BAHRAIN

The situation of women continues to be affected by patriarchal norms and traditions, although women’s rights have been somewhat advanced under the current king.¹ Women’s level of education is often high, but their employment opportunities remain limited.² Bahrain’s first report on the UN Millennium Development Goals (MDGs) identifies changing traditional views of the role of women – both in society and the workforce – as a main challenge to be addressed.³

Bahrain’s Constitution, which was amended in 2002, provides equal rights to women and men at articles 1 and 5, and bans discrimination on the basis of gender, so long as this is compatible with Sharia law.⁴ Bahrain ratified the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) in 2002, but with reservations to Article 2, on prohibition against discrimination within government policies, particularly in the area of inheritance; the right of a woman to pass her citizenship to her husband and children under Article 9, paragraph 2; a woman’s freedom of movement and choice regarding residence and housing under Article 15, paragraph 4; and equality in marriage and family life under Article 16.⁵ It has not yet ratified the Optional Protocol on violence against women.⁶

1. Discriminatory family code

In 2009, Bahrain adopted a personal status code for the first time, although this only applies to Sunni Muslims.⁷ Prior to this, matters relating to the family, marriage and inheritance were governed by the Sharia courts, and by Sharia and customary law, which differed according to which religious sect a woman belongs to.⁸ This is still the case for women who are not Sunni Muslims, including the Shiite majority, with the result that cases are decided on the basis of judges’ personal interpretations of Islamic texts instead of codified law, often meaning that women’s rights are ignored or violated in the courts.⁹ The original draft law applied to Sunni and Shiite Muslims, but the sections relating to Shiites were withdrawn following threats of protest from hard line Shiite clerics.¹⁰ Personal status matters for non-Muslims are governed by the civil courts.¹¹

¹ Ahmed (2010) p.59
² Ahmed (2010) p.60
³ UNDP (2003) p.2
⁴ CEDAW (2007), p30
⁵ United Nations Treaty Collection (n.d.)
⁶ United Nations Treaty Collection (n.d.)
⁷ Ahmed, Dunya Ahmed Abdulla (2010), p.60
⁸ CEDAW (2007), pp.34, 39, 107
⁹ Ahmed, Dunya Ahmed Abdulla (2010), p.60
¹⁰ Ahmed, Dunya Ahmed Abdulla (2010), p.60
No **minimum age of marriage** had been defined in Bahrain until October 2007 when the Minister of Justice fixed the legal ages at 18 for males and 15 for females.\(^{12, 13}\) However, a Sharia court can give permission for a marriage to take place before a girl reaches the age of 15, in cases of ‘urgent need’ (not specified).\(^{14}\)

Only marriages concluded under Sharia law are legally recognised in Bahrain.\(^{15}\) No minimum marriage age is specified in Sharia law; however, it appears that to be legally recognised, marriages must be performed after the bride has reached the age of 15, under the order of the Minister of Justice mentioned above.\(^{16}\)

The official Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) report (2011) notes that while a campaign has been launched to try and bring in a unified family law to cover Shiites as well as Sunnis, this does not include plans to raise the minimum marriage age to 18 for women.\(^{17}\)

Up-to-date figures for **early marriage** are not available, but data held by the UN from 2001 indicates that at that point, 4.2% of girls aged 15-19 were married, divorced or widowed.\(^{18}\)

It is unclear whether women and men have equal **parental authority** over children during marriage. According to the 2007 official CEDAW report, parents enjoy joint custody of children during marriage.\(^{19}\) However, in a report published by Freedom House in 2010, Ahmed refers to fathers retaining legal custody of children following divorce (even if the mother is granted physical custody), implying that fathers have the ultimate decision-making authority over children in marriage.\(^{20}\) In addition, the husband is legally recognised as the guardian of his wife.\(^{21}\)

In the event of divorce, under the new personal status code, custody of children is assigned to Sunni women until boys reach the age of 15 and daughters reach the age of 17 (or marry, whichever comes first).\(^{22}\) For Shiites, mothers retain custody until boys reach the age of seven, and girls reach the age of nine.\(^{23}\) In both cases, women in any event would only have physical custody over their children, as the father retains legal custody (meaning, for instance, that he can stop his ex-wife taking the children out of the country).\(^{24}\) A woman also loses custody of her children if she remarries.\(^{25}\)

Under Sharia and customary law, the husband is considered to be the head of the household.\(^{26}\) As outlined above, parental authority is governed by Sharia law (including under

\(^{12}\) CEDAW (2008a), p.17

\(^{13}\) Ahmed, Dunya Ahmed Abdulla (2010), p.67

\(^{14}\) CEDAW (2011), p.51

\(^{15}\) CEDAW (2007), p.108

\(^{16}\) CEDAW (2008a), p.17.

