



“Additional Information”

Report submitted by the National Institution
for Human Rights to the Committee on
the Rights of the Child (CRC)

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1. The National Institution for Human Rights (NIHR) of the Kingdom of Bahrain submits its parallel report in relation to the National Periodic Report of the Kingdom of Bahrain combining the fourth, fifth and sixth reports on the progress made in the implementation of the provisions of the Convention on the Rights of the Child, which the Kingdom acceded to pursuant to Decree-Law No. (16) of 1991.
2. The NIHR appreciates the efforts made by the Kingdom to submit its periodic report combining the fourth, fifth and sixth reports - albeit belatedly- believing in the importance and effectiveness of this international mechanism toward promoting and protecting human rights at the national level, and meeting its emerging international obligations under the ratification or accession to the core international human rights instruments.
3. The NIHR reaffirms its cooperation with the Ministry of Labor and Social Development to instill the principle of partnership in preparing national reports of the Kingdom of Bahrain and to contribute, together with stakeholders, in expressing its views and observations. In April 2017, the NIHR sent a letter to the Ministry of Labor and Social Development, which included an update of the information on the concluding observations by the Committee on the Rights of the Child (CRC) contained in document (CRC/C/BHR/CO/2-3). At the request of the Ministry of Labor and Social Development, the NIHR also sent its observations on the draft National Periodic Report, in question, which combines the fourth, fifth, and sixth reports, submitted to the Committee on the Rights of the Child (CRC).
4. The NIHR presents its report on the additional information on the list of issues of the CRC, and the progress made in the implementation of the provisions of the Convention on the Rights of the Child, taking on the concluding observations of the Committee on the Rights of the Child contained in document (CRC/C/BHR/CO/2-3), in the methodology used in writing this report.
5. The NIHR addresses the most imperative rights established by the provisions of the Convention, which it believes it has cast a shadow over practical reality and has touched upon the reality of children's rights over the past few years, down to making a number of recommendations it deems appropriate to promote the rights of the child in the Kingdom of Bahrain.

1. Inception and Development of the National Institution for Human Rights

- 1.1. The Kingdom of Bahrain made voluntary pledges before the Human Rights Council during the Universal Periodic Review in April 2008, which included that the Kingdom “is committed to expediently establish a national human rights body, taking into account the relevant United Nations resolutions, especially the Paris Principles. A resolution has already been issued in November 2007 by the Council of Ministers on the establishment of a human rights national body. Once established, the body is expected to develop a national plan for the promotion and protection of human rights in Bahrain”.¹
- 1.2. The Royal Order No. (46) of 2009 was issued establishing the National Institution for Human Rights (NIHR) as a beacon of human rights awareness and a house of expertise and advice. The Royal Order included fifteen articles as well as the preamble, which addressed the establishment of an independent institution called the “National Institution for Human Rights”, which exercises its functions freely, impartially, and independently.
- 1.3. To ensure that the work of the NIHR is aligned with the “Paris Principles” relating to the status of national institutions in the promotion and protection of human rights, Royal Order No. (28) of 2012 was issued amending certain provisions of Royal Order No. (46) of 2009 establishing the National Institution for Human Rights. The amendment reduced the number of the members of the NIHR to be no more than fifteen members, including the Chairperson and the Vice Chairperson. In addition, the amendment granted the NIHR the mandate to contribute in building the capacities related to human rights, including technical preparation and training of the employees of the Kingdom's institutions who work in fields related to public liberties, political, cultural, social, and economic rights, and law enforcement in order to raise their competencies. The amendment also granted the competence of appointing the Secretary General to a resolution by the Chairperson based on the agreement of a majority of the members.
- 1.4. However, in recognition of the Government's commitment to fully support the work of the NIHR being the independent and main body

¹ First National Report of the Kingdom of Bahrain submitted to the Period Review Team of the Human Rights Council during the first session, held from (7-18) April 2008 - Document No. (A/HRC/WG.6/1/BHR/1).

in the Kingdom of Bahrain with regard to the promotion and protection of human rights, it was agreed that a new law must be issued to ensure genuine safeguards and full independence of the NIHR, together with granting it additional competencies and powers in line with the "**Paris Principles**" on the status of national institutions in the promotion and protection of human rights.

- 1.5. In accordance with the constitutional procedures followed in this regard, His Majesty the King issued on 24 July 2014 Law No. (26) of 2014 for the Establishment of the National Institution for Human Rights, approved by the Representatives and the Shura Councils, to create a genuine legal guarantee and provide full independence to the NIHR as well as granting it additional competencies and powers in line with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights. This Law came into force after its publication in the Official Gazette in the supplement to issue No. (3168) dated 7 August 2014.
- 1.6. On that basis, the NIHR aimed at gain a permanent and active membership in the Global Alliance of National Institutions for the Promotion and Protection of Human Rights (GANHRI), through which the NIHR can actively participate in the sessions of the Human Rights Council, meetings of treaty bodies, special procedures, and subcommittees, groups, and task forces, and to speak in its capacity as an official institution of the Kingdom to promote and protect human rights.
- 1.7. On 16 July 2015, the NIHR formally submitted an application for accreditation to the Global Alliance's Sub-Committee on Accreditation (SCA), which is concerned with receiving requests for accreditation from national institutions. On 25 November 2015, the NIHR application was officially accepted and the date to consider it was set on 9 May 2016 during the formal session of the Sub-Committee, which requested the NIHR to submit a report entitled "Statement of Compliance with the Paris Principles on National Human Rights Institutions", containing a number of points centered on its founding, independence, structure, organizational infrastructure, methodologies, competencies, general responsibilities, and the relationship with human rights bodies and authorities.
- 1.8. The NIHR sent the Statement of Compliance with the Paris Principles to the Committee four months prior to the date set for considering its application according to the requirements for submitting the accreditation application. The Committee, in its turn, issued a summary report of the Compliance Statement in which it identified a number of issues that need to be focused on and to be incorporated in the applicable law in line with the accreditation requirements. The Sub-Committee communicated over the telephone with the NIHR's Council of Commissioners on the day scheduled for consideration of

the application for accreditation in May 2016 to clarify a number of points.

