



Oral Statement to the CEDAW Committee: Bahrain
84th CEDAW Session
13th February 2023

1. Thank you, Madam Chair.
2. I read this statement on behalf of Musawah, a global movement working towards equality and justice in the Muslim family.
3. **We assert that Bahrain's family laws remain fundamentally patriarchal.**
4. Bahrain continues to justify its discriminatory marriage and family laws by stating that they are 'based on the Islamic Sharia'.¹ Bahrain states that it will implement Article 16 of CEDAW 'without breaching the provisions of Islamic Shariah'.²
5. **Musawah reiterates, that there are juristic tools and concepts that exist within Muslim legal theory that can be used to reform discriminatory Muslim laws.**
 - a. **First**, the distinction between *Shari'ah*, the divine guidance, and *fiqh*, the human and changeable interpretation of Shariah, must be recognized.
 - b. **Second**, Muslim jurists consider legal rulings related to marriage and family as social and contractual matters, not spiritual or devotional matters, and are hence, open to reform.
 - c. **Third**, laws introduced in the name of Shari'ah should reflect values of equality, love, justice, compassion and mutual respect among all human beings. These are values that Muslim jurists hold to be among the indisputable objectives of the Shari'ah.
 - d. **Fourth**, diversity of opinion has always been accepted and celebrated in Muslim legal tradition. It is important that principles such as *maslaha* (public interest), and *istihsan* (choosing the best opinion among many) also be used by Bahrain to meet the demands of equality and justice today.

¹ Para 28, Bahrain's Reply to the List of Issues and Questions in Relation to its Fourth Periodic Report, 2019.

² Para 52, Bahrain's Fourth State Party Report, 2018.



6. We encourage Bahrain to review and amend all discriminatory family laws including laws relating to marriage, the age of marriage, divorce, child custody and guardianship, and inheritance.
7. We urge Bahrain to consider withdrawing its reservation to Article 16 of CEDAW, **as without equality in the family, there can be no equality in society.**
8. We thank you for the opportunity, Madam Chair.