

# Supreme Council for Women – Kingdom of Bahrain's Response to the Office of the High Commissioner for Human Rights' Questions on "Promoting, protecting, and fulfilling women's and girls' full enjoyment of human rights in humanitarian Situations"

- Please provide information on the human rights concerns and violations that women and girls in all their diversity may face in humanitarian settings, including factors increasing their vulnerability.
- The Kingdom of Bahrain seeks to promote and protect human rights, particularly women's rights, as its independent Bahraini judiciary follows a series of legal procedures to ensure a fair trial, including the right to defense and the independence of courts. The Kingdom of Bahrain has taken vigorous steps and measures to safeguard human rights and freedoms, and to prevent any violation of such rights, such as establishing the Ombudsman Office, the Commission for the Rights of Prisoners and Detainees, the Special Investigation Unit, and the National Human Rights Institution.
- Furthermore, the Kingdom of Bahrain supports and consolidates democratic work, whether in legislative practices or through the different tools of freedom of expression (including allowing the activity of non-governmental organizations, freedom of various media, and respect for civil, political, economic, social, and cultural rights) within the context of an integrated system of the constitution, national legislation, and ratified international agreements to protect public freedom.
- The Kingdom has also achieved many remarkable achievements in the fields of democracy, political reform, economic and human development, as part of His Majesty King Hamad Bin Isa Al Khalifa's reform project. On 14 February 2001, the "National Action Charter" was adopted and approved by a majority of 98.4% of all voters of all sections of the Bahraini society in a general referendum. The Charter stipulates that the system of government in Bahrain is a constitutional monarchy and establishes the principle of separation of powers, guaranteeing personal and religious freedoms, freedom of expression and publication, freedom to form civil associations and trade unions, and equality between citizens before the law in rights and duties along with other principles, as basic pillars for the stability of society.
- Additionally, the efforts of the Kingdom of Bahrain towards the advancement of human rights were reflected in the confidence of the international community when elected for the third time in 2019 and for a period of three years as a member of the United Nations Human Rights Council, after serving it in two previous sessions in the periods (2006-2007) and (2009-2011). It is also noteworthy to state that Bahrain was classified "Tier 1" in the U.S. State Department evaluation of human trafficking, confirming that Bahrain is being fully compliant



with the Trafficking Victims Protection Act's minimum standards for the elimination of human trafficking. Moreover, Bahrain was also named top of the list among (68) countries as the best destination for residence and foreign workers in 2018.

- The Kingdom of Bahrain acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 18 June 2002 and upon accession, it committed itself to implement the provisions of this Convention in the context of awareness-raising programs and submitting periodic progress reports on the implementation of the Convention's articles, and the CEDAW committee's recommendations relating to the elimination of discrimination against women as per the articles and provisions of the Convention. As well as it ratified both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, with full commitment to implement their principles and standards.
- The Kingdom of Bahrain's General framework for the promotion and protection of human rights, is supported by the following:
  - National mechanisms and measures to guarantee and support women's human rights:
  - Law No. (44) of 2001 and its amendments, on establishing the Supreme Council for Women, an advisory body under auspices of His Majesty the King and acts as a reference on women's affairs for official bodies.
  - The establishment of the National Institute for Human Rights in 2009 under Royal Decree No. (46) for the year 2009, as amended by Royal Order No. (28) for the year 2012, then by Law No. (26) for the year 2014 and its amendments, and by Law No (20) for the year 2016 and its amendments, and the promulgation of Royal Decree No. (17) for the year 2017 specifying the rules for appointing members of the Board of Commissioners in the National Institute for Human Rights.
  - Prime Minister Decree No. (50) for the year 2012 on the establishment of the High Coordinating Committee for Human Rights, and the Decree No. (14) for the year 2014 to re-structure the committee.
  - Decree No. (7) for the year 2015 on the assignment of a Human Rights Department to the Ministry of Foreign Affairs, to ensure the presence of a body concerned with human rights affairs.
  - Establishment of King Hamad Global Centre for Peaceful Co-existence.

## Laws and Regulations:

Article (18) of the constitution of the Kingdom of Bahrain consolidates the principle of elimination of discrimination, stipulating that people are equal in human dignity, and citizens are equal under the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed. In addition, the constitution safeguards women's political rights, including the right to



- vote and to run for election, as well as their right to education, ownership, entrepreneurship, and economic participation.
- The Constitution stipulates that all citizens, both men and women, have the right to participate in economic activity as workers or as employers, within a framework of full legal equality that takes into account economic principles, rules of social justice and the human right to choose the most fitting form of work based on skill without restricting one profession or field of activity to one sex at the expense of the other. In fact, article 16 (b) of the Constitution states that "citizens are equally entitled to occupy public service posts, in line with conditions established by law", while article 13 (a) states that "work is a duty incumbent upon all citizens, imposed by dignity and required for the public good".
- Under the Constitution of the Kingdom of Bahrain, women may stand for election, vote, and exercise their political rights. According to Article 1 (e): "Citizens, both men and women, have the right to participate in public life. They enjoy political rights, including the right to vote and to stand for election, in accordance with the Constitution and the conditions set forth in law. No citizen may be deprived of the right to vote or to stand for election save by law." In addition, Article (1) of Decree-Law No. (14) of 2002 states that citizens, both men and women, may exercise their political rights, of which are the rights to vote and to run for election.
- Article 20 (f) of the constitution safeguards the right to litigate under the law for all men and women on an equal footing, without any discrimination based on race, gender, or religion.
- The Penal Code, Decree-Law No. (15) of 1976 and its amendments.
- Anti-Trafficking in Persons Law No. (1) of 2008.
- Law No. (34) of 2005 establishing the Alimony Fund and its amendment under Law No. (33) of 2009 to ensure that the children of Bahraini women married to non-Bahraini men benefit from the services offered by the Alimony Fund, provided that they reside in the Kingdom of Bahrain.
- Law No. (35) of 2009 regarding the treatment of non-Bahraini women married to Bahraini men and the children of Bahraini women married to non-Bahraini men like Bahraini citizens with regards to government fees for provided health and education services and residence fees.
- Decree No. (14) of 2011 for the establishment of a National Committee tasked with monitoring the implementation of the National Model for Mainstreaming Women's Needs in the Government Action Plans and Programs.
- Labour Law No. (36) of 2012.
- Law No. (37) of 2012 promulgating the Child Law.
- Cabinet Decision No. (4) of 2014 on establishing permanent Equal Opportunities Committees in all
  ministries and official institutions, with the aim of establishing a mechanism for activating initiatives
  related to mainstreaming women's needs in the framework of equal opportunities.
- Minister of Housing Decision No. (909) of 2015, stipulates that the fifth category enlisted under Article 3 (divorced or abandoned women or widowed and without one or more sons or a single woman who is orphaned) is entitled to benefit from temporary state-owned housing.