- 1.9. In the light of the information provided by the NIHR and the discussions between the Council of Commissioners and the Sub-Committee, the latter issued its final report, which was formally issued on 2 August 2016, containing its recommendations, under which the NIHR was accredited (B status).²
- 1.10. NIHR current law is significantly advanced, the readiness to present a model law is a further prominent step to confirm the status of human rights in the Kingdom of Bahrain and its outstanding leadership. The proposed amendments were submitted to the competent authorities, in par with the essence of the reform led by His Majesty King Hamad bin Isa Al Khalifa, who affirms that the Kingdom of Bahrain is moving forward to provide all the resources to protect and promote the status of human rights by supporting the NIHR to assume its position among its counterparts in the international community.
- 1.11. The core of the recommendations made by the Sub-Committee on Accreditation, adopted by the Global Alliance of National Institutions for the Promotion and Protection of Human Rights, on the basis of which the NIHR was granted B status accreditation, was founded on incorporating a provision in the Establishment Law on adjusting the building to be accessible for people with disabilities, in addition to requiring that the members of the legislative authority do not constitute the majority, or that their membership affect the independence of the NIHR to avoid conflict of interest between their positions in the legislature and their work at the NIHR.
- 1.12. In addition, the recommendations of the Sub-Committee on Accreditation noted that the consultation and appointment process in the NIHR must be broad and transparent and include clear and standardized criteria for assessing the eligibility of all qualified candidates. The Sub-Committee emphasizes that the selection and appointment process of the decision-making body at the NIHR must be formalized.
- 1.13. The Sub-Committee on Accreditation, in its recommendations, also stressed that the NIHR Establishment Law need to stipulate that full-time members must be among the members of its decision-making body as this would help enforce the independence of the national institution without actual or perceived conflict of interests. In addition, this would achieve stability during the terms of the members and regular and appropriate guidance of its employees, as well as continuous and effective implementation of the functions of the NIHR.

² The May 2016 report of the Subcommittee on Accreditation (SCA) of the Global Alliance of National Institutions for the Promotion and Protection of Human Rights (GANHRI) can be accessed from the NIHR's website - Human Rights Section: National Institutions for Human Rights (www.nihr.org.bh)

- 1.14. With regard to NIHR's competence in the area of promotion and protection of human rights, the Sub-Committee on Accreditation (SCA) recommended that the NIHR's Establishment Law should include conducting unannounced field visits to detention centers or any other similar place in order to monitor, investigate, and report human rights situation effectively and in a timely manner, as well as to undertake regular follow-up activities.
- 1.15. The Sub-Committee also recommended that the NIHR should formalize the relationship with civil society organizations through regular and constructive interaction with all relevant stakeholders; the Sub-Committee valued the efforts and interaction of the NIHR in this regard.
- 1.16. On the other hand, the Sub-Committee's recommendations pointed out that the existing Establishment Law of the NIHR lacks provisions that deal effectively with the relevant ministries and the pertinent parliamentary committees. In addition, the Law did not clarify the process of submitting and approving the NIHR's budget, noting the need to establish a financial control system so as not to prejudice its independence. With regard to the annual reports of the NIHR, the Sub-Committee's recommendations called for including a statement on human rights situation in the Kingdom in the reports, which has a direct impact on the promotion and protection of human rights in the State's system.
- 1.17. Recognizing the importance of promoting and protecting human rights, His Majesty the King issued on 9 October 2016 Decree-Law No. (20) of 2016 amending certain provisions of the Law Establishing the National Institution for Human Rights No. (26) of 2014,³ in accordance with the recommendations of the Subcommittee on Accreditation (SCA), adopted by the Global Alliance of National Institutions for the Promotion and Protection of Human Rights (GANHRI), with the aim of strengthening the NIHR and granting it more powers to realize its objectives and to raise its international classification, reflecting the Kingdom's commitment to the protection of human rights.
- 1.18. The amendments made in Decree-Law No. (20) of 2016 amending certain provisions of Law No. (26) of 2014 Establishing the National Institution for Human Rights included the provision of paragraph (b) of Article (3), regarding membership conditions, where it stipulated that the members of the Council of Commissioners may be selected from members of the legislative authorities provided they do not form a majority in the Council of Commissioners and that they can participate in the discussion as non-voting members. The same

³To view Law No. (26) of 2014 on Establishing the National Institution for Human rights amended by Decree-Law No. (20) of 2016, visit the NIHR's website (www.nihr.org.bh).

Article in paragraph (c) also ruled that a Royal Order should be issued to determine the mechanism, procedures, and the controls of the selection process of the members of the Council of Commissioners to enhance the transparency of consultations and appointments.

