

## **The Implementation by Bahrain to its International Obligations to Protect the Right on the Elimination of All Forms of Discrimination Against Women**

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In the modern world, human rights including the right of the elimination of all forms of discrimination against women are violated every day and systematically all over the world.

Meanwhile, this right is fundamental human right of a non- derogable nature, which means that, the faith in fundamental human rights, in the dignity and worth of the human person, is the equality in rights between men and women whereas cannot be ignored or abused whatever were the circumstances.

Thus, international mechanisms have been established, to ensure the universal recognition in these rights and respect for all women as well as to give them a great level in all societies, moreover to achieve international cooperation in promoting and encouraging respect for human rights without distinction.

The right on elimination of all forms of discrimination against women, had been incorporated into extensive network of international and regional human rights treaties contained in the, International Bill of Human Rights which strengthen the importance of women rights. The Universal Declaration of Human Rights adopted in 1948 proclaims the entitlement of everyone to equality before the law and to the enjoyment of human rights and fundamental freedoms without distinction of any kind. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights both adopted in 1966, translated the principles of the Declaration into legally binding form, clearly state that the rights set forth are applicable to all persons without discrimination for any reason. In addition, the equality between men and women has become a contractual obligation for all governments.

Accordingly, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the United Nation's General Assembly, and ratified by 189 countries, including

the kingdom of Bahrain in June 2002, which is often described as an international bill of the rights for women, is consisting of a definition for what constitutes discrimination against women and sets up an agenda on a national basis for taking measures by the states parties to the convention to end such distinction, or restrictions made on the basis of sex in the political, economic, social, cultural, civil or any other field.

Today, I would like to take the opportunity for celebrating the Bahraini women day in the judicial and legal field under the auspices of **Her Highness Princess Sabeeka Bint Ebrahim Al-Khalifa**, and show what developments were achieved, in this respect and the equality between men and women at the Kingdom of Bahrain. Bahrain is cooperating as a state party of international treaties, with the United Nation human rights monitoring mechanisms, such as the United Nations human rights treaty bodies, The Committee on the Elimination of Discrimination against Women (CEDAW), the Human Rights Council (HRC), as well as the Office of the High Commissioner for Human Rights (OHCHR). These bodies are independent and they monitor implementation of the Convention on Elimination of all forms of Discrimination against Women around the world. With a view to implement the recommendations of these mechanisms, Bahrain has taken unprecedented strides within its Arab and regional environment towards reinforcing democracy and human rights freedoms, where a series of reforms launched by **His Majesty King Hamad Bin Issa Al-Khalifa**, have become a milestone among Bahrain's modern landmark on the way to progress and prosperity.

The most prominent features of reforms were the establishment of the Supreme Council for Women (SCW) which is the body responsible for monitoring the implementation of the Convention, including its composition and hierarchy within the State structure. The Supreme Council for Women is an official; independent national institution established under the Amiri Order No. 44 of 2001 and chaired by Her Highness Princess Sabeeka Bint Ebrahim Al-Khalifa the wife of the King of Bahrain. The distinguished attorney Lulwa Al-Awadhi was appointed as a secretary general of the council. From my own perspective, the establishment of this council is a major step forward, towards female participation in being a partner at the overall development of the country. This trend gave women a strong impact for being appointed in this judiciary positions that we are celebrating today. The council is a legal entity that serves as the authority on women's affairs for all official agencies. Its purviews includes providing opinions on and

deciding matters relating directly and indirectly to the position of women; recommending general policy for developing women's affairs in society's constitutional and civil institutions; empowering women to perform their role in public life; integrating women's efforts in comprehensive development programs without discrimination; formulating a draft national plan for the advancement of women and the resolution of the problems they face in all fields; and implementing the substance of the Convention on the elimination of all forms of discrimination against women by integrating women's needs and implementing awareness-raising and training programs for various age groups.

The Supreme Council for Women acts to incorporate the spirit and content of the Convention in the objectives and tasks of the equal opportunity units in all entities. It leads a national project to achieve equal opportunity and to integrate women's needs in the development process in State and private sector activity through the work of the Department for the Integration of Women's Needs as part of the National Plan to Implement the Strategy for the Advancement of Bahraini Women. The Supreme Council for Women has a partnership relationship with the Bahraini Women's Union under a memorandum of understanding signed on August 2007. Under this partnership, many programs and activities were implemented to raise awareness about the Convention as well as many trainings and workshops that were provided in this area.

**Firstly, the fundamental constitutional and legislative legal reforms that have been taken to prohibit the discrimination against women in accordance with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women:**

1- The National Action Charter and Bahraini Constitution stipulate gender equality and prohibit discrimination. This is reflected in many national laws that prohibit and punish discrimination against women in all fields and guarantee the right to recourse to the judiciary in cases of discrimination.

For example, Decree-Law No. 14 of 2002 on the Exercise of Political Rights, article 1, stipulates that "citizens, both men and women, shall enjoy the exercise of the political rights on: expression of an opinion in any referendum conducted according to the provisions of the Constitution, Also the Election of the members of the Council of Representatives.

2- Pursuant to article 37 of the Constitution, the Convention is equivalent to a national law as soon as it has been ratified and published in the Official

Gazette. Hence, the definition of discrimination appearing in article 1 of the Convention is considered a part of national law, and the courts are guided by it in their examination of cases relating to it.

3- Bahrain's Constitution, article 5 (b), stipulates: "The State guarantees reconciling the duties of women towards the family with their work in society, and their equality with men in political, social, cultural, and economic life without violating the provisions of sharia law".

4- Bahrain's Constitution, article 18, stipulates: "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."