- Issuance of Law No. (17) for the year 2015 with regards to the protection from domestic violence. In that respect, the Supreme Council for Women launched in November 2015, the National Strategy for the Protection of Women from Domestic Violence.
- The issuance of the Decision No. (84) for the year 2015 by the Minister of Justice, Islamic Affairs and Endowments regarding the establishment of the Family Reconciliation Office which defined the rules and procedures necessary to carry out the functions of the office for the settlement of Family Disputes.
- Under Decree of the Public Prosecutor No. (1) of 2016, the Family and Child Prosecution was established headed by a female judge holding the rank of a Supreme Court of Appeal judge.
- Minister of Justice, Islamic Affairs and Endowments Decision No. (51) of 2017 on the transfer of Family Courts, the First Execution Court, and its administrative bodies to the Family Courts Centre in Riffa.
- Issuance of Family Code No. (19) of 2017, with provisions that are applicable to all families, without discrimination.
- Minister of Labour and Social Development Decision No. (26) of 2017 on the conditions and procedures for the licensing of Family Counselling Centers.
- Royal Order No. (17) of 2017 specifying the rules for the appointment of the Board of Commissioners of the National Human Rights Institution, which stipulates that woman shall be properly represented.
- Law No. (27) of 2018 amending certain provisions of the Law of the Court of Cassation, which allowed the appeal of discrimination against the judgments issued by the Family Courts in terms of procedures and subject matter.
- Decree Law No. (59) for the year 2018 was promulgated amending certain provisions of the Labor Law in the Private Sector, promulgated by Law No. (36) of 2012, which prohibits discrimination among workers on the basis of sex, origin, language, religion or ideology; and penalizes all forms of sexual harassment of a worker by the employer or worker.
- Issuance of Central Bank Directive on 26 August 2020, regarding Article (38) of the Central Bank of Bahrain and Financial Institutions Law, that stipulates all regulated financial services are required to be provided without any discrimination based on sex, nationality, origin, language, faith, religion, physical disability or marital status.
- Minister of Labour and Social Development Decision no. (50) for 2020, on the employment of women in occupations with night shifts in all jobs that workers may work in, all of which are consistent with the Labour Law in the private sector promulgated by Law no. (36) of 2012.
- Minister of Labour and Social Development Decision no. (51) for 2020, on permitting women to work in all industries without restricting the nature of the field, taking into consideration the provisions of Resolution No. (84) of 2019 regarding determining the jobs prohibited to pregnant women.
- Minister of Labour and Social Development Decision no. (52) for 2020, on affirming the prohibition of wage discrimination between male and female workers who occupy the same job whenever their working conditions are the same.



# National Policy Frameworks:

- National Gender¹ Balance Model is a national framework for the mainstreaming of women's needs and equal opportunities that serves as a national plan of action to bridge gender gaps in various sectors. The model has developed mechanisms to achieve gender balance at the national level and has raised awareness on women's human rights, which contributes to the prevention of violence and discrimination against women.
- In 2005, His Majesty King Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain, adopted the National Strategy for the Advancement of Bahraini Women in a historical precedent, as it is the first qualitative strategy concerned with women's affairs to be adopted by the head of state in the Arab world. With a clear vision, the Supreme Council for Women launched the National Plan for the Advancement of Bahraini Women (2013-2022) to implement the strategy, which was prepared in active partnership with all components of society and its constitutional institutions.
- The Ministry of Finance issued directives and instructions to prepare the general budget for (2017-2022) that included instructions for the application of the principle of equal opportunities and budgets responsive to women's needs. Instructions were directed to all government agencies, including those concerned with domestic violence, to monitor the gaps in this aspect and to observe resources allocated to the preparation and implementation of related projects and provide supporting services to qualify workers in the field.
- The Supreme Council for Women, in coordination with Bahrain Institute for Political Development, has established the General Framework of the Women's Political Participation Program, which included several trainings and awareness activities; legal, political, and psychological consultations to support female candidates for the parliamentary and municipal elections; and which led to significant results in the 2018 elections.
- Hence, the Kingdom of Bahrain affirms that the above-mentioned guarantees ensure that there are no violations of human rights in general nor violations of women's rights in particular, whether in stable or humanitarian circumstances; and the Kingdom is keen to take measures of a preventive nature aimed at promoting women's rights in all circumstances.
  - Please provide information on the different stakeholders involved in/responsible for contributing or otherwise preventing and responding to abuses and violations of the human rights of women and girls in humanitarian settings.
- On the basis of constitutional principles, the institutions of the Kingdom of Bahrain, with their various specializations, work to ensure the protection of human rights and prevent their violation in general, and particularly those concerning women. The most prominent of these bodies are:

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<sup>&</sup>lt;sup>1</sup> Definition of Gender: Justice in rights and duties between women and men in political, social, cultural, and economic life, within the context of equal opportunities in accordance with the Constitution of the Kingdom of Bahrain.



