

Ending family violence in Bahrain – challenging physical punishment of girls and boys



GLOBAL INITIATIVE TO
**End All Corporal
Punishment of Children**

Information for the Committee on the Elimination of Discrimination Against Women, Pre-Sessional Working Group for the 73rd session, from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), September 2018

Introduction: family violence in Bahrain and CEDAW's examination of the fourth state party report

The Domestic Violence Law No. 17/2015 and the Children's Act 2012 provide some protection from family violence to women and girls, but those provisions and others in domestic legislation are not interpreted as prohibiting all corporal punishment of children. Bahrain has recently expressed a commitment to enacting legislation prohibiting all corporal punishment of children and must follow through as a matter of urgency.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of Bahrain. In particular, we hope the Committee will:

- **in its list of issues for Bahrain, ask what progress is being made on enacting legislation prohibiting all physical punishment of children as a matter of priority, and**
- **in its concluding observations on the fourth state party report, recommend that Bahrain ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit domestic violence against all family members, including the violent punishment of girls and boys.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Bahrain.
 2. Treaty body and UPR recommendations on the issue made to Bahrain to date.
-

1 Laws on domestic violence and corporal punishment of children in Bahrain

Summary

1.1 Provisions in the Domestic Violence Law No. 17/2015 and the Children's Act 2012 provide some protection from family violence, but the law is not interpreted as prohibiting all forms of physical punishment of children.

Detail

1.2 Corporal punishment is lawful in the home. Until 1971, Bahrain was a British protectorate and it is likely that this relationship with the UK entailed an acceptance of the common law defence of "reasonable chastisement". Article 16 of the Penal Code 1976 states: "Nothing is an offence which is done in exercise of a right justified by law or custom." Provisions against violence and abuse in the Penal Code and the Domestic Violence Law No. 17/2015 are not interpreted as prohibiting corporal punishment in childrearing. The Children's Act 2012 states that the State must protect children from abuse and neglect (art. 42), defining abuse with reference to direct or indirect harm to the child (art. 44). The Act does not prohibit corporal punishment.

1.3 The Family Code No. 19 of 2017 is applicable only to Muslims citizens:¹ it appears article 133 refers to fathers and guardians "disciplining" of the child (information unconfirmed). A Law on Personal Status was under discussion in 2011: we have no further details.

1.4 In 2017, the Government of Bahrain accepted a recommendation extended during its Universal Periodic Review to enact a legal ban of all corporal punishment of children, making a clear commitment to enacting law reform.

1.5 Prohibition of all violent punishment of children – which is critical in laying the legal foundations for efforts to reduce child abuse and domestic violence – requires an explicit ban in legislation. We hope the Committee will urge the Government of Bahrain to enact legislation as a matter of urgency to clearly prohibit all corporal punishment of girls and boys.

2 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review

2.1 The *Committee on the Rights of the Child* has twice recommended to Bahrain that its laws be reformed to prohibit corporal punishment of children in the family and other settings – in its concluding observations on the initial report in 2002² and on the second/third report in 2011.³

2.2 In its 2017 concluding observations on Bahrain's second/third report, the *Committee Against Torture* recommended that the Government expressly prohibit corporal punishment of children in all settings.⁴

2.3 At Bahrain's third cycle *Universal Periodic Review* in 2017, a recommendation to prohibit corporal punishment of children in all settings was accepted by the Government.⁵

¹ 27 April 2018, CCPR/C/BHR/Q/1/Add.1, Reply to list of issues, para. 31

² 7 February 2002, CRC/C/15/Add.175, Concluding observations on initial report, paras. 37 and 38

³ 3 August 2011, CRC/C/BHR/CO/2-3, Concluding observations on second/third report paras. 44, 45 and 46

⁴ [May 2017], CAT/C/BHR/CO/2-3, Concluding observations on second/third report, Advance unedited version, paras. 36 and 37

⁵ 3 May 2017, A/HRC/WG.6/27/L.1, Draft report of the Working Group, Advance unedited version, para. 6(160); 15 September 2017, A/HRC/36/3/Add.1, Report of the working group: Addendum, Advance version, para. 11

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org