategic plan to disseminate and implement the CEDAW. This plan includes the following:

- a. Preparation of a simplified guide for female staff to help them provide information on, and disseminate, the convention.
- b. Simplification of the language of the convention, so that all citizens, both men and women, can understand it; and the issuance of the Convention in a small pamphlet.
- c. Training of specialized female staff to provide information to society on the content of the Convention.
- d. Requesting of assistance from several technical experts, particularly from the University of Bahrain, to help formulate national training and advisory programmes concerning the Convention.

(71)

The SCW also issues a publication entitled "The Bahraini Woman", in which excerpts of the CEDAW are published periodically.

The media have prepared a significant number of programmes that spread awareness of women's rights and the need to go beyond prejudices and negative practices regarding women.

Domestic newspapers have published CEDAW articles and have covered dialogues and workshops on the CEDAW. Bahraini television has fully aired these dialogues. A text of the CEDAW has been widely distributed to associations and organizations active in the field of women's rights and to student and youth groups.

Civil organizations in the Kingdom have also played a role. They have organized many workshops and discussion groups on the CEDAW and provided information on women's rights covered in the CEDAW and how to promote women's rights.

Part Two: Information Relating to CEDAW Articles

(72)

This part comments on the CEDAW in detail, article by article. Part Two does not repeat what is stated in Part One of this report unless necessary. The statistical data in this report were not all obtained in any one agency but rather directly from multiple agencies, resulting in some cases in statistics from different time periods.

(73)

Article 1 - Discrimination Against Women

"[T]he term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

(74)

Introduction

Treatment of a woman that differs from treatment of a man solely because of her sex is discriminatory if it impairs the woman. Based on the belief that women—who are an essential, effective element in society—are equal with men, Bahrain's NAC, Constitution, and legislation prohibit any discrimination against women.

I. NAC

(75)

The NAC confirms the principle of equality and non-discrimination against individuals, particular women. It is an effective mechanism for protecting human rights because of its binding character, which is based on the following:

- a. The NAC was issued due to a referendum of the people, who are the sovereign in the state. The binding wording of the NAC's principles and foundations make it a basis for amending the Constitution and formulating laws.
- b. His Majesty the Emir of the country addressed the people during the referendum, stating, "This charter is an authoritative source for our national path. Based on its guidance, we shall

proceed with our national action and continue our progress to update the state's institutions and constitutional authorities. In each stage, we shall implement that part of the NAC which is consistent with the aspirations of the citizens as we deem appropriate". These remarks demonstrate that the NAC is a working guide for the future and an obligatory foundation that ensures progress in the development of the state's legal system.

c. The NAC looks to the future, stating, "The government and the people have agreed on this charter's content, taking into account that it represents a working document for the country's future and that constitutional amendments are needed to advance its fundamental concepts". The NAC thus confirms the binding character of its principles and the need for the Constitution to be bound by it.

II. The Constitution

(76)

Bahrain's Amended Constitution of 2002 sets forth equality and non-discrimination as fundamental human rights. Article 5 (b) states, "The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the provisions of Islamic canon law (Shariah)".

Article 18 of the Constitution stipulates, "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".

Article 104 of the Constitution guarantees the supremacy of the law. It stipulates that the law shall be the basis of government and the guarantee of rights, freedoms, and the judiciary's independence.

(77)

The amendments appearing in the 2002 Constitution confirm and deepen the democratic trend and non-discrimination. Article 1 (e) of the Constitution states citizens, both men and women, shall be entitled to exercise full political rights.

The amendments also entrenched greater public rights and freedoms without distinguishing between men and women, consistent with the human rights conventions which international society has been keen to constantly affirm.

Hence, the principle of equality applies to all forms of discrimination and all rights and freedoms, whether established in the Constitution or in laws.

Constitutional principles require all state authorities to guarantee women's equality with men with respect to all public rights and duties and other fields of life, without restriction, regardless of a woman's marital status. The state also guarantees reconciliation between a woman's family duties and her work in society.

III. Legislation

(78)

Bahraini legislation is consistent with the Constitution, which provides for equality for, and non-discrimination of, women. Nonetheless, the Nationality Law continues to discriminate against women. It entitles the children of a Bahraini man married to a foreign woman to obtain Bahraini citizenship, but it does not so entitle the children of a Bahraini woman married to a foreign man. Several measures have been taken to limit and end this discrimination. His Majesty the King has taken the approach of granting citizenship to the children of Bahraini women married to foreigners. A number of children of Bahraini women have been granted Bahraini citizenship under a royal

decree issued pursuant to the King's authorities under the Nationality Law. All requests of such women are currently being compiled and studied by a joint committee of the SCW and the Ministry of Interior with the intent of adopting His Royal Majesty's approach. Practical measures are also being pursued at present to permit Bahraini women to sponsor their foreign husbands' residency. The Consultative Council (one of the two chambers of the legislative branch) is currently adopting a bill entitling the children of Bahraini women married to non-Bahraini husbands to obtain Bahraini citizenship. Action is also being taken to amend the Passports Law by removing any terms that discriminate against women.

IV. The Current Situation and Future Outlook

(79)

Bahraini women have made achievements on the path to equality with men on different levels and in different sectors of society, including education, health, social welfare, labour, etc., as detailed below.

(80)

Despite these achievements, the application of article 1 of the CEDAW still faces many obstacles, the most salient being social legacies, customs, traditions, society's prevailing view of women, the occasional gap between legal provisions and de facto application, and women's lack of full awareness of their constitutional and legal rights.

(81)

To deal with these obstacles, quick action is needed to translate the national strategy to improve Bahraini women's conditions into national action programmes in all sectors and areas. This should be done in a way that removes difficulties and obstacles to women's promotion and advancement. All forms of discrimination against women in actual practice and in current legislation must be eliminated through coordination between governmental and civil entities with a view toward implementing protocols signed between the SCW and these entities, which include the: General Organization for Youth and Sports, Ministry of Information, Ministry of Industry, Ministry of State for Cabinet Affairs, Ministry of Housing, Ministry of Health, Consultative Council, Bahrain Development Bank, Ministry of Social Development, Ministry of Justice and Islamic Affairs, Ministry of Foreign Affairs, Council of Representatives, Ministry of Finance, Ministry of Education, Bahrain Centre for Studies and Research, Public Commission for the Protection of Marine Life, Environment and Wildlife, the Royal Charity Foundation, Bahraini Association Against Family Violence, UNDP, and Bahraini Women's Association. Courses and workshops should continue to be organized to familiarize and educate women about their constitutional and legal rights.

Article 2 - Undertakings to Eliminate Discrimination

(82)

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

I. Reasons for Bahrain's Reservation to Article 2 of the CEDAW

(83)

The Kingdom of Bahrain has entered a reservation to article 2 of the CEDAW only to ensure that this article is implemented within the framework of the Islamic Sharia. The Shariah is a principal source for legislation in Bahrain, as stipulated in article 2 of Bahrain's Constitution, which states, "The religion of the State is Islam. The Islamic Shariah is a principal source for legislation". After the CEDAW is ratified, it will be subordinate to the Constitution under article 37 of the Constitution. Thus, treaties and conventions may not violate the Constitution based on the legal rule that inferior legislation may not conflict with superior legislation, and the Constitution is superior to a convention or treaty.

It should be said that Bahrain's reservation concerns only the status of women in the family with respect to guardianship, the financial rights of women, inheritance, etc. The aforesaid reservation has no effect on other matters relating to women covered in legislation and the Constitution.

(84)

Regarding inheritance for example, the Islamic Shariah, which is an integral system, achieves true equality between women and men based on justice that transcends the demand for formal or numerical equality.

Therefore, Bahrain's reservation stems from its desire not to apply the aforesaid article literally, i.e., in a way that would lead to a conflict with Shariah provisions on the woman's position in the family, particularly regarding inheritance.

(85)

For example, a literal interpretation of the Shariah provision that grants a woman one-half of the inheritance of a man might be challenged on the grounds that it discriminates against women. However, the inheritance system under the Islamic Shariah is treated as an integrated system that demonstrates that Islam does not make a woman's inheritance one-half that of a man as a general rule in inheritance. Rather, this rule applies only in some cases for explicable reasons.

A woman sometimes receives one-half the share of a man. "Allah thus directs you regarding your children's inheritance: The male shall receive a portion equal to that of two females (Koran, 4:11). However, in other cases, the woman receives a share equal to that of a man: "If there is only one

daughter, her share shall be a half. If the deceased left children, each parent shall receive a one-sixth share of the inheritance (Koran, 4:11). The aforesaid noble verse treats both parents—the man and a woman—equally with respect to inheritance (“each parent shall receive a one-sixth share of the inheritance”). Each parent receives one-sixth without discrimination.

(86)

Sometimes a woman receives more than a man, as in the case where a person dies, leaving behind one daughter and his two parents: The two parents each receive one sixth of the inheritance, whereas the daughter receives one half, which is more than the share or received by her grandfather, a man. Moreover, in the case of a surviving daughter and father, the daughter receives three quarters, whereas her grandfather receives only one quarter.

II. Guarantee of Equality between Women and Men

(87)

As stated above, Bahrain's constitution obliges the state to guarantee the equality of men with women in all fields. The Constitution protects women's rights, particularly women's equality with men vis-à-vis legislation issued in violation of the Constitution, providing for recourse to the Constitutional Court, which has jurisdiction to review the constitutionality of laws and statutes.

Article 20 (f) of the Constitution guarantees everyone the right to litigate. Bahraini laws also guarantee equal recourse for women and men to the judiciary without restriction. A woman may resort to the Constitutional Court to repeal a legislative provision that impairs the principle of equality. A woman may also resort to the criminal judiciary if an infringement on her rights and freedoms constitutes a crime, and she may demand damages. She may resort to the civil judiciary. She may also resort to the administrative judiciary to seek nullification of an administrative ruling as well as damages stemming from the ruling.

(88)

Under article 37 of the Constitution, all types and levels of the judiciary are required to apply the laws in effect in the country, including the CEDAW, in the judgments they issue. The NAC and the Constitution grant the right to an education at the various educational levels to everyone without discrimination. Article 7(a) stipulates, "The State sponsors the sciences, humanities and the arts, and encourages scientific research. 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. The necessary plan to combat illiteracy is laid down by law".

(89)

Bahraini law does not distinguish between men and women regarding academic programmes and tests. There is no discrimination in per-capita spending on male and female students in official, state education.

The Bahraini legislator provides everyone the freedom to choose a specialty without requiring that a certain number of students study a given specialty. Females may study the same subjects studied by males at all educational levels. The Bahraini legislator guaranteed these rights before Bahrain acceded to the CEDAW. This clearly underscores the Kingdom's adherence to the principle of equality and the elimination of discrimination. Nonetheless, some prevailing customs compel women to enter certain specialties more so than other specialties. This issue is covered in the treatment of education below.

III. The Actual State of Gender Equality and the Future Outlook

(90)

A series of measures has been taken to achieve gender equality so that it is indeed consistent with legislation, including the establishment of offices to receive complaints from women. These offices, which are under the SCW, are located in all Bahraini governorates. They serve as a mechanism for strengthening women's rights. The SCW also conducts a study involving the monitoring of the actual application of all CEDAW principles. The study catalogues actual cases reported to these offices involving practices and procedures that discriminate against women. Many women's associations and human rights associations undertake similar efforts.

(91)

The Bahrain Centre for Studies and Research has prepared a report on the societal need to promulgate a family code based on the Islamic Shariah. As a result of the study, the SCW launched an educational campaign in the media on the nature of such a code and the importance of promulgating it. Many meetings and discussions were held in October 2005 on this issue, which was also treated extensively in all the print and visual media. The aforesaid centre also produced a study on cases of violence against women in cooperation with the Ministry of Interior.

In addition, the SCW's secretariat issued a guide for women on litigation procedures in the Shariah courts. The guide explains women's rights and the procedures for resorting to, and defending women's rights before, the Shariah courts. A training course was also held in September 2005 on "The National Judge's Role in Applying International Human Rights Conventions". Many civil society organizations and personnel from various government agencies participated in the course.

(92)

Gender equality exists in health, education, political participation, and work. Men and women are also equal before the law and judiciary, as detailed below in connection with the relevant CEDAW articles. Important measures and decisions have been taken to eliminate all forms of discrimination against women in Bahrain. Actual implementation however still requires a greater effort, particularly in citizenship matters and several secondary matters concerning benefits of the husband and children of a woman in a senior post. Societal awareness of women's rights and issues must also be enhanced. Many groups in society are demonstrably ignorant of women's rights and issues. Therefore, a series of measures is needed, particularly: intensified training and educational programmes targeting attorneys, judges, and legal and judicial workers; promotion of the media's role in raising society's awareness of women's rights and issues; and, as mentioned above, amendment of the Nationality Law to ensure stability for a woman and her children.

The promulgation of a family code remains a basic demand essential to achieving family stability for women and ensuring women's rights, especially in the area of family relations.

(93)

Article 3 – Development and Advancement of Women

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

I. Constitutional and Legal Situation

(94)

The progress of women is based primarily on the Bahraini Constitution, which guarantees the right of equality and human rights to women. Article 5 (b) of the Constitution stipulates, “The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the provisions of Islamic canon law (Shariah)”.

Article 8 (a) of the Constitution states, “Every citizen is entitled to health care. The State cares for public health and the State ensures the means of prevention and treatment by establishing a variety of hospitals and healthcare institutions”.

Article 16 (b) of the Constitution states, “Citizens are equal in the assumption of public posts in accordance with the conditions specified by law”.

The reader may refer to Part One of this report, which covers all Bahraini legislation that establishes the principle of equality and the scope of women’s participation in the political, economic, and social spheres.

(95)

II. The Actual Situation and Future Outlook

A series of measures has been taken to enforce constitutional and legislative provisions. The state has also initiated a number of mechanisms for the development and advancement of women. These mechanisms—which appear in the political, economic, and social reform programme adopted by his Majesty, the King of the Kingdom of Bahrain—include the following:

1. Women's participation in the formulation of laws, including participation in the NAC Committee.
2. Women's participation as members in the legislative branch through the appointment of ten women to the Consultative Council.
3. Women's participation in the executive branch through the appointment of two female ministers, a woman with the rank of minister, and a number of female deputy ministers, assistant deputies, etc.
4. Commencement of an economic reform programme to reform the labour market, training, education, and the regulation of foreign labour. These measures will positively affect women’s economic activity, providing them with jobs for economic advancement.

(96)

In addition, the SCW was established under Emiri Decree No. 44 of 2001 to serve as the official Bahraini authority responsible for all Bahraini women's issues and affairs. The SCW's overarching vision is grounded in the need to elevate the status of Bahraini women to bring about their greater, more comprehensive participation in the development process in the country as citizens who enjoy full capacity in a constructive partnership. The SCW is responsible for a number of primary missions: It recommends public policy to develop women's affairs to enable women to perform their role in public life; it formulates draft national plans to promote women and solve the problems they face in all fields; it reviews laws and legislation on women to surmount difficulties facing women; and it recommends relevant laws. The SCW comprises members from different specialties and positions. Expertise and competence are the basic requirements for participation in SCW work. The implementation of the strategy prepared by the SCW to promote women is now a key priority. The SCW has also formed a permanent committee concerned with training young people of both sexes to prepare them as future leaders.

(97)

In addition to the preceding, a Permanent Committee on Women and Children has been formed in the Consultative Council. It discusses legislation and laws on women and children (e.g., the Child Law), the situation of women working in the private sector, and the health of mothers and children. The SCW has ratified a protocol with the Consultative Council and the Council of Representatives to increase cooperation between the SCW and the legislature.

(98)

In the civil sector, there are 15 women's associations, 15 women's committees emanating from religious and professional associations, one women's charity association, and one women's professional association. These organizations play a prominent role in educating women about their rights and the exercise of these rights to ensure the effective participation of women in the development process.¹³

Women also have an important presence in the labour unions. Labour unions began to be established after the issuance of Decree-Law No. 33 of 2002 concerning the Labour Union Act on 24 December 2002. Five of Bahrain's 36 labour unions are headed by women. In 2002, women constituted 26.4% of the members of the various unions' board of directors.

In addition, the Bahraini Women's Association—which represents member women's associations in civil activity areas that bring it together with the SCW—announced a memorandum of understanding that seeks to cooperate in promoting Bahraini women through a series of goals.

(99)

More official and civil efforts are needed to promote the development and advancement of women. In this regard, the SCW seeks to increase awareness of women's political and civil rights guaranteed by the Constitution and the law by holding courses and workshops on this subject.

(100)

Article 4 - Acceleration of Equality between Men and Women

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

I. General View

(101)

Bahrain has sought to bolster women's participation in the overall development process. It views as important and essential the formulation of a draft strategic national plan to promote women in all areas. In 2004, such a strategy was produced. It is based on: the NAC, which affirms gender equality; Bahrain's Constitution as amended in 2002; the Universal Declaration of Human Rights issued in 1948; international treaties, conventions, and declarations; UN resolutions on women; and the outcomes of the Fourth World Conference on Women in Beijing.

¹³ Source: Ministry of Social Development

(102)

To create this strategy, Bahraini women's priorities and needs were first determined through studies and research. Goals were then formulated, as were mechanisms and measures for achieving the goals. Finally, the following pivots were established to create the aforesaid strategy:

- Legal (women and legislation)
- Economic
- Education and training
- Women's human rights
- Media and education
- Social
- Women and the environment
- Women and political participation
- Women and Health
- Women and decisionmaking positions

(103)

A national conference was held with the participation of all official and civil organizations to formulate a detailed national plan to promote women in implementation of the strategy. This King approved the strategy, hence its importance, as the king heads the executive branch, and the ministers are responsible to him under the Constitution. The implementation of the strategy is monitored through reports submitted to His Majesty the King by the SCW. The reports state the implementation and follow-up measures taken with the ministries and other government and civil entities. The SCW is the official authority concerning all women's issues and affairs.

(104)

The creation of this strategy has not, however, precluded the adoption of temporary, expeditious measures to eliminate discrimination in the granting of Bahraini citizenship to the children of Bahraini women married to foreigners. A number of children in such cases have been granted citizenship based on the authority of His Majesty the King under the Nationality Law. Similar requests for citizenship have been submitted for a decision to the Royal Chamber through a joint committee comprising the SCW and Ministry of Interior.

(105)

Her Majesty Sheikha Sabika Bint Ibrahim Al Khalifah, the SCW's Chairwoman, has also established an award that is granted every two years to ministries and government agencies that distinguish themselves in their: support and empowerment of Bahraini working women; commitment to qualifying and training women and incorporating them in national development plans; achievement of the highest rates of women holding leadership, executive, and decisionmaking positions; and commitment to a policy of non-discrimination against women. The award provides an incentive for public and private sector entities to empower working Bahraini women to exercise their economic rights under national legislation and international conventions by providing women employment opportunities equal to those of men without discrimination. The award, while promotional in nature, is also protective, as it compels the public and private sectors to pursue a policy of gender equality and eschew gender discrimination of any type in the workplace.

In addition, His Majesty's wife has honoured a number of female social work pioneers, bringing them into the lime light to encourage other women to follow in their footsteps.

(106)

In other developments, Law No. 34 of 2005 was enacted to establish an alimony fund based on the SCW's recommendation. This law eliminates the suffering of divorced women with children by providing for their obtaining of alimony specified by the courts. The benefits of the law extend to other groups as well.

(107)

Also, the Crown Prince, His Highness Sheikh Salman Bin Hamad Al Khalifah, launched the "Crown Prince's International Scholarship Programme" in 1999 to promote equal opportunity among the sexes. Under this programme, the five best female and five best male general secondary school graduates in Bahrain are sent each year to the United States. This programme is designed to qualify young Bahrainis of both sexes to hold leadership positions and contribute to the development process in Bahrain.

In addition, social stations have been established under the Ministry of Social Development in cooperation with the SCW for meetings between children and their separated parents, instead of police stations.

II. Maternity Protection Measures

(108)

Articles 5 (b) and 18 of the Constitution stipulate the state's protection of maternity and the reconciliation of a woman's duties to her family with her work responsibilities. In compliance with these principles, the laws regulating government and private employment include rights pertaining to women. For example, in the public sector, working women are entitled to a 60 workday maternity leave with full pay, leave without pay to accompany a spouse on travel abroad, etc. Other leaves enjoyed by working mothers are covered below in this report's treatment of the CEDAW article on employment. In the private sector, women are entitled, for example, to maternity leave with full pay and to two nursing breaks (also covered below in the treatment of the CEDAW article on employment).

(109)

Article 5 – Sexual Stereotypes

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

(110)

I. General View

Regarding Article 5 (a) of the CEDAW, it should be said that the idea of the inferiority or superiority of an individual or certain class because of sex or religion is not widespread in Bahraini society. Rather, Bahraini society is open to others. It rejects discrimination. Its principles, concepts, and Islamic creed are based on equality, the rejection of discrimination, and acceptance of others. This is indicated clearly by the fact that Bahraini women have been receiving a regular education and working since the start of the century without male opposition. Previously, women worked in private education as teachers and aides (volunteers) without society's opposition and moreover with its encouragement. Some cultural and social legacies still limit women's participation in politics, senior government posts, and sports even though more than 98.4% of the people approved the NAC, which states, "Individual freedoms, equality, justice and equal opportunity are core principles of the society. The State is responsible for ensuring them for all citizens on an equal footing. This is based on a broader principle, namely, that people are equal insofar as human dignity is concerned, a principle that has been consecrated by Islam fourteen centuries ago" (Chapter I - Basic Constituents of Society).

The NAC further states—under the heading "The Family as the Basis of Society" in Chapter I—that the "state endeavours to support women's rights and the enactment of legislation to protect the family and family members". Chapter II (on the system of government), seventh paragraph (on the people's right to participate in public affairs) states, "Citizens, men and women alike, have the right to participate in public affairs and political rights including suffrage and the right to stand for election as prescribed by law".

II. Sexual Stereotypes

(111)

Men and women in Bahraini society play complementary roles and share responsibilities in the family. Under the Shariah and customary law, the husband is the head of the household, and both parents share child-care responsibility.

Many girls in Bahraini families receive an education. Many women have thus entered the labour market and serve in public positions. All jobs are offered to both sexes. Men do not monopolize any particular job to the exclusion of women. Nonetheless, women continue to play stereotyped roles and are involved in the internal affairs of their families. Society cannot directly intervene in the relations and roles of family members without laying the necessary groundwork. State policy can play a key role in shaping behaviour in the family through a strategic media plan to change traditional images of women in Bahraini society and to show women's contributions in a positive light. Women's associations and organizations also have a role in spreading awareness to convince Bahrainis of the need for constructive, cooperation between women and men regarding family duties and household affairs.

(112)

Bahraini legislation supports this view and lays the ground for realizing it. In particular, it has laid the groundwork for reconciling the working woman's situation with the family duties she shares with her husband.

This position is consistent with Article 5 (b) of Bahrain's Constitution, which states, "The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the

provisions of Islamic canon law (Shariah)". The provisions of Article 5 (b) are an important, essential step toward tempering and eliminating the traditional view of women.

There is no constitutional or legislative impediment to women exercising their full political rights, as affirmed by the NAC and Amended Constitution. Bahraini women stood successfully in the municipal and parliamentary elections held in 2002 and 2006, as mentioned above.

