



Shared Prosperity Dignified Life



## Country matrix – Bahrain 2024

The country matrix adopts and adheres to the coding standards adopted in the “Gender Justice and the Law” initiative.

# General framework of the State

**Has the State ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)? Does it have any reservations on the implementation of the provisions of the Convention?**

Bahrain ratified the CEDAW Convention in 2002 and expressed reservations regarding articles 2 and 16 (equality in marriage and family life); article 9 (2) (equal rights between men and women in passing nationality on to children); article 15 (4) (freedom to choose housing and place of residence); and article 29 (1) (interpretation and application of the Convention and conflict arbitration).

**Does the Constitution refer to gender equality and non-discrimination?**

Article 18 of the Constitution of the Kingdom of Bahrain states: "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".

**If customary law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on gender equality or non-discrimination?**

Customary law is not a source of law under the Constitution. No legislation has addressed the issue of its validity if it contradicts constitutional provisions on gender equality.

**If personal status law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on equality or non-discrimination?**

No legislation or legal precedent has addressed the question of validity of the Personal Status Law if it contradicts constitutional provisions concerning equality. Moreover, the Constitution does not address validity of the Personal Status Law if it contradicts with constitutional provisions.

**Do national laws clearly define the mandate and jurisdiction of informal justice systems, where they exist, in terms of their enforcement of formal and informal laws, both of which must conform to international standards, including non-discrimination?**

The law does not define the mandate and jurisdiction of informal justice systems.

**Is there a law on discrimination that prohibits both direct and indirect discrimination against women?**

Article 18 of the Constitution states: "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". Nevertheless, there is no normative law that prohibits or distinguishes between direct and indirect discrimination against women.

**Is there a national action plan or policy to address violence against women and girls that is overseen by a national mechanism with the mandate to monitor and review implementation?**

There is a national strategy to protect women from domestic violence that is overseen by the Supreme Council for Women in Bahrain.

**Is there a national strategy or action plan currently in place containing measures to ensure full and equal access to the entire range of sexual and reproductive health information, services and supplies, with budgetary, human and administrative resources allocated for its implementation?**

The National Strategy to Protect Women from Domestic Violence and the National Plan for the Advancement of Bahraini Women (2013–2022) addressed women's health issues, but neither strategy focuses clearly on all aspects of sexual and reproductive health.

**Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women and girls by creating an obligation on the Government to provide a budget or allocation of funding for the implementation of relevant programmes or activities?**

There are some budgetary commitments, as the Ministry of Finance and National Economy

has previously issued directives and guidelines for preparing the budget concerning the application of the principle of equal opportunities and the inclusion of budgets that take into account women's needs, but they are not obligatory and no commitment is imposed on the Government.

**Are there laws that explicitly require the production and/or dissemination of gender statistics?**

The law explicitly requires the production and/or dissemination of gender statistics. In 2018, the Council of Ministers issued a resolution to establish a national

watch agency to monitor gender balance indicators in Bahrain to be answerable to the Information and E-Government Authority. Every two years since 2018, the agency has endeavoured to produce a national report to measure gender balance in public sector institutions.

**Is legal aid mandated or guaranteed in criminal matters?**

The Constitution sanctifies the right of anyone accused of committing a crime to defence. It also mandates that an attorney shall defend him/her with his/her agreement. The Criminal

Procedure Law and the Legal Practice Act of 1980 also confirm this right; any person who is arrested has the right to call his/her close contacts and appoint an attorney to defend him/her. The accused must attend sessions with his/her attorney, and if the court learns that the accused has not appointed an attorney to defend him/her, it shall appoint one for him/her.

**Is legal aid mandated or guaranteed in civil/family matters?**

The law does not mandate the provision of legal aid in civil matters.

## Legal capacity and public life

**Do women and men have equal rights to obtain passports?**

The relevant legislation provides women and men equal rights to obtain passports.

**Do women and men have equal rights to apply for an identity card?**

The law grants women and men equal rights to obtain an identity card.

**In civil law matters and procedures, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?**

Women are not required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action in most civil cases.

**In personal/family law matters, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?**

Women and men enjoy equal rights in initiating legal action in family matters, such as registering births and deaths in the official registry and reporting a marriage or divorce without needing a permit, except that in concluding a marriage contract, the woman must have the consent of her male guardian.

