

[NOTE FROM SECRETARIAT: The present submission also contains 3 files which are attached herewith and which have been reproduced as received ]

**Shadow Report submitted to the United Nations  
Committee on the Elimination of Discrimination  
against Women (CEDAW) in response to the Kingdom of  
Bahrain Periodic Report (Combined initial and second  
periodic report of States parties)**

August, 2008

Submitted by The: "Respect" Movement which is under the umbrella of the Bahrain Human Rights Watch Society (BHRWS) .

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Kingdom of Bahrain

**Executive Summary**

1. Kingdom of Bahrain Constitution has provided for political rights for women on equal basis with men and the government of Kingdom of Bahrain has introduced a number of positive initiatives to fulfil its obligations to the Convention on the Elimination of All Forms of Discrimination against Women and address discrimination and violence against women.

2. We especially welcome the Establishment of Supreme Council For Women in Kingdom in the second century of the month in August 2001 by Order No. 44 of Sovereign in 2001 by Order No. 44 of Sovereign in 2001 as an institution concerned with women's affairs official in the Kingdom of Bahrain. Followed by His Majesty the King of the country, and is chaired by Her Highness Sheikha Sabika bint Ibrahim Al Khalifa. One of the most important terms of reference of the Council: Opinion and



decide on matters related to the status of women directly or indirectly. Empowerment of women in public life. A draft national plan for the advancement of women and solve the problems they face in all areas. Giving effect to the principles contained in the National Action Charter and Constitution of the Kingdom of Bahrain with regard to women. Community awareness of women's role and their rights and duties through the issuance of bulletins and publications related to the objectives of the Council and its terms of reference.

3. However, women's NGOs are facing a serious funding crisis which has already resulted in the closure of women's NGOs and the reduction of services. This crisis denies women's NGOs the financial stability and certainty that would enable them to plan ahead, as well as threatening their service provision and Lack of representation of women's organisations in local decision making bodies.

4. In particular, the Shadow Report describes the:  
Establish and enforce equal protection for domestic workers and Migrant Women Workers in Bahrain under labor laws.

5. The government must also examine its relationship with the women's NGO sector and make specific and targeted efforts to improve its engagement with the sector in all areas of government and at all levels.

6. We believe that current funding policies and practices that women's NGOs are subjected to are discriminatory and contradictory to the promotion of gender equality.

**BHRWS will raise 3 critical issues, political representation, Marriage and Family Law, domestic and migrant workers Rights and Trafficking.**

**1. Political representation in Kingdom of Bahrain:**

In contravention of articles 7 (Political and public life) and 8 (Participation at the international level) in the CEDAW convention, women continue to be underrepresented in political decision making. In 2008, only One in Majlis Al-Nuwab and Eleven in Majlis Al-Shura (the main 2 houses of the Bahrain parliament) and 0 in Municipal Councils members were women and the number of female Cabinet ministers and Ministers of State was one and one respectively, Government interventions under article 4.1 (Temporary special measures to achieve equality) have focused on a narrow interpretation



of what constitutes political participation and do not reflect general recommendation 23(5). Special Measures have focused on numerical representation within political Societys and have not addressed the barriers to participation as identified by the CEDAW Committee, structural and attitudinal reasons, including limiting cultural and social values and difficulties in reconciling family life, paid employment and political tasks and There are no positive discriminatory procedures for women like adopting a quota, closed constituency or others and The results of 2006 parliamentary elections were disappointing at many levels for Women and Official procedures Against violations of trade union activists (Famel) from the union struck.

#### **A- Bahraini Political Societys:**

The political Societys' bylaws, political and elections programs in Bahrain repeatedly stress on the importance of women participation, they further call to support women and states that women have the full membership rights and duties, however in reality women are clearly separated in independent sectors and premises in most of the political parties and Discrimination in the status of women in some political and Human Rights Societys or forcing women and children in acts of violence and The opportunism of some political Societys and Human Rights in political alliances with some political societies in the non-religious to raise women's rights issues such as personal status law and other wich has greatly impacted on the Bahraini civil society to support and provide advocacy and women's rights.

#### **BHRWS recommend that the government of Kingdom of Bahrain:**

undertake temporary special measures under article 4.1 and in keeping with General Recommendations 25 and 23(15) establish a national support structure to support the full participation of women in political life in Bahrain, at community, local and national level, and introduce family friendly parliamentary working practices with timebound indicators and plans for impact assessment, in keeping with General Recommendation 23(11).



