



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
2 August 2013

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

List of issues in relation to the third periodic report of Bahrain*

The pre-session working group considered the third periodic report of Bahrain (CEDAW/C/BHR/3).

General context

1. The State party has been experiencing a dramatic deterioration of the general human rights situation since 2011, which also had an impact on the rights of women. Please provide information on measures undertaken to enforce the rule of law, particularly towards the implementation of the recommendations of the Bahrain Independent Commission of Inquiry (BICI). How does the State party plan to improve the capacity of law enforcement authorities and judicial institutions, at all levels, in order to ensure the protection of women and girls and the enjoyment of their rights?

Constitutional and legislative framework

2. Please indicate whether the State party is taking steps to adopt legislation prohibiting discrimination against women, in accordance with article 1 of the Convention (CEDAW/C/BHR/CO/2, para. 13)¹.

3. Please clarify whether the draft Law on Civil Associations and Organisations currently before Parliament complies with the constitutional right to establish civil society organisations and with international standards on freedom of association. Please indicate whether civil society organisations were consulted throughout the drafting process of the draft law (A/HRC/21/6/Add.1/Rev.1, par. 21) and please provide information on the mechanisms to ensure the participation of non-governmental women rights' organizations.

Reservations

4. Please provide updated information on the study into the possibility of amending the reservation to article 2 (para. 81; CEDAW/C/BHR/CO/2, para. 17). Please clarify the scope of the State party's reservation to all provisions of the Convention which are not in accordance with the Sharia law as well as the legislation in force in the State party describing their impact on the practical realization of the principle of equality between

* Adopted by the Committee at its pre-session working group for the fifty-seventh session (29 July – 2 August 2013).

¹ Unless otherwise indicated, paragraph numbers refer to the third periodic report of the State party (CEDAW/C/BHR/3).

women and men, as required under article 2 of the Convention. During the universal periodic review (UPR), the State party committed to take measures aimed at the withdrawal of the reservations to article 2; 9, paragraph 2; 15, paragraph 4; and 16 (para. 71), please describe progress in this regard.

Legal complaint mechanisms

5. Please provide information on the number of complaints submitted by women to the National Institution for Human Rights in the last five years, the types of alleged violations, and their outcomes (para. 39). Please also provide detailed information on the measures taken to ensure the independence of the Institution, in line with the Paris Principles, its mandate in relation to women's rights, and its human and financial resources.

Access to justice

6. The report mentions that women enjoy the same treatment as men before the courts and have the right to bring actions and petitions in their own name (para. 146). Please provide information on measures in place to ensure women's effective access to justice in the State party and to guarantee that women have access to legal aid services, including in places of detention. Please also indicate measures taken to ensure that the testimony of a woman carries equal weight as that of a man in proceedings before courts applying Sharia law, where currently the testimony of one man is equal to that of two women. Please provide information about measures taken by the State party to ensure the participation of women judges in applying Sharia law.

National machinery for the advancement of women

7. Please clarify the role and functions of the Supreme Council for Women, which is the body responsible for monitoring the implementation of the Convention, including its composition and hierarchy within the State structure. Please also indicate the structure of the Supreme Council for Women (SCW) since the restructuring of the General Secretariat (para. 55), the role and position of the CEDAW Unit within the SCW, and its relationship with the Women's Union.

8. Please provide information on the equal opportunity units mentioned in the report (paras. 51, 90-91) and whether these units exist in all ministries. Please provide information on any assessment of their performance and on the existence of any available mechanism to ensure the coordination and evaluation of their work. Also indicate progress regarding the national committee to monitor implementation of the "national model on how to incorporate women's needs into the Government action programme" (para. 51).

Temporary Special Measures

9. Please provide information on any temporary special measures adopted by the State party to accelerate de facto equality between women and men, in all areas covered by the Convention. Please also provide information on the monitoring and evaluation of such measures, including specific quotas for women in the Parliament and in political life (CEDAW/C/BHR/CO/2, para. 21).

Stereotypes

10. Please provide information on the impact of the various measures carried out by the State party to modify the widely accepted stereotypical roles and responsibilities of women and men in the family and society in general (paras. 92 ff.). Please also provide information on concrete measures undertaken to modify the stereotyped images of women, in the media and in teaching curricula and material, all of which limit the role of women in the public sphere (CRC/C/BHR/CO/2-3, paras. 61-62).

Violence against women

11. Please provide information on measures taken to enact legislation which criminalizes violence against women, in particular marital rape. Please also indicate steps undertaken to repeal article 535 of the Penal Code which exempts perpetrators of rape from prosecution and punishment if they marry their victims (CEDAW/C/BHR/CO/2, para. 25; report, para. 138). Please provide updated information about the status of the Domestic Violence Bill (para. 138). Please clarify whether services from the family guidance and reconciliation section mentioned in the report are mandatory in domestic violence cases (para. 152) and whether their use would result in perpetrators not being prosecuted. Please provide information on measures taken to address the cultural and traditional attitudes preventing women from reporting cases of violence and to ensure that women and girls victims of violence, including domestic violence, have access to effective remedies and protection. Please indicate steps taken to systematically collect data on violence against women and girls.