**Does a woman's testimony carry the same evidentiary weight in court as a man's?**

The court gives the same weight to a woman's or man's testimony in most cases with a few exceptions. Article 29 of the Family Law stipulates that, in concluding a marriage contract, "the witness shall be a mature adult Muslim male with a good reputation and acceptance, and comprehending their intent to marry".

**Can a woman enter into a contract the same way as a man?**

The law stipulates equal rights in concluding a contract. Article 72 of the Civil Code states that every individual is legally competent to draw up contracts unless his/her competency is

reduced or restricted, by, for example, psychological disorders, according to the law.

**Does the law allow for women to register businesses the same way as men?**

No legal gender-related restrictions are imposed on women in registering businesses.

**Do women and men have equal rights to own, access, and control or use property?**

The Civil Code regulates property and uses gender-neutral language that guarantees

the right to property for all. It stipulates that the property owner has the right to use, benefit from and control their property in accordance with the law. The Civil Law does not impose any restrictions on the woman's right to ownership.

**Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?**

Women enjoy equal rights with men in holding public offices in the legislative, executive and judicial authorities in most instances, except there is no

positive emphasis on taking on public positions.

**Are there quotas for women (reserved seats) in the national parliament?**

There are no legal rulings to designate gender-based quotas in seats and/or candidate rolls/lists in the national parliament.

**Is there a law that explicitly prohibits violence against women in politics and elections?**

There is no law to prohibit any form of violence against women in politics and elections.

## Protection from violence against women and girls in the public and private spheres

**Is there legislation on domestic violence that includes all forms of physical violence?**

There is a law on domestic violence that includes all forms of physical violence. Law No. 17 of 2015 on the protection from domestic violence allows the Public Prosecution to issue a protective order out of its own initiative or at the request of the victim.

**Is there legislation on domestic violence that includes all forms of sexual violence?**

There is a law on domestic violence that includes all forms of sexual violence. Law No. 17 of 2015 on the protection from domestic violence allows the

Public Prosecution to issue a protective order out of its own initiative or at the request of the victim.

**Is there legislation on domestic violence that includes all forms of psychological/emotional violence?**

There is a law on domestic violence that includes all forms of psychological/emotional violence. Law No. 17 of 2015 on the protection from domestic violence allows the Public Prosecution to issue a protective order out of its own initiative or at the request of the victim.

**Is there legislation on domestic violence that**

**includes financial/economic violence?**

There is a law on domestic violence that includes all forms of financial/economic violence. Law No. 17 of 2015 on the protection from domestic violence allows the Public Prosecution to issue a protective order out of its own initiative or at the request of the victim.

**Are there criminal and civil protection orders available for victims of violence for which a breach (constitutes a criminal offence) has legal consequences?**

Articles 15, 16 and 17 of Law No. 17 of 2015 concerning domestic violence include rulings that enable the public prosecutor to issue protection orders for

victims and impose criminal and civil penalties if the perpetrator violates the protection order. Victims of domestic violence may request protection orders for domestic violence crimes that include sexual assault and other forms of violence. A protection order violation shall be punished by a prison term not to exceed three months and a fine not to exceed 200 Bahraini dinars.

#### **Does the law allow mitigating circumstances for femicide?**

Article 334 of the Penal Code stipulates a lightened penalty for any person (male or female) who surprises his/her spouse in the act of adultery and kills her/him and the partner in the situation or attacks the two of them in a manner that leads to death or disability.

#### **Does the law criminalize female genital mutilation (FGM) or cutting if practised?**

FGM/cutting is not criminalized through a specific legal provision. If it occurs, it would be included in crimes of assault on individuals, per article 337 of the Penal Code.

#### **Does the law criminalize adultery?**

Adultery is considered a crime according to article 316 of the Penal Code, and there is no differentiation between men and women with regards to the criminalization of adultery.

#### **Do laws that criminalize rape act based on absence of consent without requiring proof of the use of physical force or penetration?**

Article 344 of the Penal Code stipulates that “Anyone who has intercourse with a female without her consent shall be punished with imprisonment for a period not exceeding 10 years”, without requiring proof of the use of physical force or penetration.

#### **Does the law include exoneration if the offender marries his victim?**

Based on law (7) for 2023 on annulling article 353 from the penal code, which previously exempted offender from prosecution.

#### **Does the law criminalize marital rape?**

Marital rape is not criminalized in the Penal Code. Law No. 17 of 2015 on the protection from domestic violence stipulates protection measures, when marital rape could be defined as a domestic violence crime.

