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BAHRAIN CENTER FOR HUMAN RIGHTS

Defending and promoting human rights in Bahrain

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About Us

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

The vast majority of our operations are carried out in Bahrain, while a small office in exile, founded in 2011, is maintained in Copenhagen, Denmark, to coordinate our international advocacy program. For more than 18 years, BCHR has carried out numerous projects, including advocacy, online security trainings, workshops, seminars, media campaigns and reporting to UN mechanisms and international NGOs. BCHR has also participated in many regional and international conferences and workshops in addition to testifying in national parliaments across Europe, the EU parliament, and the United States Congress. BCHR receives its fund from the Norwegian Human Rights Fund (NHRF), National Endowment for Democracy (NED), Sigrid Rausing Trust (SRT), CIVICUS, the International Federation for Human Rights (FIDH), IFEX and Digital Defenders Partnership (DDP).

BCHR has received several awards for its efforts to promote democracy and human rights in Bahrain.

- **The Rafto Prize, 2013**

Presented to the BCHR with the motivation for their "long and courageous fight for fundamental human rights such as freedom of speech and freedom of association in Bahrain." The award was also given with the aim to raise awareness on the broadening violations against human rights that occurs in the gulf region and many western governments ignores. Read more: www.rafto.no

- **The Stieg Larsson Prize, 2012**

Awarded to the then Acting-President of Bahrain Center for Human Rights, Maryam Al-Khawaja, for her "brave struggle to defend democracy and human rights. With the web and social media as tools and persistent activism and the free world as methods, Maryam Al-Khawaja has illuminated the injustices and inequalities of her home country in Bahrain". Read more: www.stieglarssonfoundation.se/the-annual-stieg-larsson-prize

- **Baldwin Medal of Liberty, 2012**

The President and CEO of Human Rights First, Elisa Massimino awarded the BCHR with the prestigious Baldwin Medal of Liberty stating that: "There are so many human rights defenders doing amazing work in many parts of the world, but I am delighted that the Medal of Liberty will be presented to the Bahrain Center for Human Rights, which continues to promote human rights under constant threat to the security of its members". The Baldwin Medal of Liberty was established in 1989 and aims to award international human rights advocates. Read more: www.humanrightsfirst.org/2012/04/26/human-rights-first-awards-prestigious-medal-of-liberty-to-bahrain-center-for-human-rights/

- **The Martin Ennals Award, Final Nominee, 2012**

The Bahrain Center for Human Rights was awarded with a prize from the Martin Ennals Foundation after being named as a 'final nominee' for its work reporting on human rights violations in Bahrain. The Martin Ennals Foundation stated that "despite harassment by the government, who warn of legal action against the Center's members if they continue their activities, the BCHR provides information to international NGOs and the diplomatic community in Bahrain and advocates locally and internationally in support of demands for democratic change in the Gulf Kingdom". The decision was made by the Martin Ennals Award Jury which consisted of the following organizations: Amnesty International, Human Rights Watch, Human Rights First, the International Federation for Human Rights, the World Organization Against Torture, Frontline, the International Commission of Jurists, German Diakonie, the International Service for Human Rights and HURIDOCS. Read more:

http://www.martinennalsaward.org/index.php?option=com_content&view=article&id=183&Itemid=153&lang=en

- **Advocacy Award, 2012**

The Index on Censorship Advocacy Award (sponsored by Bindmans) was awarded to the BCHR with the aim to acknowledge campaigners or activists who have worked for change. Read more: www.bahrainrights.org/en/node/5132

- **The Silbury Prize, 2011**

The British charity sponsors, the Silbury Fund, awarded Nabeel Rajab, President of the BCHR, the Silbury Prize in 2011. This decision was made with the aim to promote Mr. Rajab's work within the human rights field.

Read more: <http://www.bahrainrights.org/en/node/4661>

- **Ion Ratiu Democracy Award, 2011**

The President of the Bahrain Centre for Human Rights, Nabeel Rajab, was awarded in 2011 the Ion Ratiu Democracy Award by the Washington based Woodrow Wilson International Center for Scholars. The director, president and CEO of the center, Jane Harman stated that: "In such a tumultuous year, Nabeel Rajab's efforts to peacefully advance democratic freedoms for Bahraini citizens, even in the face of considerable personal peril, are truly exemplary. He is an exceptional choice to receive the Ion Ratiu Award and I extend my sincerest congratulations".

