



# The Condition of the Rights of the Child in Bahrain

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## **1. Introduction**

The Kingdom of Bahrain signed on the Convention on the Rights of the Child on 13 February 1992, and it acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict on 21 September 2002.

The Bahraini government presented its first and second reports in the year 1994 in regards to the measures the country is taking towards the Convention on the Child, and in the year 2002, the Bahraini government presented a report on its international obligations on the rights of the child in the committee's meeting number "796".

According to the Bahraini constitution issued in the year 2002, article "37" states that treaties sanctioned by the State have the force of law.

The Bahrain Youth Society for Human Rights believes that the international organizations and bodies should give more attention to child right's issues in Bahrain due to the increase of violations of those rights on the practical level and in practice, although Bahrain sanctioned the international conventions on children and there are statements of that in the constitution. The recent years have witnessed an increase in cases where children in Bahrain were exposed to arbitrary arrest, sexual harassments and being deprived of their right to a nationality and practicing their parents beliefs. On the other hand, there is an urgent need to include what is stated in the Convention on the Child in a special law for this segment of society to preserve and care for its rights especially that they form more than 40% of the Bahraini citizens.

The Bahrain Youth Society for Human Rights extend an invitation to the Special Rapporteur on the rights of the child to visit Bahrain and to closely examine the application of the Convention on the Child, and to meet with the different segments of society whose children are suffering from inhumane practices by some of the official institutions, especially the security ones.

## **2. Bahrain's International Obligations towards the right of the child**

### **2.1 Presenting periodical reports to the special committee for discussing the Convention on the Rights of the Child:**

Bahrain presented its first and second reports in the year 1994 and the report indicated the measures Bahrain took since the sanction of the Convention. The report however did not indicate the future commitments in respect to following up the implementation of the Convention nor the difficulties the country faced in implementing the Convention <sup>(1)</sup>.

### **2.2 Bahrain's pledges to the human right's council in the Universal Periodic Review:**

In the year 2006, Bahrain pledged to the human right's council to promote human rights in Bahrain, due to it being nominated for a membership in the human rights council.

In June 2008, Bahrain was the first country to be chosen to present its report during the Universal Periodic Review of the record of members in human rights. Bahrain pledged to the members of the council to carry out a list of pledges in all the fields of human rights <sup>(2)</sup>.

## **3. The Legal Status of the rights of the child**

### **3.1 Bahrain's Constitution:**

Bahrain's constitution, issued in 2002, indicated the public liberties which each citizen has the right to practice, but it did not state any special attention to children nor women <sup>(3)</sup>.

### **3.2 Juvenile Law 1976:**

Bahrain's juvenile law states that a juvenile is "who does not exceed 15 full years of age at the time of committing the crime, or being present in a case of being exposed to delinquency" <sup>(4)</sup>.

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<sup>1</sup> Bahrain's report to the Committee on the Right of the Child for the year 1994

<http://www.arabhumanrights.org/publications/countries/bahrain/crc/crc-c11-add24-01e.pdf>

<sup>2</sup> The national report (Universal Periodic Review) human rights council

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/115/44/PDF/G0811544.pdf?OpenElement>

<sup>3</sup> Bahrain's Constitution, Issued 2002

<http://www.moj.gov.bh/default.asp?action=category&ID=661> (Arabic)

<sup>4</sup> Juvenile Law 1976

<http://www.moj.gov.bh/default.asp?action=category&ID=388> (Arabic)

### 3.3 Trust Law 1986:

The Bahraini trust law states, “the Ministry of Justice and Islamic affairs forms a council to run the trust funds” (<sup>5</sup>).

## 4. The condition of the rights of the child in Bahrain

### 4.1 Practicing religious freedom – article (30) of the Convention on the Rights of the Child:

The Bahraini constitution in article (22) states, “**Freedom of conscience is absolute. The State shall guarantee the inviolability of places of worship and the freedom to perform religious rites and to hold religious processions and meetings in accordance with the customs observed in the country.**”

Bahrain provides free education from primary to secondary level. However, it imposes on all students – with their various sects, one sect on the students studying at both the public and private schools where they are taught the Sunni sect (<sup>6</sup>) – Maliki and Shafi – in religion lessons.

The State refuses to teach, correspondingly, the Shiite sect to the students, because the ruling family is of the Sunni sect. Nor does it grant the Shiite students the right to learn the teachings of their faith during the regular education in public or even private schools.

The Shiite teachers teaching the Islamic subject should also not deviate from the text and content of the book, which the Bahraini Ministry of Education chooses.

Statistics indicate that the percentage of Bahraini citizens of Shiite sect is 70% of the overall percentage of citizens (<sup>7</sup>).

