



# BAHRAIN

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POPULATION: 1,217,000  
GNI PER CAPITA: US\$24,984

| <b>COUNTRY RATINGS</b>                         | <b>2004</b> | <b>2009</b> |
|--|-------------|-------------|
| NONDISCRIMINATION AND ACCESS TO JUSTICE:       | 2.2         | 2.2         |
| AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON: | 2.3         | 2.6         |
| ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:         | 2.9         | 3.1         |
| POLITICAL RIGHTS AND CIVIC VOICE:              | 2.1         | 2.3         |
| SOCIAL AND CULTURAL RIGHTS:                    | 2.8         | 2.9         |

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

## INTRODUCTION

The Kingdom of Bahrain, a small island nation off the Arabian Peninsula, is generally considered more liberal in its interpretation and application of Islam than adjacent countries. Spurred by the political and economic reforms of hereditary ruler Hamad bin Isa al-Khalifa, women's rights have steadily improved since he took the throne in 1999. Shari'a (Islamic law) is the main source of legislation, and the rights, duties, and gender roles of women in Bahrain are strongly influenced by the country's culture and religion. Bahraini citizens make up approximately one half of the resident population, which is believed to have reached one million.<sup>1</sup>

Bahrain is for the most part a peaceful nation, but friction between the Sunni-led government and the largely Shiite opposition persists. Although they constitute the majority of the population, Shiites face discrimination in employment, government services, and the education system. While the ongoing ethnic and sectarian tensions are deeply troubling, they have acted as a catalyst for increased women's participation in political movements and demonstrations calling for social equality and the promotion of democratic rights.<sup>2</sup>

With pressure and encouragement from local nongovernmental organizations (NGOs), unions, and international bodies, the government has

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Sanja Kelly and Julia Breslin, eds., *Women's Rights in the Middle East and North Africa* (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010). Available in paperback, as a CD-ROM, and online at <http://www.freedomhouse.org>.

taken steps toward improving the standing of women in Bahrain in recent years. The quasi-governmental Supreme Council for Women (SCW) has played an important role in this process, and NGOs—including the Women's Union umbrella group—also promote women's rights. In particular, these entities have worked toward the promulgation of a personal status code, in part to mitigate injustices in the arbitrary application of Shari'a in family-related matters, as well as toward amending the nationality law, which currently allows only men to pass citizenship to their children and foreign-born spouse.

After years of lobbying by civil society actors, in May 2009 the government adopted the country's first personal status law—which regulates family matters such as marriage, divorce, child custody, and inheritance—but the code is only applicable to the Sunni population. The originally drafted legislation was conceived to be applicable to both the Sunnis and the Shiites, and it contained separate chapters for the two sects. However, the Shiite portion was excluded from the draft in February, after hard-line Shiite scholars and legislators, who perceive the codification of family law as the first step toward secularization, threatened to set off country-wide protests.

Women have long been subjected to severe forms of discrimination in Shari'a courts by judges who issued rulings based on their personal interpretations of Islamic texts instead of codified law. The process has been so arbitrary that in some instances women's petitions were turned down even before the plaintiffs had an opportunity to present their case. The new law, although encompassing many traditional Shari'a provisions deemed unfair to women under international conventions, institutionalizes important protections such as the woman's consent for marriage, woman's ability to include conditions in the marriage contract, and the right for separate residence if her husband takes another wife. Women's rights organizations, nonetheless, protested the adoption of a divisive law that does not apply to over a half of the population, preferring instead to wait until parliament passes a law applicable to the both sects.

Bahrain ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2002 but made reservations to many important provisions, including those regarding family law, the granting of citizenship, and housing rights. Implementation of CEDAW has been slow, though a personal status code for Sunnis has been formed and women have been able to pass Bahraini citizenship to their children

under certain, extremely limited circumstances. Although they now have access to adequate health care, academic opportunities, and employment, women need continued support in these areas to achieve equality with men. Their participation in the workplace and in business has increased, and several Bahrainis are now listed among the most powerful business-women in the Arab world.<sup>3</sup>

Women have also achieved modest gains in terms of their political participation. One woman won a seat in the popularly elected Council of Representatives in 2006 after running uncontested, becoming the first elected female member of parliament in any Gulf Cooperation Council (GCC) member state. Several women have also entered the judiciary in recent years, and two are now government ministers. However, women continue to be underrepresented in decision-making positions in both the public and private sectors. Their representation in the government, judicial system, and political parties also remains insufficient.

## NONDISCRIMINATION AND ACCESS TO JUSTICE

Gender-based discrimination continues to be evident throughout Bahrain's legal system, although the kingdom's recent election to the UN Human Rights Council has instilled hope among activists that the government will continue to expand women's rights. Over the last five years, local NGOs have continuously lobbied for the creation of a codified personal status law, as well as amendments to a law that would allow women to pass their citizenship to their spouse and children. The adoption of a personal status code for Sunnis in May 2009 constitutes a partial victory, but the success of other efforts has so far been limited.

Bahrain's 2002 constitution guarantees equality between men and women "in political, social, cultural, and economic spheres, without breaching the provisions of Islamic canon law."<sup>4</sup> According to Article 2, Shari'a is considered the main source of legislation. The constitution also provides citizens the right to education, health care, property, housing, work, the right to defend the country, and the right to engage in economic activities. Although the constitution does not discriminate between people based on their gender, there are no laws that directly ban discrimination either. The Penal Code (No. 15 of 1976) does not contain any provisions that would punish individuals found guilty of discrimination against women at the workplace or in other facets of society.

