



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**  
Forty-second session

**Summary record of the 861st meeting**

Held at the Palais des Nations, Geneva, on Thursday, 30 October 2008, at 3 p.m.

*Chairperson:* Ms. Šimonović

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Convention (*continued*)

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Combined initial and second periodic report of Bahrain (continued) (CEDAW/C/BHR/2 and Add.1; CEDAW/C/BHR/Q/2 and Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of Bahrain took places at the Committee table.*

*Articles 1 to 8 (continued)*

2. **Ms. Abdul Rahim** (Bahrain) said that women comprised nearly 5 per cent of the officer corps in her country and held more than 40 per cent of the civilian posts in its armed forces. In addition, nearly 5 per cent of all police officers and approximately 15 per cent of all civilian personnel in the Ministry of the Interior were women.

*Articles 9 to 16*

3. **Mr. Flinterman**, welcoming the State party's intention to amend its discriminatory Nationality Act, which deprived Bahraini women married to foreigners of the right to transmit their nationality to their children, said that the Committee would appreciate more information on the obstacles impeding its speedy implementation and a date by which the amended Act might be adopted.

4. **Ms. Belmihoub-Zerdani** said that there were no passages in the Qur'an that could be used to justify prohibiting a woman from transmitting her nationality to her children. Several Muslim countries that had previously maintained reservations to article 9, paragraph 2, of the Convention had now amended their nationality laws and had withdrawn their reservations to that paragraph. She also praised the positive role that non-governmental organizations played in the State party and urged its Government to provide them with subsidies.

5. **Ms. Al Awadi** (Bahrain) said that, owing to the complex nature of the legislative process, it was impossible to say exactly when the amended Nationality Act would be adopted. Another reason for the delay was the question of Bahraini women married to men from other Arab States whose laws prohibited dual citizenship.

6. **Ms. Arocha Dominguez**, turning to the question of equality in education, said that from paragraph 189 of its report it appeared that the State party was attempting to rationalize the gender gap in the attainment of postgraduate degrees by stating that women did not continue their studies because they became preoccupied with family responsibilities or work. Recalling that, under the Convention, it was the responsibility of both spouses to raise their children, she wished to know what measures the State party had taken and intended to take in order to ensure greater cooperation between spouses in that regard so that family responsibilities were not an impediment to a woman's pursuit of higher education.

7. Referring to the response to question 15 in the list of issues and questions (CEDAW/C/BHR/Q/2), she noted that a new class on citizenship, which also covered human rights, had been added to the curriculum. Recalling that, in its report, the State party had indicated that a significant number of foreigners were employed in the education sector, and noting the complexity of human rights as a subject, she asked for more information about the training that would be given to the teachers of that new subject and how the State party harmonized the different cultures working in the education sector.

8. In its concluding observations on the initial report of Bahrain, the Committee on the Rights of the Child had noted with concern that education was not compulsory. It had also noted that a movement to privatize education had begun, which could have an impact on the access of certain groups of children to education. The Committee would welcome any further information that the delegation could provide in respect of those observations.

9. **Ms. Pimentel** said that, according to the report, only primary education was free and compulsory. She therefore wished to know whether the Government also intended to make education free and compulsory at the intermediate and secondary levels. The Government should also clarify whether it offered education at the kindergarten level.

10. Referring to the assertion in the report that satellite television was responsible for promoting gender-based violence, and recalling that the report mentioned a cooperation protocol between the Supreme Council for Women and the Ministry of Information to counter all media that promoted such violence, she

wondered whether the Government intended to censor satellite television programmes.

11. She said that it would be useful to have specific information on what students were being taught about reproductive health. She also wondered whether the State party had taken into account article 12 of the Convention and the Committee's general recommendation No. 24 when developing the reproductive health curriculum.

12. **Ms. Neubauer**, referring to an earlier question on the discrimination encountered by women at the Bahrain Training Institute, pointed out that such discrimination should not have been possible because, according to the report, the laws of Bahrain with respect to education were devoid of any discrimination against women. The Committee would therefore appreciate an explanation as to why discrimination in education existed when, in theory, it was prohibited by law. Information should also be provided on the measures that the Government now planned to take to enable women to achieve their legally mandated right to equality.

