

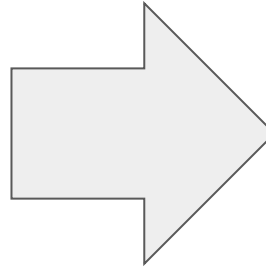


# Women's Rights and WHRDs' Situation in Bahrain

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# The Gulf Centre for Human Right (GCHR)

The Gulf Centre for Human Rights (GCHR) is an independent, non-profit CSO founded in 2011 to provide support and protection to human rights defenders (HRDs) in order to promote human rights, including but not limited to freedom of expression, association and peaceful assembly. It strives to document the environment for HRDs in the Gulf region and neighbouring countries, specifically Bahrain, Kuwait, Iran, Iraq, Jordan, Lebanon, Oman, Qatar, Saudi Arabia, Syria, the United Arab Emirates and Yemen. GCHR is a member of CIVICUS, IFEX, FIDH, OMCT SOS Torture Network, Global Forum for Media Development, the Arab Alliance for Digital Rights (AADR), the Women Human Rights Defenders (WHRDs) International Coalition and others.



Since its establishment in 2011, women's rights and gender equality have been at the core of GCHR's work. GCHR has dedicated since 2016 a programme focusing on women's right and their defenders, to continue to work with women's groups, women's networks and individual women human rights defenders (WHRDs) in the Middle East and North Africa (MENA) region. GCHR has held several regular consultations with WHRDs from Bahrain together with other women from MENA region, either through formal or informal meetings. This year and every year we provide WHRDs with a forum to discuss their concerns and map the threats they face due to their work.

# The Statement

This statement was made based on a joint UPR submission that was made by four human rights organisations which regularly work on Bahrain:

Americans for Democracy & Human Rights in Bahrain (ADHRB)

Bahrain Center for Human Rights (BCHR)

FIDH (International Federation for Human Rights)

Gulf Centre for Human Rights (GCHR)

# The Purpose

This statement **intends** to highlight the state's failure to promote, enhance and protect the basic rights of women and the attempts of the state to break down the WHRDs and feminist movements in the country.

During Bahrain's 3<sup>rd</sup> cycle UPR, the state received at least **twenty eight recommendations** calling on it to **eliminate/end all discrimination and violence against women and support the advancement of women's participation on all levels, and protect women and WHRDs in the country including reforming laws and ensure equal opportunities and access to education.** These recommendations were supported by the Bahraini government, yet it has not taken the appropriate measures to ensure their equal rights.

During Bahrain's 3<sup>rd</sup> cycle UPR, the state received at least **three recommendations** calling for it to lift its reservations on CEDAW and to also ratify the optional protocol of the same convention. These recommendations were noted by the state.

During the last UPR cycle, the situation of human rights in Bahrain has **deteriorated and massively affected women's rights, while WHRDs are particularly at imminent risk by their own state's authorities. Violations are perpetrated against women by government institutions and discriminatory legal instruments and practices.**

# **Discrimination Against Women**

# CEDAW

The state received **three** recommendations to withdraw reservations on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and to also ratify the optional protocol of the same convention.

Since ratification of the CEDAW in 2002, Bahrain **kept** its “reservations” about the articles on the basis that they contradict Sharia law, which included the prohibition of discrimination within governmental policies.

# Amend Discriminatory Laws Against Women!

In Bahrain's previous UPR cycle, the state received recommendations to amend discriminatory laws against women (namely, the Citizenship Act).

The state accepted a recommendation to "Continue the important process of reconciling the improvement of women's rights and duties within the provision of sharia law."

Bahrain passed a unified family law in July 2017, but it continues to discriminate against women's rights

In December 2018, Bahrain amended its labour law to ban discrimination based on sex, origin, language or creed, and sexual harassment in the workplace, but the law does not refer to sexual orientation, gender identity, disability, or age.

**Laws remain discriminatory** against women in terms of the legal and legislative rules that are applied to such matters. In practice many judicial rulings have granted women less or even no rights in civil and family cases.

Discrimination in law against women preclude the woman's right to:

- **Pass citizenship** to her husband and children,
- **Freedom of movement** regarding residency and,
- **Equality in marriage and family life including divorce and child custody, as well as early marriage.** (Muslim women are prevented from marrying non-Muslims, Moreover, the law lacks any text that restricts polygamy, and in such conditions, the right of the wife to choose whether to end the marriage, after her husband marries another woman).
- **The inheritance law**, as in most Arab countries, is based on Islamic law which states that men inherit twice the share of women.
- **Guardianship** under existing laws remains discriminatory despite equality principles in the Bahraini constitution.
- **A woman's testimony** is worth half of a man's, except in civil court where testimonies are equal.

# Advancement of Women's Rights

Bahrain received **ten recommendations** pertaining to the advancement of women's rights, including to facilitate women's participation in political life, decision-making and holding leadership positions, which were all supported by Bahrain.

