



Convention on the Rights of the Child

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Summary record of the 1618th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 1 June 2011, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties *(continued)*

Second and third periodic reports of Bahrain on the implementation of the Convention on the Rights of the Child (CRC/C/BHR/2-3; CRC/C/BHR/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bahrain took places at the Committee table.*
2. **Ms. Al Balooshi** (Bahrain) said that, as provided for in article 5 of the Constitution, Bahrain gave the highest priority to children's and mothers' protection and care when drawing up its public policies. Great progress had been made in the area of children's schooling, protection and care, and the Millennium Development Goals relating to the protection of children had been attained. The recent unrest in Bahrain, which had seriously jeopardized children's rights, had obliged the authorities to introduce a state of national security — which had since been lifted — in order to restore peace and security in the Kingdom and protect the rights of all citizens.
3. The periodic report, which had been drawn up with support from the Committee on the Rights of the Child and assistance from civil society and academics, described the problems Bahrain had encountered and the progress it had made in implementing the provisions of the Convention.
4. Since 2000, the child protection system had improved considerably, with 98.4 per cent of children currently receiving some kind of social benefits. The Constitution, which had been amended in 2002 following the adoption of the Convention, prohibited the exploitation of children and established the legal framework for the protection of children. The Ministry of Social Development had been placed in charge of coordinating measures to support children and the National Committee on Childhood — which had been overhauled and expanded to include representatives of several ministries, civil society and the university sector — coordinated the activities of various child-protection bodies and had been tasked with establishing a legislative and legal framework for the protection of the rights of the child.
5. Steps taken in recent years included the creation of clubs for young people; the provision of family advisory services; free education and health care for all children; the granting of public subsidies to civil society organizations; the provision of services to meet the needs of children with disabilities; the introduction of programmes to reduce infant mortality; and a comprehensive policy of non-discrimination between Bahraini and foreign children. In addition, the authorities were drawing up legislation, shortly to be promulgated, that focused on the protection of children against sexual violence and also on health care, education, and the protection of children with disabilities. The State was finalizing a comprehensive strategy for the protection of children, under which each programme would have its own budget.
6. Bahrain was aware of the difficulties it faced in implementing some of the rights set out in the Convention, not least because of the importance attached to traditional practices, but was firmly committed to improving children's welfare, in a spirit of openness and cooperation with all concerned.
7. **Ms. Al-Asmar** (Country Rapporteur) said that she welcomed the priority given in the State party report to children's views on the services they were offered and the specific information the report contained on the situation prevailing in the country. She requested an explanation of the surprising delay in the promulgation of certain laws that were crucial to the protection of children and would also appreciate further information on what budgetary

resources were allocated to policies to support children, since it was essential to allocate a specific budget to children's issues. The collection of statistical data was unsatisfactory: the State party should compile a specific database on children's issues, instead of extracting those data from a general database.

8. While she commended the State party's efforts to improve its legislation, it was regrettable that a bill aimed at increasing the minimum age of criminal responsibility to 18 years had recently been rejected. It was also regrettable that the minimum legal age for marriage was 15 years for girls but 18 years for boys, especially given that it was possible to derogate from that rule and lower the age even further in some cases. She asked how the State party protected children from the resulting risk of being trafficked.

9. The issue of discrimination between men and women was also a cause for concern. Women continued to suffer from stereotyping, had access to a limited number of professions, and were the main victims of illiteracy and discriminatory teaching policies.

10. She observed that the State party had still not ratified the Convention on the Rights of Persons with Disabilities. Moreover, children's opinions were insufficiently taken into account; they were not asked for their views in the event of divorce, or when they were victims of sexual violence or early marriage. That raised the important issue of how the best interests of the child were ensured in the State party by judges and by society in general. She asked which authority was responsible for appointing judges, and how their integrity and impartiality were guaranteed. She asked whether it was true that civil society organizations needed to request permission to carry out their work and that they had, in the past, been prosecuted for expressing their views on television on controversial issues. She would appreciate more information on the legal provisions relating to the protection of children's privacy and on the attitude of the media in that regard. She also wished to know more about the access children had to information, in particular about sexuality, and whether the number of households with access to the Internet had increased. Lastly, she requested clarification of the State party's policy of family reunification.