(113)

Important measures have been taken to change stereotypes concerning roles. A national strategy to promote Bahraini women has been formulated. It includes many goals and mechanisms that seek to eliminate stereotypes about women's roles. Her Majesty, the wife of the King of the country, as Chairwoman of the SCW, toured all cities and villages in Bahrain with members of the SCW. During the tour, they met with women from different classes in places of worship. These meetings focused on the importance of women's participation in political life. Several civil women's associations and political associations have undertaken a similar effort, yielding relative progress for women in the parliamentary elections, with two women reaching the second round of elections. The number of women voters also increased noticeably compared to the past.

(114)

Despite all these achievements, more efforts are needed. Bahrain television aired several open discussions with the public and a panel of clerics, sociologists, and female women's activists, who discussed various the situation of women in Bahrain. The SCW held a training course entitled "Women and Political Participation" during 12-15 December 2004, with the participation of different groups in society, particularly female members of women's associations, NGOs, and government agencies. A study was prepared—in cooperation with the Bahrain Centre for Studies and Research—on the experience of Bahraini women in the municipal and parliamentary elections to determine why women candidates were unable to get elected to the Council of Representatives or the municipal councils. A training course on social type was held twice in cooperation with ESCWA, as was a training course on the CEDAW in the fourth quarter of 2005. Various groups participated in the course, including members of women's associations, NGOs, and government agencies. Another training course was held on the national judge's role in applying international human rights conventions in cooperation with the University of Bahrain during September 2005. In the framework of the Political Empowerment Programme and in preparation for the 2006 elections, the UNDP and University of Bahrain jointly held many courses and workshops involving lecturers from abroad to raise women's awareness of their rights, promote their political participation, and qualify them to stand for the municipal and parliamentary elections scheduled for late 2006.

(115)

Both men and women lack awareness of women's rights, as clearly seen in the municipal and parliamentary election results and in social and cultural customs. The prevailing view of the traditional role of men and women in society and the family, and the fact that a percentage of women are content with this role, continue to obstruct the effective participation of women in some aspects of life. More efforts are needed to surmount these difficulties, enhance Bahraini women's awareness of their rights, and create real change in perceptions of the traditional roles of men and women in society and the family. In this regard, the SCW and the Ministry of Education signed a cooperation protocol in 2006 providing for a review of educational curriculum and educational aids with a view toward eliminating stereotypes about women's roles.

III. The Media's Role in Eliminating the Gender-Based View of Women

(116)

The media shapes public opinion and individual attitudes toward various issues of concern to society. It has a role in combating discrimination against women, spreading awareness about the need to empower women to play an active role in society, and educating about gender equality with respect to rights and duties. Television, with its images, is a particularly influential media.

(117)

Most of the programmes, songs, films, and advertisements on the satellite stations beamed from various countries portray women inappropriately, with a focus on physicality, superficiality, and tradition, which only entrenches the traditional view of women as an attractive sight to behold or mere cooking and housecleaning machines.

(118)

Bahraini television has long sought to avoid such stereotypes on its national programmes and advertisements and on locally prepared series. Programmes produced by Bahraini Television do not portray women as do most television programmes in the world, i.e., as an advertising, promotional items who display their bodies and movements to attract viewers, devoid of any content. On the contrary, Bahraini women in the media have the same roles as men; they appear on television in the same roles played by men, they present and prepare programmes, broadcast and produce the news, etc. Bahraini Television programmes and series treat stereotypes about women's roles. For example, the series *al-Kalmia al-Tayyibah* [Good Word] addresses various social problems, showing attempts to solve them objectively and constructively to foster harmony and mutual respect in the family and raise awareness of rights and duties in general.

(119)

As part of their efforts to change negative views of women, the Ministry of Information and the SCW have signed a cooperation protocol to counter all types of media that contain or promote gender-based violence, including magazines and films.

On another note, women work in key positions in various Bahraini newspapers and magazines as shown in Table 4.

Table 4

	<i>Female</i>	<i>Male</i>	<i>% of women</i>
<i>Huna al-Bahrayn</i> magazine	6	12	35
<i>Al-Ayam</i> newspaper	16	44	27
<i>Al-Mithaq</i> newspaper	43	81	34.7
<i>Al-Wasat</i> newspaper	22	129	14.5

Source: Ministry of Information

(120)

Women are portrayed in stereotyped roles in the media, especially in non-domestic programmes and series, followed by domestically-produced series. Such programmes and series entrench stereotyped roles of women in one way or another. Foreign satellite stations, which attract a large percentage of young Bahrainis, also air many programmes, series, and films that present women in stereotyped roles.

(121)

The continued stereotyped portrayal of women in the media is also attributed to the fact that women do not participate in media policymaking in the government.

To eliminate these impediments, women must increase their participation in leadership positions in the media sector and in media policymaking in the government. Male and female media workers must be trained to deal with problems of social type. Studies and research should also be prepared on the stereotyped image of women in the media and the extent to which this image affects society.

IV. Violence against Women

(122)

Discrimination against women is manifested in family violence against women. All groups in Bahraini society are concerned with this serious issue, as demonstrated by the treatment of violence against women in educational campaigns undertaken by various women's associations. The SCW has helped shed light on this issue by conducting serious, focused studies on cases of violence against women. Such cases have begun to be seen in divorce suits filed by women due to harm caused by spousal abuse. In this connection, the SCW has signed a memorandum of understanding with the Batelco Care Centre for Family Violence Cases, which is run by the Bahraini Association to Resist Family Violence. The memorandum includes a commitment by the SCW to provide financial support to the centre, cooperate with the centre in treating family violence cases through the use of the centre's treatment services and facilities, cooperate in holding training courses and educational workshops, and exchange expertise and information concerning family violence cases.

The following table shows the types and number of crimes of violence against women:

Table 5: Crimes Against Women in 2001

No.	Crime	Total	Against women	%
1	Physical assault	4099	466	11.4
2	Rape	31	31	100
3	Violation of honour	135	23	17
4	Libel	1042	218	20.9
5	Insult	526	109	20.7
6	Indecent assault	130	21	16.2
Total		5963	868	14.6

Source: Ministry of Interior

Table 6: Crimes Against Women in 2002

No.	Crime	Total	Against women	%
1	Physical assault	3205	625	19.5
2	Rape	15	15	100
3	Violation of honour	181	99	54.7
4	Libel	1056	284	26.9
5	Insult	687	187	27.2
6	Indecent assault	50	22	44
Total		5194	1232	23.7

Source: Ministry of Interior

Table 7: Crimes Against Women in 2003

<i>No.</i>	<i>Crime</i>	<i>Total</i>	<i>Against women</i>	<i>%</i>
1	Physical assault	2070	574	27.7
2	Rape	16	16	100
3	Violation of honour	66	26	39.4
4	Libel	670	228	34
5	Insult	360	131	36.4
6	Indecent assault	25	12	48
Total		3207	987	30.8

Source: Ministry of Interior

Table 8: Crimes Against Women in 2004

<i>No.</i>	<i>Crime</i>	<i>Total</i>	<i>Against women</i>	<i>Percentage</i>
1	Physical assault	3837	732	19.1
2	Rape	27	27	100
3	Violation of honour	123	44	35.8
4	Libel	1354	463	34.2
5	Insult	1025	206	20.1
6	Indecent assault	22	11	50
Total		6388	1483	23.2

Source: Ministry of Interior

(123)

Bahraini legislation does not criminalize violence against women per se. Such crimes are covered by a section on crimes of assault against persons in the Penal Code. The Penal Code deals with crimes of physical assault, violation of honour, and rape. These crimes are punishable by death, which is an important deterrent to violence against women. Women's associations in Bahrain also play an effective role in this regard.

(124)

A series of measures has been taken to combat violence against women. The SCW has established a centre to receive and act on women's complaints, with offices in Bahrain's five governorates. The centre's main goals are to monitor cases of violence against women, recommend solutions and alternatives in family violence cases, and follow up. The centre operates a telephone hotline to receive and appropriately handle women's complaints. The centre also helps women obtain free legal assistance. The SCW has published a guide for women on the legal procedures followed before the Shariah courts to help women involved in various cases in these courts, especially cases involving violence. The guide provides information on how to act in such cases and how to prove violence. A shelter has also been established for female family violence victims. It provides a place where women can receive the necessary care, guidance, and information if they are subjected to violence or expulsion from the matrimonial home. The SCW also has established a practical programme to educate women on the mechanisms of violence of all forms directed against them.

Under this programme, a workshop on resistance to family violence was held in the last quarter of 2005, on International Day to Eliminate Violence Against Women. Officials of the governorates and social centres, members of civil associations, and school officials attended the workshop. In addition, the Ministry of Interior and the Bahrain Centre for Studies and Research have completed a joint study on violence against women.

(125)

In related developments, a judicial Institute was established to train and qualify judges before they assume their posts. This has had a positive impact on judges' treatment of cases involving female family violence victims. The Ministry of Interior has sought to increase the number of female police officers qualified to handle cases involving female family violence victims. The first class of social policewomen has graduated. Official efforts were also directed at promulgating Decree-Law No. 26 of 1986 based on the SCW's recommendation. This law eases litigation procedures before the Shariah courts and expedites decisions in urgent Shariah cases, e.g., alimony for a wife and the protection of minors.

(126)

Regarding non-governmental activity, a series of measures has been taken, the most salient being the establishment of two shelters for female victims of family violence. One shelter is associated with a women's association, the other with a legal association. A family guidance office was established in a women's association to provide free legal assistance and family advice to female family violence victims. It contracts directly with attorneys to handle cases of women unable to afford legal expenses and lawyers fees. Another women's association has established a hotline service to receive complaints from female victims of violence. The hotline deals with victims confidentially and with special care. The women's associations and human rights associations have made major efforts to spread awareness in society about violence against women through the various media and by holding workshops, seminars, and training courses to train the necessary staff to deal with such cases. In the area of nongovernmental-official cooperation, a conference on violence was held in January 2005 in Bahrain by the Amnesty International Organization and the Bahrain Social Partnership for Combating Violence Against Women under the auspices of the SCW Chairwoman.

(127)

A frequently encountered problem is that women shy away from disclosing family violence. In some cases, the victim resigns herself to her fate; she conceals and distances herself from any scandal, refraining from disclosing violence against her out of fear of retaliation by her husband. In other cases, the female victim is unable to prove the harm done to her by her husband, father, or brother. Also, a female victim of violence may not know how to prove that she is a victim of violence, even though violence against women is generally a crime punishable by law.

Based on the preceding, it cannot be said that there is a legislative shortcoming regarding this issue. Some however still call for special legislation that treats family violence crimes against women, covers the crime of violence against women separately, and introduces suitable mechanisms to prove violence.

(128)

In reality, violence or the curbing of violence has nothing to do with legislation or a shortcoming in legislation, as there is legislation that generally stipulates punishment for perpetrators of family violence against women. Rather, this issue requires serious action to create a successful mechanism to combat violence against women. This can only be achieved by uniting the efforts of the various official and civil organizations concerned with the family and women.

(129)

The combating of violence against women requires reforming the Shariah judiciary to handle this type of case. The Shariah courts continue to suffer from a shortage of administrators and a deficient administrative apparatus in general. This requires administrative and legal reform. Judges and enforcers of the law must be trained in human rights and principles and in the method for handling this type of case.

(130)

Also needed are: the promulgation of a family law, which will no doubt reduce family violence and violence against women; additional chambers in the courts; and promotion of the Family Guidance Division's role in the courts.

Moreover, it is necessary to promote the media's role in educating Bahraini society about violence against women, the consequences thereof, and ways to protect against and treat such violence. Training programmes should be prepared for judicial, medical, social, educational, and police workers to enable them to deal with violence against women in a way that best protects female victims of violence and promotes the role of the social police in family violence cases.

(131)

Article 6 – Suppressing the Exploitation of Women

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

I. Protection of Women and the Suppression of the Exploitation and Trafficking of Women

(132)

Bahraini society clearly rejects traffic in women and exploitation of prostitution of women. Such behaviours violate the Islamic Shariah and social customs and principles. Society does not look kindly on a woman who engages in prostitution. Most women who engage in prostitution are foreigners who come to the country professing other occupations.

All groups and sects in Bahraini society oppose such practices, which are foreign to Bahraini society's traditions, customs, and values. Clerics have made major efforts to educate individuals on the danger of such alien practices in society. Civil society organizations, especially legal organizations, have helped in this process. In addition, the media has covered the dangers posed by such practices and their negative effects on the family and society.

II. Legislative Protection of Women and the Suppression of the Exploitation and Trafficking of Women

(133)

Bahraini legislation guarantees protection of women to safeguard their honour against anyone who would attempt to harm it. Prostitution is illegal. In this regard, Bahrain has joined the United Nations Convention against Transnational Organized Crime and its supplementary protocols, which are the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Bahrain also joined the International Covenant on Human and Political Rights in 2006 and the International Covenant on Cultural, Economic and Social Rights in 2007.

(134)

Articles 324-332 of Penal Code No. 15 of 1976 stipulate harsh penalties for the crimes of lewdness and prostitution. The Penal Code stipulates that any person who in any way aids or abets a women's commission of lewdness or prostitution shall be sentenced to imprisonment or three years, or five years if the victim is under 18. If a woman is induced to commit lewdness or prostitution through coercion, threat, or deception, the penalty is nine years, or ten years if the victim is under 18 (Article 325 - Penalties).

(135)

Any person who relies for his livelihood on another person's earnings from engagement in lewdness or prostitution, and who influences, controls, or lures that person to engage in lewdness or prostitution, may be punished by imprisonment of up to five years (Article 326, paragraph 2). This penalty is doubled if the perpetrator is the husband of the victim (Article 327). The Penal Code also prohibits the establishment or running of places of prostitution or lewdness. It makes it a crime for any person to openly, in a public place, abet engagement in lewdness and prostitution. The penalty is increased to up to 15 years if the perpetrator is the victim's husband or ascendant or responsible for raising and caring for her.

Thus, the legislator has criminalized acts of abetting, facilitating, aiding, employing, luring, or seducing with the intent of prostitution and stipulates, in the felony of rape, a harsh penalty of up to life imprisonment or death under article 344 of the Penal Code.

III. Current Situation and Future Outlook

(136)

Bahrain is making a special effort to deal with human trafficking problems, particularly the trafficking of women. It has formed a task force comprising representatives of the concerned ministries to formulate a national strategy to suppress traffic in persons. A division has also been formed in the Ministry of Interior to prosecute persons involved in human trafficking crimes. The government has referred a draft law on the combating of trafficking of persons to the Council of Representatives. Many publications on the rights and duties of foreign workers have been issued in multiple languages for distribution to embassies and entry points. The Ministry of Labour has also established a hotline to receive complaints and provide advice, and it has appointed a number of inspectors to monitor the conditions of foreign workers.

(137)

Bahrain has also signed a number of relevant ILO conventions, including the Convention concerning the Abolition of Forced Labour (C105) and the Convention concerning Forced or Compulsory Labour (C029). It also signed the United Nations Convention against Transnational Organized Crime, and its supplementary protocols (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol Against The Smuggling of Migrants By Land, Sea and Air). As stated above, Bahrain also signed several other relevant conventions, including the Arab Convention on the Suppression of Terrorism.

Some women's associations and human rights associations have begun to examine cases of, and ways of suppressing, the trafficking and exploitation of women in prostitution. They are also preparing educational programmes on this issue. Precise statistics and information on this issue are unavailable, as it is still under study.

(138)

Article 7 - Political and Public Life

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

I. Eligibility to Vote

(139)

Article 1 (e) of the Amended Bahraini Constitution of 2002 states, “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 this Constitution and the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law”.

Article 5 (b) of the Constitution states, “The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the provisions of Islamic canon law (Shariah)”.

In addition, two decree-laws affirming women’s political rights have been issued, Decree-Law No. 14 of 2002 on the Exercise of Political Rights, and Decree-Law No. 15 of 2002 on The Consultative Council and the Council of Representatives.

1. Participation in Referenda

(140)

Bahraini women voted for the first time in the general referendum on the NAC, held in February 2001; 49% of Bahraini women voted in the referendum, which was approved by 98.4% of the people, paving the way for constitutional amendments and political and legislative reforms that grant women their full political rights and achieve many gains for women.

2. Participation in Municipal Elections

(141)

Bahraini women voted and stood for municipal elections in 2002, exercising their political rights granted under the NAC and Amended Constitution, the most salient such right being equality with men regarding political rights. On 9 May 2002, 31 Bahraini women and 275 Bahraini men stood for municipal elections. Although no women made it to the second round, 51% and 55% of Bahraini women voted in the first and second rounds respectively. These percentages reflect the evolution of political awareness among women and their desire to participate in political life. In

addition, five women stood for elections in 2006, compared to 160 males, although no woman won.¹⁴

(142)

3. Participation in Parliamentary Elections

Bahraini women participated in parliamentary elections as candidates and voters in 2002. Eight women and 169 men stood for elections. No woman won. However, two women candidates reached the second round, and Bahraini women are expected to do better in future elections. The percentage of women who voted, 47.7%, is considered good given the novelty of the experience. Bahraini women also voted and ran in the 2006 parliamentary elections; 16 women and 190 men ran, and one woman won unopposed.¹⁵

In 2002, six women were appointed to the 40-member Consultative Council; in 2006, 10 were appointed. The Consultative Council is one of parliament's chambers. It legislates alongside the Council of Representatives and is the only parliamentary chamber with a political function.

The following table shows the number and percentage of candidates in municipal and parliamentary in the first and second rounds of the 2002 elections according to sex.

Table 9

	<i>Women</i>		<i>Men</i>	
	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>
Municipal Council	31	10.1	275	89.9
Parliamentary Council:				
First round	8	4.2	169	95.8
Second round	2	4.3	44	95.7

Source: Central Information Agency.

The following table shows the number and percentage of candidates for municipal and parliamentary elections in 2006 according to sex.

Table 10

	<i>Women</i>		<i>Men</i>	
	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>
Municipal Council	5	3.1	160	96.9
Parliamentary Council	16	7.7	190	92.3

¹⁴ *Source:* Central Information Agency.

¹⁵ *Source:* Central Information Agency.

(143)

II. Public Positions

Article 16 of Bahrain's Constitution stipulates:

"a. Public jobs are a national service entrusted to their incumbents, and State employees shall have the public interest in mind when performing their jobs. Foreigners shall not be entrusted with public posts except in those cases specified by law.

"b. Citizens are equal in the assumption of public posts in accordance with the conditions specified by law".

All laws on government employees are consistent with the Constitution, which supports gender equality, as does Civil Service Law No. 35 of 2006, which regulates employment conditions in general and employment conditions of women in particular.

III. Civil Sector (Associations)

(144)

Article 27 of the Constitution stipulates, "The freedom to form associations and unions on national principles, for lawful objectives and by peaceful means is guaranteed under the rules and conditions laid down by law, provided that the fundamentals of the religion and public order are not infringed. No one can be forced to join any association or union or to continue as a member".

No restrictions prevent a woman or man from forming private associations or organizations in all fields. In particular, there are no restrictions linked to a woman's marital status.

Women comprise 65% of the members of the general assemblies and 40% of the members of the boards of directors of civil associations. Seventeen women chair professional and social associations, and 24 women chair 24 women's associations.¹⁶ The founding of the Bahraini Women's Association, announced in 2006, was a positive step forward in the civil activity of Bahraini women, strengthening other efforts to empower women in all fields.

1. Participation in Union Activity

(145)

Women have been joining labour unions since the issuance of Royal Decree No. 33 of 2002 (24 September 2002), which regulates labour union activity. As of September 2003, 36 unions had been formed. Of these, five are headed by women, including the Hotel and Catering Union, Free Markets Union, Union of Women Clothing and Textile Factory Workers, and EDS Gulf States Union. Women comprise 22.5% of the members of the boards of directors of unions. Recently, a woman became a member of the board of directors of the General Federation of Workers Trade Unions in Bahrain. Women's rate of participation in union activity is encouraging, especially given that less than two years have lapsed since union activity began to be organized.¹⁷

2. Participation in Professional Activity

(146)

Women are present in many professional associations, the main ones being the associations of physicians, engineers, attorneys, nurses, etc. However, only a few women have reached leadership positions in these associations, in which the percentage of women is still low compared to males.

¹⁶ Source: Central Information Agency.

¹⁷ Source: Ministry of Labour.

IV. Efforts to Date and the Future Outlook

(147)

The State is concerned with civil associations. The National Centre for the Support of Civil Associations in Bahrain, which is subordinate to the Ministry of Social Development, participates in social development. Its objective is to improve the performance of civil associations by providing them technical assistance and training to develop their capabilities. It also provides financial grants for institutional development and support of partnerships with civil associations in civil activity.

In addition, Bahrain has seen major, intensive efforts to promote the general political participation of women, including the following: The SCW has implemented an integrated “Political Participation Promotion and Political Empowerment Programme” designed to raise society’s awareness of the importance of women’s political participation. It urges women to exercise their political rights and trains women in political activity mechanisms and methods for succeeding in political activity by holding roundtables and workshops on these subjects in cooperation with the UNDP in Bahrain.

(148)

The SCW has also organized numerous workshops and training courses on the Constitution, election regulations, and laws regulating political rights in cooperation with the University of Bahrain. These activities started in last quarter of 2004 and ran continuously until the start of parliamentary and municipal elections in late 2006. The SCW also concluded several cooperation protocols with ministries and state institutions. These protocols are a key way of supporting women’s participation in the formulation and implementation of development plans.

(149)

For its part, the Council of Representatives passed the Law on Political Associations on 12 July 2005. This law permits citizens to establish, join, and organize the activity of political associations. Also, the Bahrain Institute for Political Development was established under Decree No. 39 of 2005. The institute holds courses and organizes workshops on political participation and the importance thereof. It also raises political and legal awareness among various Bahraini groups and emphasizes the importance of women’s participation in political life. A woman chairs the institute’s board of trustees.

(150)

Despite the measures taken, many impediments still block Bahraini women’s participation in politics and public life, including: social legacies and prevailing beliefs that do not approve of women’s participation in politics or public life, erroneous legal decisions based on independent interpretation of the legal sources [Koran and the Sunnah] that see a woman’s place being only in the home, and women’s lack of awareness of their political rights and the necessity of their participation in political and public life.

(151)

To overcome these impediments, action must be intensified to: encourage and qualify women desiring to engage in political activity, develop women’s ability to manage their time and reconcile family with public responsibilities, and encourage women to participate actively in civil associations. In this framework, political associations should be urged to adopt procedures and measures to promote the representation of women in leadership posts. They should also be urged to use laws, regulations, and procedures to support women’s actual political participation.

(152)

Article 8 – Representation and Participation of Women at the International Level

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations

I. Representation of Women at the International Level

(153)

In practice, women have yet to be given an adequate opportunity to serve as representatives at the international level in the post of ambassador, though no legislative or constitutional bar exists to women serving as ambassadors. One female ambassador was appointed in 1999, and one was appointed in 2007. By contrast, 23 men serve as ambassadors.

A woman holds the post of assistant UN Resident Coordinator/UNDP Resident Representative in Bahrain. Several Bahraini women serve as administrators at the United Nations Information Centre, United Nations Environment Programme, and the Technical Office for Communications of the Gulf Cooperation Council (through their offices in Bahrain).

(154)

Women comprise 15% of Bahraini diplomatic missions according to estimates of the Ministry of Foreign Affairs. Women have been appointed to serve as ambassadors and cultural attachés, and 12 local women are employed in other embassies.