Read more: <http://www.wilsoncenter.org/article/bahraini-human-rights-activist-nabeel-rajab-to-receive-2011-ion-ratiu-democracy-award> and

<http://www.bahrainrights.org/en/node/4436>

The current President of BCHR **Nabeel Rajab** is entering his fourth year in detention, after he was sentenced to several years in prison for his activities, defense, peaceful commitment, and calls to respect human rights. **Nabeel Rajab** is one of the most prominent human rights defenders around the world and is the President of the Bahrain Center for Human Rights

(BCHR), the founding director of the Gulf Center for Human Rights (GCHR), the Deputy Secretary-General of the International Federation for Human Rights (FIDH) and a member of the Human Rights Watch Advisory Committee in the Middle East and North Africa.

Rajab has been detained since his arrest on 13 June 2016 until this moment where on December 31, 2018, the Court of Cassation upheld a five-year prison sentence against him, on the background of his tweet on his Twitter account claiming torture in prisons and criticizing Bahrain's participation in the Saudi-led military campaign against Yemen. **Rajab**, who has already spent two years on other charges related to peaceful expression, is slated to remain behind bars until 2023. It appears that he has at times been subjected to negligence in medical treatment that may amount to arbitrary punishment, causing his health to significantly deteriorate.

It is noteworthy that, in August 2018, the United Nations Working Group on Arbitrary Detention called for the immediate release of **Nabeel Rajab**, saying that his detention was not only arbitrary, but also constituted discrimination based on political or other opinions, as well as on his status as a defender of human rights.

This arrest has been also criticized by a number of human rights organizations, the governments of the UK, the USA and France, as well as a number of UN dignitaries, including former **United Nations' Secretary General Ban Ki Moon**, who have called for his release.

Nedal Al-Salman, Bahraini human rights defender is the Acting President at the Bahrain Center for Human Rights (BCHR) and a Conveyor at IFEX and Vice President at the International Federation for Human Rights (FIDH). She faced reprisal for the work she undertakes in advocacy for BCHR on the international stage, and for publicly calling for reform in Bahrain.

Most of the BCHR staff inside Bahrain remain anonymous, including a Vice- President and members of the Documentation Team.

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

For more information on our work, or for donation, please visit our website through:

www.bahrainrights.org

1. Introduction

Women in Bahrain are among the most liberally educated in the MENA region, girls and women in Bahrain do not face legal exclusions from the workplace, and are active in tertiary education. However, they are still underrepresented professionally, and treated unequally in regards to personal status laws. To mark International Women's Day on 8th of March 2020, this report will summarize laws in relation to Bahraini women, and explore the effect such laws could have on women in the country.

Bahraini law is complex; a mixture of royal decrees, Civil and Criminal Codes, as well as Sharia law (a religious law forming part of the Islamic tradition. It is derived from the religious precepts of Islam, particularly the Quran and the hadith). Whilst the ratification of international conventions such as the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, and the **International Covenant on Economic, Social and Cultural** rights, only enhances the complexity of the legal status of Bahraini women. This report will first set out Bahraini laws in relation to gender, before setting out the international obligations that Bahrain has acceded to.

2. Personal Status Laws

Perhaps the most important laws relating to female equality in Bahrain, are those referred to as Personal Status Laws. There is no unified personal status law in Bahrain that covers matters such as divorce and child custody, so that Sharia judges have discretion in such matters. Meaning, Personal Status Laws are upheld by Sharia courts, and encompass a wide range of gender-based issues that can broadly be described as family laws such as marriage, divorce, and custody arrangements. The issue of the introduction of a unified personal status law has

divided civil society into two camps, with women's rights and human rights groups wanting its introduction, opposed by some Islamist groups.

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

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

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

- **Marriage, Divorce, and Child Custody**

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

Married women have to reside in the matrimonial home as chosen by their spouse. Under Sharia law women should not be forced to reside with their spouse's family, or in the case of a polygamous marriage, with other wives. Women are also entitled to receive a dowry, which is

property or money brought by a groom to his bride on their marriage, that they can then use as they see fit. Women also can retain their own property and assets when married.

