

Country session: Bahrain
Date of session: 18th and 21st January 2019

Background information

[OHCHR press release](#)

Webcast: [First part](#) and [second part](#)

Audio file: (pending)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	-

CRC	
No. of report	4 th to 6 th
Due date	14 September 2017
Submission	11 September 2017

Written replies	
Due date	12 October 2018
Submission	29 October 2018

Public reports from children's rights defenders

Alternative reports	
NGOs	<ul style="list-style-type: none"> • Child Soldier International • The Institute on Statelessness and Inclusion • Equality now • Global Initiative • IBFAN
NHRIs	<ul style="list-style-type: none"> • National Institution for HRs

State delegation

The large delegation was headed by H.E. Mr. Jameel Mohamed Ali HUMAIDAN, Minister of Labour & Social Development of the Kingdom of Bahrain, and supported by the Permanent Representative of the Kingdom of Bahrain to UNOG, representatives from the Ministry of Labour & Social Development, the Ministry for



Foreign Affairs, the Ministry of Interior, the Ministry of Health, the Ministry of Justice and the Supreme Council for Women.

Committee's Task Force members

Name & Last Name	Country
Clarence Nelson (Coordinator)	Samoa
Renate Winter	Austria

Dialogue description

- i. Character of the dialogue
The atmosphere of the dialogue was open and interactive but tense when discussing the topic of religion.
- ii. General assessment made by the Committee
The Committee noted that there are a number of legislative reforms that are still pending and which they encourage the State party to adopt with the briefest delay possible. The Committee also flagged that the State party is yet to submit their reports on OPSC and OPAC.
- iii. Main issues discussed:
 - **General Measures of Implementation:** The Committee asked the State party if there have been evaluations of the National Strategy for Children as well as budgetary investments in the plan. They also asked if the National Committee for Childhood is still in existence and resourced by the government. With regards to the allocation of resources, they asked if it is possible to track expenditure on child rights in the budget. The Committee also asked if part of the NHRI is dedicated to children and can receive their complaints. Is the consent of parents still required to place a complaint? The State party responded that the NHRI, which monitors and responds to complaints, was established in accordance with the Paris principles and runs a hotline that children are free to contact to register a complaint. They noted that the National Strategy has been extended for five years and is evaluated regularly. The National Committee is still active and involves civil society in its functioning. Allocations for children are included in the budget of each ministry.
 - **Definition of the Child:** The Committee asked if the State party has taken steps to prohibit child marriage and if awareness raising campaigns on the issue have been run. The State party responded that the minimum age of marriage is 16 and that authorisation from a sharia court is required for marriages below this age.
 - **Right to be Heard:** The Committee asked if there are children's organisations and spaces, such as a children's parliament, through which children's views are conveyed to and taken into consideration by the government. The State party responded that child participation in school is valued, that their views on school considered, and that the ministry visits schools to make sure they are heard and know about child parliaments.
 - **Non-discrimination Principle:** The Committee asked the State party if there is legislation in place that prohibits discrimination. They expressed particular concern about discrimination against children with disabilities, minorities and children with foreign fathers, asking if the latter have the same access to education and health services as citizens. The issue of unequal inheritance rights between girls and boys was also raised. The State party responded that there is no distinction between Bahraini and non-Bahraini children, no discrimination against different religious denominations, nor between genders when it comes to inheritance.
 - **Right to survival, life and development:** The Committee raised the issue of road traffic deaths and asked what measures were in place to decrease these, aside from educational programmes. In response the State party outlined various measures taken such as harsher penalties for those breaking road traffic laws, awareness raising campaigns in schools and society at large, and the installation of cameras along roads.