- 1.19. Regarding the full-time/part-time membership of the members of the Council of Commissioners to perform their duties, Article (5) of the Law stipulates that the Royal Order appointing the members of the Council of Commissioners requires identifying the full-time members, who work full-time to fulfill their mandate in the NIHR and are not committed to work in other professions while performing membership tasks, and the part-time members, who are fulfilling their mandate in the NIHR besides performing work or any other profession, provided that the Chairperson and the Vice Chairperson are among the full-time members.
- 1.20. The amendments of paragraph (g) of Article (12) of the Law grant the NIHR the mandate to carry out announced and unannounced field visits to monitor human rights situation in correctional institutions, detention centers, labor calls gathering, health and education centers, or any other similar public place. Paragraph (j) of the same Article entitles the NIHR to hold meetings and joint activities, coordinate, cooperate, and consult with the relevant civil society and non-governmental organizations and various other groups and human rights defenders, and to directly communicate with those claiming exposure to any form of abuse, and to report back to the Council of Commissioners.
- 1.21. Paragraph (a) of Article (14) of the Law grants the NIHR the power to request any information, data, or documents, which it considers necessary for the attainment of its goals or the performance of its functions, from the ministries and relevant bodies in the Kingdom. The Article obligates the ministries and bodies to cooperate with the NIHR in the pursuit of its tasks, to facilitate the conduct of its competency, provide it with the requested information, and prepare the responses and comments on the recommendations contained in the NIHR's reports in accordance with the applicable laws and regulations of those entities.
- 1.22. With respect to conflict of interest, Article (5 bis) of the Law stipulates that, with the exception of the rights and benefits allocated to a member of the Council of Commissioners under this law, the member is prohibited from receiving any financial compensation for performing any service or work - as a member - for the benefit of the NIHR. The First paragraph of Article (10) follows, stipulating that the members of the Council of Commissioners may not be dismissed and that their membership will terminate only in cases and in accordance with the procedures set forth in the Law.

- 1.23. Regarding the financial resources of the NIHR, Article (20) of the Law stipulates that the NIHR shall have sufficient financial resources to enable it to undertake its mandates and the tasks assigned to it to the best of its ability; and that these resources shall be allocated to NIHR in a separate ledger of the general state budget that is issued by law. The Article also stipulates that the NIHR shall manage and control its financial resources with complete independence and that its financial accounts shall be subject to the supervision of the National Audit Office.
- 1.24. Article (21) of the Law was amended stipulating that the Council of Commissioners shall produce an annual report on the efforts, activities and work streams of the NIHR, which includes a section explaining the level of progress on the human rights situation in the Kingdom, as well as any observations and comments within its competency, identifying any obstacles to the NIHR's performance and the solutions adopted to circumvent them. The Council of Commissioners shall present the report to the King, the Council of Ministers, the Council of Representatives, and the Shura Council. The report shall be presented to the public in parallel.
- 1.25. The provisions of Law No. (26) of 2014 Establishing the National Institution for Human Rights, amended by Decree-Law No. (20) of 2016, confirm the role of the NIHR in the field of promoting human rights. Article (12) of the Law stipulates a number of NIHR's mandates to fulfill its objectives in this area, namely, to participate in the production and implementation of a national plan for the promotion of human rights in the Kingdom; to examine human rights legislation and regulations enforced in the Kingdom and recommend amendments as it deems fit, particularly in connection with the consistency of such regulations with the Kingdom's international obligations in the human rights field; and to recommend enacting new legislation related to human rights.
- 1.26. The provisions of the Law granted the NIHR the competence to consider the conformity of legislative and regulatory provisions with regional and international treaties related to human rights issues. This includes submitting recommendations to accession to regional and international conventions and treaties concerned with human rights, submitting parallel reports, participating in drafting and discussion of the reports, which the Kingdom undertakes to submit periodically in implementation of the regional and international conventions concerning human rights, making remarks thereon, and publishing such reports in the media outlets. It further includes cooperation with national bodies and regional and international organizations, as well as the relevant institutions in other countries that are concerned with the promotion of human rights.

- 1.27. In addition, the provisions of the Law confer on the NIHR the responsibility to host conferences and organize trainings and educational events in the field of human rights, conduct research and studies in this regard, participate in national and international forums, as well as in meetings of regional and international organizations, and issue newsletters, publications, data, and special reports, and upload them on the NIHR website.
- 1.28. The provisions of the Law also reflect the role of the NIHR in the field of human rights protection through receiving complaints related to human rights and conducting field visits to monitor the situation of human rights in detention centers.
- 1.29. Paragraph (e) of Article (12) of the same Law states that the NIHR is entitled to **“monitor violation of human rights instances, conduct the necessary investigation, draw the attention of the competent authorities and provide them with proposals on initiatives to put an end to such violations and, where necessary, to express an opinion on the reactions and positions of the competent authorities”**. Moreover, paragraph (f) of the same Article stipulates the authority of the NIHR, **“to receive, examine, and consider complaints related to human rights, refer the complaints, which NIHR deems necessary, to the relevant authorities, follow-up the complaints effectively, or inform those concerned of the procedures that should be applied, help them take such procedures, or assist in the settlement of complaints with the relevant authorities”**.
- 1.30. With regard to field visits as one of the means of monitoring granted to the NIHR, paragraph (g) of Article (12) stipulates its mandate to **“perform announced and unannounced field visits to monitor human rights situation in correction institutions, detention centers, labor calls gathering, health and education centers, or any other public place in which it is suspected that human rights violations are taking place”**. Such mandates collectively contribute to the role undertaken by the NIHR in the field of the protection of human rights.
- 1.31. That provision emphasizes the need to expand the competences in the field of protection of human rights in a manner consistent with international resolutions in this regard. Moreover, the required protection should not be limited to receiving complaints only, but should also extend to include follow-up and monitoring of the situation of the human rights situation as well as documentation in various ways and means. Monitoring is necessary to ascertain the degree and extent to which the State honors its legal or international obligations relating to human rights.
- 1.32. Whereas Article (21) of the Law Establishing the NIHR stipulates that, **“The Council of Commissioners shall produce an annual**

report on the efforts, activities and work streams of the Institution. It shall include a section explaining the level of progress on the human rights situation in the Kingdom, as well as any observations and comments within its competency, identifying any obstacles to the Institutions performance and the solutions adopted to circumvent them. The Council of Commissioners shall present the report to the King, the Council of Ministers, the Representatives Council, and the Shura Council. The report shall be presented to the public in parallel.”