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

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

Both parents must agree to conditions that they will maintain and guarantee the child's safety. Judges retain the right to remove children from the custody of their mothers if they remarry. However, under Islamic law rulings, custody should always be made in the best interest of the children. The law also permits that the judge call upon experts in psychology and child welfare.⁸

3. Civil Law

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

- **Education**

Article 7, paragraph A., of the Constitution in Bahrain states that: *“The State shall patronize the sciences, literature, and the arts, and shall encourage research. It shall be done to ensure educational and cultural services for citizens. Primary and secondary education shall be compulsory and free in accordance with the law. The law shall lay down the necessary plan to eliminate illiteracy”*.¹⁰

Paragraph B continues to state: *“The law shall regulate the various aspects of religious education and attention shall also be given to the strengthening of the citizen’s personality and pride in his Arab nationality”*.¹¹

There are also provisions for the establishment of private organizations for the provision of education. Women have equal access to education in Bahrain, there are no laws prohibiting girls from attending school, and a significant number of women enter, and complete, university level education. The state emphasizes on combating illiteracy and that has ensured that there is no percentile difference between the literacy levels of both female and male youth. According to the UNISCO Institute for Statistics UIS’ global database, Bahrain registered 99.69% Youth Literacy Rate for both sexes. The net enrolment ratios for girls and boys in primary school are roughly equal as recorded in 2018, 97 and 98 percent respectively. In secondary school, the net enrolment rate for girls’ is 94%, while that of boys’ is slightly lower at 87%.¹²

The Bahraini Supreme Council for Women states that in the year 2013-2014, a number of 22,828 or 60% of individuals in higher education were women. In the same year 60% of those who graduated from government universities and institutions were females, significantly higher than the number of male graduates.¹³

- **Employment**

It is illegal in Bahrain to discriminate on grounds of gender, however there are some restrictions placed on women in the workplace.¹⁴ Under Article 301 of the Private Labor Law, with the exception of, Doctors, Nurses and other healthcare professions, women are restricted from working between 20:00 and 04:00, and from doing heavy industrial work.¹⁵

As for Maternity leaves, employers cannot dismiss women that are pregnant or on maternity leave. In the private sector women are entitled to 45 paid days of maternity leave, and 15 days of unpaid leave. 100 percent of the salary is paid to a woman in the first 45 days of maternity leave. In the public sector women are entitled to 60 paid days of maternity leave.¹⁶ Article 35 in the same law also provides provision for lactating female working in the private sector, after their return from maternity leave, to two nursing periods of a minimum of one hour each, until the baby is six months of age, and when the baby is aged six months to one year a woman is entitled to two further periods of care, that last for a minimum duration of 30 minutes.¹⁷ In the public sector lactating mothers are granted maternal hours for two years.¹⁸

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

In the public sector, women have been appointed to positions in the judiciary and in the government. Bahraini women are well represented in the legal profession, as 55% of lawyers are women.²⁰ The first female judges began hearing cases in 2006, when the first female

judge, **Mona al-Kawari** was appointed. A second female judge, **Dhouha al-Zayani**, was appointed to the Constitutional Court in 2007, and a third, **Fatima Hubail**, was appointed in 2008 as a judge in the Lower Criminal Court Criminal Court. In 2010 Freedom House reported that there were 7 female members of the judiciary in Bahrain,²¹ when according to the Bahraini Supreme Council for Women there are currently 21 female judges in Bahrain.²² While there are no female judges in the Sharia courts.

In 2018, Bahrain was ranked 130th by the Inter-Parliamentary Union for female representation. The country last held elections in 2018, and a number of women were appointed to both houses in the country. In the Council of Representatives, out of 40 seats, 6 were won by women. In elections for the Shura Council, 9 out of 40 available, were awarded to women.²³ There are 4 female members of the municipal council.²⁴ Bahrain's liberal education system means that women are politically active, women were granted suffrage in 2002, and are able to vote from the age of 18.