11. **Mr. Cardona Lloréns** (Country Rapporteur) said that he had been pleased to note, from data provided by the United Nations Development Programme (UNDP), that the level of development in the State party had remained unchanged, despite the crisis. With regard to the violent events that had recently occurred in Bahrain, he asked how many children had been arrested or placed in detention, and how many killed or injured. While it was true that the amendment of the Constitution was an important milestone in terms of bringing domestic legislation into line with the requirements of the Convention, it was regrettable that many promising initiatives remained at the stage of draft legislation, since that had a detrimental effect on children's lives. He asked whether the national human rights institution mentioned in the report was already operational and whether it complied with the Paris Principles. He also wished to know whether the national action plan on human rights education was already being implemented.

12. He observed that the age at which children ended compulsory education — 15 years — was incompatible with the minimum age of employment, which was 14.

13. Noting that the minimum legal age for marriage was 15 years for girls and 18 years for boys, he asked the reason for the difference, which was retained in the draft legislation drawn up in implementation of the Convention. In view of the lack of statistics, it was difficult to verify the information provided by Bahrain that it was exceptional for a young girl to marry before the age of 15. According to the State party, if a girl married before the age of 15 she avoided the criminal sanctions that she would have faced for having had sexual relations under the age of 15. However, in cases of sexual assault, such a measure protected not the victim but the aggressor, thus enabling him to avoid life imprisonment.

The best interests of the girl could therefore hardly be cited in justification of that provision.

14. The maintenance fund described in the report was a positive step, but it would be useful to know whether the original allocation of financial resources over two years had been extended by a further year, as expected.

15. Draft legislation provided that children of Bahraini women married to foreigners would be given free access to education and health care. In view of the implication that that was currently not the case, he asked what the situation actually was for the children of foreign parents.

16. He noted with concern that, while the death penalty was prohibited for children under the age of 18 years, a child could be sentenced to life imprisonment.

17. It would be useful if the delegation could provide statistics on young girls under the age of 14 years who were employed as domestic servants and on the steps taken to protect them against ill-treatment.

18. **Mr. Pollar** asked whether the State party had met the United Nations objective of allocating 0.7 per cent of its gross domestic product to development assistance, and whether it contributed to projects for children in the context of bilateral cooperation with other, less prosperous States in the region. He asked whether the State party intended to step up its cooperation with the United Nations Children's Fund (UNICEF), for example by setting up a country office for the purpose of implementing joint programmes.

19. The State party should adopt legislation that set out a general definition of the child, in line with the provisions of the Convention. It should also look at ways of standardizing the minimum legal age for marriage for girls and boys and of preventing marriage being used by men who had assaulted a young woman as a means of avoiding a criminal conviction.

20. **Mr. Kotrane** said that, during the 10 years since the submission of its previous report, Bahrain had taken positive action on children's issues, particularly with regard to maintenance payments. He asked whether steps were being taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which would enable the rights of migrant workers' children to be protected. Similarly, the State party should consider ratifying the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138).

21. He noted that legislation that would give effect to the provisions of the Convention had been drafted but not yet adopted. The report stated, for example, that the draft personal status code had not been adopted, owing to opposition from the religious authorities. Those same religious authorities were blocking the adoption of legislation on the rights of the child drawn up eight years previously. Had the State party entered into dialogue with the religious authorities on that subject?

22. He asked whether the marriage of a young girl under the age of 14 years could be prevented. Noting that Bahrain had made reservations to the Convention on the Elimination of All Forms of Discrimination against Women, he asked whether such issues were being discussed with civil society.

