**Executive summary**

The shadow report focused on seven priority areas for women in Bahrain. While the state report provides the many achievements to bridge the gender gap, however, the reality is different and far from such an “ideal” situation conveyed in the report. Although some progress has been achieved in some areas, yet the process of curbing national legislation from discrimination against women, is very slow. Taking into consideration that the Kingdom of Bahrain had accessed the cedaw convention 16 years ago; there are no legal frameworks to implement and monitor gender equality and non- discrimination. Gender Inequality is still prevailing in the field of political participation and decision-making positions with low representation of women. Furthermore, recent laws on family issues and protection against violence, consolidate rather than remove contradiction with the convention. Trafficking in women is still an area that lack monitoring and legal accountability, and Bahraini women are still unable to pass Bahraini nationality to their children from non-Bahraini husbands.

1. **Freedoms and rights:**
2. Article (353) of the Bahraini Penal Code (Chapter III, Section on debauchery and prostitution) allows for not inflicting a penalty against one who committed rape, even if the court judgement was final, in case he marries the victim. This article constitutes discrimination against women and a gross violation of human rights principles.
3. Legislative Decree No. 7/1986 promulgating the Law on the trusteeship of Funds, article (14) states that “Trusteeship of the minor's Fund is for the grandfather (Father's side), unless the father has chosen a trustee. The grandfather must conduct it, and he may not step down except with the permission of the Council". Such an article constitutes a blatant discrimination against women and violation of their guardianship rights.

Recommendations:

1. Establishing a national mechanism to monitor discrimination in national laws and legislations and to harmonize all laws with the provisions of the Convention.
2. Reform Nationality Law so as that women have equal rights with men to pass their nationality to their children.
3. Repeal article 353 of the Penal Code regarding the abolition of the rapist's penalty in case of marriage to the victim.
4. Amendment of Article 14 of Decree No. 7 /1986 to grant women the right trusteeship over the funds of their minor children.
5. **Political and public participation: (Article 7)**

Bahraini women’s participation in political and public life is still incomplete and far from the desired level. Women currently represent 7.5% in the elected chamber of the legislative Council, 22.5% of the appointed one, and 10% of the municipalities (local councils). It is necessary to adopt the principle of quota, however the State questions its usefulness and argue that it is against the Bahraini’s Constitution.

Recommendations:

1. Urge the State to implement paragraph 28 of the Committee's concluding observations by adopting temporary special measures linked to specific benchmarks, to increase the number of women in political and public life at all levels and in all areas, including the Parliament, local governance bodies and executive posts, in the light of General Recommendation No. 23 on women in political and public life, and concluding observations 29 “to promote the representation of women in leadership positions and to create an enabling political and social environment for the advancement of women in all sectors.
2. Integrate these measures in the relevant national legislations, in particular, legislations regarding parliamentary and municipal elections, including the law on the exercise of political rights.
3. Annul amendment of article 3 of Decree Law No. 14/2002 on the exercise of political rights, which was promulgated by Law No. 25/ 2018, prohibiting women and men members of dissolved political societies from exercising their political rights.
4. **Third: Personal Status:**The promulgation of Law No. 19 of 2017 and its enforcement since 1 August 2017 represents a significant step in the march of the Bahraini women's movement and a positive response to CEDAW's concluding observations (No. 44,43) expressing the committee’s concern about the absence of a unified family law. However, the law still have articles that are incompatible with principles of CEDAW Convention:
	1. Article 20 of the current law stipulates the age of marriage as 16 years, or less, with the permission of the *Shariaa* Court, in contravention with both the Convention on the Rights of the Child and article 16, paragraph 2, of the CEDAW Convention.
	2. Article 28 (a) requires the women’s guardians’ approval of the marriage, which is discriminatory and contradicts with article 16 (1) (b) of the convention despite Bahrain’s reservations. The law, both sections (*Gaa’fary* and *Sunni* schools), should stipulate women’s free and total agreement for consummation of marriage.
	3. under the provisions of Article 56-b, women’s work without their husbands approval is considered *Nushose* (non-obedience) and provides grounds for outlay for the wife's maintenance This violates women’s rights to work, movement, equality and human dignity. It is contrary to the state's declaration on closing the gender gap in the labor market and economic participation; what is given by one hand is wiped by laws that reinforce the stereotypical image of women and male domination.
	4. Articles 81 - 116 on divorce and repudiation limits that right to men only, ignores women’s will thus creating many problems.
	5. Articles 107 and 108 on repudiation in case of husbands absence for long periods, does not allow women to divorce except after waiting four years. Article 108 (2-B) states that "the wife of the missing person shall not be divorced if the husband has money or a guardian who provides for her”. This is an outright unfair curtailing of women’s freedom.