\(^{17}\) CEDAW (2011), p.52.


\(^{20}\) Ahmed, Dunya Ahmed Abdulla (2010), p.68

\(^{21}\) CEDAW (2007), p.109

\(^{22}\) Ahmed, Dunya Ahmed Abdulla (2010), p.68

\(^{23}\) Ahmed, Dunya Ahmed Abdulla (2010), p.68

\(^{24}\) Ahmed, Dunya Ahmed Abdulla (2010), p.68

\(^{25}\) CEDAW (2007), p.109

\(^{26}\) CEDAW (2007), p.39
the new personal status code, which is shaped by Sharia law), under which women do not have equal rights.

According to a Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) shadow report submitted by the Bahrain Women’s Union and other NGOs, in some cases, men only agree to a woman’s request for a divorce in return for her giving up her right to custody over their children.\(^{27}\)

Women do not enjoy equal inheritance rights as wives and daughters. Inheritance is governed by Sharia law, which provides guidelines for calculating inheritance shares.\(^{28}\) A woman may inherit from her father, her mother, her husband, her children and, under certain conditions, from other members of her family.\(^{29}\) However, her share is often smaller than a man’s entitlement and is dependent on which other family members survive the deceased.\(^{30}\) In general, a widow inherits one-eighth of the estate of her husband when she has children, while a widower with children inherits one-fourth of his wife’s estate.\(^{31}\)

Al Gharaibeh outlines an important distinction between Bahrain’s two primary Muslim sects. In the absence of a direct male heir, Bahraini Shia interpretations allow daughters to inherit the full estate of a deceased father. By contrast, Sunni traditions oblige daughters to share such an inheritance with the brothers or other male relatives of the deceased. At the same time, a Shiite wife cannot inherit land, only moveable property.\(^{32}\)

It appears that in practice, women’s inheritance rights may be violated by the male executors of the will, who do not follow the law and refuse to give women the inheritance to which they are legally entitled.\(^{33}\) A shadow report submitted by the Bahrain Human Rights Watch Society in 2008 notes that some Shiite men marry non-Muslim women in Muta’a (or temporary) marriage ceremonies; in such cases, the wife has no right to claim inheritance in the event of the husband’s death.\(^{34}\)

**More**

Apart from a very narrow range of circumstances (e.g. domestic violence, or illness on the part of the husband), only men are able to initiate divorce, unless a clause allowing the wife to do so has been included in the marriage contract.\(^{35}\) The only other way a woman can obtain a divorce is if she requests a ‘khula’ divorce.\(^{36}\) Under ‘khula’, a woman is able to request a divorce unilaterally, but forfeits her dowry and any future financial support from her ex-husband.\(^{37}\)

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\(^{27}\) Bahrain Women’s Union and Others (2008), p.21  
\(^{28}\) CEDAW (2007), p.112  
\(^{29}\) United Nations Human Settlements Programme (UN-HABITAT) (2005), p.11  
\(^{30}\) CEDAW (2007), p.32-33  
\(^{31}\) CEDAW (2007), p.112  
\(^{33}\) Ahmed, Dunya Ahmed Abdulla (2010), p.73  
\(^{34}\) Bahrain Human Rights Watch Society (2008), p.11  
\(^{35}\) CEDAW (2007), pp.110-111  
\(^{36}\) Ahmed, Dunya Ahmed Abdulla (2010), p.68  
\(^{37}\) Ahmed, Dunya Ahmed Abdulla (2010), p.68
2. Restricted physical integrity

There is no criminal or civil legislation in place in Bahrain protecting women from domestic violence. As of 2011, a draft domestic violence law was under discussion, according to the official Convention on the Elimination of All forms of Discrimination against Women (CEDAW) report.