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Bahraini women are unable to pass their citizenship to their non-Bahraini spouses, even though Article 7 of the Bahraini Citizenship Law of 1963 permits male Bahraini citizens to do so. Moreover, the law stipulates that children may only receive Bahraini citizenship from their father, and the child of a Bahraini mother and a foreign father may not receive his mother's nationality.<sup>5</sup> In September 2006, over 370 children of Bahraini mothers and noncitizen fathers were granted Bahraini citizenship, but this was an ad hoc decision made at the discretion of the king, and there is no guarantee that such an act will be repeated again.<sup>6</sup> In November 2008, in efforts to provide consistency and a legal foundation in such cases, the SCW recommended amendments to the citizenship law that would permit children from these unions to receive Bahraini citizenship after certain requirements are met.

Momentum for a change to the nationality law continued to build throughout 2009, spurring hope for government's action. In May, a Bahraini woman and her foreign husband filed a petition in court challenging the constitutionality of the law.<sup>7</sup> In June, the government extended a waiver for government fees—such as those related to health care, education, and visas—to all stateless children and children with Bahraini mothers who are nationals of their father's country.<sup>8</sup> Although this eases some of the day-to-day difficulties experienced by these children, legal inequality persists. By July 2009, the SCW officially announced the launch of a major lobbying campaign to amend the nationality law.<sup>9</sup>

The legal system in Bahrain is composed of civil law courts and Shari'a courts. The civil courts have jurisdiction over cases related to civil, commercial, and criminal matters, as well as those related to family issues of non-Muslims. The Shari'a courts—which are separated into Sunni and Shiite courts—adjudicate disputes over personal status issues, including marriage, divorce, child custody, and inheritance involving the Muslim population. The judges in these courts are often conservative religious scholars with little or no formal legal training, who make judgments according to their own interpretations and readings of Islamic law. Because they may implement Shari'a in an arbitrary manner, rulings are commonly detrimental to women's rights.

After years of lobbying efforts by women's rights activists and organizations, Bahrain adopted its first personal status code in May 2009. The new code, however, will only apply to Sunnis, whereas personal status issues for the Shiites will still be left to the discretion of individual judges in Shiite courts.

Women's rights NGOs began advocating for a codified personal status law as early as 1982, and the movement has been publicly supported by SCW since late 2005. The strongest opposition has been from religious groups who demand that Shiites and Sunnis have their own divorce and inheritance laws, as well as conservative segments of the population who seek to return to traditional values. In November 2005, the Islamic political group Al-Wefaq organized a demonstration against the introduction of the personal status law that grew to include 120,000 people. By contrast, an alliance of women's rights organizations held a rally in support of the law on the same day that attracted only 500 supporters. In a successful bid to exclude Shiites from the scope of the 2009 draft law, Al-Wefaq threatened to provoke demonstrations similar to those organized in 2005 and derail the passage of the bill entirely.<sup>10</sup>

A woman's testimony before a Shari'a court is worth half that of a man's, and women's legal claims are treated unequally by the Shari'a judiciary. On the other hand, the testimony of both sexes are weighted equally in civil and criminal courts, and women are able to bring charges in court without permission from male family members. Civil and criminal laws apply equally to both men and women, but fewer women than men go to prison because this is viewed as a punishment more appropriate for men.

No laws or government policies specifically address the issue of gender-based violence, and enforcement mechanisms are lacking for the existing legal provisions that may apply. The penal code generally addresses violence against citizens, but this is not adequate to protect against sexual harassment and domestic abuse. Wives, daughters, and female foreign workers rarely seek legal redress for violence committed against them, and when they do, the perpetrators often avoid punishment, thereby exposing victims to additional maltreatment. If a man commits a violent offense against a female relative, he may face a few days in jail, then sign a pledge and pay a fine.

The punishment for rape is life in prison, but spousal rape is not considered a crime.<sup>11</sup> Additionally, under Article 353 of the penal code, a rapist may avoid punishment if he agrees to marry his victim.<sup>12</sup> Although this is viewed by some as protecting women from shame, the psychological effects of this policy are grave and divorces after such unions are likely. Additionally, the rapist may later initiate a unilateral divorce, thereby avoiding both a rapist's punishment and a husband's responsibilities. These

considerations make women less likely to report rape. Honor killings are punishable under Bahraini law, but Article 334 of the penal code permits a reduced penalty for one who surprises his or her spouse in the act of adultery and immediately assaults or kills the spouse or the spouse's accomplice.<sup>13</sup>

Women are normally protected from discriminatory or arbitrary detention and exile, but they are vulnerable to these abuses in relation to prohibited sexual activities such as prostitution and *zina* (sexual relations outside marriage). The penal code prohibits adultery, sex outside of marriage, and homosexuality, all of which are also religiously and culturally forbidden. However, extramarital sexual activities by men are far more culturally acceptable than those of women. Articles 324 through 332 of the penal code prohibit prostitution for citizens and noncitizens of both sexes, but noncitizens—particularly women—are more likely to be prosecuted for such offenses. For instance, in May 2008, an Indian woman staying at a hotel in Bahrain with her husband and children was arrested during a “vice raid” on suspicion of being a prostitute, although there was no evidence to support this claim.<sup>14</sup>

Having ratified CEDAW in 2002, Bahrain is required to institute a number of measures to prevent gender-based discrimination in law and in practice. However, reservations were placed on several CEDAW provisions in so far as they conflict with Shari'a, including the Article 2 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.<sup>15</sup>

The reservations are the result of religious, cultural, and societal obstacles that will likely take time to overcome. Reservations to Article 2 are based on the Shari'a mandate that men receive greater inheritance than women in certain situations. The reservation to Article 9(2) regarding nationality reflects the tradition that children take the citizenship of their father to avoid dual citizenship. Full realization of Article 15 is hindered by social customs that prevent women from taking a full role in public life, and reservations were placed on Article 15(4) because it is still unacceptable for unmarried women to live outside their family homes. Finally, a reservation was placed on Article 16 in the belief that it conflicts with the Shari'a provisions that control marriage rights.