- The judiciary system with all its courts and bodies, which guarantees the prosecution and punishment of perpetrators under the rule of law.
- ➤ Supreme Council for Women established by Amiri Law No. (44) of 2001 as an advisory body under auspices of His Majesty the King of the Kingdom of Bahrain, and is responsible for drafting the general policy and acts as a reference on women's affairs for official bodies. It seeks to activate the principles concerning women within the National Action Charter and set appropriate mechanisms to carry them out; as well as to follow-up on women's affairs in civil and constitutional institutions to enable them to perform their role in public life, with respect to non-discrimination.
- ➤ The National Human Rights Institution established by Royal Order No. (46) in 2009, the institution's scope of work involves receiving complaints concerning human rights, monitoring cases of human rights' violations and conducting investigations, drawing the attention of the competent authorities to human rights' violations, and submitting proposals to consolidate human rights values.
- ➤ Public Prosecution the designated court or the investigating magistrate to protect the victim in circumstances set forth under the Law. The Public Prosecutor issued the Decree No.(1) of 2016 to establish a Family and Child Prosecution, that is concerned with taking the necessary measures to protect women and children if they were subjected to violence; and to intervene swiftly to stop such violence and to provide psychological, social and legal support to the victim and to take the necessary measures to punish the perpetrator while providing a safe environment for her and her children.
- The Ombudsman (General Secretariat of Complaints) an independent secretariat, financially and administratively, in the Ministry of Interior established by Royal Decree No. (27) of 2012, to ensure compliance with professional standards of policing set forth in the Code of Conduct for the Police, as well as in the administrative regulations governing the performance of civil servants. It operates within a general framework that includes respect for human rights, consolidation of justice, rule of law, and public confidence. The Ombudsman assumes its authority and mission in full independence with respect to the complaints it receives against any civilian or public security personnel in the Ministry of Interior for alleged criminal offense because of, during or as a result of their scope of responsibilities. It is within the competence of the Ombudsman to visit prisons, juvenile care centres, and detention centres to ascertain the legality of the procedures, and that inmates, prisoners and detainees are not subjected to torture or inhuman or derogatory treatment.
- ➤ Prisoners and Detainees Rights Commission established by Royal Order No. (61) of 2013, the commission has jurisdiction to monitor prisons, detention centers, juvenile care and detention centers, and other place wherein persons may be incarcerated in, such as hospitals and psychiatric health centers to verify the conditions of inmates and treatment they receive in order to ensure that they are not subjected to torture, inhumane treatment or indignity. It decides on the time to visit prisoners and detainees and on whether the visit will be announced or unannounced. Moreover, the Commission shall assume its business in freedom, neutrality, transparency and independently. Moreover, the preamble of the Decree stated that it had taken into consideration the principles of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment, which was adopted by the United Nations General Assembly Resolution No. (A/RES/57/199).
- Family Protection Offices have been set up in police stations in all governorates in the Kingdom of Bahrain, to provide protection for the family and child; and provide fast and effective responses in dealing with family



- complaints. They also play a humanitarian and social role, increase the level of awareness of domestic violence, and provide professional, efficient, effective, swift, and flexible family counseling services (legal and psychological) within an appropriate environment that respects the privacy of the family.
- ➤ The High Coordinating Committee (HCC) was established by Prime Minister's Decision No. (50) of 2012 and has been re-structured pursuant to Decision No. (14) of 2014 to be chaired by the Minister of Foreign Affairs. The Committee functions as an intergovernmental coordinating mechanism tasked with all matters pertinent to human rights.
- ➤ High Commission for Disabled Affairs seeks to ensure that the freedom and security of persons with disabilities (both men and women) remain legislative priorities. Its responsibilities include receiving complaints of abuse and following-up with these complaints with the concerned authorities, scrutinizing and drafting public policy on the care and habilitation of persons with disabilities.
- ➤ General Directorate of Anti-corruption and Economic and Electronic Security which is concerned with raising awareness, combating corruption crimes, and exposing illegal practices.
- Formation of a National Committee to Combat Trafficking in Persons where it developed a strategy and action plan to combat trafficking in persons. The strategy focused on: coordination between the National Committee and law enforcement agencies, support for victims of trafficking in persons, relevant bilateral and regional relations, awareness-raising, and training. The Committee also issued a referral system guide for shelter staff that explains how to identify victims, how to deal with them, and the moral and proper conduct during interviews with victims.
- The Human Rights Affairs Department in the Ministry of Foreign Affairs which was established according to Decree No. (7) of 2015, to ensure the presence of a body concerned with human rights affairs.
- ➤ Human Rights Committee of the Shura Council which is entitled to play a role in the investigation of issues related to human rights.
- Programmes and Society Affairs Directorate in governorates. The directorate is divided into two departments. The first is the Community Affairs Department, which specializes in receiving humanitarian cases and preparing statistics and reports. It also organizes workshops and awareness lectures periodically for all segments of society; and monthly women meetings to enhance their awareness of their rights. The second department is the Social Programs Department, which carries out social and national activities for all segments of society to enhance their standard of living through their participation in events.
- Recognizing the importance of the social and human rights role that civil society organizations play, Decree Law No. (44) of 2002 has been issued, and more than (368) NGOs have been established within the framework of the law, including NGOs related to human rights, such as the Bahrain Human Rights Society, which recently visited Bahraini prisons. The Kingdom of Bahrain works to support non-governmental organizations, especially those concerned with human rights, in an atmosphere of transparency, openness and freedom. In addition, (16) authorized political societies were established in accordance with the Political Societies Law No. (26) for the year 2005, as well as (21) women's associations affiliated with women's and family affairs.
- Civil society institutions have played a positive role in gaining access to victims of violence and offering them guidance and protection, in addition to raising the level of community awareness about domestic violence; most prominent of these institutions include:



- Family Support Center of the Bahraini Women's Union: established in 2008, the center provides free legal advice, psychological support, and social services to victims of domestic violence in cooperation with the concerned official authorities. It also organizes family awareness and educational programs for the various segments of society.
- Aisha Yateem Family Counselling Center of Al-Nahda Society: established in 2007, the center provides its services through Social, Psychological, and Legal Counselling Units. The center follows-up with the cases of family disputes in courts, such as domestic violence cases. It also provides a hotline service to provide immediate counselling to women victims of violence.
- Awal Legal Aid Center of Awal Women's Association: established in 1998, the center works to reduce the phenomenon of domestic violence against women through its office for family and legal support that helps women victims develop safety plans, deal with the problems and challenges they face, and assist in their rehabilitation and social well-being.
- <u>Batelco Care Centre for Family Violence Cases:</u> established in 2005 as a contribution from the Bahrain Telecommunication Company (Batelco), the center provides assessment and social and psychological support services to women victims of domestic violence.
- Migrant Workers Protection Society Shelter: established in 2005, the shelter provides temporary accommodation to female domestic workers that were subjected to ill-treatment regardless of their nationality.