13. **Ms. Khalifa Al Khalifa** (Bahrain) said that the Ministry of Education allowed both men and women equal opportunities to complete postgraduate studies and that all its personnel received grants and scholarships to complete their studies.

14. Education up to and including the ninth grade was compulsory and free; the State also offered free secondary education up to and including the twelfth grade for both boys and girls. The Curriculum was identical for both sexes, with the exception of industrial education, which was available to boys only. In order to rectify that situation, the Government, as part of its educational reform efforts, had decided to establish a vocational college that was open to both sexes.

15. Turning to reproductive health education, she said that the Ministry of Education, in cooperation with the Ministry of Health and the Bahrain Family Planning Association, was developing a comprehensive curriculum aimed at both sexes that covered the physical and psychological aspects of reproductive health. Subjects that would be taught included sexually transmitted diseases, such as HIV/AIDS, and family planning.

16. The citizenship education curriculum had been developed in response to the requirements of article 5 of the Constitution. Offered to all students up to the secondary level, the class was designed to teach children about their responsibilities and rights as citizens, including the rights of children and women. At the secondary level, the curriculum was focused on raising political awareness among boys and girls with a view to their future participation in political life.

17. Teachers chosen to conduct the new class would be enrolled in workshops in order to train them in the subject matter. The recently established Bahrain Teachers' College, also part of the Government's educational reform effort, offered another path for teachers seeking high-level training. Regarding the number of foreign teachers employed by the Government, she said that all female teachers were currently Bahraini citizens. However, there were still some foreign men employed as teachers of specialized subjects.

18. Kindergartens were operated by the private sector under the supervision of the Ministry of Education, which set standards for facilities and developed a unified curriculum. The Ministry was also responsible for training kindergarten teachers and was in the process of establishing a kindergarten training centre. A joint committee had been established by the Ministries of Education, Labour and Social Development in order to assess the status of kindergarten education.

19. **Ms. Patten** said that women migrant domestic workers were not given any protection under the labour laws of the State party. They were poorly paid, overworked, denied freedom of movement and, in some instances, physically abused. Moreover, the *kafalah* (sponsorship) visa system, which tied workers to their employers, made it nearly impossible for those women to escape exploitative working conditions. In that connection, she requested further information on the proposed amendments to the Labour Code and a date by which the amended Labour Code would be adopted. In addition to working conditions, she wondered whether the amended Code would address other problems facing women migrant workers, such as debt bondage, passport confiscation, illegal confinement and violence.

20. Turning to the response of the State party to question 17 in the list of issues and questions

(CEDAW/C/BHR/Q/2/Add.1), she wished to know how many complaints from women migrant workers had been received by the hotline referred to in the response and how many complaints had been filed by labour inspectors. She was curious to know how those inspectors supervised the working conditions of housemaids, since they had no access to the private homes where such potential “invisible” victims worked. The Committee had also received information from non-governmental organizations indicating that, under the *kafalah* system, a victim who pressed charges against her employer was not allowed to leave the country or to take other work for the duration of the case. She therefore wished to know whether those impediments to accessing justice would also be removed by the amended Labour Code.

21. Recalling that the Penal Code did not specifically address sexual harassment in the workplace, she wondered whether the Government intended to enact legislation aimed at prohibiting and preventing such harassment.

22. **Ms. Simms**, following up on the question on the plight of domestic servants, said that, according to documentation provided by the State party, the head of its delegation was the Vice-President of the Supreme Council for Women and the President of that Council was the consort of the King. The delegation should therefore use its influence to work towards ending the suffering endured by women migrant domestic workers.

23. **Ms. Zou Xiaojiao** said that the report did not provide information on women employed in the private sector or explain whether they enjoyed the same benefits as public sector employees. Furthermore, despite the State party’s adoption of a policy of equal pay for similar work, the report contained numerous examples of women receiving lower pay than men for similar work. She therefore wished to know whether the Government had studied the problem of wage disparity and whether it had developed any policies aimed at bridging the wage gap between men and women.

