



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the third periodic report of the Kingdom of Bahrain at the Committee's fifty-seventh session, held in February 2014. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/BHR/CO/3). You may recall that in the concluding observations, the Committee requested Bahrain to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 26 and 44 of the concluding observations.

The Committee welcomes the follow-up report received on time in March 2016 (CEDAW/C/BHR/CO/3/Add.1) under the CEDAW follow-up procedure. At its sixty-fifth session, held in November 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 27** of the concluding observations that the State party “Adopt and implement a national strategy against trafficking that includes criminal justice measures to prosecute and punish traffickers, together with measures for the protection and rehabilitation of victims of trafficking for purposes of forced labour and/or sexual exploitation”: The State party indicated that it is in the process of preparing and formulating a national strategy to prevent and eliminate all forms of human trafficking, and will include, inter alia, penal rules to eliminate what are mostly individual practices that continue to occur within a narrow scope. It added that the Supreme Council of Women will monitor the implementation of the strategy in all areas related to Bahraini women, and that the subsequent national action plan will be implemented by the National Committee to Combat Trafficking in Persons (pages 2-3 of the State party's follow-up report). The Committee notes that a national strategy to prevent and eliminate all forms of human trafficking is being prepared, and that it will include criminal justice measures to prosecute and punish traffickers. However, it notes that the said strategy has not yet been adopted, and that it is not clear whether it will include measures for the protection and rehabilitation of victims of trafficking for purposes of forced labour and/or sexual exploitation. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

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In regards to the recommendation “To provide statistical data on cases of trafficking for purposes of forced labour and/or sexual exploitation and on victims who have benefited from existing programmes”: The Committee notes that the State party did not provide such data, as recommended. It considers that the recommendation **has not been implemented**.

With respect to the recommendation “To strengthen training and awareness-raising programmes for the police, border control authorities and other law enforcement agencies, in addition to labour inspectors, on their role in preventing and combating trafficking in women and girls”, the State party mentioned the strengthening of programmes to train the police and other law enforcement authorities, including labour inspectors, by holding internal and external training courses. It further reported on the organization of a regional workshop on “Support for Human Trafficking Victims and the National Referral System” from 29 November to 2 December 2015 (page 3 of the State party’s follow-up report). The Committee notes the efforts of the State party to strengthen training and awareness-raising programmes for the police and other law enforcement authorities, including labour inspectors, on their role in preventing and combating trafficking in human beings. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

Regarding the recommendation “To take measures to ensure access to legal aid for victims and to the necessary assistance, support and protection, including facilitating the provision of residence permits where appropriate”: According to information received by the Committee, the existing shelters are inadequately equipped to provide women victims of trafficking, especially women migrant domestic workers, with the necessary assistance, support and protection. The Committee notes that the State party did not provide concrete information on the measures taken to ensure access to legal aid for victims and to the necessary assistance, support and protection, including facilitating the provision of residence permits where appropriate. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation “To raise awareness of the risks of trafficking and exploitation of women for forced labour and prostitution, with a focus on migrant women”: The State party mentioned the creation of the national evaluation committee to follow-up on human trafficking issues, which prepared and printed a number of information and awareness-raising brochures regarding its activities in the languages of all target groups (page 3 of the State party’s follow-up report). The Committee notes the dissemination of a number of information and awareness-raising brochures in the languages of all target groups regarding the activities of the national evaluation committee to follow-up on human trafficking issues. However, according to information received by the Committee, efforts to raise awareness of the risks of trafficking and exploitation for forced labour and prostitution have been insufficient, especially regarding women migrant domestic workers. The Committee considers that the State party did not take sufficient measures to raise awareness of the risks of trafficking and exploitation of women for forced labour and prostitution, with a focus on migrant women. The Committee however considers the state party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 26 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to

1) Expedite the adoption and implementation of the national strategy to prevent and eliminate all forms of human trafficking, and ensure that it includes measures for the protection and rehabilitation of victims of trafficking for purposes of forced labour and/or sexual exploitation;

- 2) Provide statistical data on cases of trafficking for purposes of forced labour and/or sexual exploitation and on victims who have benefited from existing programmes;
- 3) Ensure access to legal aid for victims and to the necessary assistance, support and protection, including facilitating the provision of residence permits where appropriate;
- 4) Raise awareness of the risks of trafficking and exploitation of women for forced labour and prostitution, with a focus on migrant women; and
- 5) Provide comprehensive information on the issue of prostitution, including measures adopted by the State party to discourage demand for prostitution and to prosecute and punish those who exploit prostitution.