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

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

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

- **Citizenship**

The legislation governing issues of Bahraini nationality are codified in the Bahraini Citizenship Act 1963.²⁷ The act was modified in 1981, and states that an individual is eligible to be regarded as a Bahraini national by descent or by birth. Bahraini nationality is transmitted through the male line. It is extremely difficult for Bahraini women to convey their Bahraini citizenship to their children, foreign born spouses, and stateless spouses. In 2002 Bahrain ratified the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**.²⁸ Article 9 of CEDAW does make provision for women to pass on their citizenship to their children, however the Bahraini government have so far only extended this provision in extremely limited circumstances through exceptional royal decrees. The slow implementation of CEDAW, and the failure to implement a law allowing women to pass on their Bahraini citizenship approved by the Bahraini cabinet in 2014 only demonstrates the extreme reluctance of the Bahraini authorities to permit women to transmit their Bahraini citizenship to their children.²⁹

Dual nationality in Bahrain is illegal without permission by the state. Bahraini-born women with Bahraini citizenship are not allowed to obtain another nationality without applying for permission from the state. On 7 July 2014, the King of Bahrain ratified and issued Law 21, amending some provisions of the Bahrain Citizenship Law of 1963. According to Article 9 in this law, Bahraini citizenship may be withdrawn -upon the request of the Interior Minister with the permission of the cabinet- from any Bahraini citizen who obtains another nationality without prior approval.

Citizenship will be withdrawn with a decree if the Minister of Interior did not approve the foreign nationality after obtaining the cabinet approval. The only exception is if the dual

citizenship is with one of the GCC countries. In this case, the citizen would be subject to a fine of up to 10,000 BHD (26,500 USD).

In normal circumstances, the mother of non-Bahraini children is allowed to sponsor her child or children, so that they can gain Bahraini citizenship. However, in 2016 the Bahraini authorities forcibly deported **Mahmoud Ahmed Khawouri**, after he had been held in the deportation center for two years. Khawouri, a football player, had been arrested on 29 April 2013 for his participation in the 2011 protests. He was accused of unlawful assembly and rioting by the First Criminal Court and sentenced to one year in prison. After he had completed his sentence Khawouri was transferred to the Criminal Investigations Directorate (CID), and then to an immigration detention center where he was held by the Department of Citizenship, Passports and Residency, due to his lack of Bahraini citizenship. Khawouri had been denied a Bahraini passport, even though he had lived his whole life in the country, due to his father's foreign (Shia Iranian) origin. His mother is a Bahraini citizen, who had attempted to sponsor her son on numerous occasions. Khawouri had been raised, and educated as a member of Bahraini society.³⁰

- **Resources and Assets**

Under Civil Law Bahraini women have equal rights to men. Women are allowed to access and manage land and nonland assets.³¹ Upon marriage a woman retains control of her personal assets, and can control them as she sees fit and unless stipulated in the marriage contract, can manage these assets without her husband's consent. However, women do not enjoy equal inheritance rights (see section on **Personal Status Laws: Inheritance**).

- **Financial Services**

Legally there is no discrimination in Bahrain between the access that men and women have to financial services. If married, women must gain the permission of their husbands to access some state subsidized loans. Many banks do not allow women to access financial services such

as bank loans without prior permission of their husband or closest male relatives. In turn this impacts the percentage of women who engage in entrepreneurial activity

4. International Regulations

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

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

All articles that Bahrain expressed a reservation against were in direct contravention to Sharia and/or existing Bahraini law. For example, Bahrain's second reservation in relation to the transmission of citizenship, contravenes with the national law which dictates that only Bahraini men can transmit citizenship to their children, even if the mother is a Bahraini national. Children of foreign-born spouses are therefore unable to acquire Bahraini citizenship through their mother.

Whereas objections to Article 15, Paragraph 4 were made due to social customs which prevent unmarried women living outside of the family home. Traditionally married women are unable to freely choose their matrimonial home.³²

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

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

- To take the necessary legislative steps to fully implement CEDAW before the next reporting period.
- To directly prohibit and sanction discrimination against women in line with its obligations under Article 1, and 2 of the Convention.
- To strengthen education and training programs for law enforcement officials, and members of the legal profession on CEDAW, and the forms and scope of discrimination.
- To prioritize its reform process, and to modify or repeal, discriminatory legislation, including legislation in its Penal Code, the Nationality Law and in family matters.
- That the Supreme Council for Women strengthens its cooperation with all stakeholders by supporting civil society groups and NGOs.
- To put in place a comprehensive national strategy and program to address all forms of violence against women including expediting the adoption of the bill to combat and criminalize domestic violence.
- To revise the Penal Code, repealing provisions that condone acts of violence against women and to add provisions to criminalize marital rape.
- To systematically collect gender specific data.
- To take measures, including temporary special measures in the form of quotas, to increase the number of women in political and public life at all levels, that the State

party promote women in leadership positions and foster an environment conducive to the promotion of women in all sectors.