Please provide information on the different accountability mechanisms that operate in your context. (E.g. judicial and non-judicial mechanisms; community-based and social accountability initiatives; investigate and independent monitoring and/or reporting bodies, community complaint mechanisms; parliamentary-led oversight etc.). Please provide concrete examples of good practices and lessons learned related to the attention by these mechanisms to women and girls' human rights violations occurring in humanitarian settings.

There are various national accountability mechanisms that ensure all parties and individuals adhere to constitutional principles that guarantee human rights, and the Kingdom of Bahrain has been keen to activate these mechanisms in such a way that they can achieve the desired goals and promote the principle of accountability and self-assessment. These include <u>but are not limited to:</u>

#### Judicial Accountability Mechanisms:

3.

- The promulgation of Law No. (42) of 2002, which affirmed that the judiciary is an independent authority in the performance of its functions and that judges are independent and have no authority in their case other than the law, and no party may interfere in any form in cases or in matters of justice.
- The issuance of Law No. (27) of 2018, amending some provisions of the Court of Cassation Act, which allowed the appeal of the Shariah provisions to ensure access to justice at the highest levels on family rights.
- The issuance of Law No. (17) of 2015 on the protection against domestic violence, which stipulates that the Public Prosecutor's Office may issue a protection order on its own or at the request of the victim, punishable by imprisonment or fine of anyone who violates the order.
- The establishment of a specialized family and child prosecution office headed by a female judge holding the rank of a Supreme Court of Appeal judge that is concerned with taking the necessary



measures to protect women if they were subjected to violence, and to swiftly intervene to stop such violence, and to provide psychological, social, and legal support to the victim, and to take the necessary measures to punish the perpetrator while providing a safe environment for her.

- The Law No. (18) of 2017 with respect to sanctions and alternative measures, an alternative measure shall mean the substitution of the pre-trial detention measure with community service, according to the circumstances stipulated in this Law.
- Amendment of the Constitution of the Kingdom of Bahrain in 2002 and later in 2012 with respect to the article on parliamentary questioning, where Article (91) states that "any member of the Council of Representatives may address the Ministers with written questions to clarify any issues pertinent to their jurisdiction. Only the questioning member has a right to comment once on the Minister's reply. If the Minister adds new information, the Council member's right to comment is renewed thereof."
- Amendment to the Decree of Law No. (53) of 2012 regarding amending some provisions of the Criminal Procedure Act issued by the Decree No. (46) of 2002 to provide safety guarantees against any form of retaliation to the victims filing complaints, as well as providing similar guarantees to the witnesses or experts involved.<sup>2</sup>

# **Government Complaints Mechanisms**:

- The Women Support Center at the Supreme Council for Women —a mechanism that assists female victims who have suffered violence. It receives complaints, offers guidance and psychological counselling, provides rehabilitation services run by specialists and experts, and gives high-quality advice and legal assistance. In addition, it works to draft legal reconciliation agreements between husband and wife.
- The Police Directorates in all governorates (Ministry of Interior) receive complaints from all segments of the community, provide consultations over the telephone, record cases and provide the necessary protection.
- The Ministry of Health provides many specialized social, psychological and medical services; and oversee women's issues and affairs by providing them with the necessary medical and health treatments as well as providing social and psychological follow-up, and particularly in cases of domestic violence; through the Child Protection Unit, the Social Service Departments at the Psychiatric Hospital and the Salmaniya Medical Complex, and social research departments at health centers.
- The Ministry of Social Development with all its social centers and agencies concerned with receiving and monitoring complaints.
- Good practices / lessons learned: In view of the duplicate cases being observed regarding domestic violence, and from the principle of full partnership with the concerned parties from ministries, official institutions, the private sector and civil society institutions; a joint committee made up of the Supreme Council for Women, the Ministry of Interior, the Ministry of Labour and Social Development, the Ministry of Justice, Islamic Affairs and Waqf (Endowments) and the Ministry of Health has been

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<sup>&</sup>lt;sup>2</sup> Parallel report of the National Institution for Human Rights in the Kingdom of Bahrain to the Committee Against Torture (2017)



established to create a unified database to document cases of domestic violence. The Committee has developed a broad definition for violence to be used by all government departments. <sup>3</sup> In 2017, the Supreme Council of Women, in collaboration with the Ministry of Interior, launched the first phase of the National Domestic Violence Database and Statistics Project "Takatof", which aims to standardize statistics on violence, monitor and electronically track cases of domestic violence, solve duplication of numbers to serve national and international studies and reports, analyze indicators and establish corelations with various data.

During the second phase of the project (2019-2022), the current electronic system and research features will be updated, and the reports issued by it will include specialized and interrelated reports. During this phase, the relevant government agencies (the Ministry of Justice, Islamic Affairs and Waqf (Endowments), the Ministry of Labor and Social Development, the Ministry of Health, the Public Prosecution Office) will be connected and an integrated network will be built to produce a unified data record, thus enabling the tracking of violence cases and the monitoring of changes in the condition of the abused victims.

## > Independent Complaints Mechanisms:

- The National Institution for Human Rights (NIHR) within the framework to develop the mechanisms of communication with citizens and residents in the Kingdom of Bahrain, the National Institution for Human Rights launched a toll-free Call Centre service to receive complaints, requests for legal assistance and any inquiries related to its mandate. Citizens and residents can communicate with the national institution, whether by personal presence, through its website, through its official accounts on social media or through the smart mobile phone application (NIHR Bahrain). It is also possible through the application to choose the type of complaint and attach images.
- In accordance with its law, the National Institution for Human Rights has the right to make declared and undeclared visits to monitor the human rights situation in correctional institutions, places of detention, labour gatherings, health and educational institutions, or any other public place suspected of being a site of human rights violations based on the Institution's establishment law and its amendments. The institution has made numerous visits to those authorities in the Kingdom of Bahrain.
- It is with NIHR's mandate to carry out announced and unannounced field visits to monitor human rights situation in correctional institutions, detention centres, labor calls gathering, health and education centres, or any other similar public place, according to the amendments in Article (12/g) of the Law. The institution has made numerous visits to those institutions in the Kingdom of Bahrain.