A number of women’s centres have opened in recent years, run by women’s rights organisations; this includes one small shelter. There have also been government campaigns to raise awareness of domestic violence, and to inform women about their rights under Sharia law in regard to cases of spousal abuse, training has been provided to judges who deal with domestic abuse cases, and the number of women police officers specially trained to deal with domestic violence cases has increased. However, Ahmed notes that enforcement mechanisms for the limited legal provisions that do apply are lacking, and in cases where a man is arrested, he usually receives a few days imprisonment and a fine, before being able to return to the family home.

No data on conviction rates in domestic violence cases was found.

Domestic violence is rarely discussed and incidents are seldom reported to the police. An article by Al Gharaibeh notes that judges often consider violence against women committed by parents, brothers, and husbands to be in accordance with religious and state laws, meaning that perpetrators escape punishment. In addition, courts do not accept the testimony of witnesses who are related to the victim, or the testimony of a sole woman, given that domestic violence is usually witnessed by family members or women working in the household, this makes it even more difficult to prove that domestic abuse has taken place.

Under the Penal Code, rape is a criminal offence in Bahrain; the punishment is life imprisonment. The law does not recognise the concept of spousal rape. A rapist can avoid punishment if he marries the victim. It is unclear whether the victim’s consent is required in such circumstances.

No information was found on mechanisms or measures to ensure the implementation of criminal laws on rape. According to the United Nations Office on Drugs and Crime (UNODC), in 2008, 36 cases of rape were registered with the police. It is unclear how many of these

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40 Ahmed, Dunya Ahmed Abdulla (2010), p.70
41 Ahmed, Dunya Ahmed Abdulla (2010), p.70
42 CEDAW (2011), p.16
43 CEDAW (2008b), p.4
45 Ahmed, Dunya Ahmed Abdulla (2010), p.63
46 The testimony of two women is equivalent to the testimony of one man
51 Penal Code, Article 353
resulted in a conviction. The US Department of State reports that in 2012, three rape cases were referred to the courts, but none resulted in a conviction.

Ahmed notes that the clause in the Penal Code allowing men to escape imprisonment by marrying their victim acts as a significant barrier to reporting. The US Department of State observes that rapes are rarely reported, but provides no further details.

**Sexual harassment** is illegal in Bahrain under provisions of the Criminal Code; this includes verbal harassment as well as physical. However, the clauses relate to protecting honour rather than protecting women’s rights.

No information was found regarding the existence of any mechanisms or measures in place to ensure implementation of the legal provisions relating to sexual harassment. Submissions to the Universal Periodic Review of the Human Rights Council noted the lack of institutional support to victims of sexual harassment.

Sexual harassment appears to be a problem in Bahrain, but is widely underreported, as women are fearful of bringing shame upon themselves and of the potential negative impact on their careers, and because of the lack of support to victims. According to a 2012 report by Human Rights Watch, domestic workers living and working in Bahrain are at particular risk of sexual harassment from their employers. It is unknown how common such harassment is, as few cases are reported, due to stigma, shame, fears of counter charges by employers, the isolation and powerlessness of many domestic workers, and practical obstacles that workers face in filing complaints (e.g. the language barrier and lack of familiarity with complaint mechanisms).

There is no evidence that **female genital mutilation** (FGM) is practised in Bahrain.

**More**

All sex outside of marriage is illegal. So called ‘honour’ killings are punishable under Bahraini law, but provisions in the Penal Code allow for lower penalties if a crime is committed in anger
by a man against his wife or sister, when he discovers his wife in the act of adultery, or his sister in the act of fornication.\textsuperscript{61-63} There are over 460,000 migrant workers resident in Bahrain.\textsuperscript{64} Although most have entered the country legally, many migrant domestic workers (the majority of whom are female) live and work in slavery-like conditions, with restricted freedom of movement, unpaid wages, and reports of physical and sexual abuse.\textsuperscript{65} A new private sector labour law signed in 2012 introduced greater legal protections for migrant workers, but most do not extend to domestic workers; for instance, while domestic workers now have the right to take annual leave, they still do not enjoy the same rights as other migrant workers in regard to limits on hours of work, weekly days off, and the right to leave their employers.\textsuperscript{66}

The Bahrain Center for Human Rights states that sexual harassment, rape, and sexual torture have been used against male and female political prisoners in Bahrain.\textsuperscript{67}

**Abortion** is available on demand\textsuperscript{68} when the woman’s health is in danger.\textsuperscript{69}

### 3. Son bias

CIA reports that Bahrain has a male/female sex ratio at birth of 1.03 in 2013.\textsuperscript{70} This keeps stable around 1.03 for the age-range 0-14 and reaches up to 1.75 for the working age-group 15-64. The 2014 projected sex-ratio for the entire population is 1.54.\textsuperscript{71} More conclusive evidence is needed to evaluate whether these high juvenile sex-ratios are related to a missing women phenomenon in Bahrain. The high adult sex ratios are mainly due to male migration.