- 1.33. Accordingly, the NIHR, during the years (2013-2017), undertook to issue and submit its annual reports ⁴ to His Majesty the King and to the constitutional authorities. The reports included independent chapters presenting the activities carried out by the NIHR during the time frame of the report in the area of the promotion and protection of human rights in particular. They also included separate chapters dealing with some of the key human rights issues that prevailed during the reporting period, as well as the advisory opinions of the NIHR submitted to the constitutional authorities and its compatibility with the international human rights instruments.

2. The Role of the National Institution for Human Rights in the Promotion of the Rights of the Child

- 2.1. Since its inception, the NIHR has played an active role in the promotion of human rights, in general, and the rights of the child, in particular, thanks to its establishment law, which has given the NIHR several competencies. The most prominent of such is the promotion and awareness of a human rights culture of through various means. These means include issuing of educational newsletters and publications, organizing a number of workshops and lectures, and finalizing a number of memorandums of understanding with civil society institutions, specifically in the field of civil and political rights.
- 2.2. In order to promote the rights of the child, the NIHR has concluded a number of activities and events during the years (2016-2018), in which it directly targeted children through the summer event organized by the Royal Police Academy for summer camp students. This program aims at promoting citizenship and sense of belonging among youth aged (12-17 years), refining their abilities, discovering their cultural, social, and sports talents, and guiding them in the right direction. In addition, the program aims at assisting youth in exploring

⁴ Visit the NIHR’s website (www.nihr.org.bh), Annual Reports Section, to view the NIHR’s reports in both English and Arabic languages. The reports are attached to this report.

their leisure time in something useful and beneficial issues, their families, and the society, developing their leadership and life skills, and making young people secure against possible crime and delinquency. It also seeks to encourage the participants to prepare for the future, seize opportunities, meet challenges, instill discipline, and accustom them to be self-reliant and giving, promote community partnership, and strengthen the relationship between the state institutions, society, and youth.

- 2.3. The NIHR has provided a number of lectures and awareness-raising activities on the rights of the child contained in the Convention on the Rights of the Child or the Child Law through lectures and motivating training programs, which introduced human rights, the right to a clean environment, and public rights and freedoms.
- 2.4. During 2017, the NIHR has launched a number of activities and events aimed at young people through conducting a specialized training program for young leaders on peace and human rights. The program dealt with a number of topics related to human rights and the rights of the child, including “Human Rights and Good Governance”, “Peace building Process”, and “Advocacy and Lobbying Campaigns”.
- 2.5. As of the date of preparing this report in the current year, 2018, the NIHR has presented an introductory lecture on the rights of the child to students from a various of primary and secondary schools.
- 2.6. The NIHR has also participated in the “Bahrain Summer Festival 2018”, which is organized by the Bahrain Authority for Culture and Antiquities, by presenting an activity called “Nakhul Tent”. This activity includes several cultural and recreational programs benefiting the participants in a new and fun way. The educational workshops are the most important activity undertaken by “Nakhul Tent”, as they target children aged (8-11) years. The NIHR has introduced human rights, in general, and the rights of the child, in particular, and has presented many training and educational activities and competitions to promote the rights of the child for this age group.
- 2.7. The NIHR also participated by presenting a lecture and awareness activity on basic human rights and the role of NIHR in the promotion and protection of human rights in the Kingdom of Bahrain, in particular the rights of the child for children aged (9-14) years within “Youth City 2030” project. This project is carried out by the Ministry of Youth and Sports Affairs and positively interacts with the Economic Vision 2030, which focuses on activating the role of young people in formulating the language of comprehensive development for the Kingdom of Bahrain at various levels. The project provides a range of training programs that contribute to the development of the skills and abilities of youth in diverse fields as well as their leadership qualities

in order to empower them and mobilize their energy to be channeled properly.

- 2.8. Given its role in disseminating the culture of human rights and introducing the principles and concepts of human rights in the society, NIHR participated in the competitions of the 28th day of the Khaled Bin Hamad Soccer Tournament organized by the Ministry of Youth and Sports Affairs in partnership with the Media Office of His Highness Sheikh Khalid Bin Hamad Al Khalifa, under the theme “The Forum of Generations”. Its role is within the initiatives supporting youth in sports and human fields, which is in line with the Third Goal of Sustainable Development (SDG3), which states, “Ensure healthy lives and promote wellbeing for all at all ages”.
- 2.9. The NIHR has issued a coloring book on the rights of the child, which includes drawings that the child colors, next to them are paragraphs from the national legislation such as the Constitution or the Child Law, as well as articles of the Universal Declaration of Human Rights or the Convention on the Rights of the Child. These paragraphs revolve around the right to draw, in order to deliver the information in an interesting educational way.
- 2.10. Moreover, the NIHR has also issued a flyer designed for children on the rights enshrined in the Universal Declaration of Human Rights. The rights are presented in attractive images and simple and easy language through which the child can identify his basic rights.