#### **Is sexual harassment defined in any legislation?**

Decree by Law No. 59 of 2018 to amend some of the provisions of the Private Sector Labour Law promulgated by Law No. 36 of 2012 was issued regarding sexual harassment in the workplace (article 2 bis). Also, article 192 bis of the Decree states: “Any worker who, during work or due to work, sexually harasses a co-worker, whether by innuendo, speech, act or any other method, shall be punished with incarceration not to exceed one year or a fine not to exceed 100 dinars. If the employer or his representative commits the crime, the punishment shall be incarceration of no less than six months or a fine of no less than 500 dinars and no more than 1,000 dinars”.

#### **Is there a provision in the law that criminalizes cyberviolence against women and girls?**

The law does not include a provision to specifically criminalize cyberviolence against women and girls, although there are provisions that target both males and females. The Information Technology Law criminalizes any action that threatens the lives of people, their security or their health, or any action that harms the integrity of a human body, whether male or female. It also stipulates a severe punishment for any act of using, spreading or producing pornographic content oriented towards children or exhibiting children in the content.

#### **Are sex work and prostitution criminalized?**

Articles 324–330 of the Penal Code criminalize prostitution. Severe punishments are imposed on the crimes of sex work and prostitution, such as prison not to exceed seven years for the one who publicly incites others to debauchery and prostitution. If the victim is under 18, the prison sentence could reach 10 years.

#### **Are there comprehensive provisions (punitive, protective and preventive) on human trafficking in any law?**

The Anti-Human Trafficking Law No. 1 of 2008 prohibits all forms of human trafficking and stipulates a prison sentence ranging from 3 to 15 years.

# Employment and economic benefits

## **Does the law mandate non-discrimination against women in employment?**

The Labour Law has specific provisions to directly prohibit gender-based discrimination and calls for non-discrimination. Decree by Law No. 59 of 2018 to amend some provisions of the Labour Law expressly prohibits gender-based discrimination. Also, article 29 of the Labour Law states: "All provisions regulating the employment of male workers apply to female workers with no discrimination between them as long as their work conditions are the same". The Labour Law further prohibits the employer from terminating a female worker's contract due to her marriage or during her maternity leave.

## **Does the law mandate equal pay for the same work as men?**

Article 39 of the Labour Law stipulates the following: "Discrimination in wages due to the mere difference in sex, origin, language, religion or creed is prohibited".

## **Does the law mandate equal remuneration for work of equal value?**

The second paragraph of Article 39 of the Labour Law, added by Decree Law No. 16 of 2021 amending some provisions of the Labour Law for the Private Sector, stipulates that "Discrimination in wages between male and female workers in work of equal value is prohibited".

## **Does the law allow women to do the same jobs as men?**

There are no legal restrictions on gender with regards to hard labour or specific professions.

## **Does the law allow women to work the same night hours as men?**

In 2021, Bahrain abolished Articles 30 and 31 of the Labour Law for the Private Sector, which gave the Minister of Labour the authority to determine the work and times where it is prohibited to employ women. Therefore, there are no longer restrictions on the work of women during night hours.

The same applies to the government sector, where the second paragraph of Article 26 of the executive regulations of the Civil Service Law, which prohibited women from working in some specific industries during night hours, was abolished, except in exceptional circumstances determined by the Bureau.

## **Do national labour and civil service-related laws (labour codes, civil retirement acts, etc.) discriminate between men and women in terms of retirement age?**

Based on the Labour Law for the Private Sector and the Social Insurance Law applied to the employees in the private sector, men and women have the same retirement age of 60 years, without any discrimination.

As for the government sector, Bahrain amended in 2023 some

provisions of the Law No. 13 of 1975 regarding retirement pensions and benefits for government employees. Article 4 bis stipulates that "the employee may continue to work voluntarily until the age of sixty-five [...]", without discrimination between men and women.

## **Do national labour and civil service-related laws grant men and women equal rights to pass on their pensions to their spouses?**

The law gives a woman the right to pass on her pension to her husband only if he has a full disability that prevents him from working. The law states that the husband's inability to work must be investigated every two years by a specialized medical committee if the committee determines that the disability is incurable.

## **Does the law prohibit dismissal during pregnancy and maternity leave?**

Labour Law No. 6 of 2012 prohibits dismissal of a worker based on sex, familial responsibilities, or a female worker's pregnancy, childbirth or nursing of the newborn.