*More*

Infant mortality rate is higher for boys than for girls, with 10.69 deaths over 1,000 live births and 8.65 deaths over 1,000 live births, respectively.\textsuperscript{72}

UNICEF data on education statistics reveal that the gender gap in both primary education and literacy rates is almost closed. The 2008-2012 net attendance ratio in primary school is 86.2% for males and 86.6% for females. The same estimate for secondary school participation is, instead, higher for girls (84.8%) than for boys (76.5%).\textsuperscript{73} In addition, women form the bulk of

\textsuperscript{61} Ahmed, Dunya Ahmed Abdulla (2010), p.64
\textsuperscript{62} Al Gharaibeh, Fakir (2011) ‘Women’s empowerment in Bahrain’, *Journal of International Women’s Studies*, vol.12, no.3, p.101
\textsuperscript{63} For a refutation of this, see CEDAW (2007) 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, CEDAW/C/BHR/2, CEDAW, New York, p.104
\textsuperscript{64} Human Rights Watch (2013), p.525
\textsuperscript{66} Human Rights Watch (2013), p. 525.
\textsuperscript{67} Bahrain Center for Human Rights (2010)
\textsuperscript{68} United Nations Department of Economic and Social Affairs, Population Division (2013)
\textsuperscript{69} 2007 CEDAW report; not covered in 2011 CEDAW report
\textsuperscript{70} CIA (2013)
\textsuperscript{71} CIA (2013)
\textsuperscript{72} CIA (2013)
\textsuperscript{73} UNICEF Statistics (2013)
university students. Boys and girls’ literacy rates for the 15-24 age group are almost identical, at around 98%.

The figures above would not indicate that Bahrain is a country of concern in regard to gender-specific access to education.

4. Restricted resources and assets

Under Bahrain’s Constitution, Commercial Code, and National Action Charter, women have the right to own, access, and manage land and non-land assets (property other than land).

On marriage, a woman retains control and ownership of any property that she owns unless stipulated in the marriage contract; she can manage and dispose of that property without her husband’s consent.

Property and land ownership is governed by civil law in Bahrain, not by Sharia law. Under civil law, women have the same legal capacity as men.

No data on women’s access to and ownership of land and property other than land was found. Some women authorise a male family member to manage property, land, and other assets.

In addition, the Bahrain Women’s Union note that in practice, in the case of divorce, it is often difficult for women to claim their right to property purchased jointly during the marriage.

Women and men have the same legal rights to access financial services, including credit and bank loans (law not specified).

In practice, it appears that some do experience discrimination in accessing credit, including credit provided by government agencies. For instance, women are only able to apply for state-subsidised loans to purchase property if they are widowed or divorced; otherwise, they need the agreement of their husbands.

According to financial inclusion data held by the World Bank, 49% of adult women had a bank account in 2011, compared to 79% of men. In the same year, 22% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.

Some government programmes to support the establishment of small and medium-sized businesses have specifically targeted women. These include the Family Bank, established in

74 Ahmed (2010) p.73
75 UNICEF Statistics (2013)
76 Bahrain Women’s Union and Others (2008), p.19
77 Ahmed, Dunya Ahmed Abdulla (2010), p.72
78 CEDAW (2011), p.50
79 Ahmed, Dunya Ahmed Abdulla (2010), p.72
80 CEDAW (2007), pp.101, 109
81 CEDAW (2007), pp.21-22, 101
82 CEDAW (2008a), p.16
83 Bahrain Women’s Union and Others (2008), p.22
84 CEDAW (2011), p.49
85 AlMunajed, Mona S. (2012)
86 World Bank (n.d.)
2007, which provides micro-credit as well as other services to support women entrepreneurs, and the Edbaa Bank (established in 2009), which provides micro-credit to low-income recipients. Women made up 65% of recipients of micro-credit loans from the Edbaa Bank, to the end of 2010.\textsuperscript{87}