In October 2008, the SCW and Bahraini NGOs met before the CEDAW Committee at the United Nations offices in Geneva to discuss Bahrain's implementation of CEDAW. The SCW submitted a report on behalf of the government, defending its choice not to remove certain reservations and explaining efforts that have been made to empower Bahraini women. Simultaneously, "shadow reports" were also submitted by Bahraini NGOs that asked the government to remove its reservations to CEDAW and improve women's rights in Bahrain.

The main government-sponsored entity that promotes and protects women's rights is the SCW, which was created by royal decree in 2001 for the purpose of helping the government formulate policies on women's issues. The council's relative power and state support, however, has somewhat diminished the role of women's rights NGOs. In addition to publishing studies, promoting political participation of women, organizing workshops, and advocating for gender equality, the SCW has supported the codification of Bahrain's family law and equal citizenship rights. Its approach, however, is tempered due to its association with the government. Within the state structure, the head of SCW has a rank equivalent to minister without portfolio.

### *Recommendations*

- ❖ The government should treat women as full persons before the law by recognizing their equality in courtroom settings, whether as litigants or jurists.
- ❖ The government should amend the nationality law to allow women to confer their Bahraini nationality to their children and foreign-born spouses.
- ❖ In consultation with the SCW, the Women's Union and other NGOs, and liberal religious scholars and judges, the government should enact a codified personal status law that extends to both the Sunni and the Shiites.
- ❖ The Women's Union, with the support of international and domestic NGOs, should establish a specialized committee dedicated to CEDAW that will monitor its implementation and work to remove reservations to provisions that do not conflict with Islamic law.
- ❖ The government should immediately remove its reservations to CEDAW and bring Bahraini law into compliance by providing women with equal citizenship, residence, marital, and custody rights as men.

## AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

Despite the protections offered by the 2001 National Action Charter, improvements to women's personal freedoms and security have been hampered by insufficient legal literacy, unequal marriage and divorce rights, and the lack of legal prohibitions against domestic abuse. In efforts to combat some of these problems, the government and women's rights organizations have stepped up their training and advocacy efforts, opened new facilities for the victims, and implemented steps to combat human trafficking. However, additional measures are essential in order to ensure that Bahraini women are sufficiently protected from violence and discrimination in family life.

Bahraini law ensures freedom of worship under Chapter 1, section 3 of the National Action Charter.<sup>16</sup> According to the 2001 census, 81.2 percent of the population are Muslim (the majority of which are Shiites), 9 percent are Christian, and the remaining 9.8 percent belong to other religions.<sup>17</sup> The king's family is Sunni, and it is widely acknowledged that Sunnis hold more influential positions in government and the economy.

Religion is inherited primarily from one's extended family. In a marriage between a Sunni and a Shiite, each person is generally permitted to retain his or her own beliefs, although marriage between persons from different sects is increasingly uncommon. Moreover, all Muslims are encouraged to marry within the faith, but unlike women, Muslim men may take Christian or Jewish spouses.<sup>18</sup> Apostasy is punishable by death under Shari'a, although Bahrain does not enforce this punishment. Regardless, many nonpracticing Muslims of both genders are fairly quiet about their lack of faith out of concern for cultural demands.

Despite the country's relative liberalism, some Bahrainis continue to hold a more conservative interpretation of Islam, especially Salafi Sunnis and inhabitants of Shiite villages. Bahrain has been influenced by the regimes of nearby Iran and Saudi Arabia, which have strict Islamic ideas and practices, and recent increases in sectarian violence in Iraq and Lebanon have stoked sectarianism in Bahrain. Since the 1980s, the resurgence of Islamic conservatism led to the return of traditional dress and social codes for women, although the *hijab* (veil) is not compulsory.<sup>19</sup>

The rules governing marriage and family life in Bahrain are deeply rooted in Shari'a (see "Nondiscrimination and Access to Justice"), and they

grant men and women with unequal rights with certain distinctions based on the sectarian affiliation. Unlike her groom, a Sunni bride is required to have a *wali* (marriage guardian) who will represent her during the marriage proceedings. A wali is most often a father, grandfather, or uncle. If a woman does not have a wali, the judge will represent her in completing the marriage formalities. Conversely, most Shiite women sign their own marriage contracts, although practically this does not give them more independence in selecting their marriage partner. In all cases, the agreement of the family is important, and it is not socially acceptable to marry without the family's permission.

Most prospective brides are sought out and selected by the man's family. A suitable wife is considered to be a woman from the same social class, religious sect, ethnicity, and educational level; both she and her family must have a good reputation in terms of *sharaf* (honor). Only men can solicit their own marriage partners if a match is not arranged for them. Dating has become more common, but romantic relationships are not generally made public because of a constant concern about *kalām al-nās* (gossip) and sexual relations outside of marriage are criminalized.

Young people in Bahrain are becoming increasingly independent when choosing their future life partners, but families remain influential in the final decision. Women may make whatever stipulations they wish in a marriage contract, but very few women practice this right. Instead, the contract concentrates predominantly on the details of the woman's *mahr* (dowry). In 2007, the minister of justice and Islamic affairs established 15 and 18 as the minimum age of marriage for women and men, respectively. Previously, no minimum age existed. Conservative lawmakers argue that setting a minimum age for marriage violates Shari'a, which is silent on the matter, while women's rights advocates argue that the minimum age should be the same for both sexes.<sup>20</sup>

Women do not face any legal restraints in terms of their freedom of movement, although some cultural boundaries still exist. Regardless of her age or marital status, a woman's behavior traditionally reflects not only upon herself but also upon the honor of her family and tribe, while men's honor depends on their ability to protect the women in their family. In July 2004, Article 13 of the passport law was amended to permit married women to apply for passports without permission from their husbands. Women are also not required to seek permission from their guardians

before traveling abroad, and citizens of the GCC countries do not require visas or passports to travel between the member states, making movement within the region easier for both men and women.