#### Good practices / lessons learned:

✓ Regarding the practical implementations by the public authorities, the NIHR stated that the Kingdom
of Bahrain has carried out several reforms in its institutional structure, in line with the
recommendations of the Bahrain Independent Commission of Inquiry and those of the Committee
Against Torture. Such reforms include: The establishment of the independent Ombudsman Office of

<sup>&</sup>lt;sup>3</sup> The Supreme Council for Women, The National Report for the Kingdom of Bahrain on the Progress made in Implementing the Beijing Declaration and Platform for Action +20 (2014).



- the Ministry of Interior, the establishment of the Special Investigation Unit on behalf of the Public Prosecutor, and the establishment of the Prisoners and Detainees Rights Commission.
- ✓ The NIHR expressed its views in 2013 confirming the importance of reducing the period of custody and granting the accused the right to an effective remedy, judicial appeal remedy which must be in the form of a hierarchical grievance so as not to grant exclusive power to issue such a decision to a single authority and avoid arbitrary decisions. Accordingly, Law No. (39) of 2014 was promogulated amending the Code of Criminal Procedure issued by Decree No. (46) of 2002, on reducing the duration of custody and granting the accused the right to appeal the decision against him/her, since this procedure directly affects the right to freedom.⁴

# > International Accountability Mechanisms:

- Responding to international questionnaires and clarifying human rights issues, particularly those related to women. For example, submitting periodic reports on the Kingdom of Bahrain's progress regarding the implementation of The Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW), as well as submitting periodic reports on Bahrain's progress in implementing the Beijing Declaration and Platform for Action, the Sustainable Development Goals 2030, and the Human Development Report.
- Good practices/ lessons learned: Follow-up observations by UN human rights mechanisms, including the Office of the High Commissioner for Human Rights, which resulted in the visit of former UN High Commissioner for Human Rights Mrs. Mary Robinson in 2002 and the visit of the Committee Against Anti-Torture and Arbitrary Detention in 2001.

#### > Social Accountability (Non-Governmental Organizations):

- Given the importance of the role played by civil society organizations socially and in terms of human rights, Decree-Law No. (44) of 2002 was issued, resulting in the establishment of more than (368) NGOs, including civil society organizations concerned with human rights, such as the Bahrain Human Rights Society which recently visited Bahraini prisons. The Kingdom of Bahrain works to support non-governmental organizations, especially those concerned with human rights, in an atmosphere of transparency, openness and freedom. In addition, (16) authorized political societies were established in accordance with the Political Societies Law No. (26) for the year 2005, as well as (21) women's associations affiliated with women's and family affairs.
- Good practices / Lessons learned: The promulgation of the comprehensive Bahraini Family Law (Law No. (19) of 2017) which legalized family provisions for all families without any discrimination. The Law culminates a long phase of national claims whether on the level of civil society institutions level or the official authorities level, thereby completing the legislative system of laws supporting women in the

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<sup>&</sup>lt;sup>4</sup> National Institute for Human Rights Bahrain - Parallel Report to the Committee against Torture (2017)



Kingdom of Bahrain and promoting the stability of the Bahraini family, in line with the principles of the National Action Charter and the Constitution that guarantee and protect all freedoms and rights.

What are the barriers women and girls face in reporting and seeking justice, as well as protection, redress and reparations for violations of their human rights in humanitarian settings, including women and girls who face intersecting forms of discrimination?

The Kingdom of Bahrain asserts that its Constitution, the National Action Charter, laws, and regulations ensure women's rights fully and does not discriminate against them, which has allowed the development of mechanisms that enable women and girls to have safe access to protection and justice outlets under various circumstances, without any barriers or obstacles. These mechanisms include, but are not limited to:

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- Continuity of the work of Sharia/Family courts and Family Conciliation Offices during the Covid-19 pandemic through providing legal cases filing services of all degrees electronically, in addition to the availability of a range of digital services related to civil, legal and criminal cases, as well as services related to advertising and judicial notifications, payments of dues to justice services, and services related to implementation files. Hence, in the context of services for women and families, the services provided by the Office of Family Conciliation have been made available within the online platform, namely, family counselling, reconciliation and settlement sessions through virtual sessions via virtual sessions using visual communication technology.
- ➤ Continuity of the work of all courts during the pandemic and the digital transformation of the various services provided to litigants and the launch of judicial services electronically to ensure that citizens and residents resort to justice without any obstacles during the COVID-19 pandemic.
- Family Protection Offices at police departments in all governorates to deal with violation cases professionally, efficiently, effectively, and to respond swiftly and flexibly while providing family counselling services (legal and psychological), in addition to providing protection services to victims of domestic violence; in an appropriate environment to safeguard family cohesiveness.
- Establishment of a specialized **Family and Child Prosecution Office** headed by a female judge holding the rank of a Supreme Court of Appeal judge that is concerned with taking the necessary measures to protect women if they were subjected to violence, and to swiftly intervene to stop such violence, and to provide psychological, social, and legal support to the victim, and to take the necessary measures to punish the perpetrator while providing a safe environment for her and her family.
- The Women Support Center of the Supreme Council for Women continues to offer its services virtually to Bahraini women through the program "Your Remote Consultant". The services include providing free family/legal advice to women, "virtual" family reconciliation sessions, preparing agreements and friendly divorce settlements, as well as following up on the issues of widowed, divorced, abandoned, child custody and family supporters regarding access to housing services in coordination with the Ministry of Housing, and issues of domestic violence, alimony, divorce, custody and civil issues arising from marital relations; in order to solve all the problems faced by women and monitor their urgent needs and their families' urgent needs, in cooperation with all state institutions, private sector institutions, civil society and experts.
- > The Council also continues to receive labor complaints, provide legal advice on job grievances, submit labor complaints to the Ministry of Labor and Social Development and the Civil Service Agency and follow up on subsequent procedures, of various natures, including arbitrary dismissal, and directing employers and