- **Civil rights and Freedoms:** With regards to the freedom of assembly and expression, the Committee expressed concern that under current legislation, demonstrating can be a crime and children have been detained under these laws. Will these laws be repealed, the Committee inquired, and are there measures in place to change relevant officials' attitude towards children's right to freedom of expression and assembly. Furthermore, the Committee expressed concern about civil society organisations and human rights defenders facing harassment. The State party responded that this is not the case, that they are free to practice their functions and that violations of this right are taken seriously, and that furthermore CSOs were involved in the elaboration of the report and in other ways such as in the National Committee for Children.
- **Nationality and statelessness:** The Committee expressed concern about access to nationality for children born to foreign fathers and children from minority ethnic groups. Does the State party have data on stateless children, they asked. What is done to protect from statelessness children whose parents have their citizenship revoked? The State party responded that there is currently an amendment to the Nationality Act under discussion in the parliament, to ensure nationality for children born to Bahraini mothers and foreign fathers. In the meantime, they explained, there are temporary measures in place to ensure equal treatment of and equal access to services for non-nationals and nationals. They said that children are not affected when their parents' citizenship is revoked – by judicial decision – and that they are protected by social services.
- **Juvenile justice:** The Committee asked the State party if they planned to raise the age of criminal responsibility which stands currently at seven years old. Furthermore, they inquired after the status of the Correctional Justice Act and asked what interim measures are in place, including for 15-17 year olds. They also expressed concern about a case of a person receiving the death penalty for a crime committed as a child. The State party responded that a Correctional Justice Act is under preparation by the government and will propose raising the age of criminal responsibility to 15 and establishing a judicial committee for juveniles. They noted that children are detained in centres with vocational training and rehabilitation programmes, mentioning in particular the Nasser centre opened in 2015. Furthermore, they outlined the development of alternative sentences, the desire to ensure the protection of human rights by all professionals involved and insisted that the death penalty is not applied to children, and that it was not going to be abolished.
- **Children in detention:** The Committee expressed great concern about the arbitrary detention of children, extrajudicial arrests, incommunicado detention and lack of access to lawyers and family. They highlighted with concern that the police does not provide detained persons with information about their rights and flagged reports of the use of torture. They requested further information on these matters. The State party responded that no such arrests have occurred by royal decree 23 of 2013 and that, aside from some incidents in 2011 which have since been resolved, no children are detained during demonstrations.
- **Violence against Children:** The Committee raised the issue of violence, including torture, perpetrated by the State against children in detention. They asked what measures are addressing this issue and if cases have been investigated by the Special Investigation Unit. They raised concern about a wide variety of types of violence, including domestic violence, sexual abuse and corporal punishment, and asked what measures are taken to combat these. They expressed concern that violence, such as corporal punishment, is not prohibited by the law. Are there awareness raising campaigns, helplines, counselling centres and shelters for victims, the Committee asked. They further noted with concern that the penalties for abuse committed for 'family honour' are lighter and that perpetrators of rape are protected if they marry the victim. The Committee noted the need for statistics, a database and a study of the root causes of violence, particularly domestic violence. The State party responded that there is the Centre for the Protection of the Child and helplines, which are available free of charge and promoted through schools textbooks and the media. They noted that the right of rapists to marry their victim is currently being amended and that a National Strategy against Domestic Violence and laws are in place which aim in part to change public opinion and awareness of domestic violence.
- **Health:** The Committee asked the State about a variety of health related issues, notable premature births, sickle cell disease, smoking, obesity, HIV and leukaemia. With regards to breastfeeding, they noted a lack of data and baby-friendly hospitals. The Committee requested more information from the State party on measures to tackle mental health issues. Are affected children's perspectives considered when developing health strategies? They furthermore asked the State party about the topic of health in schools: are there psychologists available, are there health checks in schools and do children learn about reproductive health?

The State party responded that healthcare is free, that there have been improvements when it comes to health issues such as maternal and neonatal mortality and that school health campaigns are in place, including campaigns to educate on and raise awareness of mental health. There are also, they noted, programmes for reproductive health, breastfeeding and to fight obesity, amongst others, and that vaccinations are offered free of charge and coverage reaches close to 100%.

- **Children with disabilities:** The Committee asked if families receive benefits to support their children with disabilities, if these children are in mainstream schools, what resources are available for deaf and blind children and how many children with disabilities live in institutions. More generally they asked for statistics on disability and the sources thereof. The State party explained various support measures including a new initiative which gives families with children with disabilities two hours remuneration per day so that they can care for their children. Statistics are gathered, they explained, when children register in support centres and are given a special identity card for certain privileges. There are various support centres for children with disabilities – the biggest one in the Middle East will open this year – and efforts are being made to include them in mainstream education, the workforce and society at large. They also noted that assistive devices, such as hearing aids, are made available and that children are in specialised centres until they are able to integrate into mainstream schools.
- **Education:** The Committee was concerned about the increasing privatisation of the school system as well as hidden costs, especially for non-nationals, and tuition for early childhood education, which is solely provided through private education. They inquired after measures to monitor and prevent school dropout and irregular attendance and asked if children in juvenile and rehabilitations centres have access to education. Is there human rights education, are all vocational training courses open to girls and are there efforts to eliminate gender discrimination through the school system, they asked. The State party responded that school is free, there is psychological support available and efforts are in place to eradicate gender discrimination – there are no courses from which girls are excluded they noted. There are vocational training centres across the country and the State party covers the costs. They explained that there is a focus on the special needs of individuals, and services, such as free transportation to school, are available. Furthermore, there is a citizenship and human rights programme in place. Children in detention can follow their education. Investment in private schools has been encouraged to support education for both citizens and non-nationals on an equal footing.
- **Family environment and alternative care:** The Committee expressed concern that current custody laws do not give equal legal responsibility to the mother and the father and that custody decisions are not taken with the best interest of the child in mind. What, they asked, is the process of decision making for alternative care, are children heard in this process and are parents' opinion considered before a decision is made. They asked if a foster parent system exists, raised the concern that there are no alternative care options for girls aged 14 to 18 and expressed concern about the age when custody ends, which appear different for boys and girls. The State party highlighted the centres which support families, children with family issues as well as orphans and abandoned children who are granted citizenship and provided with a variety of support services. They said that both parents have custody and this ends at 15 for boys and 17 for girls, unless she is married earlier.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following six areas:

- **Non-discrimination:** The Committee reiterates its previous recommendations from the last COBs and further notes that the State should urgently review its legislation and practices to prohibit all forms of discrimination, adequately sanction perpetrators and provide child victims with effective and appropriate remedies. Furthermore the State is recommended to strengthen the effectiveness of its social protection system and conduct comprehensive public education and awareness-raising programmes to combat and prevent discrimination against girls, children with disabilities, Baharna and Ajam children and children born to foreign or stateless fathers.
- **Nationality:** The Committee recommends the State party to urgently amend its Citizenship Act to prevent statelessness including by ensuring the rights to a nationality for all children of Bahraini women married to non-Bahraini men and ensuring that children's citizenship is not revoked. They are pushed to collect



disaggregated data on stateless children, to be provided in the next report to the Committee, guarantee the right to acquire citizenship for all children, without discrimination, residing in the country who would otherwise be stateless and consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. For the implementation of these recommendations, the State party is advised to seek technical assistance from UNHCR, UNICEF and others.

- **Freedom of expression, association and peaceful assembly:** The Committee urges the State party to ensure full respect of the right to freedom of expression, association and peaceful assembly, including by repealing all laws and regulation that restrict this right and by raising awareness and building the capacity of families, teachers and government officials to respect the exercise of these freedoms by children.
- **Torture and other cruel or degrading treatment or punishment:** The Committee recommends the State party to take all necessary measures to prevent, prohibit and protect children from all forms of torture or other cruel or degrading treatment or punishment. They are urged to strengthen independent monitoring of child detention facilities, investigate allegations of ill-treatment in detention, publish the results and ensure perpetrators are prosecuted and punished accordingly. The Committee notes that child victims of such abuses must be provided with adequate reparation and rehabilitation programmes and that existing complaint mechanisms must be accessible to victims.
- **Exploitation and abuse:** The Committee recommends that the State party expeditiously repeals articles 353 and 334 from the Penal Code which respectively protect perpetrators of rape if they marry their victim and reduce penalties for crimes committed in the name of so-called 'honour'. The State party is urged to ensure that all forms of sexual abuse against children are criminalised, that children suffering such exploitation are treated as victims and that perpetrators are duly and adequately prosecuted and punished. The Committee recommends accessible, confidential and child-friendly mechanisms for mandatory reporting of cases of child sexual abuse and exploitation and that programmes and policies for the prevention of sexual abuse, and support for the recovery, reintegration and psychological assistance of child victims, are developed.
- **Juvenile justice:** The Committee urges the State party to fully bring its juvenile justice system in line with the CRC and other relevant standards. The State party is pushed to immediately adopt the bill on correctional justice for children and in the meantime to halt all executions of persons who have committed crimes while under the age of 18. The Committee pushes the State to ensure the provision of qualified, free and independent legal aid to children in conflict with the law for the entirety of the legal proceedings. They note that access to a lawyer and to family immediately after arrest should be granted and that no extrajudicial arrest of persons under the age of 18 can take place. The State party is encouraged to promote non-custodial and non-judicial alternatives to detention and ensure that detention is used as a measure of last resort and for the shortest possible period of time. The State is urged to ensure that children are detained separately from adults, detention is reviewed on a regular basis with the view to its withdrawal and arbitrary detention does not occur, and that furthermore, detention conditions for children are compliant with international standards and do not include incommunicado detention, torture or ill-treatment.

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 4.2 on ensuring access to quality early childhood development, care and pre-primary education;
- 4.7 on ensuring that all learners acquire the knowledge and skills needed to promote sustainable development;
- 5.2 on eliminating all forms of violence against women and girls in the public and private spheres;
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against children;
- 16.9 on providing legal identity for all, including birth registration.

Next State report

CRC	
No. of report	7 th
Due date	14 March 2024



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