By contrast, women enjoy good opportunities in other good international representation positions. Three Bahraini women serve as representatives to international organizations.¹⁸

A Bahraini woman was elected UN General Assembly President in 2006.

Thirty Bahraini women currently work in a number of international and regional organizations, compared to 19 in 2003. Bahraini women also serve on the Advisory Board of the Gulf Cooperation Council's Supreme Council. Bahrain is the only country represented by two women on this board.

II. Women's Participating in International Conferences and Meetings

(155)

Bahraini women have represented their country in many international and regional conferences, meetings, and forums, including the following for example:¹⁹

1. Fourth World Conference on Women, Beijing China in 1995.
2. Twenty-Third Special Session of the General Assembly regarding women in 2000, Equality Between the Sexes – Development and Peace, 5-9 June 2000.
3. Meetings of the Arab Women's Commission, League of Arab States Secretariat-General.
4. Meetings of the Women's Committee of the United Nations Economic and Social Commission for Western Asia.
5. Conference meetings of the 1st and 2nd Arab Women's Summits in Cairo (2000) and Jordan (2002) respectively.

¹⁸ Source: Ministry of Foreign Affairs.

¹⁹ Source: Ministry of Foreign Affairs.

6. Meetings of the Arab Women's Organization.
7. 59th Session of the Human Rights Commission, Geneva, March-April 2003.
8. 58th Session of the General Assembly of the United Nations, New York, September-December 2003.
9. Course on the Concept and Promotion of Human Rights in the Development Process, Lebanon, June 2003.
10. Meeting of the Financial Committee of the League of Arab States, September 2003.
11. Conference on Trafficking in Persons, Washington, 2003.
12. Second US-Islamic World Forum, Doha, January 2004.
13. 60th Session of the Human Rights Commission, Geneva, March-April 2004.
14. 59th Session of the UN General Assembly, New York, September-December 2004.
15. Roundtable on International Interests in the Gulf Region, Abu Dhabi, 15-16 March 2004.
16. The World Summit on the Information Society, Tunisia, 16 to 18 November 2005.

Recently, the Ministry of Foreign Affairs introduced a training programme for female ministry employees and diplomatic wives to enhance their knowledge of aspects of diplomacy required in diplomatic positions.

(156)

Bahraini women have achieved great gains in representation and participation at the international level. However, their participation in official duties abroad in various government agencies has dropped. In 2000, 357 women were sent abroad on missions, compared to 1870 men in the same year. In 2001, 419 women were sent abroad, compared to 2211 men. In 2002, 562 women were sent abroad, compared to 2649 men. In 2003, 415 women were sent abroad, compared to 2213 men. In 2004, 338 women were sent abroad, compared to 2227 men. Thus, action must be taken to increase the number of women sent abroad on missions and to boost women's participation through coordination with government agencies and the concerned ministries.

(157)

Article 9 – Nationality

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

I. Gender Equality regarding Naturalization

(158)

Article 18 of the Bahraini constitution stipulates, "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". The Constitution entrenches—in more than one place—the principle of gender equality in various spheres of life in Bahraini society.

(159)

Bahraini women enjoy full equality with Bahraini men regarding the acquisition of Bahraini nationality. A Bahraini woman's marriage to a foreigner, or her husband's change of nationality during their marriage, does not result in a change in or loss of her nationality, such that she would become stateless or have her husband's nationality imposed on her. Article 17 (a) of Bahrain's Constitution stipulates, "Bahraini nationality shall be determined by law. A person inherently enjoying his Bahraini nationality cannot be stripped of his nationality except in case of treason, and such other cases as prescribed by law". Article 17 entrenches an important principle consistent with CEDAW provisions, as it prohibits deporting or barring entry to a Bahraini citizen. Article 31 of the Constitution stipulates that the regulation of rights and duties may not impair the essence of the rights and duties. Bahrain's Constitution establishes the general framework for equality regarding nationality, leaving it to the law to regulate naturalization.

(160)

Accordingly, women in Bahrain are as equally entitled as men to hold Bahraini nationality or acquire other nationality. The nationality of a Bahraini woman is not affected by her marriage to a foreign man. The rule is that she may hold Bahraini nationality, which she must forfeit only if she acquires her foreign husband's nationality. However, she may regain her Bahraini citizenship if, after her marriage is terminated, she declares her desire to do so after she returns to reside in Bahrain.

II. Travel Documents

(161)

A Bahraini woman may independently obtain a passport (which is an identity document) and leave the country without the consent of her husband or guardian.

III. Bahrain's Reservation to Article 9(2) of the CEDAW

(162)

Bahrain has entered a reservation to Article 9(2) of the CEDAW, which states, "*States Parties shall grant women equal rights with men with respect to the nationality of their children*".

Nationality in Bahrain is regulated by the Bahraini Nationality Law of 1963 and amendments thereto. Article 4 (a) of this law, as amended by Decree-Law No. 12 of 1989, states that a person shall be considered Bahraini "if he was born in Bahrain or abroad, and his father was Bahraini at the time of the birth".

A person is also considered Bahraini by birth if he is born in Bahrain to a father who was born in Bahrain and who made Bahrain his regular place of residence, provided the father does not hold other nationality.

(163)

It should be noted that the Bahraini legislator observes patrilineal jus sanguinis, i.e., a child acquires Bahraini nationality merely upon being born to a father with Bahraini nationality. This situation is consistent with most Arab nationality legislation in Kuwait, the Kingdom of Saudi Arabia, Qatar, the United Arab Emirates, Jordan, Syria, and other countries. It is also consistent with foreign nationality laws in certain other countries.

Private international law jurists have entrenched this situation, because of the presumption that patrilineal jus sanguinis determines that one has a sense of national affiliation and spiritual bond to the nation to which his father belongs.

(164)

Bahrain's reservation to Article 9 of the CEDAW stems from the Bahraini Nationality Law's establishment of patrilineal jus sanguinis as the sole basis for the granting of Bahraini nationality, even if the father is married to a foreigner. Children born to a Bahraini woman married to a foreigner may not, however, be granted Bahraini nationality. Here, the Bahraini legislator has in mind the avoidance of dual nationality for children, who necessarily acquire their foreign father's nationality, as all legislation of the world entrenches patrilineal jus sanguinis.

(165)

In any case, the Bahraini legislator was mindful of this issue. To ensure Bahraini legislation's full consistency with the CEDAW, it has been recommended that matrilineal jus sanguinis be established as a criterion for determining nationality. This recommendation is still being discussed in the National Assembly.

Article 4(b) of the Nationality Law provides for matrilineal jus sanguinis in the following case: "A person shall be considered Bahraini: ... b. If he was born inside Bahrain or abroad, and his mother was Bahraini upon his birth, provided the father is unknown, or the child's kinship to the father has not been established legally".

It should be noted that the law grants Bahraini nationality to a child in the aforesaid case regardless of whether the child was born in Bahrain or abroad.

(166)

This is a progressive provision that is largely consistent with human rights principles requiring that children be entitled to naturalization in this case.

IV. Efforts to Date and the Future Outlook

(167)

Based on the royal directives issued to naturalize the children of Bahraini women married to foreigners, a number of requests for such naturalization have been granted, greatly reducing gender discrimination in this connection. It should be noted that the King is authorized under the Nationality Law to grant citizenship to children of Bahraini women married to foreigners. A royal order was issued to establish a joint committee of the SCW, Royal Chamber, and Ministry of Interior to study other such requests for Bahraini nationality with a view toward possibly granting Bahraini citizenship to the concerned applicants.

Action is also being taken to promulgate a new citizenship law. The Ministry of Interior is preparing a draft law for submission to the National Assembly for passage according to constitutional mechanisms. It is hoped that the promulgation of such a law will eliminate cases of discrimination against women regarding nationality.

Article 10 – Education

(168)

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;*
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

I. Overview of the Educational Situation of Women

(169)

Official, regular education for girls in Bahrain began in 1928. This early date has had a decisive impact, leading to women's highly effective participation in society and entry into the labour market, which has created positive social trends and attitudes toward women and the presence of women in the various fields of life.²⁰

²⁰ Source: Ministry of Education.

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Female students registered in government schools account for 50.5% of the total number of registered students. In academic year [AY] 2004/05, 62,185 females were registered in government schools out of a total of 123,237 students. In the same year, female students registered in private schools increased to 13,961 out of a total of 31,098 students, compared to 11,848 female students out of a total of 26,692 students in private schools in AY 2001/02.²¹

(171)

The educating of women and gender equality in education in Bahrain are evidence of the Kingdom's concern with women and tireless efforts to enhance the cultural and academic level of women. Gender equality applies to admission procedures at all educational levels. The following table shows the magnitude of the attention received by females in the field of education. It should be recalled that Bahrain was ranked number one in primary education by the UN report for 2004.

Table 12: Bahrain's Population Age 15 and Higher According to Highest Educational Attainment in 1991 and 2001

Highest Educational Attainment	Men		Woman	
	%	No.	%	No.
	1991			
Secondary Certificate	71.70	26,124	73.49	22,330
Post-Secondary Diploma	9.96	3,627	10.78	3,275
B.Sc. or B.A.	12.82	4,669	12.29	3,735
High Diploma	3.15	1,148	2.64	802
Master's Degree	1.76	641	0.62	189
Doctorate Degree	0.61	224	0.18	55
TOTAL	100.00	36,433	100.00	30,386
Secondary Certificate	69.96	43,232	70.15	42,177
Post-Secondary Diploma	8.98	5,550	10.31	6,199
B.Sc. or B.A.	13.03	8,049	14.34	8,620
High Diploma	4.68	2,891	3.93	2,363
Master's Degree	2.56	1,582	0.96	575
Doctorate Degree	0.79	490	0.32	190
TOTAL	100.00	61,794	100.00	60,124

Source: Ministry of Education.

(172)

The Kingdom has greatly reduced illiteracy among women through an intensive government programme in the context of a comprehensive illiteracy eradication plan. In 1971, of Bahrain's population age 15 and above, 76.1% of all women and 46.4% of all men were illiterate. By 2001, illiteracy had fallen to 17% and 7.5% of all women and men respectively.²²

²¹ Source: Ministry of Education.

²² Source: Central Information Agency.

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The Ministry of Education issued a report for AY 2004/05 entitled “Starting Year for Implementing Development Projects – Completion of the Requirements for Developing and Converting to Electronic Education, Provision of Universal Education, and Illiteracy Eradication”. The report points to the deep interest in eliminating illiteracy completely, providing universal education, and developing education (expanding electronic education in particular) consistent with emerging needs. The following statistics show the extent of concern with education.

Table 13: Number of Non-Bahraini Female Employees, Instructors, and Workers in the Ministry of Education

Primary education	45
Intermediate education	36
Secondary education	31
Departments and divisions of the ministry	4

Source: Ministry of Education.

Table 14: Number of Bahraini Female Employees, Instructors, and Workers According to Educational Level

Secondary schools	1905
Intermediate schools	2023
Primary schools for girls	2191
Schools for boys	1439

Source: Ministry of Education

Table 15: Number of Bahraini Female Employees and Workers in the Departments and Divisions of the Ministry of Education

Number of female workers in the ministry's departments and divisions	699
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Source: Ministry of Education.

Table 16: Inductive Statistics on Non-Governmental Private Schools for AY 2005/06

Type of school	Sex	No. of educational institutions
National schools	Males	246
	Females	1031
	Percentage of males	19.26%
	Percentage of females	80.74%
	Total	1277
Foreign schools	Males	180
	Females	1135
	Percentage of males	13.69%

Type of school	Sex	No. of educational institutions
	Percentage of females	86.31%
	Total	1315
Schools of expatriate communities	Males	8
	Females	29
	Percentage of males	21.62%
	Percentage of females	78.38%
	Total	37
Grand total for males		434
Percentage of males		16.51%
Grand total for females		2195
Percentage of females		83.49%
Grand total for all educational institutions		2629

Source: Ministry of Education

II. Women's Right to Education under the NAC and Bahraini Constitution

(174)

The NAC and Constitution guarantee the right of everyone to education at all educational levels without discrimination. Article 7(a) of the Constitution stipulates, "The State sponsors the sciences, humanities and the arts, and encourages scientific research. 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. The necessary plan to combat illiteracy is laid down by law".

Bahraini law does not distinguish between men and women regarding academic curricula, tests, and per-capita spending on public education.

The Bahraini legislator grants freedom to everyone to select a specialty, without imposing specific quotas for each specialty. Females may study the same subjects studied by males at all academic levels.

(175)

Provisions, decrees, and regulations on education are devoid of any discrimination against women. Women are granted the same educational opportunities at all levels. Women may also benefit from participation in academic study abroad and other academic scholarships. Women have the same opportunities to participate in continuing education programmes, including adult education programmes and functional illiteracy eradication programmes, especially programmes designed to narrow the gender gap in education.

The most recent Ministry of Education statistics show an increase in the percentage of females entering education. This percentage has been increasing at all educational levels, up to the university level. The statistics also show a drop in illiteracy in general, indicating that educational opportunities are provided to males and females equally without discrimination.

(176)

Bahrain has thus overcome the problem of providing educational opportunities to females at the primary, secondary, and university education levels. It is now moving to develop the quality of education and to expand education to include advanced programmes that meet the new and growing

educational and training needs of women. Its objective is to meet the current needs while keeping pace with global scientific, technological, and information developments and providing diverse options for advanced studies, ongoing education, and professional and specialized training programmes. In this way, Bahrain is increasing opportunities to empower women to participate effectively in development and in social, scientific, and economic progress.

III. Percentage of Adults Able to Read and Write

(177)

Illiteracy in Bahrain has declined thanks to improved school enrolment rates and the Kingdom's efforts to eliminate illiteracy. The Central Information Agency's report on the 2001 census states the following:

- Illiteracy in the Bahraini population fell significantly between the 1991 and 2001 censuses, reaching 7.5% for males, 17% for females, and 17.4% for both sexes in 2001 compared to 13.3% for males, 28.7% for females, and 21.0% for both sexes in 1991.²³
- Illiteracy among Bahrainis age 10-44 (the age group that is most productive and capable of producing in the future) fell to 1.4% for males, 4.0%, and 2.7% for both sexes in 2001, compared to 2.4% for males, 10.5% for females, and 6.4% for both sexes in 1991.²⁴
- 52.5% of the Bahraini population age 18 and older have completed secondary school or higher according to the 2001 census, compared to 39.1% in 1991.²⁵

These indicators point to Bahrain's concern with eradicating illiteracy. Bahrain has strengthened the role of education and provided every facility to eliminate illiteracy in the Kingdom.

Table 17: Knowledge of Reading and Writing Among the 15-24 Age Group According to the 2001 Census

Sex	Population (15-24 years)	Know how to read and write (number)	Know how to read and write(%)	Gender equality index
Total	82598	82013	99.29%	1
Males	42410	42087	99.24%	
Females	40188	39926	99.35%	

Source: Central Information Agency.

IV. Illiteracy Eradication and Adult Education

(178)

The Ministry of Education organizes non-regular educational programmes for illiterate persons and persons who have become literate and wish to continue studying.

Illiteracy eradication and adult education centres have been established throughout Bahrain in both rural and urban areas for both males and females. They are free of charge and cover up to the intermediate level. Students earn the equivalent of an intermediate diploma upon completing the remedial stage, which qualifies them to continue studying at the secondary level in government schools, if they are at the appropriate age, or from home.

²³ Source: Central Information Agency.

²⁴ Source: Central Information Agency.

²⁵ Ministry of Education.

The Ministry of Education's Adult Education Department works to eradicate the remaining percentage of illiteracy among illiterate citizens of both sexes in the 10-44 age group. According to the 2001 populations census, illiteracy totalled 12.3% in the general population aged 15 and older, as shown in the following table:

Table 18: Percentage of Illiteracy Among Bahrainis Age 15 and Up (1971-2001)

	1971	1981	1991	2001
Males	46.4	25.2	13.3	7.5
Females	76.1	48.1	28.7	17.0
Both sexes	61.0	36.6	21.0	12.3

Source: Central Information Agency.

(179)

Bahrain is committed to the "United Nations Literacy Decade", in which the countries of the world are called upon to lower illiteracy in each country by 50% of the illiteracy rate in 2003 by the beginning of 2012. Accordingly, the Ministry of Education has taken measures to reduce illiteracy by: reducing the number of male and female dropouts from primary and intermediate education, and reducing the number of illiterate persons by encouraging them to enter illiteracy eradication and adult education centres. For this purpose, the ministry is using the various media, especially visual media, to raise awareness of the importance of education. It is also undertaking educational campaigns through the educational centres, government schools, health centres, social centres, official organizations, and relevant civil society organizations.

V. Rates of Enrolment in Different Educational Levels in Bahrain

(180)

The Ministry of Education has focused on absorbing all children who are at the age of education. It has encouraged citizens and residents living in Bahrain to be concerned with the education of their children and to enrol them in government schools. It has also eased the procedures for opening private schools for the children of foreign expatriates living and working in Bahrain, so that these children can enrol in these schools and receive an education.

From 1992/93 to 2002/03, the number of children enrolling in primary education increased. In AY 2002/03, 148,417 male and female students were enrolled in government and private schools, up 19% from 120,657 male and female students in AY 1992/93. This increase reflects parents' heightened awareness of the importance of education.²⁶

Government education at all levels has spread extensively in the past 10 years. During this period, Bahrain significantly boosted the percentage of registered students. The net rate of absorption at the primary level is 100%, which places Bahrain on a par with the advanced countries (this indicator refers to the number of students registered in primary education who are in the official age group corresponding to primary education; it is expressed as a percentage of the total members of the corresponding population group).

²⁶ Source: Ministry of Education.

Table 19: Ratio of Females to Males in Primary, Intermediate, and Secondary Government Education

<i>Level</i>	<i>1992-1993</i>				<i>2002-2003</i>			
	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Ratio of females to males</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Ratio of females to males</i>
Primary	29403	28723	58126	49.4%	31671	31949	63620	50.2%
Intermediate	12856	13046	25902	50.4%	15080	15163	30243	50.1%
Secondary	9992	10185	20177	50.5%	12563	13909	26472	52.5%
Total	52251	5194	104205	49.9%	59313	61021	120335	50.7%

Source: Ministry of Education

Table 20: Statistics on Education in Bahrain for 2003-2004

<i>Educational system entrants</i>	<i>Female students</i>	<i>Male students</i>	<i>Equality index</i>
Primary	34,491	35,968	0.96
Intermediate	17,933	18,600	0.96
Secondary	13,738	12,282	11.12

(181)

Less than 1% of the children who started school in government primary schools were unable to reach fifth grade. This is an extremely low rate of children who leave school. If students leave, it is because of a transfer to a private school, a move abroad, satisfactory reasons, or death. All of these reasons are reflected in a low dropout rate.

Table 21: Number of Students Who Drop Out from Government Education According to Level, Reason for Dropout, and Sex for AY 2001/02

<i>Reason for leaving</i>	<i>Sex</i>	<i>Primary level</i>	<i>Intermediate level</i>	<i>Secondary level</i>	<i>Total</i>
Lack of desire to continue studying	Male	47	40	74	161
	Female	13	32	67	112
Dismissed due to repeated absences and other reasons	Males	6	6	142	154
	Female		2	3	5
Moved abroad	Male	12	4	5	21
	Female	11	3	4	18
Entry of other programmes (non-governmental schools and adult education)	Male	4	1	2	7
	Female	3	1	4	8
Home schooled	Male			8	8
	Female	1	4	12	17
Employment	Male	1	11	16	28
	Female		2	9	11
Search for employment	Male	1	11	24	36

<i>Reason for leaving</i>	<i>Sex</i>	<i>Primary level</i>	<i>Intermediate level</i>	<i>Secondary level</i>	<i>Total</i>
	Female	1		5	6
Marriage	Male				
	Female	1	13	39	53
Medical reasons (physical or mental illness)	Male	7	1	2	10
	Female	2	4	16	22
Death	Male	1	1	2	4
	Female	1	1		2
Mental, physical, and sensory disabilities (including entry to special education institutions)	Male	8	1		9
	Female	2			2
Learning disabilities	Male	1	2		3
	Female	2	2	1	5
Special family circumstances	Male	6	3	8	17
	Female	6	2	6	14
Total	Male	94	81	283	458
	Female	43	66	166	275
	Total	137	147	449	733
	Male	0.3	0.5	2.4	0.8
Dropout rate	Female	0.1	0.4	1.2	0.5
	Total	0.2	0.5	1.8	0.6

Source: Central Information Agency.

VI. Percentage of Bahraini Females who Register for and Graduate from Bahraini Higher Education

(182)

Statistics indicate a rise in the number of female students at the University of Bahrain (12,311 compared to 6442 males in AY 2003/04, i.e., females comprised 66% of the total number of registered students). Most of these female students are concentrated in the college of business administration, literature, the sciences, and information technology.²⁷

At the Arabian Gulf University, 253 Bahrainis enrolled for AY 2004/05, including 63 males and 190 females in the College of Medicine and Medical Sciences and the College of Advanced Studies. Thus, females constituted 75.098% of the total. Females in the College of Medicine and Medical Sciences comprised 75% of the total. In the College of Advanced Studies, females comprised 75.6% of all Bahraini students registered at the Arabian Gulf University.²⁸

(183)

The College of Health Sciences is the second largest national college for higher education after the University of Bahrain. Statistics for AY 2001/02 indicate an increase in the number of female students. During this year, female students in all specialties totalled 365 compared to 134 males.

²⁷ Source: University of Bahrain.

²⁸ Source: Arabian Gulf University.

The number of female students increased to 359 in AY 2003/04, to account for 83% of the total number of Bahraini students.²⁹

At the Gulf College for Hospitality and Tourism, female students comprise a large percentage of the registered students. Trainees in the short-term programmes at the college include a large percentage of females.

(184)

At the Bahrain Institute of Banking and Finance, in 2004, there were 3331 female trainees compared to 6418 male trainees. Female employee trainees at the Ministry of Foreign Affairs accounted for 74.3% of total trainees in 2004, during which 29 of the ministry's female employees received training.³⁰

At the Bahrain Training Institute (which trains citizens in various vocational and technical fields required by Bahrain to achieve economic, developmental, cultural, technological, etc. progress), female trainees in AY 2003/04 did not exceed 28% of the total number of trainees.³¹

(185)

A continuing education programme under the Continuing Education Division in the Department of Adult Education in the Ministry of Education trains students who are unable to continue on to higher education. The programme is open to both males and females. In AY 2002/03, males accounted for 42.9% and females 57.1% of the trainees in the programme.

The proceeding clearly shows the increase in the number of female students in all higher education institutions in Bahrain and that higher education opportunities are available for young women, a large number of whom are absorbed. However, vocational training is still unable to absorb large numbers of female students, because the required specialties are not offered.³²

(186)

At the University of Bahrain, which is the premiere official university in Bahrain, female graduates in the various specialties in AY 2001/02 totalled 66% of total graduates. This percentage rose to 68% in AY 2002/03. The percentage of female students registered for the current academic year, 2003/04, totals 66% approximately. University education opportunities are thus available to females. Moreover, females are admitted to university education in greater numbers than males, because males enter the labour market or vocational training at the Bahrain Training Institute. At the latter institute, females represent only 42% of this year's trainees at the aforesaid institute, and female graduates in AY 2003 totalled only 31%.³³

(187)

As indicated above, university education absorbs more females than the Bahrain Training Institute. This may also be due to the fact that most of the training programmes offered at the institute are restricted to males, as only 20 of the institute's 49 programmes are designated for both sexes. In other words, 59% of the programmes offered are for males only; these include precision control instruments technologies, chemistry, electricity, electronics, mechanics, etc. Another factor is that secondary vocational education is also restricted to males, who, upon graduating, are more prepared

²⁹ College of Health Sciences.