On a practical level, unmarried women are less able to move freely and their whereabouts are indirectly monitored by their families and community. They generally live with their families until marriage and are required to adhere to rules that are intended to protect their reputation and virginity. Single women that are beyond the traditional age of marriage may have greater freedom of movement within cultural limits because they are viewed as being more sexually neutral than their younger counterparts. Married women have additional freedoms because society believes that the responsibility for their husbands and children makes them more “reasonable” than single women. However, a married woman is traditionally expected to be obedient to her husband; as such, he may forbid her from traveling or visiting her friends and family.

Unlike men, women face significant legal, financial, and societal hurdles if they want to obtain a divorce. Men have the right to divorce that is effective immediately—Sunni men need only orally announce their intent to divorce while Shiite men must record their intent. On the other hand, women must either seek out a judicial divorce based on extremely narrow reasons, such as desertion or impotency, or else initiate *khula*. *Khula* is the Islamic practice of divorce initiated by a woman, but it requires the woman to return her dowry. Some men abuse *khula*—in certain instances requesting that the wife pay the approximate amount the husband spent on her during the entire marriage—taking advantage of the fact that women use this form of divorce because it is faster than the alternative. A judicial divorce may take years, during which time women may not be financially supported, and is not guaranteed to end in a divorce.

Divorced Shiite women retain physical custody of their sons until they are seven and their daughters until they are nine. The new personal status law allows Sunni mothers to retain custody of their daughters until they are 17 or married (whichever comes first) and sons until they are 15. When the children reach the specified age, they may choose their custodian. Despite the regulations that award women with physical custody, the father retains parental authority and guardianship over his children, effectively being in a position to prevent his former wife from traveling with their children or moving away.

Bahrain has consistently been listed in the U.S. State Department's *Trafficking in Persons Report* as a known destination for trafficked persons, including women trafficked for sexual purposes.<sup>21</sup> In November 2007, the government created a special unit within the Ministry of the Interior for the purpose of investigating sex trafficking in particular, but only one conviction and three investigations have been reported as of October 2009. Between April 2007 and February 2008, 45 foreign workers, many of whom claimed to have been physically abused by their employers, received help from a government shelter, and the international community has recognized these efforts.<sup>22</sup> Although the government has enacted many of the laws necessary to combat trafficking, they continue to be inadequately enforced.

Slavery is forbidden in Bahrain under the tenets of Islam, yet slavery-like conditions continue to exist for some laborers, especially female foreign domestic workers. Bahraini labor law forbids the withholding of salaries and travel documents from foreign workers, while excluding them from the broader labor protections afforded to citizen workers.<sup>23</sup> Nevertheless, many cases have been reported in which passports are taken and wages are withheld from employees, restricting their freedom of movement and leaving them vulnerable to other abuses.<sup>24</sup> If abused workers are fortunate they will be sent home by their sponsors, but generally without any compensation for suffering.<sup>25</sup> Female domestic workers commonly report physical (often sexual), psychological, and verbal abuse by their male employers, who are also often their visa sponsors.<sup>26</sup> Informal shelters for abused workers run by local NGOs receive no funding from the government. The Indian Ladies Association has provided one year's rent for a government-approved shelter, paid through the Migrant Workers Protection Society, but such individualized efforts, while helpful, are far from sufficient.<sup>27</sup>

Domestic violence in Bahrain is thought to be widespread, but its existence is usually covered up and kept within the family. Studies carried out by the Information Center for Women and Children, a regional research organization, indicate that 30 percent of Bahraini women face some sort of domestic abuse.<sup>28</sup> Although laws generally prohibit assault and battery, domestic violence is not specifically prohibited under Bahraini law or addressed by any government policy.

Accusations of domestic violence are rarely taken into account in divorce cases and abused women seldom seek any form of legal recourse.<sup>29</sup> Recent statistics released by the Batelco Anti-Domestic Violence Center

indicate that the number of women seeking protection from violence in the first half of 2008 doubled as compared to 2007.<sup>30</sup> Such a surge may indicate women's growing awareness and comfort with such centers rather than any general increase in violence against women.

The number of NGOs that support victims of domestic violence is steadily increasing in Bahrain, a marked improvement for a society that did not condone speaking of such matters until recently. The Awal Women's Society has provided free legal advice to abused women since the late 1990s and also offers a telephone hotline for anonymous emotional support. The Bahraini Young Ladies' Association established the Aisha Yateem Family Coaching Center, which offers consultancy services and residential facilities. Established in March 2007, this is the only private shelter in the kingdom, but it lacks staff with adequate experience.

The Batelco Anti-Domestic Violence Center, a nonprofit organization that was created in 2006 to rehabilitate victims of domestic violence, is the only successful partnership between the private sector and civil society in the field of domestic violence. Another partnership was formed in 2007 between the U.S.-based NGO Vital Voices, the Bahraini company Smart Coaching and Research Center, and the U.S. State Department's Middle East Partnership Initiative. Together, these entities work to advance civil society activity regarding domestic violence. The program also attempts to provide training in advocacy, volunteerism, and other areas.

Victims of gender-based violence had only recently begun to receive support from the government when the Dar al-Aman Care Center for battered women was established in 2006. In May of that year, control over the shelter was transferred to the Sociologist Association; however, the center has since been publicly criticized for restricting the victims' freedom of movement and for an absence of qualified personnel. The government has also initiated training for judges who deal with domestic abuse, increased the number of policewomen, and amended Law No. 26 of 1986 to streamline Shari'a court procedures, especially with respect to alimony and child custody.<sup>31</sup> Furthermore, the SCW has established a hotline that offers free legal advice and support to victims, and it has conducted a number of conferences and training sessions for different groups, including judges, on the issue of gender-based violence.

Although commendable, the improvements made by both NGOs and the government are insufficient to protect women from domestic abuse,

particularly those who need a safe place to stay. Both the Dar al-Aman and Aisha Yateem shelters are only available to battered women for a limited period of time, and victims must seek approval by the police in order to become residents. Until suitable alternative residences exist, financial and social pressures may force many battered women to remain in abusive homes.