23. **Mr. Koompraphant** asked whether the draft legislation on the protection of children would cover all forms of violence, including psychological violence, abandonment and neglect. He requested information on the legal framework for reporting cases of ill-treatment and how such cases were investigated and monitored. He also asked in what circumstances a case could be brought before the courts.

24. **Ms. Maurás Pérez** noted that the State party was in the process of overhauling the National Committee on Childhood chaired by the Ministry of Social Development. She asked when the new Committee would be up and running, what authority it would have, what budget it would be given and how it would rank in the administrative hierarchy. She wished to know whether the Committee would be funded from the national budget or whether it would have its own budget, which would make it possible to see how much was specifically allocated to children's issues.

25. She asked whether the plan of action for children that was currently being drawn up was part of the country's general development plan, and when it would be implemented.

26. The Committee was very concerned at the political events that had occurred during the past six months and at the impact they had had on children. According to the Human Rights Centre, the police had raided schools and arrested children. Children were reported to have been tortured in police stations. Despite the existence of juvenile courts, there were reports that adolescents were being tried under martial law, especially since May 2011. Children were also suffering from the death, arrest or disappearance of their parents.

27. **Ms. Al Shehail** asked what discretionary powers were enjoyed by judges in sharia courts who ruled on personal status and how it was guaranteed that the best interests of the child were taken into account.

28. **Ms. Sandberg** asked, in view of reports of Shiites being discriminated against by Sunni, what safeguards existed to protect children from such discrimination. As for the question of nationality, she asked whether it was planned to establish equality between children born of a Bahraini mother and a foreign father and children born of a Bahraini father and a foreign mother.

29. **Ms. Varmah** requested further information on the conditions for the granting of nationality. It would seem that children of unknown parentage were entitled to Bahraini nationality, but a woman could pass on her nationality only if the father of her child was unknown, or if paternity had not been proved.

30. **Mr. Gurán** asked for details of the membership and the mandate of the National Committee on Childhood and asked whether a monitoring body complying with the Paris Principles had been set up.

31. **Mr. Madi**, noting the opposition of religious leaders to the adoption of legislation on the rights of the child, said that the Government should take measures to defend a policy based on human rights; increase society's awareness of the rights of women and children; disseminate the principles of the Convention by various means, including cooperation with the media; and integrate human rights in school curricula.

32. **Ms. Aidoo** noted that data on the situation of children were incomplete and asked whether steps had been taken to establish a data collection system. She also wished to know whether the Government had taken action on allocating resources to children in the light of the current economic difficulties.

33. **Mr. Gastaud** asked in what ways children's freedom of expression was exercised.

34. **The Chairperson** said that he would like to know what action had been taken against corporal punishment and whether professionals working with and for children were trained in the rights of the child.

The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.

35. **Ms. Al Balooshi** (Bahrain) acknowledged that the adoption of a number of laws had been delayed for various reasons. She described the legislative procedure, from the drafting of a bill to its ultimate signature by the King, via its submission to the legislature, which

was, however, free to decide whether to adopt or reject it, regardless of the Government's position. Although the adoption of the legislation on the rights of the child had been delayed in order to allow certain points to be considered by technical committees, the law was expected to be adopted by the end of the year. The Personal Status Code, adopted in 2009, had been the subject of heated debate, because those who opposed it did not want personal status to be codified but left to the discretion of sharia courts. The Code currently applied only to Sunni, but discussions continued on the adoption of a code that would apply to Shiites.

36. The draft associations act submitted by the Ministry of Social Development had been extensively discussed with social associations themselves. The Ministry had posted the text on the Internet in order to get feedback from all concerned. The draft legislation was currently being considered by the Council of Ministers and was expected to be submitted shortly to the legislature for adoption. Since 2006, the Ministry of Social Development had had a department responsible for associations, and a national support centre for non-governmental organizations (NGOs). A fund had also been established to support the work of associations and NGOs, including those working with children. The draft associations act provided that people under the age of 18 years could take part in associations and express their views.