## **Does the law provide for maternity leave that meets the International Labour Organization (ILO) standard of 14 weeks?**

Labour Law No. 6 of 2012 stipulates the woman's right to a paid maternity leave of 60 days, which is less than the ILO standard of 14 weeks. There are additional benefits for childcare and natural breastfeeding leave

during work hours, which are considered additional maternity leave in Bahrain.

**Does the law provide for paid paternity leave available to fathers or partners?**

Fathers are not entitled to paid paternity leave. The Labour Law provides for one day off from work for men who have a newborn infant.

act of sexual harassment, whether by innuendo, speech, action or any other method. An employee may be penalized with a prison sentence not to exceed one year or a fine not to exceed 100 Bahraini dinars for sexual harassment by speech, action or any other method (article 192 *bis*). The Civil Service Law also punishes sexual harassment in the workplace, which is enforced on Government employees.

rights. According to a ministerial decree, an employer who seizes the passport of the foreign worker shall be fined. The rights of domestic workers include arbitration in work-related disputes and obtaining an employment contract. Labour Law No. 36 of 2012 and Resolution No. 4 of 2014 guarantee the rights of domestic workers, including regulating work permits.

**Does the State provide or subsidize childcare facilities?**

The State does not fund childcare facilities in the private and public sectors.

**Are there provisions allowing for civil claims/remedies for sexual harassment in the workplace?**

The law stipulates provisions for civil claims/remedies for sexual harassment in the workplace, including provisions to penalize employers who take revenge, such as dismissal from the job.

**Is there a public entity that can receive complaints on gender discrimination in employment?**

There is no public entity to receive complaints on gender discrimination in employment, but the Women's Support Centre in the Supreme Council for Women is considered an important mechanism for fielding complaints, including those related to gender-based discrimination, monitoring needs and solving problems that women face in Bahrain, in cooperation and coordination with relevant bodies.

**Does legislation tackle sexual harassment in the workplace?**

Decree by Law No. 59 of 2018 amended the Private Sector Labour Law promulgated by Law No. 36 of 2012 to include sexual harassment in the workplace (article 2 *bis*). The Decree imposes a penalty on any worker or employer or employer's representative who commits an

**Does the Labour Law provide protection for domestic workers?**

Female immigrant domestic workers enjoy some employment

## Family matters (personal status)

**Is 18 the minimum age at marriage, with no legal exceptions, for both women and men?**

The legal marriage age for females is 16. A young woman under 16 could marry with a court permit, although the court must investigate the suitability of such marriage before issuing the permit. Article 20 of Family Law No. 19 of 2017 states: "The girl under the age of 16 may not marry without a Shariah court

permit following an investigation of the suitability of the marriage".

**Is marriage under the legal age void or voidable?**

Marriage under the legal age is not considered void or voidable.

**Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?**

Family Law No. 19 of 2017 sets out the joint rights and duties for married couples. The husband has the right to divorce as he will as long as he grants his wife her legal entitlements. The wife may request termination of the marriage contract through *khula* [removal], but she must forfeit her financial entitlements, including her dowry.

**Does the law prohibit polygamy?**



Polygamy is allowed according to the Family Law No. 19 of 2017. The husband must indicate the number of wives in the marriage contract.

**Do women and men have equal rights to be legal guardian of their children during and after marriage?**

The father is the guardian of his children per articles 133 and 134 of the Family Law. The care and good upbringing of children is a right and duty of both spouses according to article 38 of the same law. Moreover, according to the provisions of Islamic Shariah, the Financial Guardianship Law and the Family Law that take into account children's interests, guardianship means the father's care of the child's money and well-being.

**Does the law grant women and men equal custody rights of their children?**

Mothers have limited rights to custody. These rights vary between the Sunni and Shia sects. Article 124 of the Family Law No. 19 of 2017 states that, according to Sunni jurisprudence, the woman's custody of her children ends when the son or sons reach the age of 15, while custody of daughters ends when they get married. According to Ja'fari [branch of Shi'ism] jurisprudence, the mother's custody ends when the child turns 7, at which point the custody turns to the father.

**Do women and men have equal rights to choose where to live?**

There are legal provisions that assert the equal legal capacity of women and men, including choosing a place to live, but only in certain circumstances. Article 19 of the Constitution guarantees freedom of movement and choice of residence. Also, according to the Family Law, the married woman moves to the home of the husband; otherwise, her support will be suspended unless the wife agrees with her husband differently in the marriage contract.