In regards to the recommendation made in paragraph 44 of the concluding observations “To take steps to ensure access to justice in family issues for the Shiite community”: The State party mentioned that its Constitution guarantees the right to litigate to all men and women without discrimination with respect to sex or sect in all criminal, civil and family disputes. It further indicated that family issues are brought before sharia courts, each of them having a Sunni department and a Jaafari department to enable all citizens to have equal access to justice (page 4 of the State party’s follow-up report). Nevertheless, alternative sources of information reported that, in the absence of a unified family law, Bahraini women belonging to the Shiite community are still discriminated against with respect to divorce, child custody, alimony and other family matters, as a result of discrepancies in the jurisprudence of sharia courts. The Committee notes the existence of a Sunni and a Jaafari department in each sharia court of the country. However, the Committee considers that the State party did not take specific steps to ensure access to justice in family issues for the Shiite community. It considers that the recommendation **has not been implemented**.

Regarding the recommendation “To raise awareness about the need for a unified family law that ensures women’s rights under the Convention”: The State party mentioned that follow-up is being conducted on the outcome of the discussion on the Law of Family Rulings Bill (Second Part), and that the Supreme Council of Women is continuing, through its machineries and the joint committee, to monitor this matter and raise awareness of the need and importance of issuing the second part of the Law of Family Rulings (page 4 of the State party’s follow-up report). The Committee notes that the Supreme Council of Women, through its machineries and the joint committee, continues to raise awareness of the need and importance to issue the second part of the Law of Family Rulings. The Committee considers the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “Draw on the examples of other countries with similar religious backgrounds and legal systems that have reconciled their national legislation with the legally binding international instruments that they have ratified, specifically regarding equal rights for women and men concerning marriage, divorce, child custody and inheritance”: The State party reported that sharia law regulates marriage, child custody, divorce, inheritance and other family matters according to clearly defined rules that are based on the principles of justice and equality between men and women and that ensure the interests and stability of the family. It added that these rules are based on definitive provisions in sharia law and are applied equally to the Sunni and Jaafari sects (page 4 of the State party’s follow-up report). The Committee notes the information provided by the State party regarding the legal framework regulating family law. However, the Committee considers that the State party did not take concrete steps to draw on the examples of other countries with similar religious backgrounds and legal systems that have reconciled their national legislation with the legally binding international instruments that they have ratified, specifically regarding equal rights for women and men concerning marriage, divorce, child custody and inheritance. It considers that the recommendation **has not been implemented**.

Regarding the reiterated recommendation that the State party “Raise the minimum age of marriage for girls to 18 years, to be equal to that of boys, and to take specific measures to end the practice of polygamy”: The State party indicated that the Law on Family Rulings of 2009 (First Part) and Decree No. 1 of 2016 on Regulations concerning Officials Authorized to Perform Marriages and the Documentation of Personal Status Documents (which applies to all marriage contracts in both the Sunni and Jaafari sects) set the minimum age of marriage for girls at 16 years. Moreover, the State party reiterated that the matter of polygamy is governed by the rules and provisions of sharia law, which the Bahraini legislator treats in articles 5 and 17 of the Law on Family Rulings (first part) (pages 4-5 of the State party’s follow-up report). The Committee considers that the State party did not take any steps to raise the minimum age of marriage for girls to 18 years, to be equal to that of boys, and to end the practice of polygamy. It considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “Reassess its reservations to articles 15 (4) and 16 of the Convention with a view to their withdrawal”: The State party reported that it reformulated its reservations to articles 2, 15 (4) and 16 of the Convention to underscore its commitment to these articles without prejudice to the provisions of sharia law, by issuing Decree Law No. 70 of 2014 Amending Several Provisions of Law No. 5 of 2002 Approving Accession to the Convention on the Elimination of All Forms of Discrimination against Women. It added that the Council of Representatives is currently discussing the said decree law, which amends the wording of the reservation to article 15 (4) in a way that narrows its scope (page 5 of the State party’s follow-up report). The Committee notes the reformulation of the State party’s reservations to article 15(4) and 16 of the Convention. However, it notes that such reformulation was made to narrow the scope of its reservations, and not with a view to their withdrawal. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

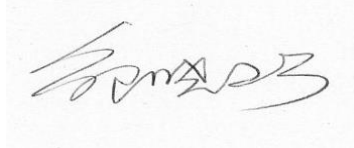
The Committee recommends that, in relation to paragraph 44 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Ensure access to justice in family issues for Bahraini women from the Shiite community;
- 2) Raise awareness about the need for a unified family law that ensures women’s rights under the Convention;
- 3) Draw on the examples of other countries with similar religious backgrounds and legal systems that have reconciled their national legislation with the legally binding international instruments that they have ratified, specifically regarding equal rights for women and men concerning marriage, divorce, child custody and inheritance;
- 4) Raise the minimum age of marriage for girls to 18 years, to be equal to that of boys, and to end the practice of polygamy; and
- 5) Reassess its reservations to articles 15 (4) and 16 of the Convention with a view to their withdrawal.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Kingdom of Bahrain on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women