## **2. Marriage and Family Law ( See attached files no 1 & 2)**

BHRWS deeply concerned about the impact An alarming picture has been presented on the state of marriages in the Kingdom with an average of three couples filing for divorce everyday last year. In 2007 over 464 couples filed their papers for divorce in the first four months. These figures based on statistics compiled by the Ministry of Justice and Islamic Affairs were released by the Bahrain Human Rights Watch Society (BHRWS). The figures indicate an alarming increase of divorce among Bahrainis. There were total of 1305 couples from both the sects who filed for divorce last year - which means an average of three cases everyday.

The laws regarding divorce and custody cases favoured men and women continued to be at the receiving end.the legal and constitutional to pass the family law. this law is the only shield to protect women from divorce and custody cases. Women associations and unionists should form a strong lobby group to pressure the government and clergymen to pass the Family law. The increase in the number of divorce cases can be attributed to personal issues. They could be victims of domestic violence or have marital problems, an NGO provide lawyers and counsellors to assist the wives.

Women advocates have also met religious leaders to convince them to back the Family law. Clergymen continue to maintain their stand that no one has the authority to draft a family law because they fear it could abuse Islamic principles.

The lawmaker said they would include the divorce statistics in its shadow report which would be submitted to the Convention on the Elimination of Discrimination Against Women (CEDAW) committee in October. Bahrain is signatory to CEDAW which it signed in 2002 with reservations. There were reservations on some articles concerning family law, equality, freedom of movement, and residence a study conducted in 2003 by the Prince Salman Social Centre in Riyadh revealed that divorce rates in Bahrain was 34 per cent. The Ministry of Social Development granted financial aid to 1,345 divorced women last year.

The clerics have stopped the implementation of the family law for Sharia, but Bahrain joined the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 2001.

There are many cases to address, for example there are many Bahraini women married to expats who are still waiting for their children to

get citizenship and some are in a bad situation and efforts from all sectors were needed to ensure that women, children and domestic

workers had the rights they deserve. Gender-based violence was a form of discrimination that seriously curbs women's ability to enjoy rights and freedoms on a basis of equality with men.

### **BHRWS recommend that the government of Kingdom of Bahrain:**

Kingdom of Bahrain have to take appropriate measures, especially in the field of education and legislation, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.

The petition of BHRWS was welcomed by female victims of abuse who are temporarily being housed at the Overseas Workers Welfare Administration shelter and the women were the first to sign the petition.

This law will ensure the basic rights of all mothers and their children and grant them dignity and respect in the society that they live in It is important to include domestic workers under the labour law so they can also be assured of their basic rights. electronically sign the BHRWS petition, which was remains open until the end of the 2007.

### **3.domestic and migrant workers Rights and Trafking (see attached file no 3):**

The 'Respect' Movement wich is under the umbrella of the Bahrain Human Rights Watch Society (BHRWS) issued a Call to Government of Kingdom of Bahrain wich participating on January 21 and 22,2008 in United Arab Emirates waich host the labor ministers in the latest round of the Colombo Process, a series of regional consultative meetings of government officials focused on issues relating to Asian contract migrant workers, on January 23 and 24, these discussions will continue in the Gulf Forum on Temporary Contractual Labor. This is the first time a labor-receiving country is hosting the Colombo



Process.

in the Both labor-sending and labor-receiving countries benefit from migration, but abuse of workers' rights remains rampant. These abuses include recruitment-related deception, unpaid wages, confiscation of passports, and, in some instances, physical violence, urgent action was needed from the Bahrain authorities because people were suffering. There are more than 55,000 expat domestic workers whose wages are around BD45 per month and who work more than 12 hours a day with no rest and Many who are running from abuse still have cases in court and And the exploitation of women in prostitution through trafficking in human.

**BHRWS recommend that the government of Kingdom of Bahrain:**

\* Establish and enforce equal protection for domestic workers under labor law. This includes provisions for at least one day off per week, limits to working hours, overtime pay, and other benefits. Outlining provisions for labor conditions through specialized employment contracts for domestic workers are not a substitute for equal protection under the law.

\* Reform of the kafala ("sponsorship") visa system. Employment visas that tie workers to their employers make it difficult for workers to change employers, even in cases of abuse, and sometimes require them to obtain their employer's consent before leaving the country. Workers' visas should not be linked to employers.

\* Implement stronger monitoring of labor-recruitment agencies. Both sending and receiving countries should more rigorously regulate, monitor, and enforce minimum standards for labor-recruitment agencies. Government of Bahrain should set clear standards for recruitment fees or eliminate these fees completely.

- Ensure that migrants have access to justice and support services in the Kingdom. Migrants accused of committing crimes must have access to interpreters or legal aid. Migrants who suffer abuse should have access to shelter, legal aid, medical care, and temporary residence status. Government of Bahrain should ensure speedy and transparent mechanisms to resolve wage



disputes, and they must prosecute cases of abuse against migrants through the criminal justice system and to The elimination of human trafficking and develop a national plan in the Kingdom.