3. The Role of the National Institution for Human Rights in the Protection of the Rights of the Child

- 3.1. The provisions of Law No. (26) of 2014 on the Establishment of the National Institution for Human Rights, as amended by Decree-Law No. (20) of 2016, affirm the role of NIHR in the field of human rights protection by receiving complaints related to human rights and conducting field visits to monitor human rights situation in places of detention.
- 3.2. Paragraph (e) of Article (12) of the same Law states that the NIHR is entitled to **“monitor violation of human rights instances, conduct the necessary investigation, draw the attention of the competent authorities and provide them with proposals on initiatives to put an end to such violations and, where necessary, to express an opinion on the reactions and positions of the competent authorities”**. In addition, paragraph (f) of the same Article states NIHR’s authority to **“receive, examine, and consider complaints related to human rights, refer the complaints, which NIHR deems necessary, to the relevant authorities, follow-up the complaints effectively, or inform those concerned of the**

procedures that should be applied, help them take such procedures, or assist in the settlement of complaints with the relevant authorities”.

- 3.3. With regard to field visits as a means of monitoring granted to the NIHR, Paragraph (g) of Article (12) stipulates its mandate to **"perform announced and unannounced field visits to monitor human rights situation in correction institutions, detention centers, labor calls gathering, health and education centers, or any other public place in which it is suspected that human rights violations are taking place"**. Such mandates collectively contribute to the role undertaken by the NIHR in the field of the protection of human rights.
- 3.4. Section Three on the Procedures for Receiving the Complaint of the Guide on Receiving Complaints and the Provided Legal Assistance issued by the NIHR stated that **"Complaints are accepted from children under the age of 18, provided that the parents, or the person having custody of the child, or the guardian or the legal representative of the child is duly notified."**
- 3.5. These provisions confirm that the mandate of the NIHR is not limited to receiving complaints, but also include the areas of the protection of human rights in accordance with the international decisions in this regard. It extends to include follow-up, surveillance, and monitoring of the human rights situation and documentation by the various means. Surveillance process is necessary to ascertain the degree and extent to which the State respects its legal or international obligations relating to human rights.
- 3.6. Within the mandate of the NIHR in the field of protection of human rights, in general, and the rights of the child, in particular, the NIHR has played an active role in following-up the status of the rights of the child. Regarding the right to education and providing a safe school environment for the child, the NIHR has observed, through local newspapers, a case where a schoolteacher abused a student in the preparatory school that led to breaking his tooth, in addition to another similar incident to a student in the primary school. Subsequently, the NIHR addressed the concerned authorities, which initiated the legal procedures established in such cases and took the necessary action.
- 3.7. The NIHR has also observed a report on a newborn baby who was denied the Bahraini passport due to the similarity of his name with someone who is wanted and banned from travelling. Accordingly, the NIHR followed up the issue with the concerned authorities and the matter was solved.
- 3.8. The NIHR has observed a public opinion issue, in addition to receiving eleven requests for intervention and legal assistance in addressing such issue from parents unable to register their children,

who were born on 1 September 2011 until the end of the same year, to attend school during this year. This issue was raised following the decision issued by the Ministry of Education to postpone their enrollment in school until the next year. The justification of this decision is that those children have not turned six years of age, as recorded in the original birth certificates, which is the legal age of compulsory education stipulated in Article (6) of Education Law No. (27) of 2005. Article (6) states that basic education is a right to children who reach the age of six at the commencement of the academic year, and that the Kingdom should provide it to them. Parents and guardians should abide by this law for nine academic years at least. The Minister of Education shall issue the relevant decisions that organize and ensure that parents and guardians comply with the law. This decision was met by widespread criticism by parents.

- 3.9. Subsequently, the NIHR examined the extent of the compliance of this decision with the international instruments and obligations of the Kingdom of Bahrain, where it was found that the measures of the Ministry of Education are not contrary to any international instruments and do not constitute discrimination. Even if such a decision is considered discrimination, it constitutes a positive one that is in the interest of the right of the child to have access to proper education in order to provide education to new students in the best form. The acceptance of all the children born in the above-mentioned period will overstretch the capacities of the schools and classrooms of the Ministry of Education and the educational institutions, thus may affect the rights of the child to proper education.
- 3.10. The NIHR also followed comments by the Minister of Education on addressing a notification letter by registered mail with proof of delivery, to the parent of the student who does not attend school for a period of 10 consecutive or separate days, to inform the Ministry of the reasons for such non-attendance. If the Ministry does not accept the reasons given for such non-attendance, or if the parent fails to respond to the notification, a report is prepared accompanied by the necessary documents and is sent to the Minister of Education. The Minister takes the decision to refer the violation to the public prosecution to initiate a lawsuit, in implementation of the provisions of Article (8) of Education Law No. (27) of 2005, which stipulates that the father of the child, or the guardian, shall be punishable with a fine not exceeding one hundred dinars, if the child who has reached the age of compulsory education fails to attend school or does not attend school for ten consecutive or separate days during the academic year without an acceptable excuse. In both cases, the criminal case would be initiated only upon the request of the Ministry and after

notifying the violator by registered mail with acknowledgement of receipt.