Political, religious, and cultural barriers continue to restrict the free and effective work of both the government and NGOs with regard to gender-based violence and marital rights. Efforts to protect other rights for women, such as freedom of movement, have been more successful as the civil and public entities have fought to increase awareness of existing rights and advocate for their expansion. However, Bahraini activists generally remain less engaged in the fight against human trafficking and slavery-like practices, which are considered by many to be an issue reserved for international organizations.

### *Recommendations*

- ❖ The government should enact legislation that specifically outlaws domestic violence and prescribes substantial penalties that will have a deterrent effect on offenders. Subsequently, the police and prosecutors should be trained to enforce such legislation effectively.
- ❖ Abused women should no longer be required to seek approval from the police before they may access domestic abuse shelters. Moreover, the funding should be increased for NGO programs aimed at expanding shelter capacities for abused women and monitoring vulnerable populations, including foreign workers.
- ❖ The government should provide specialized law enforcement units with the legislative and budgetary tools they need to carry out successful investigations and prosecutions of human trafficking offenses.
- ❖ Victims of trafficking should be guaranteed immunity from prosecution for prostitution, illegal migration, and related offenses, granted protective and rehabilitation services, and encouraged to testify against those who confined or abused them.
- ❖ Domestic NGOs, in conjunction with international bodies with experience in data collection, should conduct research that quantifies the existence of gender-based violence. This data can then be used to raise awareness and to help train the police, social workers, psychologists, and medical staff who deal directly with abused women.

## ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

True economic equality between men and women has been difficult to achieve in Arab countries, including Bahrain, where society tends to view formal employment and business as issues for men. Islamic history, nevertheless, supports the idea of economic rights for women, and some point to Sayeda Khadijah, the Prophet Muhammad's first wife, as an example of a successful, economically independent businesswoman.

According to certain Islamic scholars, a woman's duty is to care for her home, husband, and children, while a man's duty is to treat women fairly and shoulder his family's financial responsibilities.<sup>32</sup> These expectations have resulted in corresponding gender roles for many households, but some adopt less traditional arrangements, and women are increasingly becoming financially independent through employment.<sup>33</sup> Women's responsibilities in the home have also been reduced through the widespread use of cheap domestic help, even among lower middle-class families.

Bahraini women are free to own land and property, subject to their individual financial constraints.<sup>34</sup> In the 1970s, the government established the Productive Family Project to encourage families to run small businesses from home. Following in this tradition, the government—particularly the SCW—has initiated several programs intended to increase women's economic participation. It has financed small and medium-sized enterprises and established the Family Bank to improve the living standards of low-income families and create jobs.<sup>35</sup> In addition, many NGOs, some with help of the United Nations Development Programme (UNDP), provide microcredit programs in an effort to encourage women to participate in small business ventures. The Bahrain Development Bank also offers both microcredit and larger loans, and 73 percent of its beneficiaries are now women.

Previously, women found it difficult to run their own businesses because cultural norms required that they hire men to authorize their work or manage all government documents, such as customs forms and work permits. However, since 2000, women have begun to provide such document-clearance services. Consequently, liberal, educated, middle-class women have begun to run businesses independently or hire document-clearance services operated by both sexes, which saves time and energy.

Although rules differ slightly between Sunnis and Shiites, inheritance law is governed by Shari'a. Women inherit less than men in a number of

situations, including where the man and woman are similarly related to the deceased. For example, a sister inherits half of her brother's share. This disparity is generally justified by the fact that men have greater financial responsibilities under the Koran and, unlike women, inherit the debts of the deceased.<sup>36</sup> Problems arise when executors, usually a male family member, do not follow the law and refuse to give women the inheritance to which they are legally entitled. Consequently, women often face injustice during the actual division of estates.

In 2007, Bahraini women constituted 72 percent of students enrolled at the Arabian Gulf University and 67 percent of those enrolled at the University of Bahrain, the two largest postsecondary education institutions in Bahrain.<sup>37</sup> As educated members of society, graduates tend to be more conscious of their rights and more forthright in demanding that they be respected. However, some fields remain segregated based on gender. For instance, certain technical subjects in high schools are restricted to boys, while textile classes are limited only to girls. This segregation affects future job opportunities and reflects government support for societal biases. Although no other subjects are actually restricted, women remain underrepresented in areas such as engineering and overrepresented in education and health care. From a practical standpoint, this limits women's freedom to choose their university courses and leads them to study subjects in low demand in the labor market, increasing their unemployment rate.

Article 12 of the constitution provides equal rights and opportunities to all laborers. However, according to a recent study, men, as a group, earn more than women. The average monthly salary for women employed in the public sector is 643 dinars (US\$1,705) and for men is 706 dinars (US\$1,872). The gender gap in private sector wages is even more evident: women earn an average monthly salary of 307 dinars (US\$814) while men earn 454 dinars (US\$1,204).<sup>38</sup> Moreover, women—mainly domestic workers—tend to face harsher treatment and poorer working conditions than men in similar positions.<sup>39</sup>

Although most women are free to choose their professions, certain restrictions in this domain still exist. Under Article 301 of the Private Labor Law (No. 63 of 1976), women are prohibited from working between 8:00 p.m. and 4 a.m., with certain exceptions such as jobs in health care. Law No. 5 of 1977, issued by the Ministry of Health, prohibits women from

doing hazardous work, which includes predominantly heavy industrial jobs.<sup>40</sup> Traditionally, women are required to seek their husband's permission to get a job, a rule that has been cemented under the 2009 Sunni personal status law.