### **General Recommendations:**

1. amend legislations and laws to ensure equal gender rights.
2. legislation must include remedies to address children with unknown fathers' problem, incest cases, Women trafficking and prostitution crimes.
3. incriminate illegal practices and treat women and men according to equal citizenship principle.
4. reform courts systems, police stations and prosecutors offices. Encourage and facilitate complain procedures for women.
6. train policewomen to supervise women prisons (women sections) and allocate detention facilities for women who are under investigation, to avoid sending them to women prisons prior to their conviction.
7. provision of children care supplies for children accompanying their imprisoned mothers, including food and medical supplies and education facilities. Provision of kindergarten for infants born in prisons.
9. improve prisons conditions, particularly women prisons. Provision of health, psychological and social care for women in prison.
10. ratifying Optional Protocol of CEDAW, noting that Kingdom of Bahrain has no reservation on CEDAW.

**Thank you for your,**



### **References :**

[www.bhrws.org](http://www.bhrws.org)  
[http://bhrws.org/eng/index.php?action=view&page\\_id=13](http://bhrws.org/eng/index.php?action=view&page_id=13)  
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(FILE NO 1)

Date: 26/4/2006

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**Subject: A complaint lodged by “The Women’s Petition Committee” in the Kingdom of Bahrain – Headed by Ms. Ghada Jamsheer.**

We, the Bahraini women, members of “The Women’s Petition Committee” headed by Ms. Ghada Jamsheer, lodge with the United Nations a bitter and painful thirty-three years-old complaint that has existed in the Kingdom of Bahrain from the time of its independence and the issuance of the first constitution in 1973. At that time, the kingdom looked towards administrative and legal organization by issuing legislations that suited the economical, social and administrative evolution of the kingdom; yet all matters related to personal law remained un-codified and un-controlled. The Bahraini woman remained the weak half of the family equation, especially when she turned to the local Shari’a Courts asking for her rights, whether as a wife or divorcee. During the seventies till mid-nineties the political will was united behind the social will of the scholars to deprive the woman from having her rights as set by the Islamic Shari’a. They also stood against codifying the family law like the other Arab and Islamic countries. All of this turned the Bahraini Woman into a hostage of the official and social situation.

Bahrain Human Rights Watch Society  
Shadow Report submitted to the (CEDAW) in response to  
the Kingdom of Bahrain Periodic Report.  
August 2008





## The Legal Base of the Complaint

We turn to the United Nations because we believe in the role they play in spreading peace and enforcing human rights, especially the rights of the weaker sects of society- which women usually fall under. We also invoke the activation of the recommendation by the Human Rights Committee in the United Nations on May 2005 to codify and pass a Personal Law, and the role of the United Nations in monitoring the implementation of human rights in the member countries. We also turn to you on the bases of the principles of equity and human dignity, as stipulated by the Bahraini Constitution in article No. 18 which declares *all* citizens equal before the law and equal in all civil and legal rights and obligations, including being equal before the court in all its forms (such as Shari's Courts); a principle that is strengthened by the human rights and the international conventions including the convention which stipulates the elimination of all types of discrimination against women (CEDAW).

Since the legal system of the Kingdom of Bahrain lacks a Personal Law to delineate the rights and obligations of husband and wife, especially concerning marital rights and their responsibilities towards each other and towards their children. An example of this conflict is the legal right of the husband to have custody of his child when he/she reaches the age of seven (this applies to the Shiite sect) despite the fact that this verdict has no juristic basis in the Holy Quran or the Sunnah of the Prophet (Peace Be Upon Him). Moreover, the father or grandfather, without the mother's consent, has the power to marry-off the child; by all means a violation of his/her childhood.

Furthermore, Shiites marry an unlimited number of wives by "*Muta'a*" Marriage or "*Temporary Marriage*". They also wed non-Moslem women by "*Muta'a*" Marriage in order to dispossess them of their inheritance.

And due to the absence of a Personal Law, the relations between the mentioned parties and their respective rights, as stipulated in article 16 and preserved by the Kingdom of Bahrain are violated, and it would be difficult to impose any kind of control over the implementation of these rights and to monitor the actions of Shari'a judges, due to the diversity of sects and Islamic references.

Article 5 clause E of the Constitution obliges the State to reconcile the role of the woman in the family circle and her role in general life, through a legislation that preserves her and her children's, and protects her from financial duress in the case of divorce, or even during marital life. However, this remains something that has not yet taken place in the Kingdom of Bahrain.