- 3.11. The NIHR finds that the provisions of the previously mentioned Article are compatible with international instruments, especially the Universal Declaration of Human Rights, in which the First Paragraph of Article (26) states: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages..." Article (28) of the Convention on the Rights of the Child - to which the Kingdom of Bahrain acceded by Decree-Law No. (16) of 1991 - stated that States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular, make primary education compulsory and available free to all, and take measures to encourage regular attendance at schools and the reduction of drop-out rates.
- 3.12. In this respect, and to activate the mandate of the NIHR in conducting announced and unannounced field visits to monitor human rights situations in correctional institutions, detention centers, labor gatherings, health and education centers, or any other public place suspected of being a site of human rights violations, the NIHR visited the pre-trial detention center at the Dry Dock Facility in March 2016 in accordance with established procedures; and conducted an unannounced visit to the juvenile care center in Issa City in August 2017.
- 3.13. The NIHR's delegation met with law enforcement officials in each of the two centers mentioned above to ensure the availability of the appropriate environment for provision of maximum protection. The delegation was informed of the guarantees provided to juvenile inmates and detainees to enable them to communicate with the outside world by receiving visitors and making telephone calls, or writing letters and filing complaints.
- 3.14. During the two visits, the delegation of the NIHR met with a number of juveniles in custody, their requests and complaints were recorded, and their needs were identified, in order to take appropriate actions in coordination with the management of the center. All of the meetings were private and held in an independent place without supervision from the management of the centers or their staff.
- 3.15. As far as receiving complaints relevant to the rights of the child, the NIHR dealt with (54) complaints during the period from 2016 to the date of preparation of this report. The parents, on behalf of their children, submitted the complaints, which contents varied in terms of rights that were violated.
- 3.16. The number of complaints on civil and political rights was (42) complaints, of which (11) complaints pertained to the right to physical

- and moral integrity, (25) complaints on fair trial guarantees, and (6) complaints concerning the right to a nationality.
- 3.17. Regarding complaints related to economic, social and cultural rights, the total number of complaints received by the NIHR was (12) complaints, of which (3) complaints related to the right to education and (9) complaints pertained to the right to health.
 - 3.18. Returning to the provisions of the NIHR's Establishment Law, and to Section Seven of the Guide on Receiving Complaints and the Provided Legal Assistance, on the authority of the NIHR to provide legal assistance and counseling to individuals or any entity, whether on filing of a complaint that turns out to be beyond the NIHR's competency, or when first seeking legal assistance and counseling, by making the complainant aware of due process, assisting him/her in the conduct of the proceedings, indicating the need to exhaust all administrative or legal remedies and grievances as appropriate, or to submit a communication to the competent security authorities, or to go to another entity with inherent jurisdiction to consider the complaint.
 - 3.19. The NIHR received (12) requests for legal assistance and counseling from parents on behalf of their children. Some of the complaints were related to personal issues or disputes between individuals, or pending issues before a judicial or administrative inquiry. Other complaints were related to requests for the release of convicted or detained subjects, or for considering if the accusations are valid or baseless. Some of the complaints were beyond the jurisdiction of the NIHR because they occurred outside the borders of the Kingdom. Yet, the NIHR has communicated with the concerned parties in this regard for humanitarian reasons.
 - 3.20. In order for NIHR to continue developing and improving communication with all parties, in order to reach its potential in protecting and promoting human rights, has launched the new call center service and provided it with a toll free hotline number (80001144). The aim of the hotline is to receive complaints, provide assistance, and respond to any inquiries related to its competence in promoting and protecting human rights. This service is an addition to the other services that citizens and residents can use to communicate with the NIHR, whether through personal presence, NIHR's website, NIHR's official pages on social networking programs, or through mobile phone applications.

Second: the Progress Made in the Implementation of the Provisions of the Convention on the Rights of the Child

1. Definition of the Child: Article (1) of the Convention

- 1.1. The NIHR values the issuance of Law No. (37) of 2012 promulgating the Child Law, which, in Article (4) thereof, defines child as any person under the age of eighteen full calendar years, taking into account the specific laws governing persons under such age.
- 1.2. The NIHR followed up on the issuance of Law No. (15) of 2015 amending Article (1) of Decree-Law No. (17) of 1976 regarding Juveniles, which defines the juvenile to be any individual who has completed seven years of age and is under the age of fifteen full calendar years at the time of committing the crime or when found in a risk delinquency situation.
- 1.3. The NIHR asserts the importance of Law No. (19) of 2017 promulgating Family Law, as it includes provisions concerning establishing filiation, custody, alimony, etc., all of which are aimed at achieving the best interest of the child and preserving his/her rights.
- 1.4. The NIHR agrees with paragraphs (38 to 41) of the National Report of the Kingdom of Bahrain on the Kingdom's commitment to advance progressively in ending child marriage, make intensive efforts to raise awareness of the consequences of child marriage, and act to prevent child marriage, such as the decision No. (1) of 2016 of the Minister of Justice and Islamic Affairs on the list of marriage officials (Ma'athoun Shari) and the provisions for the documentation of personal status papers; and the provisions of Law No. (19) of 2017 promulgating Family Law. This has led to a decrease in the number of marriages for those under the age of 18 years in recent years.
- 1.5. **Recommendations:**
 - a. **The legislative authority needs to raise the age of the juvenile stipulated in Decree-Law No. (17) of 1976 on Juveniles to the age of 18 years in par with the provisions of the International Convention.**
 - b. **Consistent with the legislative policy adopted by the Kingdom of Bahrain with regard to the progressive realization of raising the age of marriage to 18 years, the NIHR endorses the importance of establishing a time-bound plan to follow up on this progressive realization of raising the age of marriage established by the law and to set up conditions and legal guarantees for it, under judicial supervision.**