24. With regard to pension payments, she noted that, according to the report, the size of such payments was directly related to length of service. Furthermore, she understood that the retirement age was 55 years for women and 60 years for men. If that was the case, the pension system in Bahrain discriminated against

women. She therefore wished to know whether the amended Labour Code would establish a single retirement age for both men and women.

25. **Ms. Al Khalifa** (Bahrain) said that women migrant domestic workers had been employed in Bahraini households for more than 50 years and that their employers normally treated them as though they were family members. She condemned the completely unacceptable mistreatment that a small minority of those women had suffered, and said that her Government would endeavour to ensure that those victims enjoyed all of the rights enshrined in the relevant international instruments.

26. **Ms. Shehab** (Bahrain) said that the amended Labour Code would enter into force as soon as it had been approved by Parliament and ratified by the King.

27. Turning to the question of women domestic workers, she said that their rights were guaranteed by their labour contracts, their countries’ embassies and the Civil Code. Furthermore, domestic workers who had been mistreated could report abuse to the hotline operated by the Ministry of Labour and could seek refuge in Government or private shelters. In view of the recognized need for further action, the Government had included provisions in the draft amended Labour Code aimed at addressing the problems faced by women domestic workers.

28. With regard to equal pay for similar work, she said that the Government was considering acceding to ILO Convention No. 1 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. Furthermore, article 29 of the draft amended Labour Code stipulated that men and women should be given equal consideration when performing similar work.

29. She noted that 91 reports of abuse had been made by foreign women to the hotline operated by the Ministry of Labour during the period from January to August 2008 and that appropriate action had been taken in each case, in accordance with the law. In terms of future action, she said that the Ministry of Labour, acting through the Labour Market Regulatory Authority, would launch a number of initiatives aimed at educating foreign workers about their legal rights.

30. **Ms. Esa** (Bahrain) said that, under the Civil Service Act, the Government was required to provide its male and female employees with equal wages, leave, promotions and bonuses. Women employed by

the Government were also entitled to 45 days of maternity leave after delivery, a two-hour nursing break during working hours and two years of maternity leave to care for a child under six years of age.

31. **Ms. Al Awadi** (Bahrain) said that, insofar as women migrant workers were subject to the relevant provisions of the Labour Code, they had the same responsibilities and enjoyed the same rights as Bahraini women under the Code. While housemaids were not covered by those provisions, the Government had now begun drafting regulations to cover that labour category. Referring to the *kafalah* (sponsorship) visa system, she noted that the Labour Market Act gave foreign workers complete freedom to change their jobs.

32. **Mr. Ajaji** (Bahrain) said that, in 1990, the Court of Cassation had ruled that employers did not have the right to confiscate a worker's passport, arguing that the passport was not the bearer's personal property but that of the issuing State. He added that the Court's ruling was still in force.

33. **Ms. Hayashi** said that, according to the report, only a small number of women had breast cancer and cervical examinations. She wished to know why that was the case, when the State party was a pioneer in periodic testing for the detection of cancer, and what the Government intended to do in order to improve the situation.

34. With regard to the Government's educational campaigns on health care and disease, she wondered whether some of those campaigns targeted rural or elderly women. The Committee would also welcome information on the Government's measures aimed at giving women access to affordable and modern contraceptive methods.

35. **Ms. Pimentel** wondered whether the discrepancy between the official report and the shadow report regarding the prevalence of modern contraceptive methods indicated a cultural resistance to the use of such methods. She asked the delegation to provide further information in that regard. She also wished to know whether the subject of unwanted pregnancies was covered by the reproductive health curriculum.

36. The laws of Bahrain also apparently restricted women's reproductive health rights. According to the shadow report, the law required a woman to obtain her husband's consent prior to undergoing sterilization, while the converse was not true; it was also illegal for

a woman to give birth by Caesarean section without her husband's permission.

37. The Committee would welcome further information on the Government's efforts to raise the awareness of women about sexually transmitted diseases. With regard to psychological health, the shadow report indicated that far fewer females than males made use of mental health services, attributing that difference to social stigma. She wondered whether the Government had taken any measures to remedy that situation.