Recommendations:

* 1. Withdrawing the reservation on article 16 of convention, make the necessary efforts to study the actual situation of the issues at hand and to take the necessary measures to correct national legislation which still contain provisions discriminating against women. Promulgation of new laws and legislations should take into account the principle of non-discrimination and how to enforce it in practice.
	2. Setting 18 as the minimum age for marriage and taking the necessary measures to prevent the marriage of young girls
	3. Judicial system reform of the *Shariaa* courts, particularly the enforcement of court decisions. .
	4. The law should guarantee wives’ right to choose, and not be forced, to live with the husband.
	5. Promulgate a comprehensive personal status law that includes additional provisions on inheritance and will.
	6. Review the provisions of the current law so that it embraces the best Shariaa provisions of the five Islamic schools (*Madaheb*) adopted in the Kingdom of Bahrain.
	7. Any future reforms of the family status law, or relevant to women’s sufferings in courts, should be worked out in consultation and coordination with the Bahrain Women's Union and civil society institutions.
1. **Human Trafficking:**

Local newspapers indicate the continuation of the phenomenon of trafficking in women by foreign and local gangs. Women in the country of origin are deluded by contracts for specific jobs to discover, on arrival to Bahrain, they will work in prostitution. Held captive in specific locations without their IDs, women had either to pay large sums of money or work in prostitution. This means the need for more control on recruitment agencies and more coordination with the embassies of countries where women are manipulated and deceived.

Although domestic workers are included within the labor law in the private sector, under section on contracts and holidays, the Ministry of Labor have no specific mechanisms to ensure and monitor the application of the law. The unified tripartite labor contract issued by the Labor Market Regulatory Authority is applied only to workers coming through recruitment agencies. The Association for the Protection of Migrant Workers’ report (2016), indicated that (70%) came to the Associations shelter, did not sign work contracts with the employers. The same report revealed continuing physical, psychological and sexual violations against domestic workers. Such violations have not been considered under the Anti-Trafficking Law for seven years since the promulgation of the law. More than often, cases are settled out of court. Fear of lengthy procedures, leads victims to make compromises and accept what they see as best realistic settlements. In such situations, punishing employers is their least interest

Recommendations:

* 1. Violations against domestic workers should be categorized and presented to courts as human trafficking cases.
	2. Civil society organizations working on migrant workers and women’s issues should be represented in the National Commission against Trafficking in Human Beings,
	3. Relevant official authority should avail and disseminate data on the prevalence of human trafficking in the Kingdom of Bahrain, and enable civil society organizations to obtain information on the numbers of trafficked persons and the mechanisms for handling their cases.
	4. Trafficking in Persons Law No. 1 / 2008 should be amended to expand the definition of the crime of trafficking in persons, add "employment" to the "recruitment" and include deterrent penalties against perpetrators.
	5. Raise women migrant workers and domestic workers’ awareness of their rights in the Labor Law and of the Tripartite Labor Contract and provide them with the hotline number of the Trafficking Department in the Labor Market Regulatory Authority.
	6. Including the subject of human trafficking within the educational curricula of the Ministry of Education in order to educate future generations on this subject.
1. **Nationality**

The State report, Para. 159, indicates that the legislative authority is currently discussing the Ministers Council’s proposal to amend the Nationality Law to allow the children of Bahraini women married to foreigners to obtain Bahraini citizenship in accordance with rules that respect the Constitution and safeguard the of State’s sovereignty. However, four years after its approval by the Council, the bill is still not discussed, thought the Committees concluding remark No. (34), highlighted the need to "take all necessary steps to accelerate the adoption of a bill”. The National Council’s legislative chapter (2014-2018) has ended without enrolling the bill on its agenda.