- projects affected by the current situation with the repercussions of Covid-19 towards government support services and packages.
- > Setting up hotlines to receive complaints and grievances in all ministries and through the government's electronic portal. Hence, the National Hotline (80008001) has been established to receive reports and complaints about cases of domestic violence and refer them to the competent authorities with guidance and counselling.
- Dar Al-Aman of the Ministry of Labor and Social Development extends emergency shelter service, which is provided to emergency cases that reach the shelter through referral agencies to provide the necessary care, where they are contacted by the social researcher one or two days after entering the shelter.
- ➤ Civil society institutions have played a positive role in gaining access to victims of violence and offering them guidance and protection, in addition to raising the level of community awareness about domestic violence; most prominent of these institutions include:
  - Family Support Center of the Bahraini Women's Union: established in 2008, the center provides free legal advice, psychological support, and social services to victims of domestic violence in cooperation with the concerned official authorities. It also organizes family awareness and educational programs for the various segments of society.
  - Aisha Yateem Family Counselling Center of Al-Nahda Society: established in 2007, the center provides its services through Social, Psychological, and Legal Counselling Units. The center follows-up with the cases of family disputes in courts, such as domestic violence cases. It also provides a hotline service to provide immediate counselling to women victims of violence.
  - Awal Legal Aid Center of Awal Women's Association: established in 1998, the center works to reduce
    the phenomenon of domestic violence against women through its office for family and legal support
    that helps women victims develop safety plans, deal with the problems and challenges they face, and
    assist in their rehabilitation and social integration.
  - Batelco Care Centre for Family Violence Cases: established in 2005 as a contribution from the Bahrain Telecommunication Company (Batelco), the center provides assessment and social and psychological support services to women victims of domestic violence.
  - Migrant Workers Protection Society Shelter: established in 2005, the shelter provides temporary accommodation to female domestic workers that were subjected to ill-treatment regardless of their nationality.
    - Please provide examples of concrete measures taken by your Government or organization to support accountability for the rights of women and girls in humanitarian settings. In the context of the humanitarian programme cycle, please provide examples of measures taken to ensure accountability in the different stages of programming (design, implementation, monitoring and evaluation).
- The Kingdom of Bahrain acceded to several international conventions and instruments on human rights and the rights of the child, most prominently:
  - International Covenant on Civil and Political Rights,
  - International Covenant on Economic, Social and Cultural Rights,
  - Convention against Torture,

5.

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),



- ➤ Convention on the Rights of the Child and its two protocols (Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict),
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- International Convention on the Elimination of All Forms of Racial Discrimination,
- Slavery Convention 1926,
- Convention on the Prevention and Punishment of the Crime of Genocide 1948,
- United Nations Convention against Transnational Organized Crime and its Complementary Protocols,
- Arab Charter on Human Rights.
- The Kingdom of Bahrain is keen to issue and amend legislation to ensure the protection and promotion of human rights such as the Law on Justice for Children and Protection from Abuse, Law No. (4) of 2021 on the Prevention of Trafficking in Persons Act, Law No. (18) of 2017 on penalties and alternative measures, and the Family Law No. (19) of 2017.
- The Kingdom represented by its various authorities, has been keen to ensure accountability and evaluation. All concerned authorities are developing strategic plans and frameworks with special mechanisms to review the processes of implementation, monitoring and evaluation based on specific objectives and indicators. These frameworks and mechanisms include plans related to ensuring women's rights directly or indirectly in both humanitarian and stable conditions. These include:
  - The Supreme Council for Women launched the National Plan for the Advancement of Bahraini Women (2013-2022) with a participatory approach, designed to include progressive operational stages, where the strategic plan was launched in 2014 as a first phase, followed by two phases of strategic implementation that the Council is now overseeing its final phase (2019-2022). This is done through an integrated national work methodology based on a number of general directions, follow-up tools, monitoring and evaluation.
  - The Supreme Council for Women has followed the same methodology in developing the qualitative frameworks and sub-strategies of the national plan, as the national gender balance model includes reliable assessments and accountability tools that enable the Council to follow up on the commitment of state institutions to their various sectors in the field of gender balance within these institutions, through committees that follow up on ensuring equal opportunities, and the preparation of a biennial national report that analyzes and compares the commitment of institutions to gender balance, and the launch of a national observatory to monitor gender balance indicators that enables decision makers to have easy access and continuous follow-up on the status of women. The implementation of the National Gender Balance Model in the public sector is also monitored through the mechanisms of the National Audit Office.
  - The National Strategy to Protect Women from Domestic Violence includes an assessment and development section that ensures continuous evaluation of the implementation of the strategy and follow-up of the updating of the database on monitoring cases of domestic violence and their needs.
  - ➤ The launch of the Unified Framework for Counseling and Family Awareness-enhancing Services through 20 programs in 2020, to achieve the aspired impact of the National Plan for the Advancement of Bahraini Women (2013 2022) in the field of family stability; and to achieve the sustainability of family cohesion and protect the family structure by developing communication skills and compatibility.
  - ➤ The Ombudsman continues to assume its authority and mission in full independence with respect to the complaints it receives against any civilian or public security personnel in the Ministry of Interior for alleged criminal offense because of, during or as result of their scope of responsibilities. And it is within the



competence of the Ombudsman to visit prisons, juvenile care centres, and detention centres to ascertain the legality of the procedures, and that inmates, prisoners and detainees are not subjected to torture or inhuman or derogatory treatment.