38. **Ms. Al Jalahma** (Bahrain) said that while men and women were treated equally in terms of health care, women were given an even higher level of attention in order to accommodate their special needs. All primary health-care centres offered maternal and paediatric health care. Presently, there was one primary health-care centre per 35,000 persons. However, the Government aimed to achieve a ratio of one centre per 20,000 persons. All services offered by those centres, including birth control and breast cancer screening, were free of charge.

39. Despite the Government's best efforts, which included an intensive awareness-raising campaign in cooperation with the Bahrain Cancer Society and free mammograms, it had been unsuccessful in increasing the number of women who had breast cancer examinations. However, the Government would continue with that initiative, and planned to require all primary-care physicians to order their female patients to have such examinations.

40. The reported low percentage of married couples using modern contraceptive methods could be attributed to the fact that the official report contained only statistics compiled by the Ministry of Health. Unfortunately, the Government had no statistics on contraceptives dispensed by pharmacies or private hospitals. Some studies had also indicated that most women did not favour using birth control drugs.

41. She stressed that there was no law or ministerial decree that required a woman to obtain her husband's consent before giving birth by Caesarean section. However, sterilization required the consent of both parties in view of the irreversibility of the procedure.

42. The Government recognized that women were fearful of consulting mental health specialists. In order to ensure that women had access to mental health care,

primary-care physicians had been trained to treat mental illness, thereby avoiding the need to refer patients to specialists in all but the most severe of cases. Moreover, psychopharmaceuticals were available at all primary health-care centres.

43. **Ms. Schöpp-Schilling** recalled an apparent contradiction between the Constitution and the National Action Charter. While the former appeared to prohibit gender discrimination, the latter did not appear to do so explicitly. She would appreciate some clarification in that regard.

44. The report did not provide sufficient information on the State party's implementation of article 13 of the Convention. In particular, she wished to know how many women had benefited from the Government's efforts to ensure that they had access to family benefits, loans, credits and other means of financial support. She also wondered whether family benefits were paid to the husband or to the wife and whether both spouses were eligible to have social allowances added to their salaries. The Committee would also welcome further information on the mobile units providing services to the elderly and the disabled in their homes and whether those units provided gender-specific services.

45. With regard to the reservations made by the State party to article 16 of the Convention, she said that there did not appear to be any contradiction between sharia law and the provisions of that article. It should therefore be a simple matter for the Government to formulate more precise reservations.

46. **Ms. Begum** said that the lack of a family law meant that women faced discrimination in marriage and divorce. Furthermore, the State party had entered a reservation to article 16 of the Convention on the grounds that it was incompatible with sharia law. However, many Muslim countries that had entered reservations to article 16 on the same grounds had reconsidered their positions and had withdrawn their reservations. In that context, she wondered whether the Government would also consider a gradual withdrawal of its reservation to article 16.

47. She wondered whether the State party's laws on the minimum age for entering into marriage were consistent with the Convention on the Rights of the Child. She also wished to know what percentage of Bahraini men practiced polygamy, which was a serious obstacle to the achievement of equality in married life.

Since polygamy could not be eradicated by the law alone, she wished to know what other measures had been taken to that end.

48. Recalling that, under the State party's laws, only men had the right to initiate divorce proceedings, she wondered what measures the Government had taken in order to redress such blatant discrimination against women.

49. **Ms. Halperin-Kaddari** said that, according to the information provided by the State party and the statement made by the head of its delegation, the law regarded men and women as equals in all respects. However, the report appeared to indicate that a woman was prevented from testifying if there was an ethical obstacle and that marriage was deemed to be such an obstacle. She wished to know the extent to which that assumption limited a woman's ability to testify, and how a woman could sue her husband or file a complaint against him.

50. In respect of the monetary consequences of divorce, she said that the system of separate property was detrimental to women, particularly those who were full-time housewives or mothers, because their non-monetary contributions to the couple's wealth would not be taken into account in the event of divorce, nor would a woman be able to claim a share of any jointly acquired property registered in her husband's name. It was also stated in the report that couples could conclude a prenuptial agreement that stipulated a different basis for the distribution of joint property. If couples were already allowed to enter into joint property agreements upon marriage and if, as she understood, such arrangements were not incompatible with Islamic law, she wondered why the Government had not already taken steps to formally introduce a system of shared marital property.