- To ensure that women's civil society groups and NGOs may be freely established, and can raise funds.

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

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

5. Women Human Rights Defenders and other Activists:

Since 2011 Bahraini women have become increasingly involved in political activism in Bahrain, and are active members of civil society in Bahrain. *The Situation of Women in the Gulf States* proposes that the advanced education received by women in Bahrain has made women more likely to become involved in civil society.³⁴ Moreover, in 2002 Bahrain was one of the first Gulf states to extend the right to vote to women, although women remain underrepresented politically. Women have therefore been active in Bahraini civil society for a number of years.

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

Since 2011 BCHR has documented the arrest of more than 300 women. In 2016 there were 34³⁵ women arbitrarily detained in Bahrain, in the first two months of 2017 alone there has been 9 women arrested. In 2020, we count two women imprisoned for politically related charges.

The number of women targeted since 2011 demonstrates that women are subjected to the same arbitrary system of arrest as male human rights defenders, and that they are active in civil society. In April 2016 Taiba Darwish, a Bahraini citizen, was convicted and sentenced to five years' imprisonment on charges of 'harboring wanted suspects,' the European-Bahraini Organization for Human Rights (EBOHR) reported that Darwish was subjected to ill-treatment whilst detained. Darwish was also forbidden from having contact with her family for long periods.³⁶

The Bahraini government has tightened its grip on human rights activists, stepping up its campaign to repress the voice of civil society, and those who speak out against government atrocities. The next section will highlight some of the case of women human rights defenders and other female activists who have been targeted by the Bahraini authorities. It is important to note that the cases highlighted in this report are no more important than those of other activists targeted by the authorities.³⁷

- Hajer Mansoor

Hajer Mansoor Hassan, aged 50, who is held in Isa Town Detention Centre for Women in Bahrain is the mother-in-law of prominent human rights activist Sayed Ahmed Alwadaei, who is based in the United Kingdom. She is a prisoner of conscience, who was detained following an unfair trial, staged to silence Sayed Ahmed Alwadaei.³⁸

- Zakia Barbori

Zakia Barbori is currently imprisoned and sentenced to 5 years for politically motivated charges when she was arrested from her house on 17th of May 2018.

- **Ebtisam Al Saegh**

Ebtisam Al-Saegh is a Bahraini human rights defender with the organisation SALAM for Democracy and Human Rights (SALAM DHR). She is known for her work reporting and publicising human rights violations in the Gulf monarchy, and calling publicly for justice for victims of torture in Bahrain detention centres.

In May 2017, Al-Saegh was detained, sexually assaulted and tortured by security officers at the National Security Agency in Muharraq. She continued her activism upon release.³⁹

Nedal Al-Salman

Nedal Al-Salman, Acting President at the Bahrain Center for Human Rights (BCHR) and a Conveyor at IFEX and Vice President at the International Federation for Human Rights (FIDH) was interrogated on 15 November 2016 on charges of “illegal assembly”. Al-Salman undertakes advocacy duties for BCHR on the international stage, and publicly calls for reform in Bahrain. She was interrogated on the orders of the Public Prosecution.