   Recommendations:

1. Amend article 4, para (a), of the Bahraini Nationality Law to read "A person is considered a Bahraini if s/​he was born in Bahrain or abroad and here/his father or mother were Bahraini at her/his birth."
2. Addition of paragraph (c) to article 4, to provide that "children born to a Bahraini mother and a non-Bahraini father prior to the date of enactment of the amended law shall have the right to declare their desire to enjoy the nationality of the Minister of the Interior. They would be considered Bahraini by a ministerial decree, or after one year of their declaration without issuing a specified refusal decision.
3. Withdrawing reservation on article 9, para 2, of the CEDAW Convention, which stipulates that "States Parties shall grant women equal rights to men with regard to the nationality of their children"; and the eliminating all forms of discrimination against women so that they can live as full citizens.
4. Coordination and consultation with Bahrain Women's Union, the National Campaign for Nationality and the concerned authorities to eliminate discrimination against women in this regard.
5. Allow Bahrain Women's Union and other civil society organizations to access the necessary information and statistics to carry out their work.
6. **Violence against Women:**

Article 1 of Law No. 17/ 2015 on Protection from Domestic Violence, defines domestic violence as "any violent that happens within the family by one of its members, the “aggressor "against another member the “victim". This definition, is not based on international conventions and documents, most notably the 1993 Universal Declaration on the Elimination of Violence against Women. Thus the definition has many short comings, for example, it does not include the threats of violence, nor does it cover domestic workers who work in the family.

Although the Kingdom of Bahrain had made progress in addressing violence against women, namely the promulgation the Law on the Protection from Domestic Violence and the development of the National Strategy for the Protection of Women from Domestic Violence, yet the legislation does not respond fully to the committees’ concluding observations No. 21 and 22. There are no effective punishments for perpetrators of violence, nor criminalizing marital rape and lack of measures to address traditional cultural attitudes that prevented women from reporting cases of violence, including by providing education and awareness programs to the general public on the criminal nature of all forms of violence against women. Furthermore, there is insufficient support and support services and the lack of adequate shelters.

   Recommendations:

1. There is a need to address the most important shortcomings of current the law on Protection From Domestic Violence:
	1. Definition of domestic violence should be in line with the definition stated in the UN Declaration on the Elimination of Violence against Women (1993)
	2. The definition of the family should include domestic workers
	3. Criminalizing marital rape and punishing perpetrators
	4. Stipulate deterrent punishment for domestic violence crimes included in the law
	5. The relevant ministry should cooperation and coordinate civil society institutions in all the provisions of the law stipulated in article 7 (section 3), regarding measures to protect against domestic violence
2. Establish a specialized team to monitor implementation of the law and provide suggestion of necessary amendments to the law to the concerned authorities
3. Implement the necessary mechanisms and strategies for judicial and law enforcement officers such as the police, general prosecution, judiciary and family courts
4. Implement and activate the provisions of the National Strategy for the Protection of Women from Domestic Violence
5. Implementation national awareness programs to protect women from violence, including information on methods and procedures to report cases of violence against women in the media and social media
6. Enhance the training of law enforcement institutions’ staff. Such trainings should be developed according to standard criteria to measure the impact of those training programs
7. Upscale the shelters’ capacity in line with international provisions and standards in terms of aesthetic engineering of its buildings to make them suitable for the psychological rehabilitation and settling of women and their children