- The National Institute for Human Rights continues to operate in accordance with a strategic plan and an action plan implemented and evaluated over a specified period of time, as the institute is currently working on the implementation of its strategy for the period (2019-2021) based on the institutional evaluation of the implementation of the plan for the previous period (2015-2018), which showed that the institute had provided about 50 consultations to the executive, judicial and legislative authorities, as well as the expansion of the institute's service and the expansion of communication platforms to report and seek assistance from the institute.
- The National Commission against Trafficking in Persons continues to implement a strategy and an action plan to combat trafficking in persons, which focuses on the coordination between the National Committee and law enforcement agencies, providing support for victims of trafficking in persons, relevant bilateral and regional relations, and awareness and training, and follow-up services:
  - ✓ Shelter for victims of trafficking in persons.
  - ✓ Special centers for domestic workers and expatriate workers (women and men).
  - ✓ Special centers for victims or those subjected to human trafficking.
  - ✓ Training the shelter staff on how to deal with victims of trafficking.
- The (44) permanent **Equal Opportunity Committees** continue to operate in all official ministries and institutions under Civil Service Council Resolution No. (4) of 2014. One of its most prominent functions is the mainstreaming of women's needs within the framework of equal opportunities in all areas of work and the achievement of the principle of equal opportunities among all employees, beneficiaries and services provided by the entity, and to express opinions on issues related to the mainstreaming of women's needs within the framework of equal opportunities.

6.

What challenges does your government or organization face in supporting and ensuring accountability and implementing accessible, gender-responsive and inclusive accountability processes and mechanisms for the rights of women and girls in humanitarian settings? Please elaborate on the nature of these challenges and steps taken to address them.

- The importance and necessity of considering the privacy of each country during the review of national efforts, in a way that enables countries to make added value efforts to achieve the global agenda for sustainable development, and to maximize the presence and participation of women in public life.
- The continued necessity to review national legislation and follow-up to fill any gaps between texts and implementation to ensure the achievement of equal opportunities and gender balance principles.
- Perpetual review of monitoring and measurement processes, which contributes to the production of accurate statistics in accordance with international methodologies to provide indicators, to measure the progress of Bahraini women in various fields.
- The difficulty of committing in preparing and implementing the disbursement of institutional budgets with methodologies responsive to women's need in the public sector.
  - 7.

According to your Government or organization, what is required to strengthen accountability for the rights of women and girls in humanitarian settings? Please elaborate on what actors can help?



- The experience of the Kingdom of Bahrain confirms the necessity of laying down solid rules and foundations that enable the concerned authorities to establish mechanisms for monitoring, follow-up, and accountability on the rights of women and girls in normal circumstances, enabling them to respond to women's needs during humanitarian conditions. The Supreme Council for Women will continue to do the following:
  - ➤ Continue the digital transformation in the services provided by the authorities, each according to its competence, to ensure that women have access to the services they need in all situations, especially in humanitarian settings to ensure their social and economic security and protect their rights from abuse.
  - **Expand the umbrella of services** provided to women by continuing to monitor and evaluate the currently implemented strategic plans based on women's urgent needs.
  - **Expand the available communication platforms** to report and seek assistance so that these platforms are available around the clock and enable women to have easy and safe access to support and protection.
  - Activating databases to follow up on the status of women in all fields by developing electronic linking mechanisms and tracking cases between the competent authorities.
  - Activating methodologies of monitoring and measurement in a way that contributes to ensure the provision of accurate data and statistics for the advancement of the status of Bahraini women in various fields, and also contributes to strengthening Bahrain's position in international reports.
  - Continuing to develop national legislation and following up on bridging any gaps between texts and implementation to ensure the achievement of equal opportunities and gender balance principles.
  - ➤ Continuous cooperation with civil society institutions to activate their societal role in raising awareness of gender balance and equal opportunities concepts and methodologies.

What steps has your government or organization taken to ensure women's and girls' access to information, agency and meaningful participation? Please provide information on specific measures taken to enhance diversity of representation of women and girls, including women human rights defenders and women-led organizations in humanitarian preparedness, response and recovery efforts. Please elaborate on any lessons learned, good practices as well as challenges faced.

- The Constitution of the Kingdom of Bahrain, the National Action Charter and related laws guarantee legal protection of human rights in general and legal protection of women's rights in particular. The legislator laid down a general principle of anti-discrimination in Article (18) of the Constitution, which states: "People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed" This guarantees equality between all citizens before the law and in acquiring rights and assuming duties. The constitution prohibits discrimination between them based on sex, origin, language, religion or creed. It also guarantees women's political rights, especially the right to vote and run for elections, and their right to education, ownership, business management and economic activity.
- The Kingdom of Bahrain affirms in this regard, that Bahraini women have moved beyond the traditional stages of empowerment and are closely involved in the development process through the sustainable integration of relevant plans into the development process. The percentage of women's participation in the labor force and in economic, social and cultural activities and in all areas of life has increased, which resulted in reaching a



more advanced stage in which women are equal to men in work and comprehensive development fields. Also, women became an engine of the national economy, based on the nobility of their national participation, the maturity of its their experience, and the excellence of its their work giving.

# \_ In the public sector:

- The participation rate of Bahraini women in the public sector out of the total Bahrainis in the public sector reached 52% in the first half of 2020.
- The percentage of female employees registered in the Civil Service Bureau in the executive jobs scale out of the total employees on the executive jobs scale reached 44% in 2019.
- The percentage of female employees registered with the Civil Service Bureau in the specialized jobs scale out of the total employees on the specialized jobs scale reached 56% in 2019.

#### \_ In the private sector:

- The percentage of Bahraini women's participation in the private sector out of the total Bahrainis in the private sector reached 35% in the first half of 2020.
- The percentage of Bahraini women working in the private sector in managerial and supervisory professions reached 34% during the first quarter of 2020.
- The Constitution of the Kingdom of Bahrain gives Bahraini women the right to run for elections, vote and exercise their political rights. Paragraph (e) of Article 1 stipulates that: "Citizens, both men and women, are entitled to participate in public affairs and shall enjoy political rights, including the right to vote and to stand for election, in accordance with this Constitution and the conditions and principles laid down by law. No citizen may be deprived, except by law, of the right to vote or to stand for election." In addition, Article (1) of Decree-Law No. (14) of 2002 stipulated that citizens, both men and women, may exercise their political rights, of which are the rights to vote and to run for election.
- The Women's Political Participation Program is one of the continuous pivotal initiatives and programs within the Strategic Plan for the Advancement of Bahraini Women (2019-2022), which the Supreme Council for Women is working to follow-up with its implementation in cooperation and partnership with the concerned authorities in creating an environment that supports the role of women in public life.
- The Supreme Council for Women works to enhance women's electoral participation to prepare them to enter legislative and municipal councils and measure their contributions in the field to extend the development of work on the sustainability of women's participation in leadership positions and decision-making positions in various fields in public life. The program aims, in its new version, to support the participation of Bahraini women in formulating public policies, review and develop national legislation through its political participation, and highlight the success stories of leadership and effective models at all political, economic and social levels.
- Many initiatives, programs, activities and awards are implemented for the advancement of Bahraini women and to provide guidance and training opportunities for women, as well as supportive services to achieve family and professional balance and its sustainability in decision-making positions in various fields.
- The Kingdom accords women the opportunity, on equal terms with men and without any discrimination, to represent the Kingdom at the international level and to participate in the work of United Nations international organizations and their organs, for example the World Trade Organization and the International Atomic Energy Agency. In addition, the Ministry of Foreign Affairs has a high percentage of female employees serving as diplomats and administrators at the headquarters or in missions abroad.