Women constituted approximately 21 percent of the country's labor force and approximately 34 percent of adult women were employed in 2007.<sup>41</sup> Although many obstacles to women's full and equal economic participation persist, most commonly those involving traditional social attitudes, there is a growing awareness that such mindset must change if Bahrain is to achieve its full economic potential. Exemplifying this increased awareness, a female government employee named S. Ahmed brought the first discrimination court case in 2005 after she was denied a promotion because of her gender. The case is still pending.<sup>42</sup>

In an effort to decrease Bahrain's dependence on foreign labor, companies are restricted as to the number of foreign employees they may hire in comparison to the number of Bahraini employees they have. Law No. 56 of 2008 encourages private companies to hire Bahraini women by counting each female employee as two Bahraini citizens, thereby permitting the company to hire more foreigners, who are generally cheaper to employ than citizens.

The labor law offers gender-based protections by prohibiting employers from firing women during maternity leave or because they get married.<sup>43</sup> Several improvements have been made to gender-based workplace benefits in recent years. In 2005, maternity leave increased from 35 to 60 working days, breaks for breast-feeding increased from one to two hours a day for a six-month period, and mothers can now obtain unpaid leave for a maximum of two years at a time on three separate occasions during their working lives.<sup>44</sup> Women tend to work longer hours than most nurseries are open, creating friction between the obligations of work and motherhood. They also generally lack support as they attempt to balance their jobs with their other home duties, which continue to include most domestic chores.<sup>45</sup>

Economic support provided for women by the state is a new concept for Bahraini society, which has traditionally considered it a man's duty to care for his female relatives. The SCW is doing its part by promoting laws that reward companies that employ and promote women. In addition, the MSD and the Ministry of Justice administer funds created by the government to assist divorced women and their children.<sup>46</sup>

Meanwhile, the Bahrain Businesswomen's Society has provided women with training opportunities in cooperation with other entities, such as the government and the UNDP. Although women represent a significant portion of the workforce and are members of the General Federation of Bahraini Trade Unions, women's issues are not on the federation's agenda to any substantial degree.<sup>47</sup> Despite the continuing existence of cultural barriers, concrete advances have been made in upholding women's economic rights in recent years.<sup>48</sup>

### *Recommendations*

- ❖ The government, in cooperation with local NGOs, should create special programs to encourage women to study subjects in which they are currently underrepresented. For example, they could initiate public campaigns that highlight female engineers and scientists, create public-private partnerships that bring highly accomplished women to classrooms to act as role models, or create girls' science clubs.
- ❖ The working hours of nurseries should be expanded to fully accommodate employed women, and the government should provide incentives for public and private companies to maintain on-site childcare.
- ❖ The General Federation of Bahrain Trade Unions should make gender discrimination in the workplace one of its main issues.
- ❖ The government should scrutinize inheritance proceedings to ensure that women receive their share, provide efficient mechanisms for filing and adjudicating complaints, and publicize penalties for deliberate abuses by executors and guardians.

## **POLITICAL RIGHTS AND CIVIC VOICE**

In 2002, Bahrain became the first GCC member to grant universal women's suffrage. Chapter 1, section 2(1) of the National Action Charter provides equal rights and opportunities for all citizens of Bahrain.<sup>49</sup> Furthermore, Article 1(e) of the constitution states, "all citizens, both men and women, are entitled to vote and to stand for election, in accordance with this constitution and in the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law." In spite of these broad reforms, women have remained underrepresented in the legislature, the government, the judicial system, and political parties.

The constitution grants the king with the power over the executive, legislative, and judicial authorities. He appoints cabinet ministers and members of the 40-seat Consultative Council, the upper house of the National Assembly. The lower house, or Council of Representatives, consists of 40 elected members serving four-year terms.

In 2002, six women ran unsuccessfully as candidates for the Council of Representatives. After losing that year's election by a small margin, Latifa al-Gaoud ran again in 2006, this time unopposed, and became Bahrain's first and only female parliamentarian. Generally, women face unique obstacles while campaigning, in part because they have fewer opportunities to address large groups and mixed-gender groups than men, who have wider access to mosques and other community gatherings. In all, 16 female candidates ran in the 2006 elections, and women constituted 50.2 percent of the voters, a vast improvement over the 2002 elections.

One female candidate, Munira Fakhro, a former Harvard academic and member of Wa'ad, the largest liberal political society, ran against the incumbent candidate Salah Ali, a member of the Al-Menbar Sunni Islamic Society. Fakhro had only limited support from the Al-Wefaq National Islamic Society, but the majority of women from her own region supported her in the 2006 electoral contest. She lost by only a few votes and, believing that voting irregularities had taken place, she took the case to court to ask for a repeat vote. Her request was denied. None of the liberal parties such as Wa'ad won, suggesting that her defeat was not only due to her gender but also due to her party affiliation. None of the female candidates were members of the male-dominated Islamist parties, which won the majority of the available seats.

The first Consultative Council under the current charter, appointed in 2001, started with four female members, and that figure rose to six by 2002. Eleven female members were appointed in 2006, but Houda Nonoo, a Jewish council member, has left her position to act as the Bahraini ambassador to the United States. This leaves only 10 women, or 25 percent of the council's members.

Participation by women in the national government and decision-making positions also remains low. Bahrain has had female ambassadors since the 1990s and became the first Arab country to have a female minister of health when Nada Haffadh was appointed in 2004. Fatima al-Baloshi of the Al-Eslah Sunni Society was later appointed minister of social

development in January 2005.<sup>50</sup> Moreover, in November 2008 Sheikha May bint Mohammed al-Kalifa became the first woman in Bahrain to be appointed as minister of culture and information. In addition to cabinet posts, women have also been appointed as undersecretaries, college deans, and even as a university president.

Freedom of assembly in Bahrain is equally restricted for both men and women. It is regulated by Law No. 32 of 2006, which requires persons organizing a public meeting to notify the Department of Public Security. In recent years, women have freely participated in a number of demonstrations and political and social gatherings. However, in a December 2007 demonstration by families of detained political activists, both the Special Security Force and the Women's Police, Bahrain's all-female police force, were accused of dispersing the crowd in a violent and humiliating manner. Journalists were not permitted to take photographs, and some of the women who took part in the demonstration were hospitalized. When one of these women saw her mother faint inside the prison, she was allegedly forced to kiss an officer's foot before she was permitted to help her mother.<sup>51</sup> This type of treatment is not common, especially after the adoption of the National Action Charter, but when it does happen, it is not widely publicized in the media.