³⁰ Source: Bahrain Institute of Banking and Finance.

³¹ Source: Bahrain Training Institute.

³² Source: Ministry of Education.

³³ Source: University of Bahrain.

for post-secondary vocational education than females. The percentage of females who receive training in hospitality and tourism specialties is 58% of all trainees.

At the College of Health Sciences, females totalled 85% of all graduates in AY 2001/02 and 87% in 2002/03, which indicates the interest of females in studying these diverse specialties, which include nursing (which accounts for the greatest number of female graduates), pharmacy, and laboratory sciences.³⁴

(188)

The percentage of females admitted to Arab and foreign universities and colleges rose from 39% in AY 2001/02 to 57% in AY 2003/04 relative to the total number of [Bahraini] students admitted to Arab and foreign universities and institutions of higher learning. This is a good percentage if we add the high percentage of females admitted to higher education in Bahrain, where Bahraini families prefer to send their young women to higher education for social reasons.³⁵

Table 22: Ratio of Female to Male Graduates from Universities and Colleges in AY 2001/02

	<i>University of Bahrain</i>		<i>Arabian Gulf University</i>		<i>College of Health Sciences</i>		<i>Bahrain Training Institute</i>		<i>Arab universities</i>		<i>Foreign universities</i>		<i>Total</i>	
Sex	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Males	721	34	77	35	19	15	925	5.6	75	51	80	70	1897	6.47
Females	1382	66	141	65	104	85	445	5.32	71	49	34	30	2177	4.53
Table	2103	100	218	100	123	100	1370	100	146	100	114	100	4074	100

Source: Central Information Agency.

VII. Opportunities for Obtaining Graduate Degrees

(189)

If the family circumstances of women permit, post-graduate education and the obtainment of specialized academic qualifications are available to both sexes without discrimination. According to the results of the 2001 population census, the percentage of Bahraini women who obtain post-secondary degrees, such as the baccalaureate and diploma, approach the percentage of males. However, the gender gap widens regarding obtainment of a master's degree and doctorate, perhaps because women become preoccupied with family responsibilities and work and are thus unable to continue studying.

Table 23: Highest Educational Attainment According to Sex Relative to the Total Bahraini Population (15 Years and Older)

<i>Highest education attainment</i>	<i>Males (%)</i>	<i>Females (%)</i>	<i>Both sexes (%)</i>
Illiterate/reads only	7.51	17.03	12.26
Reads and writes	6.12	6.75	6.44
Primary	14.38	10.20	12.30
Intermediate	21.25	17.17	19.22
Post-intermediate	2.81	2.04	2.43
Secondary	33.52	32.83	33.17

³⁴ Source: College of Health Sciences.

³⁵ Source: Ministry of Education.

<i>Highest education attainment</i>	<i>Males (%)</i>	<i>Females (%)</i>	<i>Both sexes (%)</i>
Post-secondary	4.30	4.82	4.56
Baccalaureate/license	6.24	6.71	6.47
Advanced diploma	2.24	1.84	2.04
Master's degree	1.23	0.45	0.84
Doctorate	0.38	0.15	0.26
Not specified	0.01	0.00	0.00

Source: Central Information Agency.

VIII. Gender Equality regarding Academic Curricula, Tests, Scholarships, and Foreign Study Missions

1. Academic Curricula

(190)

Both sexes study the same curricula and books for the most part. However, at the primary level, certain areas are restricted to females, such as crochet, dolls, toys, and tricot, while carpentry, electricity, and metalworking are restricted to boys.

In vocational education, the ministry has sought to establish the specialties of textiles, clothing, and advertising for girls to achieve some balance in industrial vocational education, after restricting specialized industrial vocational education to males alone.

(191)

The Ministry of Education in Bahrain has sought to develop curricula and ensure that textbooks include social, political, and economic roles for women in an effort to eliminate stereotypes regarding the roles of men and women. This, after women have been portrayed in Arabic and Islamic social and educational curricula in predominantly social, familial roles, such as wife, mother, grandmother, and homemaker. Recently concepts and principles relating to women's political participation have been introduced educational curricula, which now also highlight women's role in health, education, economics, religion, and other fields. The Ministry of Education's educational curricula development plan for 2004/05 seeks to add other objectives for developing family education curricula based on new criteria, an experimental model, and educational materials.

(192)

The curricula for the sciences, family education, and Islamic education include subjects relating to: life skills; the structure, functions, and maintenance of physiological systems; signs of maturation; birth control; and the breastfeeding of infants. These subjects are treated from scientific, Islamic law, family, and social standpoints. The Ministry of Education is currently developing plans to introduce health education and reproductive health concepts to training curricula.

(193)

Regarding the skills needed for family planning, the family educational curricula in primary, intermediate, and secondary education have several aims. One is to provide male and female students with the knowledge, skills, values, and orientations that enable them to be a connected member of the family and society. Another is to equip them to exist in the work environment and to build a family in the future. The curricula cover nutrition, personal and public hygiene, environmental health, and household management. Household management includes: management of finances, time, and effort; use of appliances; self-management; cooking skills; and skills for

social relationships and raising children.³⁶ Family education is taught as a subject from fourth grade through twelfth grade for females. It has been introduced to males in 28 out of 74 primary schools (38%). Efforts are being made to introduce it further as more specialist teachers become available. At the secondary level, family education curricula are stipulated for both sexes.

2. Tests

(194)

The tests and criteria for passing or failing are equal for both males and females without discrimination. The teaching staff of both boys and girls schools must possess the same educational qualifications. The Ministry of Education provides government schools with school buildings with specifications suited to each educational level and equips them with the necessary scientific and technological installations and equipment for teaching the curricula—all without discrimination with respect to sex, according to the educational requirements at the various educational levels.

3. Mixing

(195)

Government schools in Bahrain are not coeducational. However, the Constitution does not prohibit coeducation, as it permits mixing in private schools and universities. The refrainment from mixing in the government schools may be consistent with the wishes of many people stemming from values and social customs, which serves to increase educational opportunities for girls.

4. Scholarships and Study Abroad

(196)

The government encourages young women to continue their university studies by offering scholarships and opportunities to study abroad in various specialties required by the country. Competition to obtain academic scholarships is based on academic achievement. Both male and female applicants are entitled to take advantage of the foreign study and scholarship opportunities established by the ministry each year, as shown in the following table:

Table 24: Percentage of Foreign Study Missions and Scholarships

<i>Year</i>	<i>Sex</i>	<i>Foreign Study Missions (%)</i>	<i>Scholarships (%)</i>
2001/02	Male	75.8	51
	Female	24.2	49
2002/03	Male	54.0	65
	Female	46.0	35
2003/04	Male	47.0	59
	Female	53.0	41

Source: Ministry of Education.

³⁶ Source: Ministry of Education.

(197)

The table above shows the substantial convergence in the percentage of males and females with respect to foreign study missions and academic scholarships in AY 2003/04 compared to discrimination favouring males in previous years. Also, the existence of a national university and a Gulf university, and the ease of access thereto, have propelled many female students from conservative families, especially in villages, to continue their education. The reduction of university tuition ordered by His Majesty the King in AY 2001/02 has also encouraged both sexes to continue their education. The high percentage of female teachers in the villages will no doubt have a social impact on these communities in the future. The Crown Prince's International Academic Scholarship Programme has granted 36 scholarships in the past four years, including 18 scholarships for females and 17 for males. This programme aims to help outstanding students of both sexes who would otherwise lack the financial resources to study abroad.

IX. Equal Participation in Sports Activities

(198)

Bahrain is a leading Arabian Gulf country in the field of women's sports. Physical education is a basic part of the day in girls schools at all educational levels. Extracurricular athletic activities are also held, including many competitions and championships. To promote school athletics, the Ministry of Education has established school training centres for the practice of athletic activities—including gymnastics, volleyball, tennis, basketball, and ballet—after regular school hours.

(199)

The Girl Scout Movement was established in Bahrain in 1970, and the Daisy Girl Scouts were formed in 1971. The Girl Scout Movement undertakes many activities and participates in Arab and international activities.³⁷

Women's athletic activity at the University of Bahrain has distinguished itself in the Kingdom. Young women engage in various team and individual sports. The university supports, and provides all the resources needed for, this activity, allocating time in its study programme for free athletic activity and opening the sports rooms and fields for the practice of sports, with separate facilities designated for male and female students.

The College of Education at University of Bahrain includes an academic division for physical education. Large numbers of female students have graduated from this division with bachelor's and master's degrees and work in education.

The Bahrain Football Association nominated a player on the women's national team, who is a member of its women's committee, for membership on the Bahrain Olympic Committee women's committee.

Table 25: Number of Female Students Registered in the Physical Education Division in the First Semester of AY 2004/05

No.	Specialty	Females	Males	Total
1	Doctorate in physical education	2	2	4
2	Master's degree in physical education in the Athletic Department	1	-	1
	Master's degree in physical education (athletic training)	2	1	3
	Master's degree in physical education (sports medicine)	1	2	3

³⁷ Source: Ministry of Education.

No.	Specialty	Females	Males	Total
3	Bachelor's degree in physical education	342	122	464
4	Provisional degree in physical education	10	10	20
	Total	358	137	495
	Percentage	72.3	27.7	100

Source: University of Bahrain.

X. Efforts to Date and the Future Outlook

(200)

Bahrain is keen to vigorously promote, develop, and improve educational inputs and outputs for both sexes, as education is truly for everyone. It has curbed dropouts and flunkouts due to poverty by providing poor students of both sexes with school assistance, e.g., breakfast, school uniform, school supplies, textbooks, etc. Students who flunk out are assisted in evening remedial classes in the same school, and learning disabilities are diagnosed. Regular and non-regular educational programmes are integrated, so that students of both sexes in the 10-22 age group who study in illiteracy eradication and adult education centres can gain admission to government schools to continue their regular education.

(201)

The quality of education has improved. Culture and technology have been introduced equally to boys and girls schools at all educational levels. The evaluation method in the schools has been upgraded. Computers have been introduced at all educational levels, especially in technical and vocational education. A design and technology curriculum has been introduced for both sexes at all levels of government education. Previous programmes to improve education quality include:

- a. "The Schools of the Future Project of His Majesty King Hamad". This project focuses on information and communication technology in education in all government schools with a view toward implementing electronic education.
- b. "The Secondary Education Academic Track Standardization Project". This project is intended to provide a high-quality education for males and females in the general and commercial education tracks, consistent with new developments and labour market requirements.
- c. "The International Scholarship Programme of His Highness Sheikh Salman Bin Hamad Al Khalifah, the Crown Prince and General Commander of the Defence Force". Each year, at His Highness' own expense, the best 10 general secondary school graduates in Bahrain are sent to the best international universities in the United States and Great Britain. Fifty percent of the students sent abroad are female, the goal being to promote Bahraini women.
- d. "The Crown Prince's Summer Programme," which began in 2004. This programme is oriented toward general secondary students of both sexes who excel in Bahraini schools. It is designed to instil self-confidence, leadership qualities, and personal skills in students to enable them to contribute positively to building the future. The students participate in specialized courses that allow them to acquire personal, interpersonal, problem-solving, and strategic thinking skills. In addition, students are admitted to training programmes organized by major Bahraini companies for the same purpose. Each year, 200 students of both sexes benefit from such programmes.

Health education and reproductive health have been introduced to academic curricula. Finally, education has also been universalized for both sexes at all levels of general public education.

(202)

The state also provides many specialized institutions and organizations to educate students with special needs. Remedial classes are offered in certain government schools for slow and developmentally disabled students. The Ministry of Education has acted to mainstream special-needs students. Some civil associations and private-sector organizations have established a number of institutions and centres for those with special needs, the most prominent being: al-Amal Institute, which is associated with the Mother and Child Care Association; and the Saudi-Bahraini Institute for the Blind. This state also provides special laboratories for special-needs students at the University of Bahrain and prints books in braille. Special cars have been assigned to transport such students from their places of residence to the university and back.

(203)

Despite these achievements, additional measures are needed in the future to promote education, including: increasing specialized training opportunities for women before and during work; preparing specialized training and educational programmes for instructors, curriculum specialists, and decision makers in education on the culture of equality, women's rights, and equal opportunity for both males and females; developing educational and vocational guidance services in educational institutions to direct girls toward choosing vocational specialties required by the labour market; encouraging the private sector to invest in technical education and vocational training for both sexes; and including the pre-school level in the primary educational scale.

(204)

Article 11 – Employment

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;*
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

I. The Employment of Bahraini Women under the Constitution, Legislation, and the NAC (205)

1. The Right to Work and Equality with Men in Various Fields

Bahrain's Constitution and NAC guarantee the right to work to every citizen without exception. Article 13 of the Constitution stipulates,

“a. Work is the duty of every citizen, is required by personal dignity and is dictated by the public good. Every citizen has the right to work and to choose the type of work within the bounds of public order and decency.

“b. The State guarantees the provision of job opportunities for its citizens and the fairness of work conditions”.

The same provisions are found in Chapter I (“Basic Principles of Society”), paragraph 7 of the NAC. Thus, the right to work is a primary, basic right guaranteed by the Constitution and NAC to all citizens, male and female alike. Moreover, Article 5(b) of the Constitution explicitly stipulates the right of women to work: “The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic spheres without breaching the provisions of Islamic canon law (Shariah)”. According to this paragraph, the state guarantees a number of basic rights for women, including the right to work, the right to reconcile this right with the duties of the woman toward the family, and the right of equality with men in different spheres, including the economic sphere.

(206)

His Highness the Crown Prince, pursuant to a royal commission and his chairmanship of the Economic Development Board in Bahrain, manages the economic development portfolio in Bahrain. In this regard, His Highness launched a comprehensive reform initiative. The initiative aims to unleash the creative capabilities of the Bahraini people, especially youth. It serves and advances production and development in the country. It also develops young people's capabilities through training, advanced education, and the creation of good job for new labour force entrants, especially women, whose participation in development is expected to grow continuously following the completion of the reform process and restructuring of Bahrain's labour market.

2. The Right to the Same Employment Opportunities

(207)

Bahrain's Constitution lays down the principle of equality among citizens, whereby there is no discrimination among citizens based on sex with respect to public rights and duties. The law also stipulates gender equality in the assumption of public posts. Article 16(b) of Bahrain's constitution stipulates, "Citizens are equal in the assumption of public posts in accordance with the conditions specified by law". Article 18 of the Constitution states, "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".

3. Employment Posts Open to Bahraini Women

(208)

Some improvement has occurred regarding the posts Bahraini women hold in the public and private sectors, though Bahraini women have yet to hold the post of governor and marriage official. Under the law, women may serve as members of municipal councils and parliament. No restrictions bar the entry of women to these councils as a member or representative. Indeed, a Bahraini woman won a seat in the Council of Representative in the 2006 parliamentary elections.

A woman has assumed the post of minister, deputy minister, assistant deputy minister, judge, chief public prosecutor, deputy public prosecutor, ambassador, college dean, army colonel, and director. A number of women have also been appointed to executive positions in banks and consulting firms.

II. Women and the Judiciary

(209)

Law No. 13 of 1971 on the Organization of the Judiciary does not restrict the holding of judgeships to males to the exclusion of females. Rather, it leaves the door open to both sexes to hold judicial posts as long as they enjoy full civil capacity to do so. Likewise, the new Judicial Branch Law issued under Decree-Law No. 42 of 2002 does not restrict judgeships to males. In 2003, four women were appointed to the Office of the Public Prosecutor, which is a constituent branch of the judicial branch. Three of these women were appointed with the rank of deputy public prosecutor, and one with the rank of assistant deputy public prosecutor. In addition, women hold several legal positions in the Ministry of Justice and Islamic Affairs, including one notary public, one documentation office chief, one deputy document office chief, six authenticating officers, and one public registrar. In 2006, the first woman was appointed to the post of judge in the Greater Civil Court. In 2007, a Bahraini woman was appointed to the post of chief public prosecutor and another was appointed judge in the Constitutional Court.

III. The Right to Choose One's Profession and Employment

(210)

Article 13(a) of the Constitution and Chapter I, paragraph 7 of the NAC contain the same provision on the right of choice of work: "Every citizen has the right to work and to choose the type of work within the bounds of public order and decency". Thus, both of these key documents guarantee the right of each citizen, whether male or female, to freely choose the work suited to his or her mental and physical capabilities, without coercion.

(211)

In this regard, Bahrain ratified two key ILO conventions, the Convention concerning Forced or Compulsory Labour (CO29 of 1930) and the Convention concerning the Abolition of Forced Labour (CO105 of 1957), which Bahrain ratified in 1981 and 1998 respectively. These two conventions require the states ratifying them to prohibit: forced labour, infringement of the right of a male or female to freely choose his/her type of work, and the forcing of individuals to engage in some types of work. There is no legislative or regulatory discrimination in Bahrain that would require a woman to work in certain occupations. However, in reality, we find that women tend to engage in occupations that suit their social and family circumstances, generally preferring government positions because of the regular hours.

IV. Women and Occupational Apprenticeships

(212)

The Labour Law for the Private Sector (No. 23/1976) includes a special chapter entitled, “Chapter 5: Apprenticeships”, which regulates apprenticeships and the terms thereof. The Minister of Labour issued decrees to implement the provisions of this chapter, including Decree No. 2/1982, which regulates the conditions of occupational apprenticeships in private-sector establishments. The decree divides occupations subject to occupational apprenticeship regulations into six groups: electricity, automotive mechanics, mechanical, construction, commercial, and catering and hotels. Bahraini women have tended to work only in commerce and in catering and hotels. The apprenticeship in the commercial sector is divided further into four occupations: accounting, business administration, secretarial, and office tasks. The apprenticeship in the catering and hotel sector is divided into three occupations: kitchen tasks, hotel management, and reception. Apprenticeships in the commercial sector and the catering and hotels sector are available to both males and females. However, females are more interested in commercial occupations than apprenticeships in catering and hotels. This is due to customs and traditions in Bahraini society and to the feeling among women that accounting, business administration, and secretarial and office work are more appropriate for them socially than hotel jobs. The number of Bahraini women working in the hotel sector at end-2003 totalled 242 or 12.3% of the 1964 Bahrainis working in this sector. Most of the Bahraini women working in hotels are concentrated in three main areas—reception, kitchen, and laundry. A number of Bahrainis hold grade-2 management positions in several major hotels, e.g., as sales and marketing managers. Some women hold hospitality service positions as well.

(213)

Bahraini women have also shown great interest in apprenticeships in banking, accepting positions in various categories of banking jobs. The number of female trainees at the Bahrain Institute of Banking and Finance in 2001 and 2002 totalled 3176 and 3368 respectively, compared to 3935 and 5545 male trainees in the same year.³⁸ Women accept apprenticeships in computers and computer applications, again, because they prefer office jobs.

(214)

The state is responsible for training in the medical sciences, having established the College of Health Sciences under the Ministry of Health’s supervision. This college graduates large numbers of females each year in nursing, pharmacy, and laboratory techniques.

³⁸ Source: Bahrain Institute of Banking and Finance.

The Women's Hairdresser Programme, which began in 2000, has also been expanded. It trains young women from needy families to enter the labour market in the area of women's hair styling and makeup. This programme has graduated 250 women; 109 are currently being trained.

V. The Right to Equal Remuneration and Benefits

(215)

The wage scale in the civil service sector shows no difference in wages between the sexes when they perform the same job. A woman receives the same wage received by a man holding the same position. Women are also equal to men with respect to most employment rights, including annual leave of 30 work days, sick leave of 24 work days per year, pilgrimage leave for 21 days during the period of employment, leave to accompany a sick person abroad for up to 60 days, leave of three work days for marriage, leave of three days for a relative's death, authorized absence with pay to perform official duties, health quarantine leave, and one month of leave with pay to study. Women and men are equal in all of these employment rights. In addition, women enjoy other benefits, including maternity leave of 60 workdays, two hours daily for two years to provide care, widowhood leave for four months and 20 days with pay, and leave without pay to care for children or other purposes.

(216)

The main difference in treatment between the two sexes concerns the social allowance. A woman working in the government does not receive any social allowance after she marries if her husband also works in the government. However, under Decree No. 27 issued by the Council of Ministers on 19 August 2003, a female employee is granted a social allowance as a "single person" even if she is married, while a man working with her receives a social allowance as a "married person" when his marital status changes from single to married. This is due to the fact that the allowance for marriage is granted only once to a family with no duplication permitted. Thus, the legislation in this case does not aim to entrench gender discrimination.

(217)

Likewise, regarding gender equality concerning wages, the King of Bahrain in 1984 ratified Arab Convention No. 15 of 1983 concerning the Determination of and Protection of Wages, issued by the Arab Labour Organization. Article 13 of the convention states that "working women shall be granted wages identical to those of men in the case of identical work". This is an explicit stipulation of wage equality between the two sexes when the same work is performed.

VI. Right to Social Insurance

(218)

The benefits received by women under Law No. 13 of 1975, which regulates the pensions of civil servants, are equal to those received by men in the civil service. Both women and men are entitled to: a retirement pension up to 80% of their annual salary and at least BD 150/month; a retirement gratuity of 15% of the annual salary for each year of service calculated for retirement purposes if the worker is not entitled to a retirement pension; remuneration of 3% of the annual salary for each year of service calculated for retirement purposes, up to 40 years; remuneration of 15% of the annual salary for a period of service exceeding 40 years calculated for retirement purposes, up to seven years; remuneration in the amount of the monthly salary for each year of service before attainment of the age of 18; death grant in the amount of the salary or pension for six months, depending on the case; funeral expenses in the amount of the salary or pension for three months, depending on the case; a pension in the amount of 80% of the salary based on which the pension contribution is made if a work injury leads to death or total disability; injury pension in addition to

job salary if an injury causes partial disability of 30% or more; one-time compensation if a work injury results in partial disability of less than 30%; and other retirement benefits received as a beneficiary of a deceased person's retirement pension in the woman's capacity as a deceased person's widow, daughter, granddaughter, sister, etc.

(219)

The social insurance benefits received by women working in the private sector under the Social Insurance Law applied since 1976 (Law No. 24 of 1976) are generally equal to those of men in terms of entitlement to an old-age retirement pension upon reaching retirement age, which is 55 for women and 60 for men. A woman must contribute to the social insurance system for 10 years to receive benefits. She receives a retirement pension on an ongoing basis. If she dies, the pension is transferred to her beneficiary sons and daughters. If a working woman leaves employment before reaching the age of 55, and she has contributed to the social insurance system for at least 15 years, she is entitled to receive an early retirement pension. She is also entitled to an old-age pension before reaching the age of 55 if she is incapacitated due to a non-occupational reason or becomes incapable of working due to illness or the physical impact of her health condition, and she has contributed to the social insurance system for at least six consecutive months before the occurrence of the disability or at least 12 non-consecutive months, three of which are consecutive, before the disability occurs. If a working woman dies during her employment and has contributed to the system for at least six consecutive months or 12 non-consecutive months, at least three of which are consecutive, her heirs are entitled to a death pension. A working woman who sustains a work-related injury is entitled to the same measures, compensation, pensions, medical expenses, etc. To which a man is entitled.