In August 2016 Al Salman was placed under travel bans, and only made aware of this whilst at attempting to travel to attend human rights conferences. Al-Salman was prevented from attending the 33rd session of the United Nations’ Human Rights Council in Geneva, and Oun was unable to attend an event in Tunisia. The aviation authorities refused to let Al-Salman travel on orders from the Public Prosecution.⁴⁰

Nazeeha Saeed

In 2011 **Nazeeha Saeed**, a prominent Bahraini female journalist, reported being tortured whilst being interrogated in Bahrain. Saeed was beaten with plastic tubing, had her head put down a toilet which was then flushed to stimulate drowning, and had a caustic liquid, believed to be urine poured on her body. She was verbally abused throughout the ordeal. On her release, Saeed reported her torture to the Bahraini authorities, and although she could identify her attackers, only one was put on trial, and none were held accountable for the incident. This case represents a failing in the Bahraini legal system, and its inability to protect Bahraini citizens from incidents of torture.⁴¹

6. Violence Against Women (VAW)

Sexual harassment is illegal in Bahrain, legislative clauses however, refer to protection of honor rather than the protection of women's rights. There is no direct reference to VAW in the law.⁴² Submissions to the Universal Periodic Review of the UN Human Rights Council have also noted the lack of organizations that support victims of domestic and sexual violence. Like many other countries, violence against women is significantly under reported, and although pressure from the Bahraini Supreme Council for Women has resulted in training in gender- issues being offered to the police force and the judiciary, reporting rates remain low, and women are still subjected to gender based violence.⁴³

Rape is legally recognized as a crime in Bahrain, and offenders will be punished by the court system. However spousal rape remains a societal taboo, and is not regarded as a crime by legislative bodies. Whilst Article 353 of the Penal Code allows rapists are to marry their victims to avoid punishment. Marriages such as these often result in further psychological and physical damage being inflicted on the victim and traditionally have high rates of divorce. Allowing rapists to marry their victims means that perpetrators escape punishment, and if they later divorce to also avoid spousal duties of care, doubly victimizing the victim.⁴⁴

Spousal abuse has a low reporting rate, and although a minority of women cite abuse in divorce cases, there is still a reluctance for victims to come forward and report abuse. In one reported case a woman's request for divorce on the grounds of abuse was rejected, when the judge also did permit the woman to reside elsewhere for her own protection.⁴⁵

7. Migrant Women

In direct contravention of CEDAW the Bahraini government has not legislated on issues directly pertaining to the rights of migrant women. Migrant women, particularly those employed as domestic workers, are at increased risk of violence and sexual assault.⁴⁶ Domestic workers that are subjected to domestic violence and sexual assault rarely come forward to the Bahraini authorities out of fear of retribution and the social shame that still surrounds issues of abuse in the country.

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

It is estimated that there are in excess of 80,000 female workers in Bahrain. These women most commonly work as maids, and are treated as private property by their employers, in a modern-day form of slavery. These women are deprived of even their basic human rights, many are unable to leave their residents, and are unable to communicate or form relationships with individuals in their community. Female workers are deprived of their freedom to worship, and are forbidden from wearing religious symbols such as a cross. There are reported cases where women have been severely punished for portraying their religion. There are no laws in Bahrain that restrict these activities.⁴⁷

In 2017 in response to Bahrain's third periodic review, CEDAW issued the following recommendations in relation to female migrant workers in Bahrain:

- To strengthen the legal protection of women migrant workers by amending legislation to make provisions applicable to migrant female workers.
- To seek assistance from the International Labor Organization aid in the abolishment of the sponsorship system.
- To prosecute and sentence violent, abusive and exploitative employers and recruitment agents.
- To raise awareness of labor rights among women migrant and domestic workers.
- To ensure effective access by women migrant workers to legal aid and complaint mechanisms.
- To provide victims of exploitation and abuse with protection and assistance, including immediate access to shelters and rehabilitation services

8. Male Guardianship

In 2004, the passport law was amended to allow married women to apply for a passport gaining the permission of their husband. Legally women do not need consent to travel, and it is illegal for a man to confiscate his spouse's travel documents. In terms of employment article 55, paragraph A, of the personal status law acknowledges a woman's right to work. However, in some cases women have to gain permission from their husbands to work outside of the home, and marriage contracts must stipulate a woman's right to work, or the man must be aware of his female spouse's desire to work at the time of marriage. A male can also provide post-marriage consent if their female spouse wishes to gain employment. Paragraph B of Article 55 also stipulates that a wife will lose her alimony if she engages in work against the wishes of her husband, and against the interests of the family.⁴⁸