### **The Technical Situation and the Mechanism of Court Operation**

The Shari'a Courts of the Kingdom of Bahrain are divided into two instances:

1. Courts of First Instance consist of:

- a) Minor Courts: Each court consists of a district Shari'a judge who looks into most cases such as alimony, child custody and residence.
- b) High Courts: Each court consists of three Shari'a judges and they look into divorce, inheritance, donation and testament.

2. Courts of Second Instance (Courts of appeal) consist of:

- a) High Court (in the capacity of an appeal's court): it consists of three Shari'a judges and looks into verdicts appealed from the junior courts.
- b) High Court of Appeal: it consists of three Shari'a judges.

Judges are nominated in Shari'a courts on a sectarian basis. There are no accurate criteria in nominating judges. The nomination also depends on the candidacy of the Supreme Court Council.

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The reformative project guided by His Majesty looks upon women as a main support in a paradigm that considers social and economical aspects comprising all citizens, men and women alike. Since then, woman have been privileged with direct attention from His Majesty that she may play her full role and enter, for the first time, a period in which the constitutional and legal provisions conform with the reality of Bahraini citizens, men and women.

Firmly believing in all of this, the State declared its desire to codify family law, as a reply to the proclamation of Bahraini women in general and undermined women in particular, a proclamation that had passed through temporal cycles of ebb and flow.

This desire was faced by strong objections that exceeded all logical limits. The leader of this opposition stated that ‘the spillage of abundant blood’ would not be enough to turn back from this orientation. This attitude incited the Shiites to sign a petition which refused codification and developed into organized manifestations and sectarian seminars demanding constitutional guarantees to secure men’s religious and paternal authorities over women. If it were not to be so, they would revert to article 2 of the Constitution that stipulates that Islamic Shari’a is the main source of legislation (thus entering into the fray of varying religious interpretations). Finally, the codification matter was accepted, as a principle, but they set unattainable conditions that could not be accepted.

As for those antagonists, who call for democracy and seek the return of the parliament under their much-praised slogan: “Parliament is the solution”, they have refused again that the Parliament discusses this law and they still insist on



monopolizing the power to issue laws and alter them. They also declared that future generations should be governed by present ideas while they set the non-alteration of laws as a condition. Furthermore, they attempt to stipulate their unprecedented demands and conditions as a guarantee that any alteration in the law would be constitutional. Noteworthy is their open insistence on the adoption of the laws of their religious reference in Najaf, which is a violation of the sovereignty of the state guaranteed by international conventions.

Those who stand in such obstinate and dogmatic opposition of the Family Law are using it as a bargaining chip with the State, uninterested in the damage they are inflicting upon Bahraini families, women and children. Their only aim is to legitimise their position, to create a fourth authority that controls and codifies family law, and to impose this codification on today and tomorrow's generations.



## Conclusion

We, “The Women’s Petition Committee” ask the Secretary-General of the United Nations, the High Commissariat for Human Rights, the British Parliament, international organisations and all women’s organisations and committees to stand by us: by pushing for the issuance of the Family Law and for the Parliament to put the wheels of procedure in motion, according to the principle of segregations of authority, which is the first principle concerning the segregation of legislative authority and that of religious institutions.

With our sincere gratitude,

Ms. Ghada Jamsheer

Chairwoman of “The Women’s Petition Committee”.

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**(FILE NO 2)**

**Date: April 26, 2006**

**Mr. Kofi Annan**

**Secretary-General of the United Nations**

**Subject: A complaint lodged by “The Women’s Petition Committee” in the Kingdom of Bahrain – Headed by Ms. Ghada Jamsheer.**

Honourable Mr. Secretary-General,

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**Mr. Secretary-General,**

The reformative project guided by His Majesty looks upon women as a main support in a paradigm that considers social and economical aspects comprising all citizens, men and women alike. Since then, woman have been privileged with direct attention from His Majesty that she may play her full role and enter, for the first time, a period in which the constitutional and legal provisions conform with the reality of Bahraini citizens, men and women.

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This desire was faced by strong objections that exceeded all logical limits. The leader of this opposition stated that 'the spillage of abundant blood' would not be enough to turn back from this orientation. This attitude incited the Shiites to sign a petition which refused codification and developed into organized manifestations and sectarian seminars demanding constitutional guarantees to secure men's religious and paternal authorities over women. If it were not to be so, they would revert to article 2 of the Constitution that stipulates that Islamic Shari'a is the main source of legislation (thus entering into the fray of varying religious interpretations). Finally, the codification matter was accepted, as a principle, but they set unattainable conditions that could not be accepted.