(220)

The social insurance system applies to all private-sector establishments that have at least nine employees and are in the category of small businesses as of 1 January 2005, as determined by the Ministry of Labour. This is the only remaining category of private establishments not yet covered by the social insurance system. Women working in such establishments receive, under the social insurance system, social protection in the form of a guaranteed, fixed retirement pension to cover their living costs after the end of their service. They also benefit from social insurance benefits in the event of sickness, disability, and old age.

VII. Protective Measures for Bahraini Working Women

1. Prohibition on the Employment of Women in Dangerous Jobs in the Private Sector

(221)

The Minister of Health issued Decree No. 5 of 1977 on Industries and Occupations That Are Dangerous and Damaging to Health in which women are prohibited from working. These occupations include those performed underground and in exposure to intense heat, e.g.: working in front of metal smelting furnaces; tasks that would subject women to major or ongoing physical exertion, e.g., jobs involving portage and carrying or pulling loads exceeding 15-20 kilograms; operations that would expose women to damaging vibrations in the upper extremities or the entire body, e.g., drilling in rock, roads, and buildings; operations that involve the handling or processing of lead; and jobs in which it is prohibited to employ pregnant women, e.g., those that would expose them to radiation of all types and x-rays or vapours or fumes of gasoline or derivatives thereof, jobs involving exposure to gene mutating substances, and other jobs that pose a danger to the health of pregnant women and their fetuses.

2. Prohibition on the Employment of Women at Night

(222)

In 1981, Bahrain ratified the international Convention concerning Night Work of Women Employed in Industry (CO89 of 1948), which prohibits the employment of women of various ages in public or private industries at night or for at least seven consecutive hours between 10 pm and 7 am. Bahrain is bound to comply with the provisions of this convention, which protect working women.

(223)

Chapter 7 of the Labour Law for the Private Sector (No. 23/1976) includes several provisions to protect women working in the private sector, including a prohibition on the employment of women at night between 8 pm and 7 am, excluding exceptional cases decreed by the Minister of Labour. The law also prohibits employing women in industries and occupations harmful to their health and the health of their foetuses, as determined by decree of the Minister of Health in agreement with the Minister of Labour.

The Minister of Labour issued Decree No. 18 of 1976 on the situations, activities, and occasions in which exceptions to the prohibition on the employment of women between 8 pm and 7 am are permitted, e.g., employment in hospitals, sanatoria, treatment facilities, airports, tourism offices, airline and communication companies, hotels and restaurants. Thus, aside from the cases excluded under Decree No. 18 of 1976, women may not be employed at night during the aforesaid period.

3. Prohibition on Dismissal from Service Due to Pregnancy or Maternity

(224)

To optimally provide for the protection of women and care of children, Article 61 of the Labour Law entrenches positive discrimination favouring working women by entitling them, if they are pregnant, to maternity leave of 45 days, including the period before or after delivery. This leave is with full pay and is not subtracted from the worker's annual leave. Working, pregnant women are also entitled to 15 days leave without pay.

In addition, for child care and breastfeeding purposes, Article 62 of the Labour Law entitles a working mother, after her return from maternity leave, to use break periods to nurse her new child for the two years following delivery. Breaks for breastfeeding purposes must total at least one hour/day. The nursing mother's entitlement to a rest does not affect her right to take rest periods granted normally to all workers.

(225)

In addition, "an employer may not dismiss a female worker due to marriage or during her maternity leave. The Minister of Labour shall issue a decree on the occupations and jobs of a female worker which her employer may change due to her marriage".

This provision implicitly prohibits dismissal or termination of employment due to marriage to a work colleague. Some companies and banks observe a new procedure for co-workers in the same division who marry: One of the spouses is transferred to another division or department or branch if possible to avoid the dismissal of one of them due to the marriage.

(226)

A woman enjoys the same leaves as those granted to a man and additional benefits, including:

- Marriage leave: A woman receives the same marriage leave granted to a male employee under the Civil Service Law (three days).

- Maternity leave of 60 days, starting from the date of the delivery.³⁹ Civil Service Bureau statistics indicate that during the period of 1 October 2003 through 23 February 2005, 1755 working women (11% of the female work force in the civil service) took maternity leave. The civil service includes 12,775 married and 3918 unmarried female employees. Thus, 83% of the female labour force in the civil service is married.
- Breastfeeding break for two hours daily for two years.
- Leave without pay to care for a child. The Civil Service Law entitles women to take up to two years leave to care for a child.

Civil service statistics show that during January 2002-September 2003, leave without pay for more than 30 days was granted to approximately 328 women in different Bahraini ministries.

4. The Right of a Working Woman to Complain about an Administrative Decision

(227)

The Bahraini legislator guarantees for a female employee all necessary means, exactly as it does for a male employee, to defend her rights as a civil servant by filing a complaint with her department director. A female employee may appeal the director's decision before a competent committee within the ministry. She may also contest a decision by the disciplinary council formed in the administrative agency in which she works.

A female employee is also entitled to file a complaint regarding an administrative decision with the regular judiciary in the form of an action requesting cancellation of the decision and demanding compensation in the case of an administrative decision that violates the law. An administrative court has been established with jurisdiction to hear complaints filed against agencies of the administration. This court was established as a part of the regular judiciary, not as a separate court. Therefore, Bahrain remains among the countries that have a uniform judiciary.

(228)

Civil Service Bureau statistics indicate that no complaints have been recorded regarding the acquired rights of a female employee, such as allowances, leaves, and salary. However, several complaints regarding promotions have been filed. Promotion issues, whether for men or women, are subject to many objective and subjective criteria and controls. A promotion is not an acquired right. Rather, it is conditioned by a number of requirements, all of which must be met by the concerned man or woman alike.

VIII. Reconciliation of Women's Duties Toward the Family With Their Work Responsibilities and Participation in Public Life

(229)

Health and educational services are available for the care of preschool children. However, further development in this area is needed, as nursery school and kindergarten have yet to be included in the official educational scale.

(230)

Private-sector companies have not undertaken to provide these services, which continue to be covered by several civil society institutions (women's associations) and several for-profit enterprises. As of December 2004, there were 38 nursery schools covering the needs of the 0-3 age group under the supervision and responsibility of the Ministry of Social Development.

³⁹ Source: Civil Service Bureau.

(231)

The Ministry of Education is responsible for supervising kindergartens and training female kindergarten teachers at a special centre for this purpose under the ministry. The College of Education at the University of Bahrain has also established a department of kindergartens which grants an intermediate diploma. The Ministry of Education's development programme for 2004/05 is now preparing kindergarten administrators and teachers in regular training courses for kindergarten teachers. The ministry will also soon establish a kindergarten teacher training centre in the area of Umm al-Hasam.

(232)

In 1991, Bahrain ratified the United Nations Convention on the Rights of the Child of 1989. Article 19(2) of this convention states, "Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child as well as for other forms of prevention ... described heretofore..." In regard to support for the child and childcare providers, Bahraini law provides for leaves and prohibits the employment of women at night and dismissal from employment due to pregnancy and maternity, etc. These measures reconcile the women's duties toward the family with their work responsibilities and participation in public life. Another means of relieving pressure on women is the Maintenance Fund, [established under the Ministry of Justice].

IX. Bahraini Working Women's Participation in the Domestic Labour Force

(233)

Over the past 30 years, Bahraini women have increased their participation in the domestic labour force in an ongoing manner. Women's household activities and cottage industries are not calculated in the work force or GNP.

Table 26: Participation of Females in the Domestic Labour Force in 1971, 1981, 1991, and 2001

	1971	1981	1991	2001
Males	35884	51949	73118	92565
Females	1843	9250	17544	32725
Total labour force	37727	61199	90662	127121
Rate of participation of females in the domestic labour force (%)	4.3	14.3	18.7	25.6

Source: Central Information Agency.

(234)

The increase in Bahraini women's share of the productive labour force reflects a major improvement in the situation of women in the labour force due to their entry into new employment sectors and holding of positions previously considered to be "male" positions.

Table 27: Number of Bahraini Employees According to Sex in Each Ministry as of 5 February 2005

<i>Ministry</i>	<i>No. of females</i>	<i>No. of males</i>	<i>Total</i>	<i>Percentage of females</i>	<i>Percentage of males</i>
Public Works and Housing	310	1392	1702	18.21	81.79
Information	127	289	416	30.53	69.47
Commerce (before merging with the Ministry of Industry)	87	195	282	30.85	69.15
Education	8705	6563	15268	57.01	42.99
Central Information Agency	107	108	215	49.77	50.23
Foreign Affairs	39	210	249	15.66	84.34
Ports	41	722	763	5.37	94.63
Agriculture	30	515	545	5.50	94.50
Islamic Affairs	6	68	74	8.11	91.89
Legal Affairs	14	35	49	28.57	71.43
Health	4398	3348	7746	56.78	43.22
Industry (before merging with the Ministry of Trade)	17	49	66	25.76	74.24
Civil Aviation	70	657	727	9.63	90.37
Justice	61	461	522	11.69	88.31
Labour and Social Affairs (Before they were separated)	465	354	819	56.78	43.22
Ministry of Electricity and Water	350	3205	3555	9.85	90.15
Public Authority for Youth and Sports	76	190	266	28.57	71.43
Ministry of Finance and National Economy	87	244	331	26.28	73.72
Transportation	48	448	496	9.68	90.32
Ministry of State 1	2	8	10	20	80
Ministry of State 2	4	8	12	33.33	66.67
Ministry of State 3	3	8	11	27.27	72.73
Ministry of Oil (before it became the Oil and Gas Authority)	21	85	106	19.81	80.19
Special Project	1	74	75	1.33	98.67
Survey and Real Estate Recording Agency	44	264	308	14.29	85.71
Civil Service Bureau	74	179	253	29.25	70.75
Bureau of the Prime Minister	16	76	92	17.39	82.61
Customs Administration	46	531	577	7.97	92.03
Ministry of State for the Affairs of the Consultative Council and Council of Representatives	2	13	15	13.33	86.67
Cabinet Affairs	18	61	79	22.78	77.22
Sunni Religious Endowments	0	46	46	0	100

<i>Ministry</i>	<i>No. of females</i>	<i>No. of males</i>	<i>Total</i>	<i>Percentage of females</i>	<i>Percentage of males</i>
Jaafari Religious Endowments	0	63	63	0	100
Supreme Judicial Council	0	115	115	0	100
Bids and Tenders Board	9	14	23	39.13	60.87
Central Warehouses	30	183	213	14.04	85.92
Radio and Television Authority	164	454	618	26.54	73.46
Grand Totals and percentages	15472	21235	36707	42.15	57.85

Source: Civil Service Bureau.

Table 28: Working Bahrainis (15 and Older) According to Main Economic Activity and Sex in the 2001 Census

<i>Economic activity</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>
Agriculture and livestock breeding	763	54	817
Fishing	862	30	892
Mines and quarries	1958	166	2124
Manufacturing industry	9606	3925	13531
Electricity, water, and gas	1270	82	1352
Construction	4061	351	4412
Trades and repair	8041	2414	10455
Restaurants and hotels	2020	427	2447
Transportation, storage, and communications	8230	1070	9300
Banks, insurance, and finance	3070	1534	4604
Real estate and leasing	4143	1076	5219
Public administration, defence, and security	29292	3910	33202
Educational institutions	3894	6528	10422
Hospitals, health centres, clinics, associations, social work	2426	3200	5662
Community activities and other services	3131	1104	4235
Employed in households	63	31	94
International and regional organizations	118	49	167
Not applicable	1936	116	2052
Total	84920	26067	110987

Source: Central Information Agency.

Table 29: Total Bahraini Workers in the Private Sector According to Main Occupation, Average Wage, and Sex as of February 2005

<i>Economic activity</i>	<i>Males</i>		<i>Females</i>		<i>Grand Total</i>	
	<i>Number</i>	<i>Average wage</i>	<i>Number</i>	<i>Average wage</i>	<i>Number</i>	<i>Average wage</i>
Scientific and technical professions	6232	564	2750	323	8982	564
Management and supervisory professions	2427	1291	509	742	2936	1291

<i>Economic activity</i>	<i>Males</i>		<i>Females</i>		<i>Grand Total</i>	
	<i>Number</i>	<i>Average wage</i>	<i>Number</i>	<i>Average wage</i>	<i>Number</i>	<i>Average wage</i>
Clerical professions	7776	528	7841	289	15617	528
Sales	2763	344	1610	203	4373	344
Agriculture and fishing	280	277	17	255	297	277
Tradesmen and production	11294	416	2743	137	14037	416
Transportation and communications	6634	229	234	138	6363	229
Services and sports	3961	252	1116	170	5077	252
Other professions	7711	245	636	347	8347	245
Total	49070	4147	17456	2604	66534	4147

Source: General Organization for Social Insurance.

(235)

Some women who are homemakers engage in self-employed, unregulated activity in simple handicrafts, limited for the most part to sewing and embroidering traditional clothing or making local dishes to help support their families or improve their standard of living, particularly in families with no income or limited income. The income from this work is not included in the GNP. These activities are also not subject to commercial registration regulations and are not covered by the social insurance system, because they are unregulated. Hence, there are no data or statistics on these activities, except for the “Producing Families Project”, which is implemented by the Ministry of Social Development. This project is intended to help families with limited incomes improve their own resources to make the shift from dependent to producing families. Through this project, the ministry provides training in household industries. It also provides raw materials and the necessary equipment at favourable prices and grants loans to some needy families to purchase raw materials and equipment for production and to facilitate the local marketing of products. Women are a basic element in the Producing Families Project, especially in activities relating to yarn spinning, sewing, embroidery, traditional handicrafts, incense, perfumes, flowers, and traditional confections.

(236)

In January 2004, Royal Order No. 5/2004 was issued to establish the Award of Her Majesty Shaikha Sabika bint Ibrahim Al Khalifah for Empowering Bahraini Women. The award is granted every two years to ministries and government agencies that distinguish themselves in their: support and empowerment of Bahraini working women; commitment to qualifying and training women and incorporating them in national development plans; achievement of the highest rates of women holding leadership, executive, and decisionmaking positions; and commitment to a policy of non-discrimination against women. The award is intended to provide an incentive for public and private sector entities to empower working Bahraini women to exercise their economic rights under national legislation and international conventions by providing women opportunities equal to those of men in all employment matters without discrimination. The award, while promotional in nature, is also protective, as it compels the public and private sectors to pursue a policy of gender equality and eschew gender discrimination of any type in the workplace.

In addition, His Majesty’s wife has honoured a number of female social work pioneers, bringing them into the limelight to encourage other women to follow in their footsteps.

X. Women's Participation in Unions

(237)

Royal Decree No. 33 of 2002 Regulating Labour Union Activity was issued on 24 September 2002. As of February 2005, 36 unions had been formed. Women have participated on the boards of directors of 15 unions and have headed five (12%) of the labour unions. The following table shows the number of women on the boards of directors of labour unions.

Table 30: Number of Women on the Boards of Directors of Labour Unions

No.	Name of union	No. of members	No. of women	%
1	Midal Cables	7	1	7
2	Free Zones	6	3	18
3	Batelco	15	1	15
4	Hotel and Catering Sector	11	4	44
5	Babco [Bahrain Petroleum Company]	15	2	30
6	BAS [Bahrain Airport Services]	11	1	11
7	Al-Darfah	11	1	11
8	Air Stewards and Stewardesses	9	1	9
9	Travel and Tourism	9	2	18
10	Insurance Sector	7	1	7
11	Chamber of Commerce	7	1	7
12	Bankers	9	1	9
13	Clothing and Textile Factories	10	10	100
14	EDS Gulf States in Bahrain	5	2	10
15	Al-Raja' School	21	21	100
	Total	153	52	7

Source: Ministry of Labour.

(238)

The previous table shows that women comprise 22.5% of the members of the unions' boards of directors, which is significant given that labour union activity began relatively recently.

XI. Protection of Working Women From Sexual Harassment

(239)

Article 115 of Chapter 14 of the current Labour Law stipulates, "An employer shall not dismiss a worker without payment of indemnity allowance, notice or compensation except in the following cases:...5. If the worker fails to perform his essential duties under the contract of employment".

If this provision is violated, a fine of BD 50 – BD 300 is imposed on the employer. The fine is multiplied by the number of workers against whom the employer commits a violation.

Article 351 of the Penal Code stipulates a penalty of imprisonment of three months or a fine not to exceed BD 20 for any person who, through speech or action, treats a female in a way that offends her modesty. Article 346 of the Penal Code states that any person who violates another person's honour without that person's consent shall be punished by imprisonment of up to seven years. An aggravating circumstance shall be deemed to exist under Article 348 if the perpetrator is the

victim's parent, or is responsible for raising or supervising the victim, or has authority over the victim, or is a servant of the victim.

(240)

XII. Foreign Working Women

Like other countries of the Arabian Gulf, Bahrain hosts large foreign communities. Foreigners resident in Bahrain total 276,154, including 190,568 males and 85,586 females. Most of the foreign residents work in various fields. The following table shows the activities in which foreigners engage.

Table 31

Major Economic Activity	Nationality/Sex								
	Total			Non-Bahraini			Bahraini		
	Total	Female	Male	Total	Female	Male	Total	Female	Male
Agriculture and Animal Husbandry	2260	78	2193	1452	22	1,430	817	54	763
Fishing	2214	38	2176	1322	8	1314	892	30	862
Mining & Quarrying	2780	197	2583	656	31	625	2124	166	1958
Manufacturing	49979	7240	42733	36448	3321	33127	13531	3925	9606
Electricity, Water & Gas	2515	94	2421	1163	12	1161	1352	82	1270
Construction	26416	447	25969	22004	96	21908	4412	351	4061
Trades & Repairs	34477	3350	31127	24022	936	23086	10455	2414	8041
Restaurants & Hotels	13093	1862	11201	10648	1466	9181	2447	427	2020
Transport, Storage, Communication	13769	2148	11621	4469	1076	3391	9300	1070	8230
Banks, Insurance, Finance	6475	1874	4601	1871	340	1531	4604	1534	3070
Real Estate and Leasing	16214	1554	14661	10994	476	10510	5221	1076	4145
Public Administration, Defence, and Security	52389	4255	48134	19186	345	16841	33203	3910	29293
Educational Institutions	13557	7825	5732	3135	1297	1838	10422	6528	3894
Hospitals, Health Centres, Clinics, Social Work	7572	4393	3179	1910	1193	717	5662	3200	2462
Community, Social & Personal Services	10544	1769	8775	6309	665	5644	4235	1104	3131
Employed in Households	29583	21921	7662	29469	21890	7599	94	31	63
Regional & International	2107	496	1611	1940	447	1493	167	49	118

Major Economic Activity	Nationality/Sex								
	Total			Non-Bahraini			Bahraini		
	Total	Female	Male	Total	Female	Male	Total	Female	Male
Organizations									
Not Applicable	5424	379	6146	3375	163	3212	2049	110	1939
Total	219378	59854	231524	180391	33787	146604	110987	26067	64920

Source: Central Information Agency and the 2001 Population Census.

(241)

Foreign women, excluding household servants, enjoy the same rights enjoyed by Bahraini women under the labour laws. There are 21,921 foreign women working as household servants. Women's organizations, civil society organizations, and official, governmental institutions make considerable efforts to monitor the legal and actual conditions of household servants through a mechanism that has been established to follow up on complaints filed by such workers with the Ministry of Labour. Efforts are also being made to amend the Labour Law to provide expanded legislative and legal protection to household servants.

XIII. The Role of the Civil Sector

(242)

Several associations in cooperation with the UNDP operate the Microstar (small enterprises) Project, which provides soft loans to women to start small businesses and thereby achieve economic independence.

(243)

The Producing Families Project was established in 1978 and upgraded in 2002 to train poor families to enhance their skills and ability to manage small projects to reduce their dependence on social assistance granted by the state and charitable organizations. Women comprise 70% of the beneficiaries of this project.

The Hasan Loan⁴⁰ Project, run by one the associations, provides loans to help women, especially family providers, become self-sufficient.

In addition, some associations train women in poor and limited-income families in suitable skills to enable them to enter the labour market and become self-sufficient. This eliminates unemployment among women and allows them to stop relying on charitable assistance. Training courses are organized in different occupations that are suited to the women's capabilities and can be practiced at home. The associations then monitor the women's production and help them market their products.

(244)

Several women's associations advocate for issues relating to the working women's rights, including maternity leave and nursing breaks under the Labour Law for the Private Sector. They also support demands by working women to improve working conditions and employment stability and to enact legislation to protect women. All of the women's associations have been active in training young women and mothers in rural areas, encouraging their material, mental, and cultural independence through diverse, accredited projects.

⁴⁰ [benevolent, interest-free loan under Islam]

One of the associations participates in the “Textiles Project”, which aims to revive a part of the folk heritage by enabling women to produce and market textiles. The same association implemented al-Malikiyah Rural Project in cooperation with al-Malikiyah Club, in which 40 young women were trained. Then, a sewing workshop was established for these women, enabling them to raise their families’ standard of living. The association also established a sewing shop in collaboration with the Ra’s al-Rumman Cultural and Athletic Club to train women in the sewing arts.

(245)

The associations are also seeking to establish a family promotion centre to create development projects serving women and families in the city of Hamad. One association has implemented a project to produce paper from date palm leaves in which a group of young women work. The association also focuses on vocational training and the implementation of programmes to elevate women through sewing and household management workshops in addition to the “Young Producing Women” centre, which engages in different handicrafts.

One association is implementing the Naqdah Project (Naqdah is a type of traditional embroidery done in a way suited to the times). It is also helping to train women in income-yielding trades, training young women to serve as companions for the elderly and children and in hospitality services to enable them to earn a steady income.

(246)

The SCW has adopted the problems of women working in unskilled occupations. It follows up with the concerned official agencies regarding problems of female workers in ready-made textile factories. Such workers represent a considerable portion of the female labour force (5845 workers).⁴¹ These women have low and intermediate level educations. Their problems include poor working conditions, low wages, and lack of occupational safety requirements. One association is also involved in this area, and a committee of women’s associations and labour federations has been formed with the Bahrain Chamber of Industry and Commerce to follow up on these issues with employers and attempt to devise the necessary solutions.

(247)

At the same time, professional associations are clearly moving toward the elimination of discrimination of women in various occupations. Some professional associations train and qualify women and create jobs for them. They include the Association of Engineers and Physicians, Secretarial Association, and Association of Bahraini Technicians. These associations seek out the participation of women in all their activities and training programmes, which they offer to female and male members on an equal footing to enhance their capabilities and equip them with the skills needed for technical jobs.

These associations have generally worked to urge public and private establishments to implement the CEDAW in practice, especially its articles on equal employment opportunities. They have also worked tirelessly to change the image of women, particularly working women, in school curricula and the media by stressing a positive image of women and the pressures affecting working women to highlight the need to help and support working women.

XIV. Difficulties and the Future Outlook

(248)

Despite the enactment and implementation of legislation guaranteeing working women’s rights, several difficulties still impede the application of Article 11 of the CEDAW, including: ignorance

⁴¹ Source: Ministry of Labour.

of working women's rights on the part of society and women, the preclusion of women from working in several areas due to cultural reasons and inherited traditions and customs, and the dearth of women in decisionmaking positions concerning employment.