- The Constitution stipulates that all citizens, both men and women, have the right to participate in economic activity as workers or as employers, within a framework of full legal equality that takes account of economic principles, rules of social justice and the human right to choose the most fitting form of work based on skill without restricting one profession or field of activity to one sex at the expense of the other. In fact, article 16 (b) of the Constitution states that "citizens are equally entitled to occupy public service posts, in line with conditions established by law", while article 13 (a) states that "work is a duty incumbent upon all citizens, imposed by dignity and required for the public good".
- Technological development has contributed to opening wide areas for women in the labor market, through a flexible work policy to provide job opportunities in many business sectors for many individuals, especially women. The tremendous progress of modern technologies and communications, and the communication provided by information technology, which represents the infrastructure for many remote work opportunities, helped spread this trend and support it.
- According to the International Telecommunication Union (ITU) report, Bahrain ranks first in the Arab world in the Communications and Information Technology Development Index (IDI) and fourth globally in the Communications Infrastructure Index (TII) according to the United Nations report on e-government readiness. Therefore, the technical environment and infrastructure for information technology in the Kingdom of Bahrain is fully equipped to accommodate and adopt new and emerging technologies, especially that the percentage of Internet users in Bahrain has reached 98%, which is considered the third in the world according to the ITU report.
- On this approach, the Ministry of Industry, Commerce and Tourism has launched a number of initiatives, including the virtual commercial registry "Sijili": an initiative aimed at encouraging, business owners who do business from multiple locations without a business store. This type of license gives legal status to the business without the need for an actual address, and the virtual address would be sufficient, such as a website address or home address; as well as allowing incubators and business accelerators which aims to provide support services to entrepreneurs, institutions and start-up companies for a specific incubation period such as joint work areas, counseling, guidance, marketing, commercial and financial planning and public relations.
- During the first half of 2020, the percentage of owners of active commercial records out of the total owners
  of active commercial records reached 43%. The percentage of active individual commercial records owned by
  women for more than five years out of the total continuous records for women reached 52%.
- In light of the current conditions, and the awareness of the government of Bahrain on the need for women to be a key partner in addressing the pandemic and limiting its repercussions, the government of the Kingdom of Bahrain has taken a number of effective steps to enhance women's participation and their professional and societal contribution during the crisis, for example, the implementation of a working from home system for working mothers in the public sector. Also, the continuity of providing government, official and private services by default, and the provision of supportive financial packages to citizens, residents and companies...etc. Thus, the Kingdom of Bahrain was able to maintain the economic participation rates of women in 2020 at 53% in the public sector and 32% in the private sector in 2020 compared to the same rates in the previous year. As for women's participation in the front lines, the Ministry of Health is headed by a



- woman, while women leaders in the Ministry of Health make up 73%, and Bahraini women represent 75% of the workers within the ranks of the national team.
- In support of women working in the front lines to combat the (Covid-19) pandemic, the Kingdom has introduced a set of measures, including allowing the husbands of front-line female workers to work from home and granting two exceptional ranks in the civil service or its equivalent to female workers and front-line workers.
- The Supreme Council for Women continues its activities and programs to reach its goals in order to achieve the advancement of women in all fields, for the implementation of the National Plan of the Strategy for the Advancement of Bahraini Women, and the National Gender Balance Model, which is a national action guide for policy makers and general strategies, legislators and implementers of programs and plans. The general framework for the work of these parties is to ensure a real and sustainable integration of Bahraini women in the development process and seeks to achieve a balance at the level of resource distribution in a way that reduces and closes any gaps that affect aspects of achieving equal opportunities between men and women at the national level. It defines the roles and responsibilities of the different sectors within the framework of the national responsibility to achieve the sustainable impact of mainstreaming of women's needs and equal opportunities.

9.

Please provide information on financial support that is provided to women human rights defenders, including women-led organizations, in humanitarian settings, as well as other local and national organizations to strengthen accountability for the rights of women and girls in humanitarian settings.

- Bahraini Law No. (21) of 1989 ensured the issuance of the Law of Associations, Social and Cultural Clubs, Special Committees Working in the Field of Youth and Sports and Private Institutions. More than (613) civil society associations working in various fields, including professional, social, charitable, humanitarian and women, were established and declared, in addition to licensing the establishment of qualitative unions, including the Bahraini Women's Union. In addition, (16) authorized political societies were established in accordance with the Political Societies Law No. (26) for the year 2005. Moreover, the existence of the Bahrain Institute for Political Development, which works to spread and develop political awareness among citizens in accordance with the provisions of the Constitution and the principles of the National Action Charter, and to provide training programs, studies, and research related to the constitutional and legal field.
- The Ministry of Labor and Social Development established the Civil and Social Work Fund to provide financial and technical support to civil society organizations based on the principle of social partnership, as it depends on addressing the private sector to finance development projects for NGOs, in addition to the annual support decided by the state. Most of the civil society organizations that manage development and social projects have benefited from this fund.
- The National Center for the Support of NGOs was established under the Ministry of Labor and Social Development, which plays an important role in implementing the financial grants program, encouraging organizations to submit development projects with social or economic returns to society, training organizations to design their projects, and organizing a ceremony for distributing financial grants to the winning organizations.