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With our sincere gratitude,

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**(FILE NO 3)**

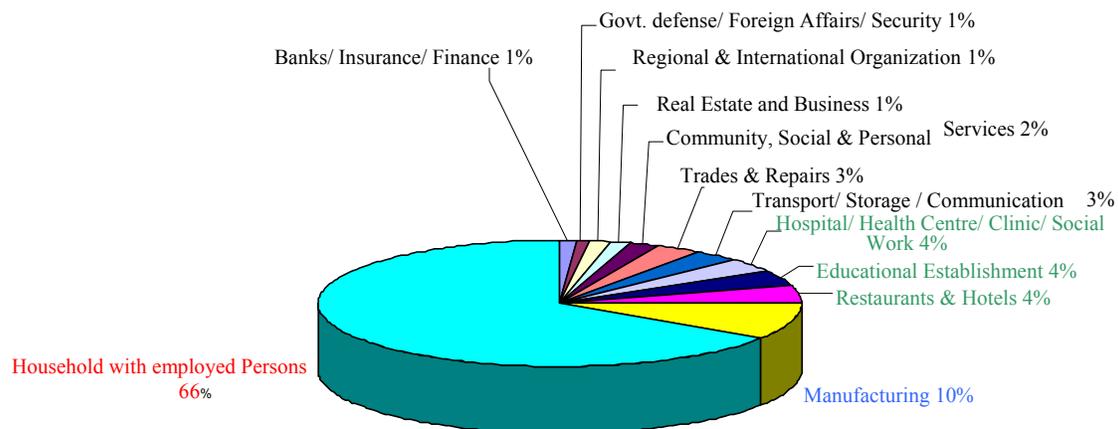
### **Migrant Women in The Kingdom of Bahrain**

First of all, we would like to thank the Supreme Council for Women and the Embassy of France in the Kingdom of Bahrain for organizing the second Women’s Voices Forum and for inviting our society, The Bahrain Human Rights Watch Society, to participate in the Forum by discussing the topic of Migrant Female workers in Bahrain.

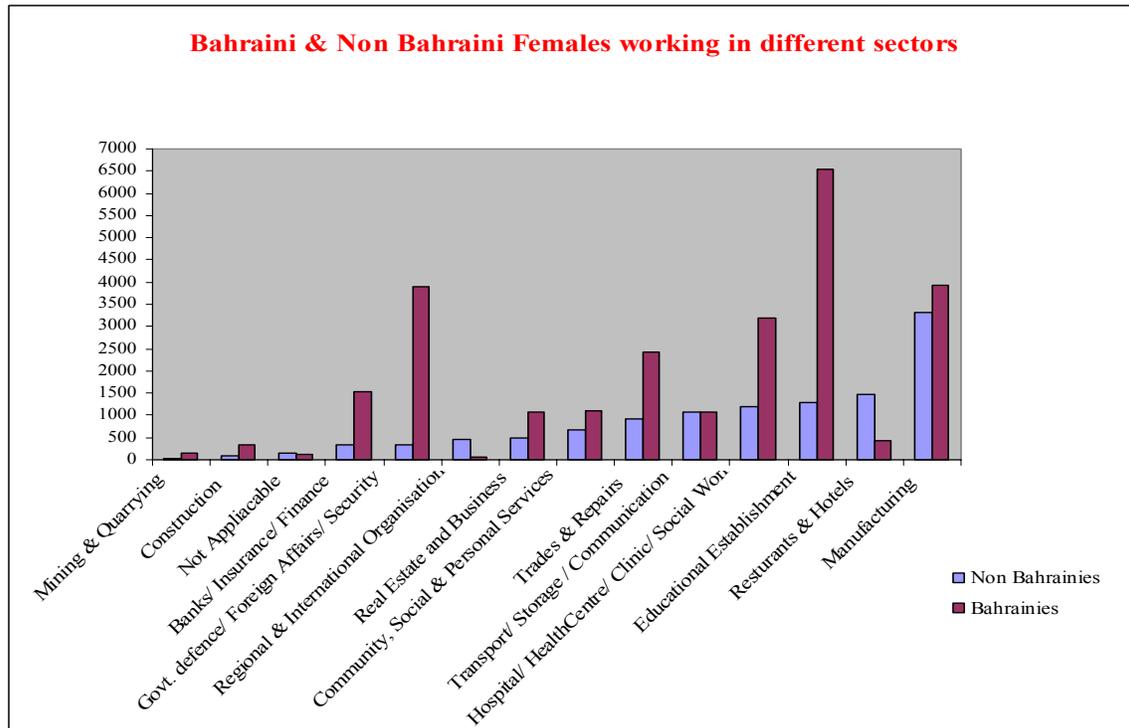
It is very hard to define Migrant workers as it has many definitions but for our discussions, migrant workers refers to professional independent females moving from their country into Bahrain to join the local workforce and their main aim is to improve their standard of living and career prospects.