(249)

Measures have been taken with a view toward the future to strengthen and secure gender equality, equal employment opportunities, equal treatment of men and women, and the economic position of working women and their families. These measures are intended to eliminate any existing, possible, or passing form of gender discrimination. They include: organization of a "Sexual Equality Week" by the SCW in cooperation with women associations and human rights associations in Bahrain, including the holding of a national conference on gender equality; educational activities to correct gender role misconceptions and to heighten women's awareness of their rights and roles under international conventions on women's rights on a par with similar such activities organized in other countries, which have a major social and educational yield; intensified media campaigns on radio and television; lectures discussing working women's rights to enhance women's legal awareness of channels for protecting women from all types of employment discrimination and to empower women to exercise their economic rights through equal access to production resources, labour, markets, and trade; action to unify maternity leave for women working in the public and private sectors to thereby strengthen working women's rights; and action toward Bahrain's ratification of the ILO Convention concerning Maternity Protection (CO103 of 1952), which protects women as mothers and workers and helps them reconcile their family duties and employment responsibilities by providing 12 weeks of maternity leave for working women. The following are also needed: unemployment insurance to ease the poverty of working women and meet their subsistence needs during periods of unemployment; urgent efforts to create decent jobs for women to secure their economic position against poverty and need; and intensified training workshops on the position of women in the labour market to enhance women's awareness of their rights.

Article 12 – Equality With Respect To Health Care

(250)

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*
- 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

I. Women's Use of Health Care Services in Bahrain on a Par With Men

(251)

The NAC, Chapter I, paragraph 6, states, "Based on the firm belief that family is the nucleus of the society and that good family is key to a cohesive society as well as key to upholding religious and ethical values and national sense of belonging, the state protects the legal form of family as well as maternity and childhood, provides care to children, protects them from exploitation and moral, physical and spiritual negligence. In particular, the state pays special attention to physical, moral and mental development of youth". Article 8(a) of Bahrain's constitution affirms what is stated by the NAC: "Every citizen is entitled to health care. The State cares for public health and the State ensures the means of prevention and treatment by establishing a variety of hospitals and healthcare institutions".

Thus, Bahrain is clearly concerned with health services, including preventive and treatment services and training. Bahrain has adopted international plans and strategies to achieve the highest level of health care—in the comprehensive sense of physical, psychological, mental, and social health—with no gender discrimination. The state guarantees social insurance for citizens in the event of old age, inability to work, orphanhood, widowhood, and unemployment. The state provides social insurance services and health care for its citizens. It is concerned with health policies that achieve the health goals of everyone.

1. Health Facilities and Services in Bahrain in General

(252)

The government's work programme covering up to 2006 focuses on preventive services and the development of treatment services. Health care has expanded as the number of hospitals and health centres has increased. The quality of services offered to citizens in general and to women and children in particular has also risen considerably. There are 20 health units and two health clinics (0.33 per 10,000 people) and nine government hospitals.⁴²

(253)

The private sector's role in providing health care has grown recently, with the number of private hospitals increasing from three to six. There are also many small hospitals, clinics, and medical complexes. The Ministry of Health recently announced a health strategy that covers the general objectives, orientations, and policies to be pursued over the next decade, focussing on the development of preventive care and treatment, citizen participation on health councils, the broad opening of the health sector to investment, and the promotion of medical tourism.⁴³

(254)

All health services are provided free of charge to all citizens, including women and children. Non-citizens receive health services at nominal prices not exceeding \$2.5 per medical consultation. Diagnostic examinations and medicines are all provided free of charge, which places a significant burden on state resources.⁴⁴

(255)

The quality of health services in Bahrain has developed, as has the fairness of service distribution. Health centres are located throughout country and are easily accessible. However, one health centre must serve as many as 6,000 to 69,000 people. This taxes manpower, adversely affects services, and makes it difficult in some areas to obtain appointments for some services, including dental services and prenatal care in some clinics, particularly initial appointments.⁴⁵

Despite the work volume pressure, there is no rural/urban or gender discrimination in health service level and quality. Women, due to their physiology and reproductive nature, may even receive more preventive services than men.

2. Health Facilities and Services in Bahrain Available to Women in Particular

(256)

Family physicians, community health nurses, and legal midwives provide medical preventive and treatment services to women in the various stages of their lives through the health clinics. The

⁴² Source: Ministry of Health.

⁴³ Source: Ministry of Health.

⁴⁴ Source: Ministry of Health.

⁴⁵ Source: Ministry of Health.

preventive services provided to women and children have been combined in primary health care since the 1980s through the mother and child divisions in the health centres.⁴⁶

Primary treatment services are provided in all health centres, and specialized treatment is provided in government and private hospitals. The health centres or private clinics refer at-risk patients to government and private hospitals. The services provided include specialized services to treat gynaecological and paediatric diseases and reproductive and infertility problems. The hospitals are staffed by specialist medical support and technical staff and possess the most scientifically advanced medical equipment and technologies.

(257)

Following are the medical preventive and treatment services provided to women in the various stages of their lives:

1. Periodic examination of the child and nutrition.
2. Inoculations.
3. School health and adolescent health.
4. Premarital testing.
5. Prenatal, birth, and postnatal care.
6. Family planning services.
7. Treatment and preventive services for women's diseases.
8. Treatment and preventive services for chronic, infectious, and non-infectious diseases.
9. Geriatric care.
10. Health education services.

Regarding reproductive health, the percentage of pregnant women making repeat visits to clinics at the national level has reached 80.4%, and 98-99% of births occur in hospitals under medical supervision.⁴⁷

3. Prenatal, Birth, and Postnatal Health Care for Women

Premarital Testing and Guidance and Counselling Services

(258)

Premarital testing services are offered at all health clinics. At-risk cases are referred to specialists in the central hospital (al-Salmaniyah Medical Centre). Guidance and counselling are provided to persons approaching marriage. In addition, educational publications are distributed to the community. These services are intended to raise society's awareness of common hereditary blood diseases in order to lower the rate of sickle cell anaemia among infants, which reaches 0.9% (16% of population are carriers, and 1.2% of males and females are affected by the disease). Use of these Ministry of Health services rose from 5% in 1993 to 43% in 2003. Most individuals using these services wish to ascertain whether they carry the genes for certain diseases. In 2004, a law requiring premarital testing was passed, marking an important step to improve health care.⁴⁸

⁴⁶ Source: Ministry of Health.

⁴⁷ Source: Ministry of Health.

⁴⁸ Source: Ministry of Health.

Prenatal, Birth, and Postnatal Health of Women

(259)

The Ministry of Health is especially concerned with women before, during, and after pregnancy. It provides periodic examination services for pregnant women in all health centres. At-risks cases are referred to pregnancy clinics in the hospitals. On the national level, 80.4% of pregnant women visit prenatal clinics 6-7 times per pregnancy.⁴⁹

(260)

All of these services are reflected positively in the percentage of normal-weight newborns (2.5 kilograms and higher) at birth, which was 90% in 2003.⁵⁰

Despite the high rate of multiple visits by pregnant women to pregnancy clinics, the percentage of women visiting clinics six weeks after delivery for examinations does not exceed 62% according to a family health study (1995).⁵¹ Some analytical studies show that women's lack of concern for themselves following delivery is due to their focus on the newborn child, their fear of the gynaecological examination and lack of conviction in its importance, and their apprehension over the unavailability of a female physician to conduct the examination instead of a male physician.

(261)

According to statistics of the Women and Birth Division in the Ministry of Health, the main reasons for pregnant women's admission to hospitals in 2003 include: gestational diabetes, 4.2%; sickle cell anaemia carriers, 5.3%; sickle cell anaemia sufferers, 0.6%; preeclampsia, 2.4%; and other reasons, e.g., asthma, heart disease, metrorrhagia resulting from pregnancy, etc., 3.2%.⁵²

(262)

Births totalled 14,361 in 2003, compared to 13,487 in 2002. Of the 2003 births, 75.9% occurred in Ministry of Health hospitals, of which 14.5% were caesarean and 10.3% premature, compared to 9994 births in 1991, of which 7.4% were caesarean and 5% premature. Of total pregnancies, 12.6% were miscarriages.⁵³

In 2003, spontaneous abortions totalled 8950 per 100,000 of the female population aged 15-44; and pregnancy, birth, or post-partum complications, including spontaneous abortion, affected 62,317 per 100,000 of the female population aged 15-44 in 2003 at al-Salmaniyah Medical Complex.⁵⁴

Inoculation of Pregnant Women

(263)

The services offered to pregnant women include routine examinations to detect German measles. The annual rate of pregnant women inoculated against this disease in 1998 totalled 88%, compared to 94.4% in 2002. The rate of affliction with German measles is one per 100,000 of the population.⁵⁵ Tetanus vaccinations given to pregnant women in two or more doses covered 55.5%

⁴⁹ Source: Ministry of Health.

⁵⁰ Source: Ministry of Health.

⁵¹ Source: Ministry of Health.

⁵² Source: Ministry of Health.

⁵³ Source: Ministry of Health.

⁵⁴ Source: Ministry of Health.

⁵⁵ Source: Ministry of Health.

of pregnant women in 2003, as most pregnant women receive tetanus vaccinations in childhood or school inoculation campaigns, and their inoculation rate normally declines with time.⁵⁶

Table 32: Rate of Coverage of Pregnant Women and Children (Age 1-6) in 2002

Pregnant women who received two or more tetanus vaccine doses	55.5%
Children protected at birth against tetanus	90.5%

Source: Ministry of Health, Health Statistics for 2002

Breastfeeding and the Inoculation of Children

(264)

Based on the belief that breastfeeding is the best nutrition source for infants, since 1993, the “Child-Friendly Hospitals Project” has been implemented in all Ministry of Health hospitals and health centres, which provide 78% of pregnancy and obstetrics care services in the country. A ministerial committee has been formed to implement the programme. The committee’s members include a number of specialists in the ministry and representatives from the Defence Force Hospital.

The breastfeeding rate is 95.1% according to data of a study conducted by the Nutrition Division in the Ministry of Health (2002) to evaluate breastfeeding in the country. The average nursing period is 5.4-7.6 months. The rate of exclusive breastfeeding (without additional food or liquids, including water) does not exceed 10%. This rate is considered low. It is thus necessary to intensify educational nutrition programmes. Bahraini society still believes that water for nursing children in the first months is essential. There are no differences between the nursing of male versus female infants (Ministry of Health).

Data of a multi-indicator cluster survey [MICS] conducted in 2000 shows that 64.3% of the children in the sample continued breastfeeding until the end of their first year, and 22.7% until end of their second year. The rate of children aged 6-9 months who were given supplementary food according to the World Health Organization’s recommendations totalled 59%.⁵⁷

(265)

Regarding inoculation of children, inoculations began in Bahrain in 1956 with inoculation against tuberculosis. In 1957, a triple inoculation was administered for diphtheria, tetanus, and pertussis [DTP]. In 1974, a national campaign was initiated based on international inoculation recommendations.

The rate of immunization of infants and children in 2002 is as follows: DTP and polio, 97.3%; triple inoculation for measles, German measles, and mumps, about 100% for the first dose and 99.5% for the second; third dose for infectious hepatitis B, 98%; and third dose of the vaccination against haemophilus influenza type B, 97.2%.

There are no gender differences regarding inoculations. Typically, inoculations are administered at health centres, government hospitals, private hospitals, or private clinics.⁵⁸

⁵⁶ Source: Ministry of Health.

⁵⁷ Source: Ministry of Health.

⁵⁸ Source: Ministry of Health

(266)

According to the statistics of the Public Health and Infectious Disease Division of the Ministry of Health, no infectious diseases—e.g., diphtheria, pertussis, neonatal tetanus, tetanus, and polio—were recorded in the past five years. Measles affected 1.7% per 100,000 of the population.⁵⁹

The Ministry of Health, in cooperation with the Ministry of Education and the Bahraini Association for Genetic Blood Diseases, has for a number of consecutive years conducted periodic examinations of male and female students in 10th grade to detect and enhance awareness of genetic blood diseases to enable students to make important decisions in their lives regarding commitment and marriage. The rate of affliction with sickle cell anaemia among students in 2002 was 3.3%, and the rate of carriers of Thalassemia was 13.8%.

II. Ensuring that Women Obtain Adequate Nutrition

1. Nutrition During Pregnancy and Nursing

(267)

One of the most important challenges targeted by health strategies is lowering the rate of iron-deficiency anaemia among pregnant women, which reaches 40%, compared to a general affliction rate of 32%. These rates in the Bahraini population are high relative to the population's educational level. To treat this health problem, iron and folic acid pills are given to pregnant women, and routine haemoglobin tests are administered in prenatal clinics. Intensive educational sessions are also held, and publications on sound nutritional methods for pregnant and nursing women are distributed.

2. General Nutrition Among Women Age 19 and Older

According to another study conducted to evaluate the nutritional situation among citizens 19 years and older, 36.7% of men and 28.3% of women, are overweight, and 23.3% of women and 34.1% of men are obese. Women and men obtain 80% and 70% respectively of the internationally recommended daily amount of calcium in food. These data pose major health challenges requiring intensified nutritional educational programmes.

General Indicators of the Health Situation of Women in Bahrain

Mortality Rate of Mothers During Pregnancy, Childbirth, and After Birth

(268)

The mortality rate of women during pregnancy, childbirth, and after birth is a primary measure of the general health level in any country. In Bahrain, the rate is low compared to international rates, not exceeding 22 per 100,000 live births, i.e., 2-3 per year. The causes of death include sickle cell anaemia, haemorrhaging and the complications thereof, and toxemia. The rate of [health care] coverage for women is 99%, and the rate of supervision of birth is 99.5%. The availability of service in different areas of the country is similar, with no discrimination.

Average Life Expectancy at Birth

(269)

The average life expectancy at birth in Bahraini society has risen noticeably, meriting Bahrain a high ranking in United Nations Human Development Reports five consecutive years. In 2003, the average life expectancy was 72.1 years for males and 76.3 years for females. The overall rate for both sexes rose to 74.2 years compared to 63 years in 1970. In this regard, Bahrain ranks equally

⁵⁹ Source: Ministry of Health.

with the advanced countries. The rate of newborns at normal weight (2.5 kilograms or more) at birth is 90%.⁶⁰

Child Mortality Rate

(270)

Thanks to the available services, most health indicators have improved. In 2003, child mortality rates fell compared to the past. The infant mortality rate totalled 7.3 per 1000 live births. The rate of foetal death around birth dropped to 10.3 per 1000 births, compared to 14.8 in 1998. The mortality rate among children under five was 9.5 per 1000 live births in 2003, compared to 11.1 in 1998. The rate of stillborns was 7.2, and the rate of miscarriages was 87.5 per 1000 live births in 2003. These rates are considered low compared to other countries of the world.⁶¹

Health Care for Children Under Six

(271)

Periodic examinations of children under six are an important preventive service for this age group. This service is available in all health centres. The focus in these periodic visits is on measuring growth (height, weight, head circumference) for the purpose of early detection of malnutrition.

According to the data in the MICS-2000, in Bahrain's under-five population, 7.6% were underweight (a low rate), 6.4% showed wasting (too thin for their height), and 8.1% showed height deficiency relative to age. These rates are considered low in general, reflecting the development of periodic, paediatric examination services with a focus on sound nutritional methods.

(272)

The rate of iron-deficiency anaemia among children five months to five years of age according to a 1996 study by the Nutrition Division in the Ministry of Health is 26.7%. Strategies and plans are needed to lower this rate.

A strategy has indeed been formulated to routinely test the haemoglobin of all children at age nine months to detect the problem early and begin treatment to avoid the risks of iron-deficient anaemia, which include delayed physical and mental development and a low level of comprehension and understanding in the early development stages of the child's life. In addition, health workers are given ongoing training in conducting anthropometric measurements using sound methods and in reading the results and formulating the necessary treatment plans. Nutrition education activities have also been intensified. Precise nutritional tables have been published for all age groups below six. These tables cover the quantities and types of food required by this age group. The Nutrition Division in the Ministry of Health is also making efforts in this regard. In 2001, domestically produced flour was fortified with iron to reduce iron deficiency anaemia.

Birth Control Use Rate

(273)

Birth control is available at all health centres and government and private hospitals. The various birth-control methods are described after the necessary medical examinations are conducted to determine which birth control method best suits the woman's health.

According to the Family Health Study conducted in 1995: 62% of married people use birth control, including 9% who use birth control pills, 5.5% of women who undergo tubal ligations, and 2.5%

⁶⁰ Source: Ministry of Health.

⁶¹ Source: Ministry of Health.

who use the intrauterine device; and 32% use traditional methods, including 10% who use condoms and 19.6% who use withdrawal.

Table 33

<i>All methods</i>	<i>Modern Methods</i>							
	<i>Modern methods</i>	<i>Birth control pills</i>	<i>IUD</i>	<i>Injection</i>	<i>Vaginal methods</i>	<i>Diaphragm</i>	<i>Tubal ligation for women</i>	<i>Other</i>
3.461	38.2	0.4	1.3	26.3	3.2	1.1	6.2	9.6

<i>Traditional Methods</i>				<i>None used</i>	<i>No. of women</i>
<i>Safe period</i>	<i>Separation</i>	<i>Breast feeding</i>	<i>Other</i>		
0.0	0.0	2.9	10.9	30.6	61.8

Source: Family Health Study, 1995.

III. Women and Infertility

(274)

Infertility is the inability to procreate during a period of at least one year in which natural intercourse occurs repeatedly without any birth control.

Previously, before the development of advanced infertility treatment methods, women bore most of the psychological pressures and physical pain of infertility as a social stigma within the husband's family and society. Women, therefore, were the main recipients of treatment, often lacking support from their husbands or their husbands' families.

Following the development of infertility treatment methods, information on infertility has been conveyed to society through the various media. Society's awareness has been heightened regarding the joint responsibility of both the husband and the wife for infertility.

Bahraini hospitals have sought to provide the necessary conventional treatment for infertility in the Department of Gynaecological Diseases and Obstetrics in the Ministry of Health and the Military Hospital through consultations and the conduct of the necessary analyses to provide pharmaceutical and surgical treatment solutions whenever possible.

(275)

An In-Vitro Fertilization Centre was established and began operating in 1988 at the Military Hospital. It provides treatment to couples not helped by conventional methods, depending on the causes of the infertility. Among the treatment programmes offered at this unit is a genetic analysis programme. Genetic science is used to identify sick foetuses before they are returned to the mother, especially in families that suffer from genetic diseases, such as sickle cell anaemia, thalassemia, and other genetic disorders.

IV. Women's Diseases in Bahrain

1. Periodic Examination of Women to Detect Breast and Cervical Cancer

(276)

Bahrain is a pioneer in providing periodic examination services for women for the early detection of breast and cervical cancer at all health centres. At-risk and actual cases are referred to

specialists at al-Salmaniyah Medical Centre (the government hospital) where precision diagnostic instruments and qualified staff are available to conduct the necessary tests and surgical operations.

The Ministry of Health has provided preventive services since 1993. However, these services still do not reach all targeted women due primarily to the low level of awareness among women of the importance of conducting such examinations and the inconvenience of having to return for periodic examinations.

Therefore, only 10% of women undergo breast examinations and only 50% undergo cervical examinations.

2. Cancer Rates

(277)

The Bahraini Cancer Registry was initiated in 1994 under a ministerial decree. All physicians and hospitals have been urged to report any cases of cancer and tumours in Bahrain. These cases are then monitored to determine the most important types and rates of incidence of cancer in Bahrain. This makes it possible to plan protection and treatment and determine cancer causes if any.

According to statistics for 2000, there were 402 registered cases of cancer, 47.5% affecting men and 52.5% affecting women.

Breast cancer is the main form of cancer among women in Bahrain, accounting for 38.4% of cancer cases in Bahrain (compared to 16.2% among women in the Sultanate of Oman). Lung and prostate cancer are the main forms of cancer in men.

The incidence of lung and ovarian cancer in women is 6.6% and 5.7% respectively.

(278)

The aforesaid registry shows that all types of cancer occur among 3.7% of males before age 15 and 53% after age 64, and among 3.8% of females before age 15 and 30% after age 64.⁶²

The average age of affliction with cancer is 62.1 among men and 53 among women. The incidence of cancer increases with age.

The crude rate of incidence of cancer among Bahrainis was 94.9 per 100,000 males and 106.7 per 100,000 females.⁶³

Among Bahraini children under 15 in 2000, there were 15 cases of cancer recorded, including seven among boys and eight among girls. Three cases of leukaemia, two cases of cancer of the nervous system, and two other cases of cancer were recorded among boys, compared to six cases of cancer of the nervous system and two cases of leukaemia among girls.

3. Sexually Transmitted Diseases and AIDS

(279)

Sexually transmitted diseases and AIDS are among the health challenges facing the world. The Ministry of Health has formed a committee to monitor such cases in Bahrain, enhance the diagnostic capabilities of laboratories, train health workers in diagnosis and treatment, and formulate regulations for referring cases to the competent committees for consultation and to monitor the testing of all at-risk persons.

⁶² Source: Ministry of Health.

⁶³ Source: Ministry of Health.

AIDS (Acquired Immune Deficiency)

(280)

The AIDS incidence is 0.2% per 1000 persons. An MICS shows that 94% of Bahraini women age 15-44 have heard of AIDS. Questioned about their knowledge of methods to protect against the disease, 67% mentioned commitment to the marital relationship or one partner, 43% mentioned the use of condoms in a sexual relationship, and 25% mentioned abstinence from sex. Generally, only 21% of the sample possessed adequate information on protecting themselves from AIDS.

Ministry of Health data and statistics for 2002 show that the number of citizens and non-citizens who are afflicted with AIDS or carry the virus is 247, including 131 who remain alive. Since 1987, 116 persons with AIDS have died.⁶⁴

AIDS cases among Bahrainis since 1987 total 107, including 13 among women and 94 among men. Cases among women are concentrated in the 30-34 age group (three cases) and the 40-44 age group (two cases). There are two cases in the 0-4 age group.⁶⁵

Other Sexually Transmitted Diseases

(281)

According to periodic data issued by the Ministry of Health, there were 61 new cases of venereal disease in April-June 2003, including 17 among women. The number of gonorrhoea cases in the same period totalled 45, including one involving a woman.⁶⁶

The rate of incidence of type A infectious hepatitis was 30.6% in 2002, compared to 22% in 1995. Type B infectious hepatitis affected 2.7% in 2002, compared to 6.9% in 1995. The drop is attributed to the higher rates of inoculation among children and school students.⁶⁷

It is noteworthy that the symptoms of these diseases take longer to appear in women compared to men, so that women seek medical attention after the disease and complications therefrom have worsened.

4. Psychiatric Disorders

(282)

Despite the high incidence of psychiatric disorders among both sexes examined by the health centres and Psychiatric Hospital, there are no statistics on the actual number and causes of psychiatric disorders.

The statistics available on psychiatric disorders among women concern the reasons for admission and discharge from the Psychiatric Hospital. There are five main reasons, whose incidence is higher among males than females. They are: schizophrenia, depression, drug dependence, behavioural disorders, and conversion reaction disorder. The results of a study being conducted on postpartum depression are still under study.

5. Female Circumcision

(283)

A private agency recently recorded a number of cases of circumcision, in which the concerned females confirmed that they were subjected to female circumcision 20 or 30 years ago, i.e., some

⁶⁴ Source: Ministry of Health.