**Do women and men have equal rights to choose a profession?**

Women and men have equal rights to choose a profession with no restrictions on the types of work that a woman could pursue.

**Do women and men have equal rights to own, access, and control or use marital property including upon divorce?**

There is no specific law on marital property other than the provisions of the Civil Code that regulate personal, communal, and familial property and apply to everyone, including spouses. This guarantees the right of every individual to own, access, and control or use property. The Family Law grants the wife the full right to control her own property and the husband is prohibited from interfering or controlling any of his wife's property.

**Where rights to inheritance are enshrined by law, do women and men have equal rights?**

According to the Constitution and the Family Law, Shariah provisions are applied to inheritance. The woman has the right to inheritance although she receives a smaller share than the man in many instances. Daughters receive half the share that sons receive.

**Are there specialized civil courts or civil court processes for family law matters that provide for the equal rights of men and women?**

There are specialized courts to handle family matters, but they do not guarantee equality between men and women.

**Do women have equal rights as men to pass their nationality to children?**

Women do not have the same rights as men in passing their nationality to their children. Men pass their nationality to their children automatically. As for a Bahraini mother, she passes her nationality to her child if the father is unknown or his legal status has not been established. Law No. 35 of 2009 was issued to ensure the treatment of a non-Bahraini wife of a Bahraini man and of the children of a Bahraini woman married to a non-Bahraini man would be the same as a Bahraini citizen in terms of some of the fees imposed on government, health and education services, as well as residence fees.

**Do women have equal rights as men to pass their nationality to a foreign spouse?**

Women do not enjoy the same rights as men in passing their nationality to the spouse.



# Sexual and reproductive health and rights

**Do law(s) or regulation(s) exist that guarantee access to maternal health care for all women and girls, irrespective of marital status and without third-party authorization?**

The Public Health Law and instructions of the Ministry of Health guarantee all women and girls maternal care services regardless of their familial status and without the permission or approval of a third party.

**Do law(s) or regulation(s) exist that guarantee access to contraceptive services for all women and adolescent girls, irrespective of marital status and without third-party authorization?**

Based on the guiding principles of postnatal care and abortion care, all women have access to contraceptive services regardless of familial status and without third-party authorization.

**Do law(s) or regulation(s) exist that guarantee access to emergency contraception for all women and adolescent girls, irrespective of marital status and without third-party authorization?**

No law or regulation addresses access to emergency contraception.

**Is induced abortion legal at least when the life or health of the pregnant woman is at risk and in cases of rape, incest or severe fetal**

**impairment, and is abortion decriminalized in any case for both the pregnant woman as well as health-care providers performing it (when consent is fully given)?**

Abortion is allowed to save the life of the woman, but the law does not permit abortion in cases of rape or incest. The law stipulates criminal charges against women and/or health-care providers if the abortion is unlawful. The authorization of three specialized physicians must be obtained to undertake an abortion in a public or private hospital licensed to do so, and must be performed by a physician specializing in obstetrics and gynaecology after obtaining the agreement of the pregnant woman's guardian.

**Irrespective of the legal status of abortion, do law(s) or regulation(s) exist that ensure access to post-abortion care for all women and girls, independent of their marital status and without third-party authorization?**

According to the guiding principles of postnatal care and abortion care, no restrictions are imposed on a specific group of women or girls to have access to the services set out in the guiding principles. There is no mention of any restrictions to prevent access of women who do unlawful abortions to those services.

**Do law(s), regulation(s) or national policies exist that make comprehensive sexual health education a mandatory component of the national school curriculum?**

No law or regulation mandates comprehensive sexual health education as a component of the national school curriculum.

**Do law(s) or regulation(s) exist that guarantee access to voluntary HIV testing and counselling services for all women and girls, irrespective of marital status and without third-party authorization?**

The law on the prevention of HIV/AIDS and protection of rights of those living with HIV/AIDS guarantees access to examinations and testing as well as voluntary consultations for all those affected, regardless of sex or marital status and without third-party authorization.

**Does the law criminalize consensual same-sex sexual conduct?**

Consensual same-sex conduct is not expressly criminalized, although the law does punish incitement of immorality in general, public acts of indecent exposure and acts violating public morals. There is a lack of information on the application of criminal law related to depravity or immoral behaviour in order to punish same-sex sexual conduct or expression of sexual orientation.