In the Census of 2001, source is the Central informatics Organization, the migrant professional females were 11,897 out of a total of 59,854 working females which accounted for 4% of the total Bahrain workforce & 20% of the working females. The following chart shows the sectors that the professional migrant female workers are in:

#### **Sectors in which Migrant Female Workers are engaged in**



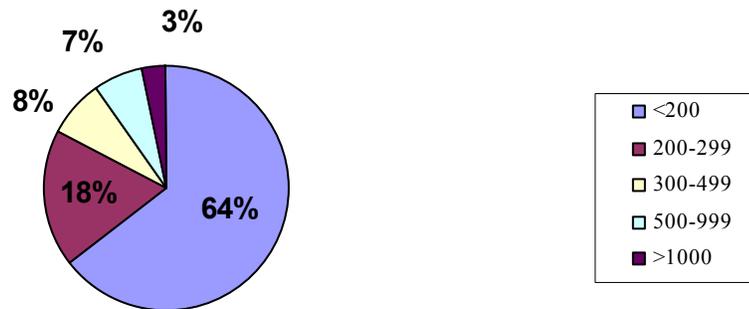
Source: Central Information Organization – 2001 Census



Source: Central Information Organization - 2005

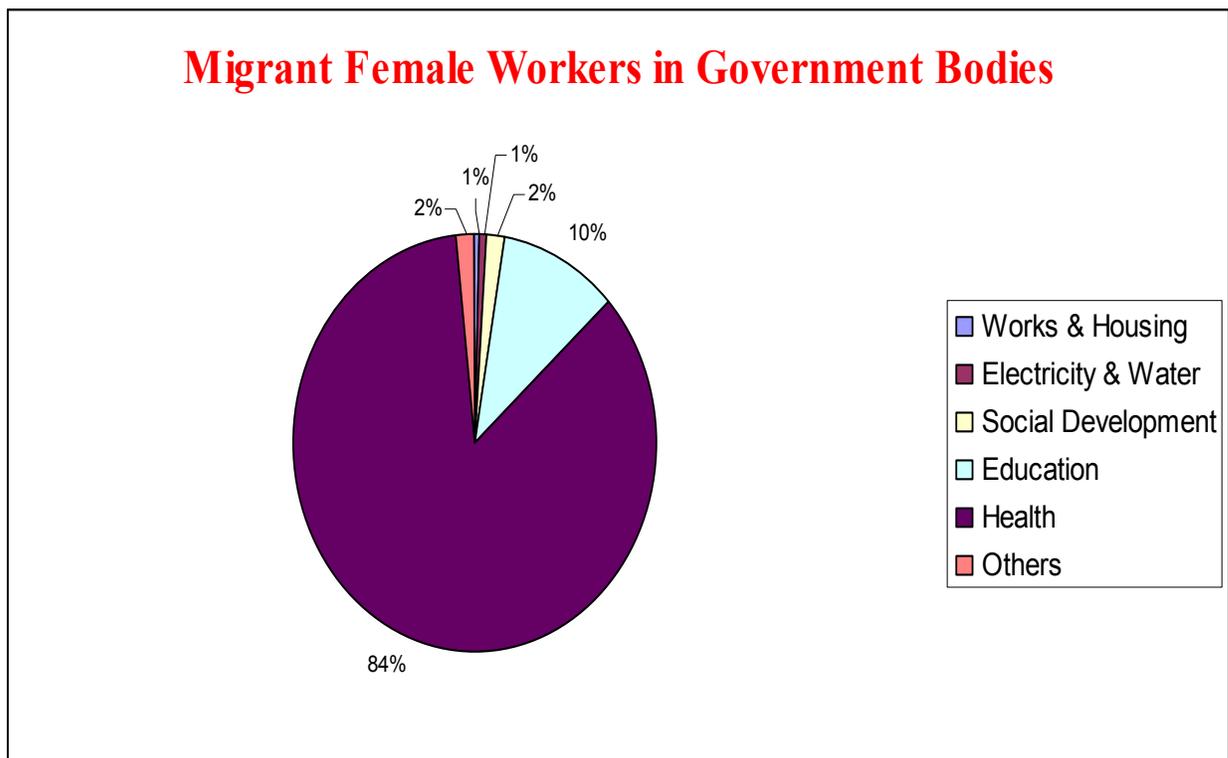
Looking at the following chart we can see that majority of migrant female workers are paid less than BHD 300 per month and that is mainly due to the large number of unskilled / unprofessional females. But on the other hand a 3% of the migrant female workers are paid a monthly salary of above BHD1000. Usually these workers are paid more in the form of allowances that salary to reduce the social insurance made by the employers and hence the migrant workers would be earning much than this on monthly basis