**Secondly, the implementation of the recommendation of the human rights treaty bodies to indicate the legislation that enacted to set quotas for women in Parliament and in political life;**

The Bahraini Constitution, article 18, guarantees full equality among citizens before the law in Public rights and duties and prohibits discrimination among them on the basis of sex, origin, language, religion or creed. Accordingly, under the Bahraini Constitution, it is not permitted to enact legislation that would set quotas for women in Parliament and political life. Thus, women enjoy all political rights enjoyed by men under laws concerning parliamentary and municipal elections.

However, the Kingdom of Bahrain, desiring to further empower women in public life and give leadership positions, has appointed the Bahraini women at the first time in the judiciary and legal field as a legal advisor and attorney since the seventies of the last century, also as a notary public since 1999. At the present time, nine females have been appointed to serve as members in the 40-member Shura Council; one female minister; five deputy ministers and the equivalent; eight assistant deputy ministers and the equivalent; five women in the Public Prosecutor's Office whereas the first one was assigned on 2003. Furthermore, ten female judges were appointed and the first one was assigned on 2006; and in the same year the Bahraini women was assigned to the juvenile court as a public prosecutor, nevertheless, continued her successes by set up the first member of the constitutional court on 2007. Moreover, three ambassadors (i.e. Shaikha Haya Bint Rashid Al-Khalifa) were assigned to France as the first female ambassador for Bahrain. Last but not least for the first time a woman Judge Fatima Faisal Hubail, who is a member of the Greater Civil Court, was appointed to the Supreme Judicial

Council under Royal Order No. 45 of 2013. In addition the Bahraini women got so many leadership positions in the judiciary and legal field such as chief prosecutor, chairperson of the bar association, and director of courts administration, likewise at the first time was assigned Bahraini women as a chairperson of labor court. So far the statistics indicate the number of women lawyers in Bahrain to 443 in the rate of 53% of total attorneys.

In addition, the Bahraini Government, desiring to strengthen the role of women in the legal field, formed the National Human Rights Institute under Royal Order No. 20 of 2015. Article 1 of the decree forming the Institute stipulates proportional representation of women in the composition of the institute, whose eleven members include four women.

Hence, the proportion of total women that were assigned at the judiciary and legal field becomes 34%, which means that kingdom of Bahrain improved and proved its capacity of the enforcement of the convention on national machinery for the advancement of women through these assignments in the judiciary and legal field by taken unprecedented strides comparing with Arab and regional environment.

Furthermore, Desiring to support the capacities of the law enforcement authorities, the Ministry of Justice, Islamic Affairs and Endowments and the Supreme Judicial Council are especially concerned with training all members of the judicial authority, including female judges and female public prosecutors, based on the best international criminal justice and human rights standards. In this context, the Ministry of Justice has signed memorandum of understanding on judicial and legal training with a number of prestigious international organizations. A number of training courses were held outside Bahrain for more than two thirds of the members of the judiciary, including women working in this field.

**Thirdly, the temporary special measures adopted by kingdom of Bahrain to accelerate the equality between women and men in all areas covered by the Convention;**

The National Plan to Implement the Strategy for the Advancement of Bahraini Women (2013-2022) provides a national model for integrating women's needs in development. It is among the key measures adopted to identify gaps between men and women in Bahraini society. The plan sets forth a methodology for achieving sustainable equal opportunity and integration of women's needs in development to enable Bahrain to eliminate or mitigate gaps in this regard.

Bahrain has adopted several temporary measures to ensure the implementation of the Convention. These include a Royal Order granting 2634 Bahraini nationality to the children of a Bahraini woman married to a foreigner since the establishment of the Supreme Council for Women, and Law No. 35 of 2009, which treats the children of a Bahraini woman married to a foreigner on a par with Bahraini citizens by exempting them from payment of certain fees established for Government, health and educational services and residency.

**Fourthly, The measures taken to amend the reservations to all provisions of the Convention on the Elimination of all forms of Discrimination against Women;**

Since Bahrain joined and ratified the convention on the Elimination of All Forms of Discrimination against Women (CEDAW), there were some reservations on certain articles that are not in accordance with Sharia law, but it wasn't adversely affecting the substance of the principle of equality between men and women rather it was primarily to issues affecting personal status and the family, Nevertheless as a state party Bahrain is committed to implement all the recommendations of the committee of the convention. The Supreme Council for Women paid a huge impact on the government for taking measures aimed at the withdrawal of the reservations or in other word, to narrowing their scope in line with the Convention, and reformulating some of them without prejudice to Sharia law, while the Supreme Council for Women, succeeded in achieving this by the approval of draft law at the Bahraini National Council that adopted decree law No.70 of 2014. As I personally see the equality between men and women with the reverence of all her rights in accordance with international conventions, is definitely the sign of civilization.

**In conclusion** Bahrain as a state party of the CEDAW has accepted the substance of the convention which is the equality between men and women. In compliance with the CEDAW, Bahrain had enacted national legislation and mechanisms to ban such discrimination and considered such rights to be particularly vulnerable for violation but in view to implement the recommendations the Bahraini government gave the women's right the best protection. Which made it possible for her achievements to play a prominent role in the community, being a role model for Arab women in positively affecting the building of the society, especially after receiving several official positions and participating in several projects to make and take decisions in

the country ministries.

In addition to her many judicial, economic, social and political contributions, The Bahraini women constitute, a well-deserved, half of the community because statistically proved her ability to excel in some cases, and exceed male counterparts through her outperformance in capacities in a number of aspects, as she have shown her worth in being part of the decision-making process of the county.

Bahraini Women have generally played, in recent decade, a larger role in the legal and executive field based on strong concrete framework in both governmental and private sector, thus, she deserves greater recognition from the state.