51. With regard to the pending family law, she suggested that the State party might wish to consider enacting separate laws, each addressing a specific issue, instead of waiting until all differences over the various provisions of the family law had been resolved. Turning to the question of child custody, she recalled that the delegation had previously stated that the interests of the child were paramount when custody cases were decided by the courts. However, the report indicated that it was the practice of the Jaafari sect to award fathers custody of children above seven years of age. If that was the case, the Government needed to

clarify how such a practice was in keeping with the best interests of the child. She also failed to see how the best interests of the child were served when, according to the report, a Jaafari woman was forced to relinquish custody of her child when she remarried.

52. **Ms. Tan** wondered whether the Government had studied the effect of divorce on the economic well-being of women. She wished to know more about court rulings in such cases, including who was responsible for ensuring that men complied with court orders. She would particularly welcome information on how a typical award that a Jaafari court granted a woman in a divorce case compared with that awarded by a Sunni court. It would also be interesting to learn which court would have jurisdiction when a Jaafari man sought divorce from a Sunni woman and vice versa. How long did the entire divorce process take and who was responsible for supporting the children until the case was resolved? She also wished to know how property was divided among the widows of a polygamist.

53. **Ms. Belmihoub-Zerdani** wondered why the State party had not set the minimum age of marriage for both sexes at 18 years in accordance with its obligations under the Convention on the Rights of the Child, which it had ratified without any reservations. The establishment of a common minimum age for Bahraini Muslims to enter into marriage should be straightforward because Sunnis and Jaafaris were ultimately members of the same religion. However, she did not agree with the State party's assessment that polygamy was tolerated in the Koran. The Holy Book clearly stated that a man should take more than one wife only if he were capable of treating all of them equally. It went on to state that if he feared that he would not be able to do so, then he should take only one wife.

54. **Ms. Al Jalahma** (Bahrain) said that mobile units for the elderly and the disabled consisted of a nurse, a nursing assistant and a social worker. The units were responsible for providing patients with medical and personal care, including personal hygiene, as well as training family members to care for patients.

55. **Ms. Esa** (Bahrain) said that, under the law, men and women received equal benefit payments, irrespective of whether they were employed in the public or private sector.

56. **Ms. Al Awadi** (Bahrain), referring to her Government's reservation to article 15 of the

Convention, stressed that the Constitution and the various laws that regulated civil affairs required women and men to be treated equally under the law. Women had the same right as men to enter into contracts, own property, petition the courts and have access to all kinds of legal services. Furthermore, the Constitution guaranteed women complete freedom of movement and choice of residence and domicile, regardless of their marital status. She also noted that the Government was in fact considering withdrawing its reservation to article 15.

57. The reservation to article 16 applied only to the rights of men and women in marriage. As for the remainder of the article's provisions, Islamic law did not restrict women in respect of child-rearing, the spacing of their children or other related rights. The only other point of contention was related to the right of inheritance, which was restricted to men. However, the Government was also considering the possibility of amending the laws on inheritance in order to end that restriction.

58. She noted that the minimum age for marriage had been established by a decree of the Minister of Justice. Furthermore, while Bahrain was a Muslim country, polygamy was not widespread; a study performed by the Supreme Council for Women had shown that polygamy was rarely practised, and only by the poorest and least educated classes.

59. Regarding the religious court that would have jurisdiction in cases of marriage or divorce between Sunnis and Jaafaris, she said that the court before which the marriage contract had been concluded would have jurisdiction over all matters, including the distribution of inheritance. A woman had the right to petition the religious courts for a divorce if she had been harmed by her husband and could also press charges against him in the criminal courts. Non-Muslims were subject to the Civil Code and the laws of their respective religions.

60. **Ms. Al Khalifa** (Bahrain), responding to the question on property rights, said that, by virtue of the equality of the sexes before the law, women had the right to own separate property, regardless of their civil status, and they did not lose that right upon entering into marriage.