All NGOs in Bahrain, including women's rights organizations, are supervised by the MSD. Because NGOs are forbidden from engaging in vaguely defined "political activity," the MSD can effectively ban work on a variety of controversial topics. Any NGO whose annual budget is over 10,000 dinars (US\$26,522) must use an external auditor to monitor its finances. Moreover, all funds and donations from foreign entities are scrutinized by the government, limiting the assistance that NGOs may receive from outside sources and subjecting NGOs to additional government supervision and control.

According to Article 134 of the penal code, citizens may not attend unauthorized meetings, conferences, or symposiums held abroad or contact foreign ministers, representatives, or organizations for the purpose of discussing Bahrain's economic, political, or social issues that may harm the country's reputation. Such actions are punishable by a minimum of three months in prison and/or a fine of not less than 100 dinars (US\$265). Although this law existed prior to the sweeping 2001 reforms, it was not strictly enforced until Minister of the Interior Shaikh Rashid al-Khalifa threatened to do so in November 2008. It is unclear what kind of impact

the law's enforcement will have on activists' ability to openly discuss women's rights in Bahrain with various entities outside of the country.

Legal restrictions on press freedoms are also not gender based—the rights of both male and female members of the media are limited. The Press Law (No. 47 of 2002) continues to be used to restrict the coverage of sensitive issues, particularly corruption.<sup>52</sup> In 2007, 15 journalists were referred to the public prosecutor, mainly for alleged defamation of a government official or department. According to the Bahrain Center for Human Rights, state-owned Batelco, Bahrain's only Internet provider, blocked 23 discussion forums in 2007.<sup>53</sup> Although the number of female journalists has steadily risen in recent years, only a few broadcast programs engage in open discussions about women's issues including women's political rights and domestic violence.

Thirty-one percent of Bahraini lawyers were women in 2001, and according to the University of Bahrain's records, most of the graduating and current law students since have been women. These numbers are strong compared with those in neighboring countries, in part because women have been able to act as lawyers in Bahrain since 1976. In 2003, three Bahraini women were appointed as prosecutors, two of whom have since been promoted and replaced by women, and a woman was appointed director of public prosecutions in 2007. In June 2006, Mona al-Kawari was appointed to the High Civil Court as Bahrain's first female judge. A second, Dhouha al-Zayani, was appointed to the Constitutional Court in 2007, and Fatima Hubail was appointed in 2008 as a Lower Criminal Court judge. In total, there are only seven women in the judiciary and none in the Shari'a courts, which hear the cases that most often and most directly affect women.<sup>54</sup> Although a variety of views exist on the matter, most Islamic scholars in Bahrain believe that women may not act as judges in the Shari'a courts.<sup>55</sup> Some, however, suggest that women could be appointed in cases related to women's issues.

Political organizations such as the Al-Wefaq National Islamic Society and the Al-Menbar Sunni Islamic Society hardly address women's political rights in their agendas. Meanwhile, the Women's Union and other NGOs advocate for women's rights generally, and although they incorporate women's political rights into their work plans, their political work is limited because they are not registered as political societies. Additionally, because most of the political societies are religious, cooperation between them and women's societies is limited at best, and they often conflict.

### *Recommendations*

- ❖ Local NGOs should provide training for female political candidates on how to run successful political campaigns, mobilize popular support, and effectively engage the media. They should also organize networking events in which successful female candidates from other Arab nations could share their election strategies with female political leaders in Bahrain.
- ❖ The government should abolish Article 134 of the penal code so that governmental and NGO representatives, including women's rights activists, may take part in meetings and discussions with foreign entities about issues pertaining to Bahrain without fear of persecution.
- ❖ The government should appoint a larger number of women to the Consultative Council and the judiciary, especially the Shari'a courts, and place more women in decision-making positions.
- ❖ Secular women's rights organizations should initiate a frank dialogue with religious groups. Such a dialogue would enable discussions about religion, women, and politics, and would provide opportunities for strategic cooperation.

## **SOCIAL AND CULTURAL RIGHTS**

The social and cultural rights of Bahraini women are greatly affected by traditional societal norms, which place higher premiums on the rights and preferences of men. As a result, women tend to be treated unequally in diverse areas of social and community life. Within the last five years, however, modifications have been made to housing and unemployment benefits in order to protect both men and women from poverty. The establishment of the Women's Union and greater participation by women's NGOs has further increased women's influence in society, but their power still remains limited.

Women and men have equal access to health care, which is provided to citizens free of charge and to resident noncitizens for a low fee. The government has placed great importance on health care rights, which have improved significantly in recent years. Life expectancy in 2006 was 76 years for women and 74 years for men, up from 74 years for women and 72 years for men in 2000. According to the World Health Organization, the maternal mortality rate during childbirth is 32 in 100,000, which is

significantly lower than the world's average but higher than several other GCC countries including Kuwait, Saudi Arabia, and Qatar.<sup>56</sup>

Although women are legally permitted to make decisions about birth control, they often ask permission from their husbands and may take advice from religious leaders when deciding on the matter. Sterilization is allowed only with the permission of the husband and may only be carried out in a legally and religiously acceptable manner. Ultimately, the decision depends on the health condition of the woman and whether normal birth control methods will work.