2. General Principles: Articles 2, 3, 6 and 12 of the Convention

- 2.1 The NIHR notes the State's continuous efforts to promote equality and eliminate discriminatory restrictions against women, which are reflected in the adoption of the National Strategy for the Advancement of Women (2013-2022) and the National Childhood Strategy (2013 – 2017).
- 2.2 The NIHR followed up the efforts made by the State to preserve the right to life, survival, and development, which resulted in a reduction in child mortality and intrapartum perinatal mortality, especially since the health indicators for the years (2011-2016) illustrate the significant progress in this regard, as contained in paragraph (51) of the National Report.
- 2.3 **Recommendations:**
- a. **The concerned authority to follow-up the effective implementation and update of the National Strategy for Childhood, in cooperation with national stakeholders.**
 - b. **Greater attention need to be given by the executive and judicial authorities, in their respective fields, to the training of their staff on the mainstreaming of the principle of the best interests of the child and its enforcement mechanisms in the executive and judicial spheres.**

3. Civil Rights and Freedoms: Articles 7, 8, 13-17, 37 (a) of the Convention

- 3.1 The NIHR notes the significance of temporary measures and procedures taken by the Government to ensure gender equality in entitling the children of Bahraini women to obtain Bahraini citizenship. Among such measures is granting Bahraini citizenship to the children of Bahraini women married to foreigners in some cases, in addition to the promulgation of Law No. (35) of 2009 to treat the children of Bahraini women married to non-Bahrain men as Bahraini citizens with respect to certain fees imposed on government, health, and educational services, as well as residence fees.
- 3.2 The NIHR affirms that, while recognizing the right of children to enjoy the right to freedom of expression, freedom of association, peaceful assembly, and freedom of access to information, the involvement of children in manifestations of violence and political action has negative implications on their physical and moral behavior, and, at the same time, threatens their present, future, and security. Therefore, it is necessary to spare children and young generations from all of these manifestations and interactions, in order to achieve the best interests of the child.

3.3 The NIHR has submitted earlier a proposal to amend the provisions of Articles (60) and (69) of the Child Law promulgated by Law No. (37) of 2012. The proposal included⁵ the need to provide a comprehensive definition of the various facets of political exploitation of children, such as exploitation by political groups in acts of violence, vandalism, and terrorism, whether for exchange of money or not. In addition, political exploitation of children can be by using and exploiting them in anti-government marches, rallies, and demonstrations, and in election campaigns in a way, that puts them at danger. With this, the legal umbrella for the protection of the child from all forms of political exploitation would be complete. Moreover, the proposal included the need to impose penalties involving deprivation of liberty or pecuniary penalties on perpetrators of child exploitation by incorporating progressive penalties, depending on the type and form of exploitation that may occur to the child, in the Law.

3.4 **Recommendation:**

Make the necessary amendments to the provisions of Law No. (37) of 2012 on the promulgation of the Child Law by the legislative authority to include provisions that criminalize the political exploitation of children such as exploiting them by political groups in acts of violence, vandalism, and terrorism, whether in return for money or not; exploiting and using children in anti-government demonstrations and in election campaigns in a way that puts them at risk.

4. Torture and other Forms of Ill-treatment: Article 37 (a) of the Convention

4.1 The Penal Code promulgated by Decree-Law No. (15) of 1976 and its amendments contains provisions providing the legal cover for the protection of the right to life and the right to physical and moral integrity. On this basis, Law No. (52) of 2012 amending certain provisions of the Penal Code promulgated by Decree-Law No. (15) of 1976, by amending the provisions of Articles (208) and (232), was promulgated.

4.2 From the amendment of the previous legal provisions, it is noted that:⁶

⁵ For further information on the proposal to amend the provisions of Articles (60) and (69) of Law No. (37) of 2012 on the promulgation of the Child Law, please see the Third Annual Report of the National Institution for Human Rights, 2015, at the NIHR website, Annual Reports Section: www.nihr.org.bh

⁶ For further information on the Parallel Report of the National Institution for Human Rights of the Kingdom of Bahrain to the Committee against Torture, March 2017, please see the Report on the NIHR website: www.nihr.org.bh

- 4.3 The definition of the offense is extended in two ways: the first is based on the purpose of the act. “Coercion to confess” or “penalizing a person for something he has committed” has become a proscribed action, which may lead to suspicion of committing a torture act. The second is based on the definition of the victim. The restriction that the accused person, witness, or expert, were the only categories that could be victims of this offense has been removed.
- 4.4 There is no statute of limitations to legal prosecutions of perpetrators of torture crimes, as this amendment exempts these offenses from the legally prescribed statute of limitation for crimes of torture. The previous Law provided a statute of limitations of ten years after the crime has been committed.
- 4.5 Crimes against the right to physical and moral integrity are considered as felonies not misdemeanors. In addition, heavier penalties are provided in line with the provisions of Paragraph (2) of Article (4) of the Convention against Torture. Amendments to the Penal Code provided for appropriate penalties for the committed offense, which may sometimes reach life imprisonment.
- 4.6 The NIHR values the promulgation of Law No. (10) of 2015 amending Article No. (320) of the Penal Code promulgated by Decree No. (15) of 1976, which criminalizes any person who endangers the life of a child who is less than 7 years of age, or a person who is unable to protect himself by reason of his health or mental condition, or forces another person to commit such act, as this amendment realizes the principle of best treatment of the child.
- 4.7 The NIHR followed up on the efforts of the Special Investigation Unit of the Public Prosecution, the Commission for the Rights of Prisoners and Detainees, the General Secretariat for Grievances, and the Inspector General Office -National Security Agency as national mechanisms, which directly contribute to the prevention of torture crime and other ill-treatment within the national system.
- 4.8 **Recommendations:**
- a. **Provide more training programs for law enforcement personnel in juvenile additional care centers using curricula that include training on respect of human rights in general and addresses the rights of children.**
 - b. **Enhance the supervision and monitoring of nurseries, kindergartens, and public and private educational institutions in a manner that ensures that the child enjoys a safe environment and is not being subjected to violence, abuse, or neglect in any form.**

