

## **BAHRAIN**

### **Follow-up - State Reporting Action by Treaty Bodies, Including Reports on Missions**

**CEDAW, A/64/38 (2009)**

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### **Annex IX: States parties having submitted observations on concluding observations of the Committee on the Elimination of Discrimination against Women**

The following States parties submitted observations on concluding observations of the Committee at the end of the forty-second session: Ecuador and Madagascar.

The following States parties submitted observations on concluding observations of the Committee at the end of the forty-third session: Bahrain and Rwanda.

**Follow-up - State Reporting  
Action by State party**

**CEDAW, CEDAW/C/BHR/CO/2/Add.1 (2010)**

**Information provided in follow-up to the concluding observations of the Committee**

**Response by Bahrain to the recommendations contained in the concluding observations of the Committee following the examination of the combined initial and second periodic reports of Bahrain on 30 October 2008**

**Introduction**

1. The present report was drawn up in the light of: the forty-second session of the Committee on the Elimination of Discrimination against Women; the Committee's consideration, at its 860th and 861st meetings held on 30 October 2008, of Bahrain's combined initial and second periodic reports; the Committee's request that the State party should provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 30 and 38 of the concluding observations; and the commitment of the Kingdom of Bahrain to fulfilling the Committee's request. The report details the efforts undertaken by the Kingdom in the areas outlined below.

**Reply: paragraph 30 of the Committee's concluding observations (CEDAW/C/BHR/CO/2)**

**Efforts undertaken**

2. The issue of amending the Nationality Act in order to grant Bahraini citizenship to children of Bahraini mothers and foreign fathers is one that has engaged the attention of the Supreme Council for Women ever since its inception, as the Council seeks to bring about the advancement of Bahraini women. The Council and civil society organizations, in particular women's associations and the Bahraini Women's Union, have taken steps to address this issue in line with the equality principle enunciated in the National Action Charter and the Bahraini Constitution.

3. In this connection, the Supreme Council for Women, working in conjunction with the relevant authorities, is currently examining a draft amendment to the Nationality Act that would grant Bahraini citizenship to children of Bahraini mothers and foreign fathers under rules and conditions designed to safeguard the rights of these children, while preventing any encroachment on State sovereignty.

4. The Supreme Council for Women was active in bringing about the issuance of Act No. 35 of 2009, which contains provisions affording such children the same treatment as Bahraini citizens in terms of exemptions from fees for Government, health and educational services and for permanent residence cards for Bahrain. The Act is a legislative measure which goes some way to improving the situation of this group.

5. Pending the amendment of the Nationality Act, the Supreme Council for Women instituted the following interim measures:

(a) Applications from children of Bahraini mothers and foreign fathers were reviewed and approved by a committee established pursuant to directives from His Majesty the King. The applications were then forwarded to the Ministry of the Interior;

(b) In implementation of Act No. 35 of 2009, minor children of Bahraini mothers are issued with entry visas, free of charge, to allow them to visit or take up permanent residence in Bahrain (family reunification). Under the arrangement, the mother acts as sponsor for the children. Similarly, adult children are issued with free entry visas, with the mother acting as sponsor, to allow them to pursue their studies at any stage of education. The arrangement also applies to adult daughters who are unmarried;

(c) Measures have been taken to make it easier for non-resident children wishing to visit Bahrain to obtain a non-conditional residence permit, which is valid for a longer period than usual, subject to completion of the relevant procedures.

**Reply: paragraph 38 of the Committee's concluding observations (CEDAW/C/BHR/CO/2)**

**Efforts undertaken**

6. In view of the differences found in the case law on personal status matters, the executive authority, governmental institutions and civil society organizations, in particular women's associations and the Bahraini Women's Union, have made numerous attempts to enact a codified family law for both confessional groups (Sunnis and Shi'is) and to bring the various provisions together in one law or, failing that, two laws - one for Sunnis and the other for Shi'is.

7. These measures have not won consensus among the community, however, except as far as the provisions relating to Sunnis are concerned. An act on Sunni family matters was issued in 2009 after being endorsed by the legislature - the Shura (Advisory) Council and the Council of Representatives. The act is a faithful translation of the relevant constitutional provisions and applies the sharia in a manner that accurately reflects the situation of families. It also makes it easier for judges to discharge their duties. The act defines the rights of parties at law, whether male or female, and contains provisions on safeguarding the best interests of the child.

8. The act is a great step forward for Bahraini women. It regulates family relations, marriage, divorce, maintenance payments and care of young children. The key parts of the act are described below:

(a) The Family Provisions Act allows for practical measures to be taken to establish a child's filiation by having spouses undergo DNA tests in cases where there are doubts about paternity or where newborns have been mixed up in hospital. If the test is positive, the child's filiation will be established, whether the parents are legally married or not;

(b) Foreign women who are divorced have the right to remain in Bahrain for as long as they are formally responsible for the care of their children (art. 139);

(c) The Act allows the courts to enlist the help of psychologists and social workers in order to determine who is to be entrusted with the care of children, due regard being given to the children's best interests;

(d) Wives have the right to stipulate in the marriage contract that the husband may not take another wife.

9. We provide here below a description of rulings issued by the sharia courts in implementation of the Family Act.

### **Right of the wife to seek a divorce on the ground of harm caused by her husband's imprisonment**

10. The High Sharia Court has established an important principle to the effect that a wife is entitled to seek a divorce on the ground of harm caused by the absence of a husband who is in prison. In its ruling, the Court invoked article 114 of the Family Provisions Act, which states that if a husband is imprisoned for 3 years or more pursuant to a final court judgement, the wife may seek an irrevocable divorce one year after the term of imprisonment begins, even if her husband has assets on which she can draw for maintenance. It is clear from the case-law records that harm means emotional and psychological harm suffered by the wife as a result of the husband's absence for more than one year (second division of the High Sharia Court, Sharia Case No. 2043/2009, ruling issued at the twenty-third sitting held on 2 November 2009). Desertion of a wife is considered a harmful act that constitutes a ground for seeking a divorce.

11. In the case in which the ruling was issued the plaintiff brought proceedings before the High Sharia Court seeking a divorce from the respondent on the grounds of harm suffered, because he had deserted her. After verifying that the husband had indeed deserted his wife, the Court granted the plaintiff her request for an irrevocable divorce. The Court explained its ruling by invoking the sharia principle that no harm should be suffered by or imposed on either party, together with article 101 (a) of the Family Provisions Act, which allows a wife to seek a divorce on the ground of harm caused by the impossibility of having a conjugal life (Sharia Case No. 1298/2008, ruling issued at a sitting held on 24 September 2009).

12. To raise awareness of the importance of the Family Provisions Act, the Council is currently working with research centres in Bahrain on a study to assess the impact of the implementation of the Act. It is hoped the results will show that the issuance of the first section of the Act has been a success. The Council continues to run awareness programmes for all sectors of society on the contents and importance of the Act. The issuance of the second section of the Family Provisions Act (concerning the Shi'i community) is contingent upon securing agreement in society at large.