5. Restricted civil liberties

The law provides for freedom of movement and access to public space for all persons: women do not need permission from their husband or guardian to obtain a passport and it is illegal for a husband to confiscate his wife’s travel documents.\textsuperscript{88} However, under the new personal status law, married Sunni women must still obtain their husband’s permission before taking employment outside the home.\textsuperscript{89} In addition, married women in Bahrain are legally required under Sharia law to live in the matrimonial home (chosen by the husband).\textsuperscript{90}

Migrant women workers face legal restrictions on their freedom of movement, as their legal status in the country is dependent on their employers. They cannot leave the country until their employer has cancelled their work visa, and must wait one year before they can change jobs within Bahrain.\textsuperscript{91}

Homosexuality is a criminal offence in Bahrain, restricting the free access to public space of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) women.\textsuperscript{92}

Women are sometimes limited by socially imposed restrictions. For example, some women are still pressured to request permission from the male head of the household or from their husband before travelling abroad or leaving their home to visit friends or family, even though they are legally entitled to do either freely.\textsuperscript{93, 94} It remains socially unacceptable for unmarried women to live alone, and in general, the day-to-day freedom of movement of unmarried women is more closely controlled than that of married women.\textsuperscript{95}

Isolated and small women’s movements existed since 1950, in addition to women’s participation in male-directed political parties and movements. In 1994 women participated actively in anti-government protests. Since 2001, women’s activists have worked under the umbrella of the Supreme Council for Women (SCW), headed by the king’s first wife Sheikha Sabika bint Ibrahim al-Khalifa. The council promotes women’s rights mainly in these areas: economic, political and within the family.\textsuperscript{96} Moreover, also in 2001, was created The Bahrain Women Union (BWU). This union of 12 women’s association works for women’s economic, social and political empowerment\textsuperscript{97}.

There are currently no quotas in place to promote women’s political participation in Bahrain. In 2010, a proposal to introduce a quota at the parliamentary level was rejected by the

\textsuperscript{87} CEDAW (2011), p.49  
\textsuperscript{88} CEDAW (2011), p.51  
\textsuperscript{89} Ahmed, Dunya Ahmed Abdulla (2010), p.74  
\textsuperscript{90} CEDAW (2011), p.51  
\textsuperscript{91} Human Rights Watch (2012), p.25  
\textsuperscript{92} Ahmed, Dunya Ahmed Abdulla (2010), p.64  
\textsuperscript{93} Ahmed, Dunya Ahmed Abdulla (2010), p.64  
\textsuperscript{94} Al Gharabiheh, Fakir (2011), p.105  
\textsuperscript{95} Ahmed, Dunya Ahmed Abdulla (2010), p.68  
\textsuperscript{96} Magdalena Karolak (2012), p.6  
\textsuperscript{97} Global Fund for Women (n.d.)
Supreme Council for Women on the grounds that it would be discriminatory under the Constitution. 98

According to the official Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) report (2011), a woman was directly elected onto a municipal council for the first time in 2010. 99 No further information on the representation of women in local governments was found.

More

Discrimination in employment on the basis of gender is illegal in Bahrain, and it is illegal to dismiss a woman from employment while she is on maternity leave. 100

Pregnant women in Bahrain are entitled to 45 days’ paid maternity leave, and a further 15 days unpaid. While on maternity leave, a woman receives 100% of her salary. 101 Paid maternity leave is financed by the employer. 102

The 2007 and 2011 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) reports claim that Bahraini media (as opposed to Western media, widely accessible in Bahrain) do not present women in stereotypical ways, although Ahmed disputes this, and reports that there is little critical discussion of gender issues in the Bahraini media. 103, 104, 105 No information was found on the number of women working in the media in Bahrain.

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98 Shalaby, Ethar (2010)
99 CEDAW (2011), p.32
100 Ahmed, Dunya Ahmed Abdulla (2010), p.74
101 Labour Law, Article 61
102 International Labour Organization (ILO) (2011)
104 CEDAW (2011), p.27
105 Ahmed, Dunya Ahmed Abdulla (2010), pp.77, 82
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