12. Please provide information on measures taken to implement the recommendations of the BICI by the Ombudsman. Please indicate whether the State party has undertaken any investigation and prosecution on the use of sexual violence as a tool of torture following the events of February and March 2011. Please indicate whether the State party envisages authorizing the visit of the Special Rapporteur on torture to its territory. Please explain the role of the Ombudsman and of the Special Investigation Unit under the Ministry of Justice in investigating allegations of excessive use of force, ill treatment and torture in detention centres and prisons, in particular against women by police officers.

Trafficking and exploitation of prostitution

13. Please provide detailed information about the mechanisms in place for monitoring and coordinating the implementation of Legislative Decree No. 1 (2008) on combating human trafficking, mentioned in paragraph 98 of the report. Please provide information on the protective and rehabilitation services available to women and girl victims of trafficking. Please indicate what measures have been taken to collect and analyse data on trafficking in women and to investigate and prosecute human trafficking offenses (CEDAW/C/BHR/CO/2, para. 27). What are the mechanisms to prevent trafficking in women and girls, and especially groups of women in a vulnerable situation such as women migrant workers, and to identify victims of trafficking at an early stage? Please indicate what the legal alternatives are for foreign victims of human trafficking other than their removal from Bahraini territory.

Political participation and decision-making

14. The report mentions in paragraph 107 several awareness-raising initiatives by the State party to promote the participation of women in public life. Please indicate the impact they have had and the measures the State party has taken to address women's alleged "unwillingness to apply for leadership positions in civil society organizations" (para. 110). Please indicate how many cases have been investigated and prosecuted with regard to allegations of threats, harassment, intimidation, attacks, or murder of women in public life. Please also provide information on the measures taken to provide protection to women in public life.

Nationality

15. Please provide information on the status of the amendment of the Nationality Law, which allows Bahraini women to pass on their nationality to their non-Bahraini children and spouses (pars. 82, 119; CEDAW/C/BHR/CO/2, para. 30). Please provide information on the legal reasons by which the nationality of a Bahraini can be revoked as well as

updated sex-disaggregated data on the number of Bahrainis whose nationality has been revoked.

Education

16. Please provide information on efforts undertaken to ensure the availability and accessibility of vocational training opportunities, on an equal basis for boys and girls (CEDAW/C/BHR/CO/2, para. 32). Please indicate any progress on measures in place aiming at encouraging women to take non-traditional fields of training and education. Please indicate measures undertaken to ensure access to education for children of migrant workers, in particular girls.

Employment

17. Please provide information on concrete policies designed to ensure that men and women enjoy equal rights in the field of employment (para. 94). Please also indicate measures in place to ensure that women are protected against sexual harassment in the workplace. What has been the impact of the various programs to increase the economic participation of women implemented by the SCW?

18. Please explain which body is responsible for overseeing the compliance of labour legislation (including Ministerial Decree No. 21 (1994)) by employers of non-Bahraini workers, including domestic workers (para. 132). Clarify whether the draft private sector labour bill mentioned in the report includes provisions to safeguard the rights of all domestic and foreign workers. What are the institutional mechanisms to increase awareness within the private sector of the rights of domestic workers? Please provide information on the concrete steps taken by the State party to ensure that migrant workers, especially female domestic workers, are aware of their rights and have access to legal aid, such as translating laws and documents into English. What measures has the State party foreseen so that migrant workers exercise their right to legal recourse?

19. Please provide detailed information on the large-scale dismissals and suspensions of public sector employees, including many women, following the events of February/March 2011, and on implementation of the BICI recommendations.

Health

20. Please provide information about the number of women using family planning services, including modern contraceptives, and clarify whether decisions about birth control can be taken by a woman without the consent of her husband. Please indicate how the State party is monitoring the effective implementation of the policy stating that women can consent to a Caesarean-section and relevant medical treatment without the authorization of any other person, including that of their husbands (para. 135).

Marriage and family relations

21. Please provide information on the measures taken by the State party to adopt a unified Family Code which provides all women with equal rights relating to marriage and family relations in line with the Convention as previously recommended by the Committee (CEDAW/C/BHR/CO/2, para. 39). Please indicate steps undertaken to raise the minimum age of marriage for girls from 15 to 18 years old. Please also indicate any measures being taken to address the significant legal, financial, and societal hurdles that women face compared to men if they want to obtain a divorce (CEDAW/C/BHR/CO/2, para. 41).