In August 2016 Bahrain's Ministry of Justice, Endowments and Islamic Affairs issued a set of new regulations for pilgrims intending to go to Hajj. These new regulations stipulate that female pilgrims under the age of 45 are obligated to be accompanied by a guardian, such as a husband, father, brother or son, if travelling to Mecca. The regulations violate CEDAW; by acceding to the convention Bahrain committed themselves to implement measures to end discrimination against women. The regulation also constitutes a violation of Article 13 of the Universal Declaration of Human Rights (UDHR), and Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of religion.⁴⁹

9. Organizations Promoting Women's Rights:

The main state organization promoting women's rights in Bahrain is the Supreme **Council for Women** (SCW). The organization was established by royal decree in 2001, and is governed by royal orders No. 44, and 2. The establishment was amended by Royal Decree No. 36 in 2004. The organization is directly affiliated to the crown, and is currently run by a member of the royal family. Moreover, Bahraini authorities are mandated to seek the opinion of the SCW prior to taking any action in regards to the position of women. International reports have also noted that the SCW, although restricted by its allegiance to the government, has been pivotal in ensuring that women's rights are addressed by the state, and in increasing the awareness of women's rights.⁵⁰

The SCW is responsible for drafting national plans to promote women's rights, reviewing laws and legislation, and making recommendations for legal reform. The institution can only lobby for change on issues that the Bahraini government tacitly agree with, or it risks closure. However, it has publicly lobbied for changes in the law in relation to the status of women. In 2005 the SCW publicly came out in support of the longstanding campaign for the codification of the Personal Status laws.⁵¹ NGOs had campaigned on the issue of codification since 1982. In 2009 the organization launched a lobbying campaign to amend the nationality law, which prohibits women from transmitting their Bahraini citizenship to their children (see section on **Citizenship and Nationality**).

The SCW General Secretariat is also home to the Women's Support Centre (WSC), which was set up to deal with gender-based issues that affect women. The WSC monitors the needs of women in the kingdom, and receives complaints from female residents of Bahrain. The center operates within the framework of the SCW mandate. The most prominent issues the center address relate to the granting of Bahraini nationality to the children of foreign-born spouses

and Bahraini women, and the entitlement of women with custody of children to welfare and social support. The center works with other organizations created at the behest of the Bahraini government such as the Batelco Care Centre for Family Violence Cases, and the social centers attached to the Ministry of Human Rights and Social Development, and the Dar al- Aman shelter. All of these organizations are affiliated with the government, and can therefore only offer restricted services to women, in line with the official mandate.⁵² Shelters for abused women, and organizations offering legal support to women are beginning to operate in Bahrain.

However, international NGOs are unable to work in Bahrain, and Bahraini organizations are all registered and monitored by the Ministry of Social Development. The surveillance of NGOs means that they are unable to operate as freely as they would like and subsequently their efficacy is severely limited. Furthermore, Bahraini NGOs are not able to accept funds from international organizations, if they are found to be associated with international NGOs the Ministry of Social Development can revoke their license and stop them from operating. The main body of support then for women seeking counselling and advice is active members of civil society and small Bahraini NGOs.⁵³

In 2014 CEDAW urged Bahrain to collaborate with, and provide adequate funding to NGOs, to increase the number and capacity of shelters and services for victims of violence against women. This was followed by a recommendation that Bahrain take measures to increase the collection of data on violence against women, to ensure the provision of reintegration and rehabilitation services for victims of violence. International bodies have therefore recognized the lack of civil society infrastructure in Bahrain to address gender specific issues.⁵⁴

The most politically viable option for developing civil society in Bahrain has been the partnership model. Joint partnerships between business associations, civil society and political rights organizations have been less politically problematic, and have been effective in providing services to women.⁵⁵ For example in 2007, a partnership was formed between the US-based NGO, Vital Voices, the US State Department and the Bahraini company Smart

Coaching and Research Centre. One of the aims of the partnership is to increase access to training in advocacy and volunteerism, and to advance discussions in civil society on issues such as domestic violence.⁵⁶

10. Conclusion

In conclusion, women can be powerful actors for peace, security, and prosperity. When they participate in peace processes and other formal decision-making processes, they can play an important role in initiating and inspiring progress on human rights, justice, national reconciliation and economic revitalization. They can also build coalitions across ethnic and sectarian lines and speak up for marginalized and minority groups. Investing in women's leadership is therefore smart security as well as smart development.

Footnotes:

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