### 4.2 Obtaining citizenship – article (7) of the Convention on the Rights of the Child:

The Bahraini constitution states in article (17-1) that “**The Bahraini citizenship shall be defined by the law, and no person enjoying citizenship**

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<sup>5</sup> Trust Law 1986  
<http://www.moj.gov.bh/default.asp?action=category&ID=379> (Arabic)

<sup>6</sup> Bahrain has several Islamic sects, but the two most prominent are the “Sunni and Shiite sects”.

<sup>7</sup> Encyclopedic sources such as (Encyclopedia.com), (MSN Encarta), (Bartleby.com) and (Infoplease.com) estimate the percentage of Shiite in Bahrain to be 70% or more of the population.

**by origin may be deprived of it except in cases of high treason and in accordance with the conditions specified by the law.”**

The Bahraini citizenship law 1963 <sup>(8)</sup> states the following:

**A person is considered Bahraini:** if s/he was born in or outside Bahrain and his father was a Bahraini at the time of birth, and if s/he was born in Bahrain or abroad, and his/her mother at the time of birth was a Bahraini national provided that the father was unknown, or fatherhood was not substantiated legally.

**Bahrainis by birth:** A person born in Bahrain to unknown parents is considered Bahraini. An illegal child shall be deemed to have been born in Bahrain, unless otherwise has been proved.

**Bahrainis by naturalization:** The Bahraini citizenship may be granted, by order from His Majesty the Governor, to any foreigner of full legal capacity, if requested by the foreigner and if s/he meets the requirements.

The previous article did not state the right of the child – of a Bahraini mother and foreign father – to obtain a Bahraini citizenship.

According to the “Deprived of Citizenship Committee’s” <sup>(9)</sup> information, many families – of Iranian origins <sup>(10)</sup> – have not obtained a citizenship because they are of the Shiite sect, which makes them unable to leave the country or obtain their other rights such as “housing – work – education”.

On the other hand, statistics show that naturalization of foreign origins “Indian – Pakistani – Syrian – Jordanian” of the Sunni sect, form more than 15% of overall citizens <sup>(11)(12)</sup>.

#### 4.3 Expressing opinion – article (13) of the Convention on the Rights of the Child:

The Bahraini constitution in article (23) states, **“Freedom of speech and scientific research shall be guaranteed. Every person shall have the right**

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<sup>8</sup> The Citizenship law 1963

<http://www.moj.gov.bh/default.asp?action=article&ID=872> (Arabic)

<sup>9</sup> Deprived of Citizenship Committee, was founded in the year 2003, and was able to gather many files of families who have not obtained a citizenship, and the committee ensures that the children who have not obtained a citizenship suffer from a lot problems during their education and professional life.

<sup>10</sup> The father or the mother are Bahrainis, or both parents are of Iranian origins and are born in Bahrain or are of those who have spent a long period of time and have earned the citizenship according to the Bahraini citizenship law.

<sup>11</sup> (CNN) channel discussing naturalization in Bahrain

[http://arabic.cnn.com/2008/middle\\_east/3/16/bahrain.citiz/index.html](http://arabic.cnn.com/2008/middle_east/3/16/bahrain.citiz/index.html) (Arabic)

<sup>12</sup> An investigation by the “Arabian business” website about the naturalization in Bahrain

<http://www.arabianbusiness.com/arabic/510638> (Arabic)

**to express and propagate his opinion in words, in writing, or by any other means, in accordance with the conditions and procedures specified by the law, without prejudice to the foundations of the Islamic faith and the unity of people, nor what raises division or sectarianism.”**

The State does not allow political electronic forums or those that criticize the government, as it bans the websites for the visitors from Bahrain <sup>(13)</sup>, and because children are unable to publish their opinions and ideas in the local newspapers they use the electronic websites and forums to bring out those ideas and opinions.

Public schools also prevent children from discussing local issues, where criticism may be directed at the government or a government official. The Bahraini Ministry of Education does not allow effective powers to be given to student councils and committees in schools.

The Ministry of Education forces students to present political loyalty to the government by participating in the activities run by the government institutions.

#### 4.4 Establishing societies – article (15) of the Convention on the Rights of the Child:

The Bahraini constitution in article (27) states, **“Freedom to form associations and trade unions on a national basis and for lawful objectives and by peaceful means shall be guaranteed in accordance with the conditions and procedures prescribed by the law, provided not to prejudice the foundations of the Islamic faith or the public order. No one shall be compelled to join or remain in any association or union.”**

A group of children attempted to establish an association which would contribute in defending the rights of the child – Bahrain Society for Children <sup>(14)</sup> – where the founders tried to obtain a license from the Ministry of Social Development since 2003, according to 1989 law of establishing civil societies. The founders, however, were incapable of obtaining the right to practice their work.