⁶⁵ Source: Ministry of Health.

⁶⁶ Source: Ministry of Health.

⁶⁷ Source: Ministry of Health.

time ago. Nonetheless, a joint committee comprising the SCW and the Ministry of Health was formed immediately to investigate and monitor possible new cases and research the need to treat and take measures to prevent such cases. The committee has yet to identify any case of female circumcision. The SCW has begun preparations to conduct a study on circumcision in cooperation with the Bahrain Centre for Studies and Research.

V. Health Care for the Elderly in Bahrain

(284)

The elderly (age 60 and above) in Bahrain constituted 3.95% of the population in 1999. This percentage is expected to increase to 4.0% in 2005 and 9% in 2025 thanks to the ongoing improvements in health care services enjoyed by the country's population from birth to death. Women constitute 48.9% of the elderly, of whom 80% are uneducated.

A National Commission on the Elderly was established to formulate a national strategy to advance the conditions of the elderly. The government has sought through its ministries and authorities to provide the best services and means of care for the elderly, particularly through the services provided to the elderly by the Ministry of Social Development and Ministry of Health. These two ministries have built homes that provide health and social care for the elderly. In addition, the private sector and the civil volunteer sector play an outstanding role in this area.

(285)

Health programmes for the elderly provide periodic medical examinations, treatment for physical and psychological diseases, and home visits. Aids and assistive equipment are also provided to the physically disabled elderly. The latter and their families are educated in new care methods and sound nutritional methods. The Ministry of Social Development also provides services through mobile units to the elderly in their homes, which has improved elderly care. Care for post-menopausal women is still weak.

VI. Health Care for Women With Special Needs in Bahrain

(286)

Based on concern for all segments of Bahraini society, the Welfare and Social Rehabilitation Department subordinate to the Ministry of Social Development provides basic services on based on scientific foundations to develop and mainstream persons with special needs. A number of rehabilitation centres have been opened. Some of them have been built by the private sector and banking sector. In addition, the Bahraini International Centre for Movement provides many training, rehabilitative, and educational programmes designed to empower people with special needs by giving them the necessary skills for mainstreaming.

Periodic medical examinations are administered to children to detect physical and psychological disabilities in the early stages for referral to the competent agencies. There are also many centres that provide health care to special-needs persons of both sexes. These centres are subordinate to the institutions of government ministries and civil society associations and organizations.

VII. Women Health Workers

(287)

The number of trained and qualified health and technical staff in the health sector rose to 7201 in 2002, compared to 6626 in 1988.⁶⁸

⁶⁸ Source: Ministry of Health.

In 2002, citizens constituted 85% of the labour force, and Bahraini women constituted 51.8% of the national labour force. The health sector is one of the largest government sectors that employs Bahraini women after the education sector (women comprised 76.5% of the health labour force in 2002).

Statistics show that, in 2002, 995 physicians worked in the government sector and 244 worked in the private sector, for a total of 1239 physicians, compared to 883 physicians, both male and female, in 1998, for a rate of 18.4 physicians per 10,000 people in the population, compared to 14.6 in 1998. In 2002, there were 163 dentists, i.e., 2.4 dentists per 10,000 people in the population, compared to 1.5 in 1998.⁶⁹

Female physicians and dentists working in the Ministry of Health in 2002 totalled 51.4% and 69% respectively of all doctors working in these fields (81% of the female physicians and 98% of the female dentists are Bahraini). In 2002, nurses totalled 2427, compared to 2126 in 1998, including 89.9% female nurses, of whom 59% were Bahraini.⁷⁰

VIII. Abortion and the Reproductive Rights of Women

(288)

Bahraini legislation prohibits unjustified abortion. It permits abortion by competent physicians only for medical reasons necessitated by the woman's health according to clearly defined conditions. This prohibition protects the family and the woman and respects the woman.

Under article 321 of the Penal Code, "Any person who induces herself to abort without the advice and knowledge of a physician shall be punished by imprisonment of up to six months and a fine of up to BD 50".

The Bahraini legislator was also keen on protecting women and their foetuses and preventing abortion without the woman's consent. Article 322 of the Penal Code stipulates, "Any person who causes a woman to abort without her consent shall be punished by imprisonment of up to 10 years. If the abortion leads directly to the death of the victim, the penalty shall be imprisonment". This provision is directed in particular toward a husband who compels his wife to abort for some reason.

Bahraini law does not punish attempted abortion. Article 323 of the Penal Code stipulates that there shall be no punishment for attempted abortion.

(289)

Finally, Bahraini legislation, together with women's organizations and movements in Bahrain, affirms that the reproductive rights of women are human rights. Therefore, Bahraini legislation guarantees the elimination of all discrimination against women in the areas of health care and family planning. Bahrain's laws do not prohibit a woman from freely and responsibly deciding on how many children she desires and the spacing of her children.

Nor does Bahraini law prohibit a woman from obtaining information, education, and adequate means to ensure her empowerment to exercise these rights.

Family planning is carried out in agreement by the two members of the couple. Families differ in the extent of their adherence to family planning depending on the awareness and mutual understanding within each family. There are no laws that require the use of specific family planning measures.

⁶⁹ Source: Ministry of Health.

⁷⁰ Source: Ministry of Health.

(290)

IX. Health Services Provided to Foreign Women

The Ministry of Health provides general health services to all Bahraini citizens and foreigners without discrimination. Foreign women resident in Bahrain benefit from the health services provided in institutions and centres subordinate to the Ministry of Health. The following table shows the type of services provided by the Ministry of Health to foreign women.

Table 34

No.	Type of service	No. of visits	No. of patients	Annual cost
1	Primary health care	275,000		1,100,000
2	Secondary care – al-Salmaniyah Medical Complex			
	- Emergencies	19,800		395,000
	- Outpatient clinics	25,800		1,390,000
	- Patients admitted		4130	3,560,000
3	Other obstetrics hospitals		1290	651,000
4	Psychiatric Hospital			
	- Outpatient clinics	1060	81	12,000
	- Patients admitted			315,000
Total		312,660	5501	7,423,000

Source: Ministry of Health.

The Ministry of Health provides primary and secondary health care treatment to all foreign residents without exception in exchange for nominal fees for visits to a health centre or outpatient clinic. Treatment is free in emergency cases.

X. The Private Sector's Role in Supporting Women's Health Care in Bahrain

(291)

Civil associations seek to play a constructive role in health care throughout Bahrain, particularly by supporting women's health needs. One such association is concerned with family planning and care. It is preparing—in cooperation with the Ministry of Education—a programme document for reproductive health curricula in order to incorporate reproductive health in educational curricula. A number of roundtables have been held for specialists and advisors in the Ministry of Education in this regard. The aforesaid association has established a consulting centre to provide comprehensive family planning and reproductive health services to Bahraini society, with a focus on youth, adolescents, persons approaching marriage, sexually transmitted diseases, and AIDS. It also organizes educational programmes for society, prints educational publications and pamphlets, and holds training courses for health service providers.

(292)

The Ministry of Health is also developing communication among it, the Ministry of Education, other official agencies, and civil associations for cooperation purposes. A committee of officials in the Ministry of Health and Ministry of Education has been formed to formulate a national school health programme and mechanisms for implementing, evaluating, and monitoring the programme. The programme aims to provide preventive health services, periodic examinations, health education programmes, mental health and counselling services, and services relating to improvement of the school health environment, food and food safety, and physical education and recreation. The

Ministry of Health is formulating an integrated programme to combat heart and back diseases, diabetes, and unhealthy behaviours in cooperation with the World Health Organization. In addition, a number of specialized associations conduct educational campaigns and medical examinations to detect these diseases in society.

Despite the lack of a separate family planning law, there are no legal obstacles to a women's exercise of health and family planning rights. However, at times, certain traditions and cultural legacies impede women's family planning. The government and private sector are preparing intensive educational programmes to ease these obstacles.

(293)

Despite the existence of legislation guaranteeing women's rights in the area of health, and despite the measures taken to implement such legislation, several difficulties continue to obstruct the application of article 12 of the CEDAW. They include: women's low level of health awareness, a lack of legislation on the family, and a lack of legislation on the protection of the health rights of women with special needs.

To address these difficulties, it is necessary to: intensify educational programmes for the family and society, provide health and population education to women in all stages of their lives, develop school curricula that includes health and population concepts, encourage research and studies dealing with health and population issues that define women's priority needs in the different stages of their lives, train researchers in conducting studies and research on women's health and population issues, and adopt advanced research methods.

Article 13 – Social and Economic Benefits

(294)

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;*
- (b) The right to bank loans, mortgages and other forms of financial credit;*
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.*

This article concerns adoption of suitable measures to eliminate discrimination against women in other areas of economic and social life. These measures ensure, on a basis of equality of men and women, the same rights, particularly:

I. The Right to Family Benefits

(295)

Family benefits in Bahrain are granted by numerous agencies and governed by different laws. There are: social allowances added to salaries; health insurance provided by some private-sector companies and banks; and monetary assistance for poor families provided by several civil associations, e.g., the Islamic charitable associations, the Royal Charity Foundation, which is supported by His Majesty the King, and the Ministry of Social Development. The Ministry of Social Development, in addition to providing assistance, is also concerned with the social advancement of Bahrainis. In this regard, it has adopted a series of projects, programmes, and services, some of which are being implemented, such as comprehensive social centres for the disabled and elderly, training and qualification, day care for the elderly, a care facility for beggars

and the homeless, a children's care facility, mobile units for the elderly and disabled, shelters for family violence and abuse victims (e.g., safe houses for female victims of violence), and the National Project to Support and Develop Producing Families (recipient of the Award of Sheikha Sabika Bint Ibrahim Al Khalifah, the wife of His Majesty the King of the Country). These projects are in addition to the social insurance benefits and pensions mentioned above.

In addition, the Minister of Public Works and Housing issued Decree No. 12 of 2004 (4 February 2004) granting Bahraini women the right to use housing services. This decree entitles Bahraini women who are working or have monthly fixed incomes and support their families but do not own real estate to use one of the existing housing services, e.g., to obtain a housing loan or model home being built by the Ministry of Housing. This decree ensures the right of divorced women raising children to use housing services, safeguarding this right for women as citizens.

II. The Right to Obtain Banking Loans, Real-Estate Mortgages, and Other Forms of Financial Credit

(296)

Bahraini women may obtain a loan from a commercial bank in the country just as men may, according to the same terms, e.g., possession of a suitable source of income which would enable them to repay the loan. A woman may obtain a loan without the consent of her husband or guardian. The granting of a loan depends on her ability to repay the loan or her possession of mortgagable real estate.

The Bahraini Development Bank specializes in supporting and financing new private enterprises. It granted Bahraini business women loans totalling BD 2,530,000 for businesses and commercial enterprises, including three loans in 2001, 15 in 2002, 12 in 2003, and 36 in 2004.⁷¹

In addition, many companies and banks in the country grant housing loans to their female employees according to the criteria and conditions applied to males in the same establishment. However, specific figures are not available on the extent to which women take advantage of bank loans provided by the commercial banks in general.

III. The Right to Participate in Recreational Activities, Sports, and All Aspects of Cultural Life

(297)

There is no legislation denying women the right to engage in sports. Bahraini women participate seriously and with full freedom in all recreational activities, sports, and cultural life. The sports and student federations and youth centres encourage athletic activity among girls. The private sector, represented by the women's associations and other associations, also undertake major activity in this regard. Bahrain has its own women's football team.

IV. Difficulties and the Future Outlook

(298)

Despite the measures taken, the application of article 13 of the CEDAW still faces several difficulties, consisting primarily of women's lack of full awareness of their entitlement to the family and economic benefits stipulated by legislation. Women also lack knowledge of loan management and investment methods.

To overcome these difficulties, a series of measures has been taken with a focus on: strengthening women's production and economic capabilities by supporting women's commercial networks,

⁷¹ Source: Bahrain Development Bank.

commercial business organizations, NGOs, cooperatives, loan funds, and credit unions; providing financial, legal, and moral support; cooperating with international and regional organizations and specialized banks to identify programmes, loans, and grants to encourage and educate women in the method of investing loans and grants optimally; and intensifying educational campaigns on women's entitlement to family and economic benefits.

Article 14 – Rural Women

(299)

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;*
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;*
- (c) To benefit directly from social security programmes;*
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;*
- (f) To participate in all community activities;*
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

(300)

Bahrain's geography lacks isolated rural areas in the traditional sense. The cities extend outward to blend with the villages in view of the country's small area. Accordingly, the population of the various areas may all benefit from public health, housing, social, etc. services.

There is thus no difference in educational, health, economic, and social services provided to the various areas in Bahrain. Services are available and ongoing in all parts of Bahrain and are provided with the same competence as that found in the capital.

Article 15 – Equality Before the Law in Civil Matters

(301)

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

I. General View

(302)

Bahrain's constitution underscores the principle of absolute equality among all members of society, particularly equality between men and women. In this regard, we refer to Part One of this report to avoid repetition. However, we should emphasize that article 18 of the Constitution affirms the principle of equality in all spheres, stating, "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". Article 19 of the Constitution provides for personal freedom. Article 22 provides for freedom of conscience. The Article 16 of the Constitution affirms equality among all members of society in the assumption of public posts. Article 16(b) states, "Citizens are equal in the assumption of public posts in accordance with the conditions specified by law". In other words, equality among all citizens, especially between men and women, is provided in a number of constitutional provisions. These provisions are derived from the NAC, which, as stated above, introduced important changes to Bahrain's political, constitutional, legal, and cultural life.

II. Laws in Bahrain

(303)

1. Equality of Men and Women Before the Law

In addition to the provisions of the NAC and the Constitution on the protection of human rights (paragraphs 34-39 of the NAC), it should also be said that women enjoy the same legal capacity as men. Women may conclude contracts and manage funds and property. Article 72 of Bahrain's Civil Code, promulgated under Decree-Law No. 19 of 2001, states, "Every person shall be competent to conclude a contract as long as his competency is not stripped or diminished by a legal judgment". Men and women thus have equal capacity under the law to conclude contracts without sexual discrimination, because capacity is based solely on mental ability and understanding.

(304)

A woman may also conclude all contracts concerning credit, real estate, and other property and engage in commercial activities in her personal name without the prior need for a marriage license. In this context, article 10 of Bahrain's Commercial Code, promulgated under Decree Law No. 7 of 1978, stipulates, "Every Bahraini who reaches the age of 18 shall be competent to engage in commerce if no legal obstacle has been established regarding his person or the type of commercial dealings in which he engages". Thus, the law treats men and women equally regarding the capacity to engage in commerce without sexual discrimination.

Women are also entitled to manage their property without the intervention of a man or the need for a man's consent. A woman may sell, buy, mortgage, transfer, borrow, lend etc. without having to

obtain the permission or consent of her husband or father, regardless of whether the concerned property was transferred to her before or after her marriage.

Law No. 13 of 2005—which amends the Law on Evidence in Civil and Commercial Matters issued under Decree-Law No. 14 of 1996—permits the giving of testimony in lieu of written evidence, when written evidence is otherwise required, if a physical or ethical obstacle prevents the obtainment of written evidence. Under this amendment, the marital relationship is deemed to be such an ethical obstacle.

(305)

Women and men are treated equally before the courts. A woman may bring an action and file a complaint in her own personal name. Bahraini law clearly permits women to practice as attorneys, as there are many female Bahraini attorneys. Female attorneys are entitled to represent their clients before the courts and various judicial authorities and to serve as members of juries and arbitration panels.

(306)

Women also benefit, equally with men, from all legal services, including legal assistance if they are unable to bear the expenses of a legal action and attorney fees.⁷² Three Bahraini women and one foreign woman benefited from legal assistance in criminal cases over the past two years. All official agencies, led by the SCW and women's civil organizations, have been noticeably active in raising women's awareness of their rights before the judiciary, particularly in family cases. Such activities include holding relevant roundtables and workshops, including a workshop held by the SCW at the end of April 2004 under the heading, "The Situation of Women in Substantive and Procedural Family Provisions". The SCW also published a woman's guide to litigation procedures before the Shariah courts and held a training course on Islamic judicial procedures during 19-21 March 2005.

2. The Law and Compensation for Damages

(307)

Bahraini law treats men and women equally in claims for damage. Compensation awarded to a woman for damages is equal to that awarded to a man in similar circumstances. Conversely, the same judgment and damages imposed on a woman in given circumstances are also imposed on a man in similar circumstances. Bahrain's Civil Code has no provisions that discriminate between men and women regarding damages and civil liability in general. The same applies to other laws, such as the Social Insurance Law and other laws on the rights of workers and their beneficiaries in the event of a work injury, old age, or death.

3. The Law and the Working Woman

(308)

Bahraini law treats men and women equally with respect to employment. Only one-fourth of the salary of a working woman or man may be garnished, regardless of whether the woman is employed in the private sector. If various debts compete for this fourth, one-half of the fourth is allocated to pay maintenance and the other half is allocated to repay other debts.

Likewise, a family's residence may not be attached to pay a man's debts or any other debts owed by a woman. In this regard, there is full equality between men and women.

⁷² Source: Ministry of Justice.

Bahraini law considers a woman's maintenance a preferred debt, which the husband must pay before paying other debts. A Bahraini woman possess the necessary legal means to enforce legal judgments concerning maintenance, termination of maintenance, custody of children, a dower debt, or any other debt owed by her husband or a third party.

(309)

Generally, Bahrain's accession to international agreements and conventions issued by the United Nations and UN organizations and agencies, particularly the ILO, have had a positive effect, which has manifested in Bahrain's adoption of a series of legislation, laws, and regulations in the area of labour. These laws focus substantively on gender equality regarding economic rights and equal opportunity. They include the: Civil Service Law No. 35 of 2006, Labour Law for the Private Sector issued under Decree-Law No. 23 of 1976, Social Insurance Regulations issued under Decree-Law No. 24 of 1975, and a number of ministerial decrees that support working women's rights and ensure protection of working women by prohibiting the employment of women in occupations that are dangerous and harmful to their health and prohibiting the employment of women between the 8 pm and 7 am. All these laws, regulations, and decrees are treated elsewhere in this report.

4. The Law and Women's Exercise of Political Rights

(310)

At one time, Bahraini women were denied political rights. They were unable to participate in the elections held after independence in 1971 to elect members of the Constituent Assembly, which formulated Bahrain's constitution. They were also unable to participate in the first elections held in 1973 to form the first National Assembly in Bahrain. Bahraini women were ultimately granted political rights under the NAC in 2001, which is reflected in the Constitution and law.

Article 1(5) of the Constitution stipulates, "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". Accordingly, Decree-Law No. 14 of 2002 on the Exercise of Political Rights was issued. It entitles Bahraini women to participate in any referendum held according to the Constitution and to vote for members of the Council of Representatives. Decree-Law No. 15 of 2002 on The Consultative Council and the Council of Representatives was also issued. It entitles Bahraini women to stand for election to the House of Representatives and to be appointed to the Consultative Council.

Bahraini women participated actively in the first elections held after the Constitution was amended, with 47.7% of women voting and eight women standing for the Council of Representatives, though none won a seat on the council.⁷³ Sixteen women stood for the 2006 parliamentary elections, with one winning a seat unopposed.⁷⁴

Women were also granted the right to stand for and vote in elections for the municipal councils under Decree-Law No. 35 of 2001, which permitted Bahraini women to participate actively in the 2001 elections for the municipal councils, in which 51% of women voted and 31 Bahraini women stood, though none won.⁷⁵

Bahraini women also participated in the 2006 municipal and parliamentary elections. One female candidate was able to win a seat unopposed in the Council of Representatives. Sixteen women ran in parliamentary elections in 2006, compared to eight in 2002.

⁷³ Source: Central Information Agency.

⁷⁴ Source: Central Information Agency.

⁷⁵ Source: General Information Agency.

(311)

III. Women and the Penal Code

Bahrain's Penal Code treats men and women equally regarding criminal protection and criminal liability in crimes that harm the family.

(312)

1. The Crime of Adultery

Under article 316 of the Penal Code, "A husband who commits adultery shall be punished by imprisonment of up to two years. The perpetrator's knowledge of the consummation of the marriage shall be assumed unless he proves that he could not have had knowledge thereof. 'Husband' in this article shall mean one in whom this characteristic existed when the crime occurred, even if this characteristic does not exist in him subsequently."

It should be noted that the legislator applies the same penalty to the perpetrator regardless of whether the perpetrator is a woman or man, whereas legislation in some countries imposes on a woman adulterer a penalty which is harsher than that imposed on a male adulterer.

Bahraini law makes not make any gender distinction regarding the conditions for proving the crime of adultery. The legislation in some countries, by contrast, considers a woman an adulterer regardless of where the adultery occurred, i.e., regardless of whether the adultery occurred in the matrimonial house or in any other location, but does not punish a male adulterer unless the adultery occurred in the matrimonial home or unless he took for himself a mistress publicly in any place. This distinction does not exist in Bahraini legislation.

2. Honour Crimes and Mitigating Excuse

Article 334 of the Penal Code stipulates, "Any person who surprises his spouse in the act of the crime of adultery and kills the spouse and the spouse's accomplice on the spot or commits against them an assault leading to death or disability shall be punished by imprisonment".

(313)

The Bahraini legislator in no case accepts an excuse that would completely absolve one who surprises a spouse in the act of a crime of adultery and kills the spouse and the spouse's accomplice. Rather, the Bahraini legislator accepts only the idea of granting the killer a mitigating excuse. This mitigating excuse is not granted to the perpetrator as a privilege, but rather owing to principles entrenched in the criminal laws, which require—in order to establish criminal liability—full comprehension, volition, and awareness during the commission of the crime. Here, the angry husband who surprises his spouse has lost a key portion of his volition and reason; he commits the crime under the influence of the situation, etc.

In any case, regardless of the reasons advanced by criminal law jurists to justify mitigating excuses, article 334 of the Penal Code makes no gender distinction regarding the granting of a mitigating excuse. The expression "spouse" appearing in article 334 covers the man and the woman equally.

The punishment of imprisonment established in this article for one who kills an adulterer is a misdemeanour punishment of ten days to three years.

(314)

3. Women Custody Centres (Penal Institutions)

Bahraini law does not distinguish between women and men regarding the health conditions and standards required of penal institutions. The Criminal Procedure Code prohibits the incarceration

of any individual, whether male or female, except in designated prisons (article 62). Moreover, the aforesaid code observes the privacy of a woman, requiring that female suspects be searched by a female assigned this task (article 66). The code also suspends the execution of the death sentence imposed on a pregnant woman until three months after she delivers (article 334). If a pregnant woman is sentenced to incarceration, the serving of the sentence may be delayed until 40 days after she has given birth. If, during a woman's serving of her sentence, it becomes clear that she is pregnant, she must be treated as a prisoner in preventive custody (article 343). The Criminal Procedure Code permits the delay of the serving of a penalty of imprisonment imposed on one of two spouses who have both been sentenced to imprisonment for a period not to exceed one year if the couple has a child under their legal guardianship up to the age of 15.

(315)

SCW members visited the women's custody centre in the city of Isa for a close-up examination of the conditions and circumstances of the female inmates. They have found that the centre generally observes international standards, although it does not apply them fully. More space and more medical care are needed.

(316)

In the framework of the general plan to develop all buildings and installations of the Department of Correction and Rehabilitation, the Ministry of Interior will establish a new custody centre in the area of Jaww. The centre will include a special wing for women that meets all the requirements for providing better services to female inmates.