61. The delay in promulgating the family law was not due to political obstacles. With regard to the issue of child custody, she reiterated that, under Islamic law,

the best interests of the child were paramount when custody was awarded. A father was given custody of his child upon divorce only when the mother or a female relative was unable to care for the child.

62. **Ms. Halperin-Kaddari**, recalling that the State party's reservation to the Convention had been to article 15, paragraph 4, not to article 15, paragraph 2, requested a more specific answer to her earlier question on a woman's right to testify before the courts. She also reiterated her question on the Jaafari practice of awarding fathers custody of children above seven years of age and wondered whether that practice was in the best interests of the child. In that connection, she also questioned the practice of awarding fathers custody of children when mothers remarried.

63. **Ms. Belmihoub-Zerdani** said that, while it might not be possible to change the way that inheritance was allocated under sharia law, which unjustly gave a woman only half the share of a man, it should be possible for Muslim countries to agree on common legal measures that would compensate women for such injustice. Speaking as a Muslim and as the mother of two sons and a daughter, she called on Muslim countries to enact laws that would enable parents to bequeath equal amounts of their wealth to their sons and daughters.

64. **Ms. Tan** reiterated her earlier question on whether the Government had studied the effect of divorce on the economic well-being of women and said that the Committee looked forward to receiving specific information in that regard in the State party's next report.

65. **Ms. Al Khalifa** (Bahrain), responding to the question on the minimum age for entering into marriage, said that, unfortunately, under article 1 of the Convention on the Rights of the Child, the age of majority could be less than 18 years if, under the law applicable to the child, majority was attained earlier. At the time of its adoption, Bahrain had sought to establish the age of majority under the Convention as 18 years in order to oblige States parties to adopt that age of majority in their domestic laws.

66. While acknowledging that, under sharia law, a woman's share of inheritance was half that of a man's, she said that religious courts throughout the Muslim world had consistently ruled that men should bear the burden of supporting their female relatives. For

example, even if a brother and sister divided their inheritance from their father equally, the brother would still be financially responsible for supporting his sister, and it stood to reason that the person who was obliged to provide support should have greater financial resources at his disposal. In awarding the man a greater share of the inheritance, sharia law was in fact providing for the fair treatment of men and women. It should also be noted that sharia law permitted the bestowing of gifts. However, the imposition of State taxes on bequests, inheritance and gifts created confusion between civil law and sharia law.

67. **Ms. Al Awadi** (Bahrain) said that the Supreme Council for Women had conducted two studies on the effects of divorce on women. The first had led the Council to make several recommendations, including the promulgation of a law increasing the number of sharia courts and the amendment of the code of procedure of those courts to speed up their proceedings.

68. The results of the second study were being analysed by the Supreme Council for Women, in cooperation with the Bahrain Centre for Studies and Research and Bahrain University, with a view to making further recommendations.

69. With respect to the question of testimony, she pointed out that a woman was allowed to testify before all civil, criminal and religious courts; there was no law or practice that prevented her from doing so.

70. The reservation to article 15, paragraph 4, had no practical effect on a woman's freedom of movement or choice of residence, irrespective of her civil status.

71. **Ms. Tan** said that it would be useful to know whether women, particularly those over the age of 50, constituted the majority of the population of villages. She would also welcome more information on the economic conditions of rural women. The Government should also supply statistics that illustrated the differences between rural and urban dwellers in all significant socio-economic aspects.

72. Recalling that the report stated that rural dwellers had access to the same facilities as urban dwellers, she wondered whether that included modern housing, electricity, running water and sanitation. She also wondered whether the Government had a development plan for rural villages and, if so, the delegation should provide the Committee with a brief outline of that plan,



including its start date and anticipated outcomes. Which Government authority was responsible for rural welfare? She would also welcome information on whether any cases of domestic violence in rural areas had resulted in a woman's death.

73. **Ms. Al Khalifa** (Bahrain) said that Bahrain no longer had any rural villages deprived of modern facilities and services. All of its citizens now had equal access to services and benefits. In addition to the Government's own national development plans, the provincial authorities also provided for the needs of the local population.