37. **The Chairperson** asked what steps were being taken to increase the awareness of Bahraini and foreign private companies of their social responsibility, particularly towards children.

38. **Ms. Al Balooshi** (Bahrain) said that two thirds of the funds received by NGOs came from Bahraini and foreign companies or from banks.

39. The National Committee on Childhood was responsible for drawing up policies on children and supervising the activities of the Government and of associations. The National Committee was currently drawing up a national strategy on children, in partnership with UNICEF. It was expected that, within the next two years, the budget allocated by each ministry to children's issues would be clearly identified, as was already the case for persons with disabilities.

40. **The Chairperson** asked how the Committee carried out its work, given that it had no secretariat and no budget of its own.

41. **Ms. Al Balooshi** (Bahrain) explained that the annual budget for the activities and initiatives of the National Committee on Childhood was included in the budget of the Ministry of Social Development. Officials from the Ministry had been seconded to the Committee in order to carry out administrative work.

42. **Ms. Aldosari** (Bahrain) said that the national strategy on children had been drawn up following the publication in 2003 of an analytical report on the situation of children in Bahrain written jointly by the National Committee on Childhood and UNICEF, which had identified the shortcomings in the work carried out to support children.

43. **Ms. Maurás Pérez** asked whether the State party planned to establish, within the national statistical system, a specific system for collecting statistics on children. That would make it possible to monitor the situation of children and the implementation of projects relating to them.

44. **Ms. Al Balooshi** (Bahrain) said that a population census was conducted every 10 years, that partial statistics were drawn up every 5 years and that all data were centralized by the Central Statistics Office. In addition, each ministry had a detailed database on children, relevant to its area of work, which was updated every year. Bahrain had adopted its "Vision 2030" strategy, which set out objectives in the areas of social development, education, health and the economy.

45. **Ms. Aldosari** (Bahrain) said that the National Committee on Childhood met once a month and its executive bureau once a week, unless an emergency situation meant that more frequent meetings were required. The Government of Bahrain had recently contacted UNICEF in order to create a database on children, as part of the DevInfo project set up to monitor progress in achieving the Millennium Development Goals. Bahrain had been commended by UNICEF for collecting, in 2001, data on the prevention of the risk of HIV-contamination, under the second phase of the Multiple Indicator Cluster Survey (MICS2), which assessed the situation of women and children throughout the world. The Government of Bahrain was currently considering carrying out the fourth round of surveys (MICS4) envisaged in the UNICEF project.

46. **Ms. Wijemanne** asked whether, in addition to data on morbidity, mortality and education, which were relatively easy to obtain, the State party collected statistics on violence against children and on the employment or exploitation of children. In general, were data disaggregated by sex and age?

47. **Ms. Al Balooshi** (Bahrain) said that the Government of Bahrain welcomed the presence of UNICEF in the country. The State had data on sexual assaults on children. Statistics were disaggregated by age and sex, where possible.

48. **Ms. Al Jeeb** (Bahrain) said that the Bahrain Centre for the Protection of Children, which took in child victims of domestic violence, had been established in 2007. The Centre worked in conjunction with the Ministry of Education, the public prosecutor's office and civil society associations, and was staffed by specialists whose work often involved dealing with children. A special 24-hour telephone hotline for child victims of violence was expected to be up and running shortly. In 2010, 237 battered children from all walks of life had received health care and social care from the relevant services. So far, a total of 65 children had received such services in 2011.

49. **Ms. Al Khalifa** (Bahrain) said that judges' training included a psychology component, as a result of which they were better able to deal with child victims of violence. In addition, judges always received backup from social workers in cases involving children, particularly for private hearings, where young victims were heard in a non-courtroom situation, so that they did not feel intimidated.

50. **Ms. Al-Asmar** wished to know whether foreign workers were eligible for family reunification measures.