IV. Bahrain's Reservation to Article 15(4) of the CEDAW

(317)

Bahrain has a reservation to Article 15(4) of the CEDAW. Article 15(4) states, "*States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile*".

Regarding the movement of persons, it is true that Islamic law requires a woman to obtain the permission of the husband or guardian to travel and move. However, this provision is not applied in practice. Moreover, there are no legal impediments to a woman's movement and travel. Also, Bahrain's Constitution guarantees for women, on a full par with men, unrestricted freedom of movement. A husband may not withhold his wife's travel documents to prevent her from moving freely, as free movement is a right that adheres to the individual.

(318)

Accordingly, Bahrain's reservation is actually limited to a married woman's freedom to choose her residence. In this regard, the Islamic Shariah requires a married woman to live in the matrimonial home. Moreover, religious teachings and social customs require that an unmarried woman live with her family. Consequently, Bahrain's reservation concerning residence is a logical consequence of the necessity entailed by the marriage contract for the wife to actually live in the residence prepared for her by the husband, so that she may assume her responsibilities as a wife and mother in the matrimonial home. The wife's right to maintenance is forfeited if she is found to be disobedient under a judicial judgment, i.e., if she refuses to reside in the matrimonial home without reasonable justification.

(319)

However, this does not mean that the husband may compel his wife to reside in a location that he determines arbitrarily if the location does not meet all the requirements for the women's freedom,

dignity, and independence provided under the law and Shariah. The residence must be a legal residence. In other words, the residence must provide for rest and services separate from the couple's families, and it must provide for respect of the wife's dignity and right to a decent life. A judgment requiring a wife to return to the matrimonial home may not be executed forcefully, and the husband may not in practice compel the wife to return.

The husband's failure to fulfil the conditions required of a legal residence constitutes grounds on which the wife may request a divorce from the judiciary.

(320)

A wife may also stipulate in the marriage contract that the husband provide a residence for her in her town, or near her family, or the like. This condition is valid and in effect in the Islamic Shariah, unless it involves declaring permissible that which is forbidden or forbidding that which is permissible, and provided it does not contradict the terms of the marriage contract.

V. Difficulties, and the Future Outlook

(321)

The application of Article 15 of the CEDAW continues to be impeded by social legacies and customs that diminish women's role in public life. To deal with these fundamental obstacles, it is necessary to increase women's awareness by intensifying educational and media campaigns designed to eliminate social legacies and prevailing customs. The role of women in public life should also be promoted through strengthened training courses and educational seminars.

Article 16 – Equality in Marriage and in Family Law

(322)

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;*
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
- (c) The same rights and responsibilities during marriage and at its dissolution;*
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

(323)

Upon joining the CEDAW, Bahrain registered reservations to several articles of the Convention. One reservation concerns article 16, because it conflicts with the Islamic Shariah. Article 16 concerns: marriage; the family; equality of rights and responsibilities during marriage and at its dissolution; the mother's rights and responsibilities in matters relating to her children and guardianship, wardship, and trusteeship of her children; the right to choose a family name; and other rights and matters, all of which concern "personal status" matters or "family provisions". Bahrain's reservation stems from the fact that all Bahrainis are not subject to the same personal status provisions. Each Bahraini is subject to the personal status provisions established in his own religious sect. The Bahraini legislator, out of respect for each sect, provides for a Shariah court comprising two departments, a Sunni department and a Jaafari department. Each department applies the provisions of its sect. Thus, Bahrain's reservation is by no means intended to entrench gender discrimination. Rather, it is consistent with the desire to accommodate sectarian differences in personal status matters. The Bahraini legislator respects these differences and views such respect as a key application of human rights principles in general. Hence, the provisions applied to family matters are not uniform. They differ based on sectarian interpretational and jurisprudential differences between the sects. The absence of a personal status law has no doubt contributed to the lack of uniformity in Shariah court judgements. Thus, the demand to codify family provisions is among the most important demands of all official and civil institutions.

(324)

In this context, civil society associations and activists demanding the promulgation of a personal status law initiated many efforts in the early 1980s, including forming a personal status committee. This committee, formed of representatives of such associations and activists, has conducted educational campaigns on the importance of promulgating a personal status law. However, this matter has met with opposition on the part of several groups in Bahraini society. Nonetheless, official institutions and civil society associations are currently making vigorous efforts. The SCW, in cooperation with the Bahrain Centre for Studies and Research, conducted a public opinion survey study in 2004 on the societal need to codify family law provisions in Bahrain. The study makes several recommendations, the most salient being the need to promulgate a family law. The SCW has begun to translate these recommendations through a national campaign to raise society's awareness of the importance of promulgating a law regulating family affairs. A key recommendation is to organize a series of training courses and introductory lectures on the subject. Civil society organizations have undertaken numerous activities supporting promulgation of a family law, including a workshop on "Equality of Women in Family Law in the Arab Region – Challenges, Lessons Learned, and Strategies". This workshop was organized by the Bahrain Human Rights Society in cooperation with the Bayt al-Hurriyah [House of Freedom] organization in the last quarter in 2005. In addition, the SCW undertakes numerous activities based on its annual operating plan, including the publication of a *Women's Guide to Litigation Procedures Before the Shariah Courts*, which educates women regarding their rights under Islamic law and explains the procedures that must be followed before the Shariah courts. The SCW also organized a workshop on the situation of women under substantive and procedural family provisions at end-April 2004 and a training course in Shariah judicial procedures during 19-21 March 2005.

(325)

The government has referred the draft family law to the legislative branch for passage. However, religious opposition has precluded examination and adoption of the law.

Below, we review Shariah provisions applied by the Shariah courts in Bahrain regarding key aspects of the family. The only form of family recognized in Bahrain is the Shariah family form arising from a marriage contract concluded under Islamic law. Thus, provisions on the family do not cover any practice or consequence resulting from an occurrence that is outside the framework of Shariah-based marriage. Such occurrences are considered in violation of Islamic law. Non-Muslims, such as Jews and Christians, are not subject to these laws, but rather to their own laws.

II [sic]. Marriage Age

(326)

Islamic law does not stipulate a minimum age for marriage for men or women. However, it considers the age of puberty the minimum age for marriage. In reality, girls and boys under 16 and 18 respectively rarely marry. The spread of education has largely precluded marrying at a young age, as both males and females are busy with their school studies until age 18 in government schools, which are free of charge and open to everyone.

III. Capacity of a Woman to Decide to Marry

(327)

The woman's consent is a required for concluding a marriage contract. A marriage contract is not valid without the woman's freely given consent, unmarred by any defect. If a woman is a virgin, she must obtain the consent of her guardian (her father, paternal grandfather, or brother). There are doubtless some cases in which a girl is compelled to marry someone she does not wish to marry. This occurs in social milieus where social legacies and prevailing customs so permit. Preventing a woman from marrying or compelling her to marry a person whom she does not wish to marry violates Islamic law. The Shariah judiciary in Bahrain allows a young women to file a legal action to compel her father to marry her off to the person whom she wishes to marry and who is appropriate for her if the father refuses to consent to the marriage without reasonable cause.

IV. Marriage Contract

(328)

In principle, a marriage contract must be written or recorded. In theory, consent—i.e., affirmation and acceptance by the husband and wife—suffices to conclude the contract, such that the marriage can be established by the act of witnessing. However, in practice, a marriage contract is written by an authorized, legal marriage official. The Minister of Justice issued Decree No. 2 of 1999 on Marriage Contracts to regulate several procedural issues concerning the preparation of marriage contracts. The decree places the submission of marriage documents under the Shariah Appeal Court's jurisdiction and prohibits the writing of foreign citizens' marriage contracts outside the court.

A woman may establish any condition she wishes in a marriage contract as long as both spouses accept the condition and the condition does not conflict with the Islamic Shariah or the purposes of the marriage, e.g., a stipulation against living in the matrimonial home or against sexual intimacy.

V. Right of Guardianship

(329)

In no case does guardianship mean the man's supremacy and the husband's arbitrariness or denial of the woman or wife her role in the family. Rather, guardianship is a responsibility discharged by the husband through expenditure for the family and the two-sided nature of intimate relations, which can only be achieved by observing balance and complementarity in rights and duties. The basic principle in the conduct of married life in Islam is consultation. This is stated explicitly in the noble Koran: "If they [the mother and father] both desire to wean the child by mutual consent and consultation, it is no blame on them" (Koran, 2:233). This indicates that there is interaction and exchange of views between the husband and wife in matters of their shared life. Although this verse is mentioned in the context of divorce, it can also be applied to any interaction between the husband and wife concerning their joint responsibilities. Some misunderstand guardianship, erroneously believing that his verse permits a man to control his wife and her activity and prevent her from engaging in a given activity. However, such a restriction, where the husband intervenes to restrict the nature of his wife's occupation, is rare in practice.

VI. Separate Financial Liability of the Wife

(330)

Under the Islamic Shariah, a woman's financial liability remains separate from that of her husband after they marry. Accordingly, each spouse retains exclusive ownership of his or her property, and ownership is not affected by the marriage. However, nothing in Islamic law prevents the two spouses from agreeing in the marriage contract to share financial liability, whereby any property acquired by any of the two spouses during their marriage is considered jointly held by both of them.

It is occasionally noted that some married women, especially those who work or own property, are exposed to tangible losses upon separating from their husbands after sharing in the expenses of purchasing or building a matrimonial home, which is usually recorded in the husband's name. An educational campaign should be undertaken to ensure that women do not lose their rights in such a situation.

VII. Custody of Children

(331)

Custody is a joint duty of both parents during a marriage. However, if the marriage is dissolved, the right of custody is granted differently depending on the sect, be it Sunni or Jaafari.

1. According to the Sunni sect in Bahrain, which follows the Maliki school of Islamic law, after the termination of a marriage, custody is granted according to the following order of preference: mother, maternal grandmother, maternal great grandmother, paternal grandfather, father, and closest female relative. Custody of the male child ends when he reaches majority age, and custody of a female child ends when she marries.
2. According to the Jaafari sect, custody is granted according to the following order: the mother until the child reaches age seven, and the father until the child reaches adolescence. After children in custody reach majority age, they may choose to join either of their two parents. The mother's custody is forfeited if she marries another man.

VIII. Maintenance

(332)

Maintenance of the wife and her children is a duty incumbent upon the husband even if the wife is wealthy. Maintenance includes food, clothing, housing, medical care, and similar daily needs.

The wife's right to maintenance is forfeited if she violates her marital duties, i.e., if she leaves the matrimonial home without legal justification. The husband is required to house his wife in a home that meets the requirements of a legal residence in terms of her independence and means of rest and the requirements of the home.

Maintenance of a daughter is the father's obligation if the daughter becomes divorced or widowed and lacks money or has no other person who is required to provide her maintenance. A mother must provide maintenance for her children if she has no husband. A father must provide maintenance for his daughter until she marries, and for his son until the son reaches the age at which his counterparts work, unless the son is a student continuing his studies successfully. Maintenance of a divorced woman is incumbent upon her husband if he remarries her after divorcing her. A male divorcee is required to make expenditures for his children after the divorce; in this case, the Shariah courts usually require him to pay maintenance commensurate with the children's needs, depending on his financial situation, income, etc. Legal claims for maintenance no longer require a significant amount of time as they did in the past.

(333)

Bahraini legislation grants preference to maintenance debts over other debts (Articles 1024 and onward of the Civil Code). However, to date, judgments concerning maintenance have been executed like other judgments rendered by the execution courts (civil courts), even though maintenance is often urgently needed and maintenance awards, particularly Shariah awards, may require follow-up by the executing courts or specialized bodies to enforce payment. There is thus a need to establish a "maintenance fund". The SCW mounted a major effort to coordinate the establishment of such a fund to pay maintenance to eligible persons and to prosecute parties responsible for paying maintenance who evade their obligation. This effort culminated successfully in the promulgation of Law No. 34 of 2005 on the Establishment of a Maintenance Fund. This fund permits expedited payment of adjudicated maintenance to the beneficiary when the sentenced party fails to execute the maintenance award. The fund is responsible for monitoring the collection of maintenance from the sentenced party. The fund may also, on a case by case basis, pay temporary maintenance to a beneficiary before a judicial ruling is issued awarding maintenance. Finally, many initiatives have been undertaken to deal with the material situation of some women. One such initiative is the Royal Gift for Widows granted in November 2001. Many widowed women benefited from this gift, which has involved the distribution of money to needy widows.

IX. Dissolution of Marriage

(334)

1. Divorce

In principle, the decision to divorce is in the hands of the man alone. In other words, the man alone may end a marriage. However, depending on the sect, be it Sunni or Jaafari, the husband may, when concluding the marriage contract, cede this prerogative to the wife, i.e., enable her to divorce herself from him if she so stipulates in the marriage contract.

As a result of a divorce, the man must provide the wife with maintenance during the legally prescribed period of waiting during which the woman may not remarry. The woman is also entitled

to the balance of her dowry if any, nursing maintenance if she is nursing, and pregnancy maintenance if she is pregnant until she gives birth.

(335)

2. Khula [divorce at the insistence of the wife, who must pay compensation]

In this case, an unwilling wife may offer to cede her rights or a portion thereof to her husband, within the limits of what the husband has given her, so that he will accept a consensual divorce before the court.

3. Judicial Divorce or Separation

(336)

Here, the wife is entitled to petition the judiciary to end the marital relationship. The causes accepted by the courts for a divorce are:

- Discord and harm, i.e., if the wife is harmed, e.g., if her husband did not provide for her or assaulted her physically.
- The husband's organic or psychological illness and sexual impotency.
- The absence or loss of the husband.
- Any reason that makes life together between the two spouses impossible or difficult.

X. Family Planning

(337)

Neither Bahraini legislation nor the Islamic Shariah prohibit family planning, especially if such planning is legally justified, as in the case of sickness. The Ministry of Health makes major efforts to raise awareness of the importance of family planning and to provide all types of educational and medical services to women, including various means of birth control free of charge. The Ministry of Health is responsible, through numerous programmes, for providing all types of medical care to mothers and children free of charge as detailed regarding Article 12 of the CEDAW above.

XI. Adoption

(338)

The Islamic Shariah prohibits adoption, because the children of another person or an unknown person may only be the kin to their legal parents. The Shariah does however permit and moreover encourages the sponsorship of orphans, the needy, or children of unknown parents. Sponsorship means that the sponsor takes full responsibility for the care and education of the child of another person without the child joining his lineage or inheriting from him. However, the sponsored person may receive up to one-third of a testator's legacy.

XII. Inheritance

(339)

The provisions of Islamic law apply to inheritance. The noble Koran details inheritance shares. A woman inherits according to her prescribed share even if she is wealthy. As stated above, the rule that a male receives a portion equal to that of two females is not a general rule in all cases and does not entrench gender discrimination.

A wife inherits one-eighth of the estate of her husband when she has children. A husband with children inherits one-fourth of his wife's estate. Two parents are equal with respect to the estate of a child, as each parent receives one-sixth of the estate.

XIII. The Shariah Judiciary and Women

(340)

Legal actions under the Shariah are a basic test of women's rights that demonstrates the extent of gender equality.

The Bahraini legislator is especially concerned with the Shariah judiciary in Bahrain, enacting a Law on Shariah Procedures, which was issued under Decree-Law No. 26 of 1986.

The Shariah judiciary comprises the Lower Shariah Court, Higher Shariah Court, and High Shariah Appeals Court.

(341)

1. Jurisdiction and Sect

The Bahraini legislator observes and respects the sanctity of the different sects. The Judicial Branch Law stipulates the existence of two departments in each Shariah court, a Sunni Shariah department and a Jaafari Shariah department. Determination of sectarian Shariah jurisdiction in a personal status matter is based on the sect of the parties when the action is filed. In actions arising from marriage contracts, the consequences of a marriage, and the dissolution of a marriage, jurisdiction is based on the sect under which the marriage contract was concluded.

This latter provision favours women. It avoids the difficulties that would arise if a man changed his sect after marrying, which could adversely affect the wife's legal position. The woman thus avoids a situation where she consented to a marriage under provisions acceptable to her only to be surprised by a divorce or other action affecting her rights that would be adjudicated under rules different from those to which she consented upon marrying. Therefore, the legislator requires that Shariah jurisdiction be determined based on the husband's sect at the time of the marriage.

2. Summary Judge's Jurisdiction to Hear Petitions with a Shariah Aspect

(342)

The summary judiciary is a branch of the civil judiciary. In Bahrain, a judge appointed by the Minister of Justice handles summary proceedings. The judge's jurisdiction covers all summary civil and commercial actions and petitions considered urgent because of the possibility of a missed opportunity (article 8 bis of the Code of Civil and Commercial Procedure). This judge has jurisdiction in civil actions, to the exclusion of Shariah actions. However, in practice, he may hear cases filed by women in which a decision cannot be delayed until the dispute is submitted before the Shariah court.

The summary judge's intervention and adjudication of petitions submitted by women is justified by the need to protect women as wives or mothers in cases in which a delay is not possible lest the concerned woman's right be irrevocably damaged.

The matters handled by the summary judiciary to provide urgent protection for women and children include the surrender of children, injunction against travel, and the man's surrender of the wife's passport, because the right of movement adheres to the individual.

It should be noted that under Law No. 40 of 2005 Amending Several Provisions of the Shariah Procedures Law, the Shariah judiciary was given jurisdiction to examine such cases.

3. Execution of Judgments

(343)

A Bahraini woman possesses the necessary legal means to execute judicial judgments concerning maintenance, her children, custody of children, a dowry debt, or any other debt owed by her husband or a third party.

The Bahraini legislator created special “execution courts” to execute judgments, i.e., to issue execution orders regarding all judgments, monitor execution procedures, and supervise execution until the right holder exacts his right.

(344)

Woman and men are equally entitled to directly or forcibly compel a debtor to discharge a debt. If a judgment is issued, for example, to compel a husband to surrender his wife’s travel documents or to surrender to her a small child, and the husband does not comply, the wife may seek recourse with the execution judiciary to compel the husband to comply with the judgment by authorizing the police to use force.

A woman may attach a debtor’s property and sell the property in a public auction to exact her rights, e.g., payment of a maintenance debt or dowry debt.

(345)

4. Protection of Women’s Rights Against Execution of Judgement

Women are protected in this regard by the following:

- a. The impermissibility of attaching the wife’s property to pay the husband’s debts.
- b. The absolute impermissibility of attaching the matrimonial home after the death of an indebted husband. This measure is intended to protect the family and dignity of the woman and her family by ensuring that they may stay in the husband’s home and not become homeless.
- c. The impermissibility of attaching a woman’s salary, except in the amount of one-fourth to repay her personal debts.
- d. A wife’s rights are given preference over other rights with respect to payment from the proceeds of the forced sale of a debtor’s property.
- e. A woman may prohibit a husband from travelling if the husband intends to leave the country, to dispose of his property, or smuggle his property abroad to frustrate the execution of a judgment issued against him or to evade appearing before the court.

(346)

Women have rights under the Shariah and positive law. However, family stability can only be achieved by codifying Shariah provisions, taking into account the special nature of Shariah judgements when they are executed and the reform of the Shariah judiciary to ensure the sound application of Shariah provisions and positive law. Action should be taken to increase the number of Shariah courts, establish special courts to execute Shariah judgments that are different from the regular execution courts, formulate defined rules on the regulation of the marriage document, and hold roundtables with Shariah court judges. It also necessary to intensify campaigns that raise awareness of family and spousal rights and that eliminate social legacies and prevailing customs.

5. Bahrain's Reservation to Article 29(1) of the CEDAW

(347)

Bahrain has a reservation to Article 29(1) of the CEDAW, which states:

Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

Bahrain's reservation is justified for the following reasons:

- a. Article 29(2) of the CEDAW entitles any State Party to the agreement to not consider itself bound to paragraph (1) of the same article. Bahrain is exercising its natural right in entering this reservation, as have numerous States Parties.
- b. Bahrain does not wish to find itself a party to a dispute presented to international forums before it ascertains whether Bahraini legislation is fully compatible with the CEDAW through the practical, daily application of the Convention over time.

This affirms the Kingdom's credibility and seriousness with respect to joining the CEDAW and its desire to ensure that all of its legislation is consistent with the Convention's provisions.

- c. Bahrain may withdraw this reservation whenever it deems doing so appropriate, as provided under article 29(3) of the Convention.

Conclusion

The Government of the Kingdom of Bahrain hereby submits this report to the honourable Committee on the Elimination of Discrimination against Women. It looks forward to the start of an ongoing, constructive discussion with the Committee to support efforts to affirm the importance of eliminating all forms of discrimination against women to thereby promote women and underscore their active role in comprehensive development as a worthy partner in the construction and growth of the state.

The Kingdom of Bahrain hopes that the honourable Committee will continue successfully in its tasks. The Kingdom of Bahrain is keen to provide a great deal of additional information in its follow-on reports on the accomplishments achieved to promote Bahraini women and affirm their rights.

Annex 1**References****Laws, Decrees, and Decree Laws**

1. National Action Charter
2. The 1973 Constitution Amended in 2002.
3. Judicial Branch Law.
4. Code of Civil and Commercial Procedure.
5. Law on Shariah Procedures.
6. Law on the Court of Cassation
7. Criminal Procedure Code.
8. Commercial Code.
9. Decree-Law No. 14 of 2002 on the Exercise of Political Rights.
10. Decree-Law No. 15 of 2002 on The Consultative Council and the Council of Representatives.
11. Labour Law for the Private Sector.
12. Decree-Law No. 27 of 2002 Establishing a Constitutional Court.
13. Emiri Decree No. 44 of 2001 Establishing the Supreme Council for Women.
14. Royal Order No. 36 of 2004 on the Supreme Council for Women.
15. Nationality Law.
16. Passports Law.
17. Housing Law.
18. Law No. 40 of 2005 Amending Several Provisions of the Shariah Procedures Law Promulgated under Decree-Law No. 26 of 1986.
19. Law No. 11 of 2004 on the Medical Examination of Persons of both Sexes Approaching Marriage.
20. Maintenance Fund Law.
21. Strategy to Promote Bahraini Women.
22. *Women's Guide to Litigation Procedures Before the Shariah Courts.*
23. Decree No. 12 of 2004 of the Minister of Public Works and Housing.

Annex No. 2
Participating Entities

1. Supreme Council for Women.
 2. Ministry of Finance and National Economy.
 3. Ministry of Public Works and Housing.
 4. Ministry of Information.
 5. Ministry of Health.
 6. Ministry of Education.
 7. Ministry of Labour and Social Affairs.
 8. Ministry of Interior.
 9. Ministry of Foreign Affairs.
 10. Ministry of Cabinet Affairs.
 11. Civil Service Bureau.
 12. Bahrain Petroleum Company.
 13. Bahrain Chamber of Commerce and Industry.
 14. Bank of Bahrain and Kuwait.
 15. Bahrain National Gas Company.
 16. Bahrain Landline and Wireless Communications Company (Batelco).
 17. Bahrain Centre for Studies and Research.
 18. University of Bahrain.
 19. Bahrain Training Institute.
 20. Bahrain Businesswomen's Association.
 21. Bahrain Women's Association.
 22. Bahrain Society for Human Rights
 23. Mother and Child Care Association.
 24. Bahrain Young Women's Promotion Association.
 25. Young Rural Women's Association.
 26. Awal Women's Association.
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