## Migrant Female Monthly Pay in the Private Sector



Source: General Organization for Social Insurance - Statistical Report 2005

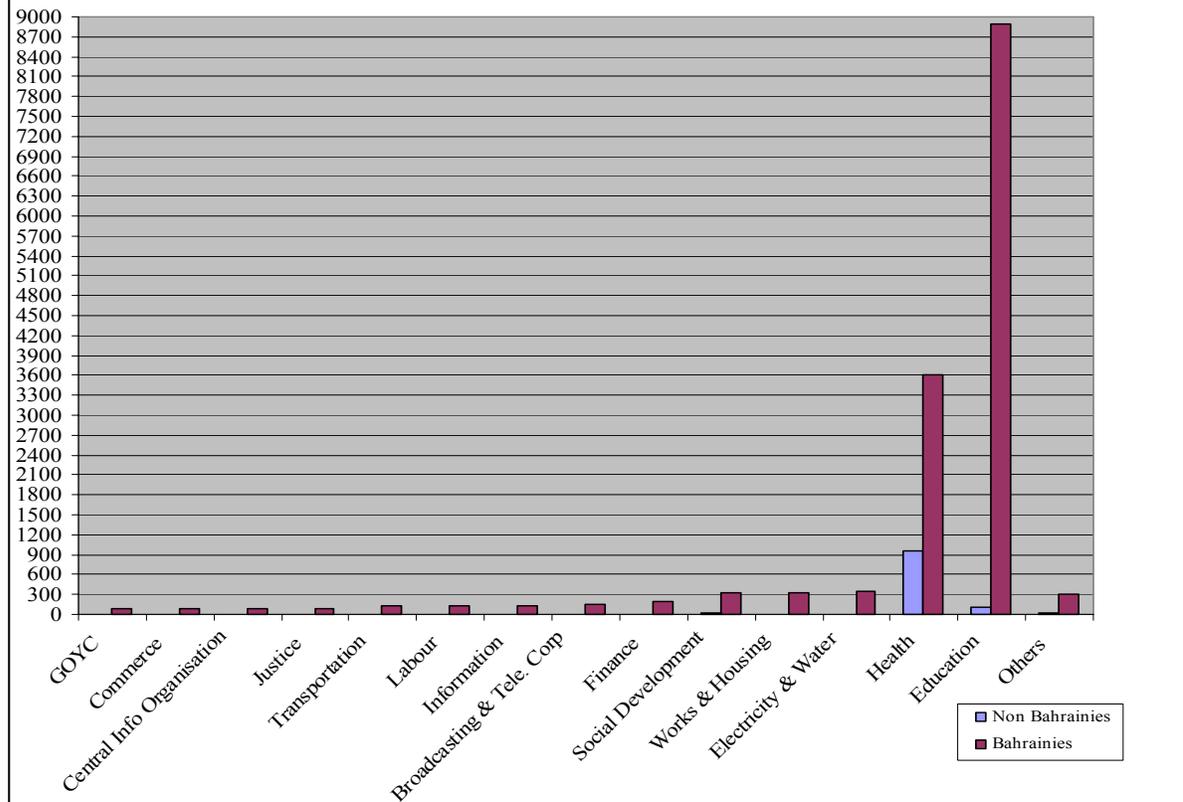
Of the 11,897 migrant professional female workers, 1,121 (9.4%) work in the government sector. The following chart shows the different government bodies that they work in with the majority concentrated in the Ministry of Health and Ministry of Education.