74. With regard to the question of violence, she said that she had never heard of a case of domestic violence in Bahrain that had led to the death of a person, although there had been a few cases that had resulted in severe injury. Nonetheless, her Government understood that prompt action was necessary in order to prevent domestic violence from becoming a problem.

75. **Ms. Shin** asked whether the perpetrators of domestic violence against women would be punished under the proposed amendments to the Penal Code.

76. **Ms. Halperin-Kaddari** requested further clarification on the incidence of rape and on the status of any relevant laws and of any reforms that were planned in Bahrain. She wondered whether marital rape was criminalized and whether the Government planned to repeal the legal provision that allowed a rapist to escape punishment by marrying his victim.

77. **Ms. Patten** asked whether the Government intended to enact legislation aimed at prohibiting and preventing sexual harassment in the workplace. She wondered whether any incidents of discrimination in employment had been reported and which court had jurisdiction in such matters. She also asked whether the proposed amendments to the Labour Code would repeal discriminatory provisions in the current law that allowed employers to offer women who performed certain jobs alternative employment on the grounds of their marital status.

78. **Ms. Al Zayed** (Bahrain) said that while marital rape was not specifically criminalized under the Penal Code, it was punishable under the provisions of the Code pertaining to assault and harassment, irrespective of who committed the assault and the context in which it occurred. Moreover, all assault crimes carried

mandatory penalties. In addition to filing criminal charges against her assailant, a woman could also sue for civil damages.

79. **Mr. Humood** (Bahrain) said that sexual harassment was criminalized under the Penal Code of 1975, although it had seldom been necessary to enforce the relevant provisions. The Government was considering amending the Code's provisions related to sexual harassment to ensure their compatibility with its article 345, which deemed any sexual activity with a woman under 21 years of age to be non-consensual. No incidents of kidnapping with intent to rape had been reported.

80. **Ms. Al Awadi** (Bahrain) confirmed that there were provisions in the Penal Code that allowed a rapist to escape punishment if he married his victim. The Government was presently reviewing those provisions, along with other related articles, with a view to their amendment. Sexual harassment in the workplace was criminalized under the Penal Code, which specified penalties for physical or verbal acts of indecency. Her Government was aware of the need to reform the laws on violence.

81. The Government had not compiled statistics on complaints filed by women in respect of discrimination in the workplace and no case of such discrimination had reached the courts. However, there were appeals committees within Government ministries that were responsible for dealing with questions of wage discrimination.

82. **Ms. Esa** (Bahrain) said that sexual harassment was rare in Bahrain. The Penal Code ensured that women were protected from such harassment and from violence in general, whether in the workplace or elsewhere. Sexual harassment was prohibited in the public sector under the Civil Service Act, which specified a maximum penalty of dismissal for any act of verbal or physical sexual harassment. In 2007, there had been 29 incidents of sexual harassment reported in the public sector, while 17 such incidents had been reported in 2008.

83. **Ms. Shehab** (Bahrain) said that, under the Constitution and the National Action Charter, women and men were equals in respect of the right to employment, the free choice of a profession, remuneration, promotion and job security. Moreover, women could not be dismissed on the grounds of marriage or pregnancy.

84. **Ms. Al Khalifa** (Bahrain) expressed her appreciation to Committee members for their questions and observations. Her Government intended to disseminate the Committee's concluding observations widely and to use them to complement its efforts to eliminate all forms of discrimination against women.

85. **The Chairperson** said that the Government should intensify its efforts not only to raise awareness of the Convention at the national level, but also to expand the implementation of the Convention. She welcomed the Government's intention to withdraw its reservations to article 9 of the Convention and also its commitment to consider withdrawing its other reservations. The enactment of a family law and a law on domestic violence was crucial and she urged the Government to make use of the Convention and the Committee's general recommendations in order to hasten that process. Finally, she suggested that the Government might wish to invite Committee members to visit Bahrain in the near future so that they could make their own assessment of the status of women in Bahrain and the implementation of the Convention.

*The meeting rose at 5.05 p.m.*