51. According to reliable sources, it seemed that child victims of violence, rape or sexual abuse were viewed as offenders in the State party and disobedient children or child beggars could be placed under investigation, or even prosecuted. She asked the delegation of Bahrain to confirm, or refute, that information.

52. She requested further information from the delegation on the situation regarding access to education by children with disabilities and on information campaigns conducted to increase women's awareness of the benefits of breastfeeding. She also wished to know whether there was a national strategy to promote vaccination, and what measures the State party intended to take to foster a culture of peace and tolerance, in order to combat discrimination against persons who were HIV-positive.

53. She would welcome further information on the situation of refugee children and child victims of trafficking and exploitation, as well as details of the 2008 legislation on combating trafficking in persons, which did not appear to contain any provisions specifically relating to child victims.

54. **Mr. Cardona Lloréns** asked, with reference to paragraph 222 of the report, whether any homes existed for girls over 14 years of age. He also wished to know why children with

disabilities were often segregated from other pupils in schools and whether the State party planned to establish more State-run preschools.

55. The delegation should indicate whether police stations had cells for the custody of minors; whether the State party had criminal courts for children under 15 years of age and whether those over 15 were tried in adult courts; whether young detainees were generally housed in separate quarters from adults or held in juvenile detention centres; and whether, under the legislation in force, minors who were the subject of legal proceedings were routinely assisted by a lawyer and their parents kept informed of their situation. He also wished to know whether steps had been taken to abolish corporal punishment in prisons and to train guards not to subject child detainees to verbal abuse and, lastly, whether the State party planned to give detained minors access to education and health care.

56. **Mr. Koompraphant** asked how the State party ensured that mothers and fathers exercised their parental rights on an equal footing and how the principle of the best interests of the child was observed in cases of divorce.

57. **Ms. Nores de García** asked whether the State party had drawn up a national strategy to provide the most vulnerable population groups — namely the poor and the young — with free contraception, thereby preventing unwanted pregnancies.

58. She requested the delegation to indicate whether the Government planned to expand State-run preschool education so as to make it available, free of charge, to as many children as possible and what measures were envisaged to combat women's illiteracy, which was around the 17 per cent mark, bearing in mind that a child's level of welfare was closely bound up with the level of education of his or her mother.

59. **Ms. Varmah** said that the rise in the number of cases of sexual violence in recent years could indicate either that more cases were being reported or that such violence was actually on the increase. Whichever it was, the perpetrators of such violence should be more severely punished; as matters stood, they were rarely sent to prison and were often released on bail.

60. She asked whether there was a comprehensive social policy in the State party governing the protection of the family and children, and whether, in order to encourage child victims of violence to testify, they were protected throughout the course of an investigation, particularly in cases where the alleged perpetrator was a family member. It would also be useful to know how the State party ensured that victims were taken seriously when they made a complaint, and what its policy was vis-à-vis reoffenders.

61. **Ms. Sandberg** asked whether it was true that Shiite children were more frequently victims of brutality and discrimination than Sunni children and, if so, what the State party was doing to put an end to the situation.

62. Noting that the selection of subjects taught in reception centres for young people in conflict with the law — embroidery, hairdressing and housework for girls and carpentry, mechanics or agricultural work for boys — reflected a very traditional view of gender roles, she asked whether the State party might envisage giving greater freedom to young people in the choice of their future employment.

63. **Ms. Lee** asked what the State party intended to do to stop political parties recruiting in schools and encouraging children to demonstrate, and to ensure that schools were not raided, as they had been recently. Also, given its ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the State party should ensure that children were not forced to leave school to join local militias, where they were often used as informants. In that connection, she observed that the initial reports that the State party had been required to submit under the two optional protocols had fallen due in 2006; the State party should comply with its reporting requirements.

64. She asked the delegation whether it was common for minors to be brought before military courts, as had apparently recently occurred, and whether minors could be sentenced to life imprisonment.

The meeting rose at 1 p.m.