While Bahraini women have the right to vote and stand in local and national elections, some restrictions remain in place that make it cumbersome for women in opposition movements to run.

As of February 2021, only 15% of seats in parliament were held by women. Women are appointed and not elected in the Shura council based on their connections and loyalty to the ruling family.



# **Violence Against Women**

# Eliminate Violence Against Women in law and Practice

Bahrain accepted one recommendation that explicitly called on the state to eliminate violence against women.

The lack of transparency around data pertaining to violence against women is an obstacle to ending violence against women. The state's continuous denial of the plight of violence won't help the country's human rights record or its women.

**Sexual and domestic violence** are perpetuated in law and practice, as:

**Spousal rape** is not considered a crime.

**Spousal abuse** has a low reporting rate, and only a minority of women cite abuse in divorce cases. In one reported case a woman's request for divorce on the grounds of abuse was rejected, although the judge did permit the woman to reside elsewhere for her own protection.

**Non-marital rape marriage** refers to the fact that while rape outside marriage is a crime with punishment of life in prison, Article No.353 of the Penal Code exempts those who commit rape from punishment if they marry their victim. A rapist may escape his crime, since in most cases, women are forced by their family to marry their rapist in fear of "shame" or "dishonour" among social circles.

Also, Bahrain's penal code criminalises **adultery and sexual relations outside marriage**, which disproportionately harms women.

# **Violations against WHRDs**

# Protect Women Human Rights Defenders

During Bahrain's 3<sup>rd</sup> UPR cycle, the state **supported four recommendations** to ensure protection of human rights defenders, one of which was to “adopt a law to protect human rights defenders that includes special protection for vulnerable groups of defenders, including women defenders and those who express themselves through the Internet and social media.”

Various reports confirmed a **systematic crackdown on WHRDs**, who were **arrested and detained** for their own/or family members' activism, including for practicing their rights to freedom of expression online. Many were arrested without warrants and WHRDs were **subjected to physical, psychological and sexual assaults** during arrest, interrogation and detention.

GCHR's report in 2021 documented the **ill-treatment that WHRDs** had to endure in Bahraini prisons, including one WHRD who undertook a **hunger strike** to protest terrible conditions in Isa Town women's prison.

One WHRDs has been **subjected to severe torture** following participation with the UN Human Rights Council in Geneva in March 2017.

Women prisoners **were verbally abused, physically beaten and sexually assaulted, and threatened with rape and death** if they did not provide confessions to the charges against them or halt their human rights activism.

WHRDs have been **detained pending trial on terrorism-related offences** for engaging with international mechanisms.

They have also **faced unfair trials**, and those who were sentenced to prison continue to be **subjected to punitive measures**, including **lack of access to medical care**, and **continuous intimidation**, as well as other forms of reprisals including **revoking of nationality, travel ban or forced exile**.

## Social Media Manipulation, Digital and Online Harassment Against WHRDs

The Bahraini government is estimated to have a medium-sized cyber army and an investment of at least \$32M USD in multiple contracts for social media manipulation including digital and online harassment against WHRDs, using spyware and tracking software.

A WHRD's iPhone was hacked at least eight times in 2019 with NSO Group's Pegasus spyware, which affected her well-being and violated her right to privacy.

Such attacks against WHRDs are serious given the sensitive nature of information that could be used against them; especially as the Bahraini government is infamous for its online defamation campaigns against WHRDs to curtail their activism and suppress their voices.



**Are you able to locate your esteemed flag?**

# Recommendations

## Discrimination and Violence Against Women

### International conventions:

Withdraw the reservation on CEDAW, especially Paragraph 2 of Article 9, and ratify its optional protocol.

### Legal reform:

- Reform and unify the citizenship and family law to ensure equality and eliminate any form of discrimination against women in law and practice (for Sunni and Shia communities).
- Reform penal code articles 334 and 353 to end violence and discrimination against women.
- End discriminatory practices and work actively, and transparently with CSOs to eliminate violence against women.
- Ensure women's equal opportunity and participation politically, socially and economically, through appropriate laws and practices.

## Women Human Rights Defenders (WHRDs)

Ensure Women Human Rights Defenders (WHRD)'s rights to freedom of expression and assembly; adopt laws and put in place mechanisms to ensure WHRDs' protection and freedom from any form of reprisal for their or their family's human rights activism.

Guarantee the end of impunity, including by scrutinising all officials involved in torture, sexual assault, gender-based violence, intimidation and maltreatment of WHRDs during detention.

End the online and digital persecution and monitoring practices, trolling and defamation campaigns against Bahraini WHRDs inside and outside Bahrain.

Enhance women's equal participation on all levels, including in the social, economic, political and public sphere and ensure women-led organisations and CSOs are independent and permitted to work on enhancing women's rights and status in Bahrain.