Source: Central Information Organization - 2005

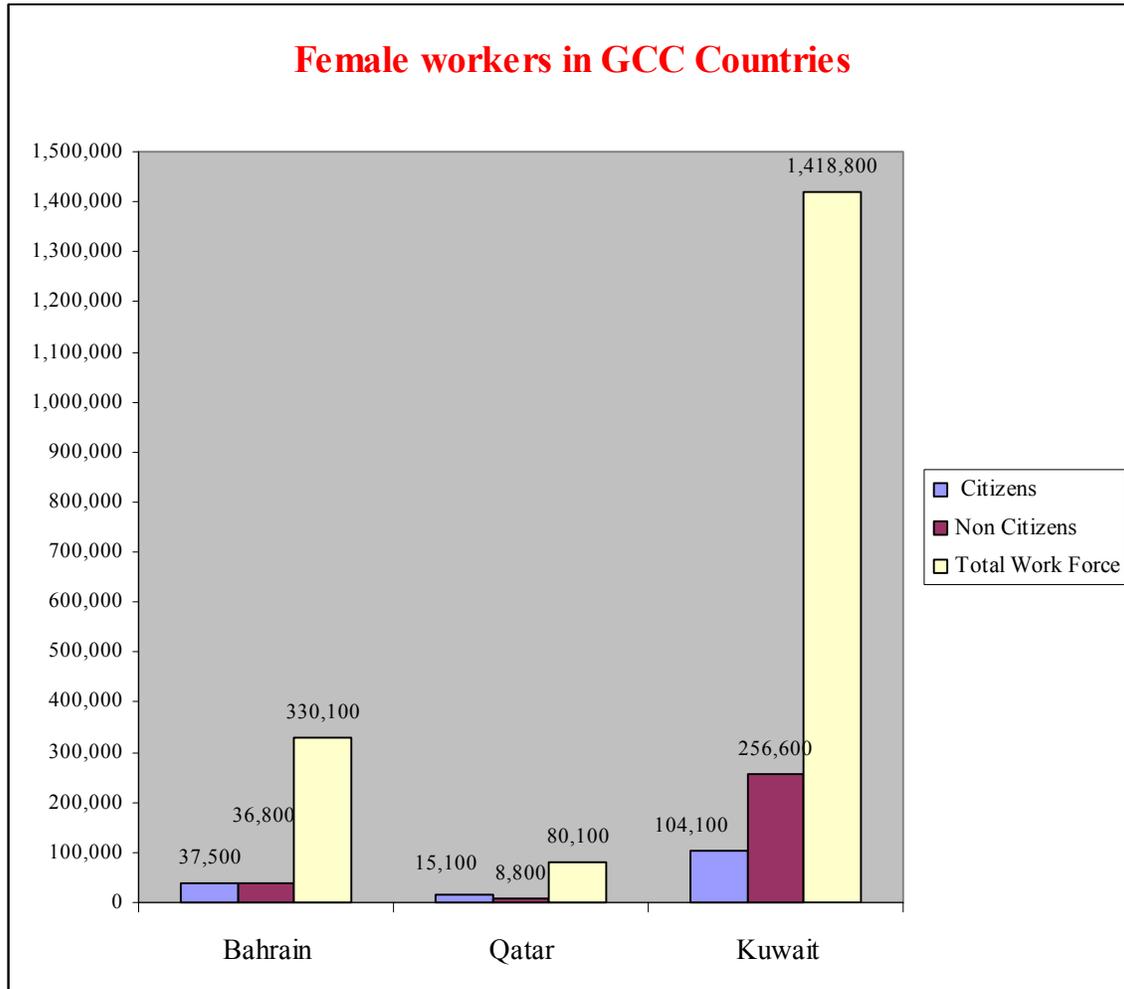
The total number of female workers in the government sector amounts to 16,023 out of which 7% are migrant females. This following chart compares the number of expatriate females and Bahraini females working in the government sector.

## Bahraini vs. Non Bahraini Females in the Government Sector



Source: Central Information Organization - 2005

Comparing the female workers in Bahrain with a couple of GCC countries, we observe that in Bahrain female workers account for 22.5% of the labour force of which 49.5% are migrant female workers (11% of total workforce). In Qatar, female workers account for 30% of the labour force of which 36.8% are migrant female workers (11% of total workforce). In Kuwait, female workers account for 25.4% of the labour force of which 71% are migrant female workers (18% of total workforce). The chart below shows a quick comparison between these three countries.



Source: Information Center – The Corporation Council for Arab States of the Gulf –data as of 2003

We would like to note here that although we have been comparing data from 2001 & 2005, that in our opinion, there has been no significant change in the overall number of migrant professional female workers.



## Conclusion

Bahrain as a country has always welcomed migrant workers and has always been fair in giving equal opportunities to both males & females. A very good example of this, is that in the early 1900's, when the American Mission Hospital was first started in Bahrain, their team of doctors comprised of both males and females.

As we can see, from the charts the migrant female workers amount to 20% of the total female working force and this therefore depicts that they play a major role in the national productivity of Bahrain. They work in a varied job environment from manufacturing to health to education to banking.

Although on the whole the migrant workers enjoy their worker rights and a good working environment, there are some sectors where the environment where some suffer from low pay, inappropriate working and living conditions resulting in unpleasant experiences. On the whole, the ministry of labour intervenes to improve these conditions. As a society, we have also been involved in improving the working conditions of factory workers both male and female by intervening with the management and ensuring that the working environment is appropriate and up to acceptable standards.