The founders of the Bahrain Society for Children stressed on their right to establish the society, and the workers in the society started practicing the society’s special activities until the members got a warning by the Ministry of

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<sup>13</sup> Banning the websites that criticize the government  
<http://byshr.org/?p=53>

<sup>14</sup> Bahrain Society for Children website  
<http://www.bahrainchild.org/>

Social Development, by using the Society's Law in punishing those who practice the work at a society before getting it licensed (<sup>15</sup>).

In the year 2006, the Bahrain Society for Children changed into "Bahrain Child Centre" in one of the Youth Societies that has obtained prior license from the Ministry of Social Development.

According to the Bahrain Youth Society for Human Rights information, the Ministry of Social Development refused to give license to the society because the legal age to obtain a license is 18 years old and not less.

The U.S. Department of State report of 2005 criticized the Ministry of Social Development because of its refusal to give license to the society (<sup>16</sup>).

#### 4.5 Arbitrary arrest – article (16) of the Convention on the Rights of the Child:

The Bahraini constitution in article (19-2) states, **"No person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the law and under the supervision of the judicial authorities."**

According to the Bahrain Youth Society for Human Rights information, the security authorities have detained several children in the special centers – they were not transferred to the juvenile prison – because they expressed their opinion and participated in peaceful public gatherings (<sup>17</sup>).

Information shows that the Bahraini Special Security Forces target peaceful gatherings, which include children, where it uses teargas or rubber bullets (<sup>18</sup>).

The Special Security Forces arbitrarily arrest participants in peaceful gatherings, who are then transferred to detention centers, and the centers' officials do not allow the children to contact their parents, lawyers or human rights organizations.

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<sup>15</sup> The Ministry of Social Development used the law specified for establishing civil societies against "The Bahrain Youth Society for Human Rights"

<http://www.frontlinedefenders.org/node/1608>

<sup>16</sup> The U.S. Department of State report 2005

<http://www.state.gov/g/drl/rls/hrrpt/2005/61686.htm>

<sup>17</sup> The Bahrain Youth Society for Human Rights report on the arbitrary arrest of children

<http://byshr.org/?p=32>

<sup>18</sup> Report on the injury of the child Fatima Hassan during her participation in a peaceful gathering

<http://byshr.org/?p=107>

The Bahrain Youth Society for Human Rights appealed to the Committee on the Rights of the Child to address the Bahraini authorities in order for them to release the detained children after their participation in peaceful gatherings (<sup>19</sup>).

#### 4.6 Torture – article (37) of the Convention on the Rights of the Child:

The Bahraini constitution in article (20-4) states, **“No physical or moral injury shall be inflicted on an accused person”**.

Several of the families of the detained children at the detention centers for security cases – demonstrations and protests – say that detention centers’ officials practice torture and cruel treatment against their children in order to extract confessions against them or against others.

According to the Bahrain Youth Society for Human Rights information, the children that are being held in custody by the Bahraini Security Forces are only released after they are tortured, and confessions are extracted from them against their will, and they are forced to sign on the charges against them without reviewing their statements in the record of the investigation.

Several international reports emphasize that the detention centers’ officials carry out systematic practice of torture against the detainees in security cases – protests and demonstrations – in order to extract confessions and to transfer them to the public prosecution having the minutes of indictment prepared in advance (<sup>20</sup>).

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<sup>19</sup> The appeal letter to the Committee on the Rights of the Child

<http://byshr.org/?p=31>

<sup>20</sup> (American) Human Rights Watch report about torture in Bahrain

<http://byshr.org/?p=95>

## 5. Recommendations

- To promptly release a law based on the Convention on the Child specified for the protection of the child both at the legislative level and in practice.
- To allow children from other sects – other than the Sunni sect – to get the right of access to education that is consistent with the teachings of their sect, and to allow them to express their religious opinions inside and outside the educational institution.
- To amend the Bahraini Citizenship law of 1963 to correspond with article (7) of the Convention on the Rights of the Child, and to give children of a Bahraini mother and foreign father the right to choose the citizenship that suits them, and not to discriminate in granting the citizenship on the bases of sect, religion or race.
- To allow children to discuss social issues, whether political or other, by using electronic websites and forums, and not to impose a ban on those websites, and not to force children to present political loyalty to the ruling family in Bahrain.
- To amend the law of establishing societies of 1989, in accordance with the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, and to allow children to form organizations specified for their age, and not to use threats to impose control on the activities run by the children.
- To educate the official institutions on the subject of the rights of the child based on the Convention, especially the security ones. To stop preventing children from their right to protest and gather, and not to expose them to arrest and torture because of their practice of these rights.
- To invite the Special Rapporteur on the rights of the child to visit Bahrain to meet with civil society institutions and the bodies working on the protection of the rights of the child, and the necessity of compelling Bahrain to submit its periodic report.