



CSW Communications Procedure  
Human Rights Section  
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27 July 2018

**Re: Communication on the need for the Government of Bahrain to repeal Article 353 of its Penal Code fully and without any exceptions**

Dear Commission Members,

Pursuant to Economic and Social Council resolution 76 (v) of 5 August 1947, as amended by Economic and Social Council resolution 341 (XI) of July 1950<sup>1</sup>, we submit this communication<sup>2</sup> on the need for the Government of Bahrain to repeal Article 353 of its Penal Code fully and without any exceptions. This communication is in reference to Equality Now's Report: "The Global Rape Epidemic: How Laws Around the World are Failing to Protect Women and Girls from Sexual Violence" (2017).<sup>3</sup>

Bahrain Women Union is a non-governmental organization with the goal of better coordinating the efforts of Bahraini associations working on women's rights and the position of women in Bahraini society. Equality Now is an international human rights organization with ECOSOC status working to promote the equality of women and girls worldwide.

Article 353 of the Bahrain Penal Code exempts rapists from punishment if they marry their victims, promoting violence against women and girls. It states: "No penalty shall be inflicted against a person who has committed one of the crimes set forth in the preceding Articles [including rape] if a valid contract of marriage is made between him and the victim. If he was subject to a final court judgement before concluding the marriage, such judgement shall be suspended and its penal effects shall cease." Despite recent attempts to bring forward the issue of repealing Article 353 to the Bahraini Parliament, we regret that this has not yet been achieved and discrimination in this respect continues.

In 2014 the CEDAW committee, in the light of its general recommendation No. 19 on violence against women and its previous recommendations to Bahrain, urged the government **"to revise the Penal Code, repealing any provisions contained therein that condone acts of violence against women, such as article 334 and 353"** (CEDAW/C/BHR/CO/3, para. 22(b), emphasis in original). The CRC Committee

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<sup>1</sup> The Economic and Social Council has reaffirmed the mandate of the Commission on the Status of Women to receive communications on the status of women in its resolutions 1983/27 of 26 May 1983, 1992/19 of 30 July 1992, 1993/11 of 27 July 1993 and decision 2002/235 of 24 July 2002.

<sup>2</sup> Equality Now hereby waives any claim of confidentiality to which we may be entitled in the communication process.

<sup>3</sup> Available at [https://www.equalitynow.org/sites/default/files/EqualityNowRapeLawReport2017\\_Single%20Pages.pdf](https://www.equalitynow.org/sites/default/files/EqualityNowRapeLawReport2017_Single%20Pages.pdf)

in 2011 also urged Bahrain to take all necessary measures to “ensure that every child is protected from all forms of physical, sexual and psychological violence.” (CRC/BHR/CO/2-3, para. 46(c)). In May 2017, the Committee against Torture in its concluding observations on Bahrain’s second and third periodic reports urged Bahrain to **“amend the Criminal Code in order to repeal articles 334 and 353”** (CAT/C/BHR/CO/2-3, para. 35(b), emphasis in original).

Bahrain has an international legal obligation as a party to multiple human rights treaties and as a participant in the UN Sustainable Development Goals, particularly goals 5 and 10, to ensure that its laws are aligned with international and regional standards such that women and girls are free from sexual violence. Equality Now and its partner organizations are advocating to encourage Bahrain to meet these standards by repealing Article 353 of its Penal Code entirely. In recent years, UN Women has actively participated in similar successful campaigns to end “marry-your-rapist” laws<sup>4</sup>. These efforts have led to the repeal of comparable laws in neighboring countries including Morocco in 2014, Jordan, Lebanon, and Tunisia in 2017, and Palestine in March 2018. The UN High Commissioner for Human Rights has stated “there is no place in today’s world for such hideous laws,”<sup>5</sup> and Bahrain is no exception.

Today, Equality Now and Bahrain Women Union file this communication to request that the Commission call upon the Government of Bahrain to repeal, without delay, Article 353 of its Penal Code fully and without any exceptions. We also urge the Commission to refer this matter to the Economic and Social Council with a recommendation that it takes action to ensure Bahrain completes this repeal to bring them in line with international and regional human rights standards.

Sincerely,



Badria Al Marsouki  
President, Bahrain Women Union



Yasmeeen Hassan  
Global Executive Director, Equality Now

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<sup>4</sup> Available at <http://www.unwomen.org/en/news/stories/2017/8/news-lebanon-parliament-repeals-rape-law>

<sup>5</sup> Available at <https://news.un.org/en/story/2017/08/563662-un-human-rights-chief-welcomes-rape-law-reform-lebanon-tunisia-jordan>