A woman must also secure her husband's permission before she may undergo a cesarean section delivery unless the surgery is urgent or if the husband is absent. Abortion is only permitted for the health of the mother and also requires a husband's permission. If an abortion is sought for financial or family planning reasons, it will not be permitted, and even in cases of fetal impairment, it is generally not acceptable. Bahrain is one of the first countries in the GCC region to require premarital health check-ups, which include blood screenings for genetic conditions, partly because of the high rate of marriage between relatives.<sup>57</sup>

A woman's virginity is considered an important part of her family's honor, but brides are no longer required to provide proof of their virginity, and harmful traditional practices such as female genital mutilation are not common in Bahrain.<sup>58</sup> Polygamy is practiced among a diverse minority within the country, including members of different sects and men with varying levels of education. However, the practice is not highly widespread because it requires the husband to have substantial financial resources so that he may support his wives and children. *Muta'a* (short-term marriages) are practiced by some Shiites, and other types of temporary marriages occur within Sunni communities, but people do not generally discuss these practices and they are not universally accepted.

Unmarried women typically live with their parents or, if their parents are no longer living, with a male relative, and they are expected to look after the old and sick in the family.<sup>59</sup> It is socially unacceptable for a woman to live alone, but it has become more permissible for multiple related women to live together without a male relative. Single women living with their families may be allotted a separate area of the house which they may treat as their own, effectively living alone within the family household.

In Bahrain, housing benefits were established as early as 1975 to provide suitable homes for families who were unable to build their own. Law

No. 12 of 2004 grants divorced women the right to their share of the family home if they can prove that they have contributed to monthly property payments. Families that are unable to afford a house are entitled to benefits if they are: a husband and a wife (polygamy does not give the man the right to more than one house); a single-parent family, whether the lone parent be a man or a woman; or an adult, unmarried son or daughter residing with his or her parents if neither the applicant nor the parents own a suitable home or land that is fit for building a home.<sup>60</sup> Regarding the first category, if only the man pays the premiums, the house must be registered in his name alone. However, if the wife or wives contribute, then the house is registered according to the contributions of each occupant.<sup>61</sup>

Women are better able to participate in and influence community life, policies, and social development at the local level than at the national level. Today, more than 4,000 women constitute over 60 percent of the membership in NGOs, and many have taken leading roles in their organizations.<sup>62</sup> There are 456 NGOs in Bahrain as of May 2008,<sup>63</sup> but only 19 concentrate on women's rights. Twelve of these women's organizations are members of the Bahraini Women's Union, which aims to involve women actively in political life—including decision-making positions in parliament and other government bodies—and fight all forms of gender discrimination. It was officially created in September 2006 after almost five years of political and legal battles surrounding its licensing.

Women's participation in NGOs directly relates to their success in local and national elections because female candidates depend on support from their groups' members. Only five female candidates ran in the 2006 municipal elections as compared to 31 candidates in 2002, perhaps because highly qualified women preferred to run in the parliamentary elections instead.<sup>64</sup>

The media today plays an important role in people's lives, and Bahraini women have always been steady but underrepresented participants in this field. Women constitute 30 percent of employees at the Ministry of Culture and Information, and 13 percent of these play an active role in the functioning of their respective media outlets. Twenty-one percent of Bahrain Radio and Television Corporation employees are women, the majority of whom are broadcasters. In addition, women make up 50 percent of print editors, and there are twice as many female students as male students in the Information Department at the University of Bahrain. However, not many media outlets produce quality programming on women's rights.

Radio, television, print, and Internet media cover traditionally female topics such as family, fashion, beauty, and cooking. For instance, an English-language women's magazine called *Women This Month* focuses on beauty, fashion, and similar issues, while websites and online magazines such as WomenGateway.com cover a variety of subjects including business, legal rights, and news concerning women. Moreover, the SCW issues an Arabic-language magazine that focuses on news from the SCW, conferences, and new royal decrees benefiting Bahraini women.

Although Bahrain has produced only a few movies, several television series are made each year, many of which depict violence toward women as an accepted societal practice rather than raising awareness about women's issues. On the rare occasions when serious issues regarding domestic violence or human trafficking are highlighted, the viewership tends to be low and many complain about the program in the newspapers.

The government attempts to protect both male and female citizens from poverty, and the kingdom ranks third among Arab countries and 41st worldwide in the UNDP's 2008 Human Development Index. Laws and policies have been altered in an effort to raise the standard of living for all citizens, and women in particular have benefited from these changes. Monthly assistance is now offered to orphans and widows, female government workers are granted social allowances,<sup>65</sup> and unskilled labor contracts reserved for Bahraini citizens include workers of both genders.<sup>66</sup>

The National Employment Project was established in 2005 to increase employment opportunities for Bahraini nationals and provide training programs for those seeking jobs. Women account for 74 percent of those who registered for this project. In December 2007 the first eligible Bahraini citizen was paid under the Unemployment Insurance System. Of the 7,810 citizens eligible for this plan, 81 percent were female.<sup>67</sup> Some citizens, including a large number of women, allegedly register for unemployment benefits even though they never intend to apply for a job.

Human rights standards, including women's rights, have the potential to improve in accordance with the commitments that the kingdom made by becoming a member of the UN Human Rights Council. The effectiveness of women's rights NGOs, however, continues to be constrained by the rules of the MSD, which monitors their work and limits their international funding. In particular, NGOs are not permitted to accept funds from or donate money to foreign organizations without permission from the MSD. Some religious scholars also advocate on behalf of women, but

their intentions and purposes differ greatly from those of NGO members and other women's rights activists.

### *Recommendations*

- ❖ Women should be permitted to make all decisions regarding their health independently, including whether to have a cesarean section at childbirth.
- ❖ The government, national, and international organizations should sponsor television programming and other media content that appropriately addresses—whether directly or indirectly, or in dramatic, documentary, or talk-show formats—problems like domestic violence and human trafficking, as well as subtler social obstacles faced by women. Moreover, the government should withhold all state funding from programming that portrays violence against women as socially acceptable.
- ❖ The government should extend housing benefits to broader categories of applicants, such as single or separated women, to accommodate individuals escaping abusive households or pursuing economic and social independence.
- ❖ The Women's Union should establish a website that addresses women's issues in Bahrain and raises awareness about women's rights on all levels. This website should contain links to websites that address women's issues worldwide.

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