5. Family Environment and Alternative Care: Articles 5, 18 (a,b), 9-11, 19-21, 25, 27 (4), and 39 of the Convention

- 5.1 The NIHR values the promulgation of Law No. (17) of 2015 on Protection against Domestic Violence⁷, as it constitutes a significant legal framework for the protection of the rights of the child and the family. The law defines domestic violence as any act of abuse occurring within the family by one of its members against another member, whether the act of abuse is physical, psychological, sexual, or economic, in addition, the Law included penalties prescribed in case of violation.
- 5.2 The NIHR commends the significant role played by the Child Protection Center established in 2007. The Center is a social welfare institution whose purpose is to offer protection for children up to the age of 18 years from all forms of bad treatment, negligence, and sexual abuse. The Center provides care and health treatment to the child when subjected to physical or psychological abuse, as well as psychological, social, and educational services. In addition, the Center coordinates legal and judicial services and provides temporary or permanent alternative (foster) care in cases of extreme necessity. This is known as temporary custody, where families provide custody for children whose parents are unable to look after, or for those who are subjected to physical or psychological abuse or neglect within the family, or for cases of homelessness, to care for them and provide shelter for a temporary period until the cause has disappeared. The Center also provides rehabilitation services of the child for reintegration into the family, and follows up the case at the academic, educational, psychological, and social levels.
- 5.3 The NIHR notes the importance of Law No. (26) of 1986 on the Procedures before Shari'a Courts and its amendments, under which the Family Reconciliation Offices were given a role in settling the Shari'a disputes amicably prior to bringing the cases before the competent Shari'a courts, in the best interests of the child to be brought up with its parents.
- 5.4 Recommendation:**
Recruit qualified staff in the field of psychology and sociology, specializing in childhood, to work in the family guidance offices of community centers all over the governorates of the Kingdom of Bahrain, to deal properly with children.

⁷ For more information: Law No. (17) of 2015 on Protection against Domestic Violence, published on the website of the Legislative and Legal Advisory Committee: www.legalaffairs.gov.bh

6. Basic Health and Care: Articles 6, 18 (3), 23, 24, 26, and 27(1-3) of the Convention

- 6.1 With regard to the right to health⁸, the NIHR notes the efforts of the Ministry of Health on maternal and child care, starting with pregnancy, periodic testing of the child, preventive vaccinations and ensuring their healthy growth, up to the periodic follow-up of the state of health of children throughout the cycle of education.
- 6.2 Law No. (74) of 2006 with respect to Care, Rehabilitation and Employment of Persons with Disabilities and its amendments guarantees the right to care, rehabilitation, and employment to this category. The law touched upon a number of provisions that oblige ministries and concerned bodies to provide systematic and continuous services to this group, especially in the medical, social, educational, sports, employment, transportation, housing, and other fields. The Law requires the concerned ministry, Ministry of Labor and Social Development, to establish rehabilitation centers and institutes, care homes and workshops for the disabled, and shelters where it is clearly required. This Law was issued before the Kingdom of Bahrain ratified the Convention on the Rights of Persons with Disabilities, pursuant to Law No. (22) of 2011.
- 6.3 The NIHR notes the Government's efforts in establishing several rehabilitation centers that provide care, support, and services for this group. The most important of these centers is the "Comprehensive Disability Complex", which is an integrated building, established by an order of His Majesty the King on three hectares of land allocated for the complex. Parties interested in this group participate in its implementation. The cornerstone of the Complex was laid in 2012 and will be gradually operational. The Complex includes 11 buildings for various disabilities, and is provided with qualified human resources specialized in psychological, social, and other fields. The purpose of establishing the Complex is to provide integrated care and rehabilitation, health and psychological care and physiotherapy, as well as family and social counseling and guidance, and to exhibit and market products produced by this group, to introduce devices, and to train the families of persons with disabilities, workers, and NGOs members in this field.
- 6.4 The Government developed a comprehensive and integrated National Strategy for Persons with Disabilities based on a set of field studies and research on the situation of persons with disabilities in the Kingdom. The Strategy addresses seven areas: legislation, health, rehabilitation, education, economic and social empowerment,

⁸ For more information on the right to health, please see the NHRI's fifth annual report for 2017, visit www.nihr.org.bh

empowerment of women with disabilities, in addition to facilitating access to buildings and services for persons with disabilities, while highlighting the role of media and public awareness in giving this group their entitled rights.

6.5 **Recommendations:**

- a. **Continuous follow-up by the Ministry of Health of medical services and medications for children, and ensuring the availability of vaccinations as scheduled without any delay.**
- b. **Follow-up on the effective implementation and updating of the National Strategy for Persons with Disabilities by the competent bodies, in cooperation with the relevant national stakeholders.**
- c. **Make appropriate disability signs (deaf and speech impaired) in easy to read and understand formats on public buildings and other facilities to ensure that persons with disabilities, especially children, obtain and access the available services, as well as provide sign language interpreters in public welfare organizations that serve children.**
- d. **Provide specialized technical personnel to work in the field of rehabilitation of persons with disabilities, and introduce the subject of “care and rehabilitation of persons with disabilities” in the education curricula as a core subject.**

7. Education and Recreational and Educational Activities: Articles 28, 29 and 31 of the Convention

- 7.1 The provisions of Law No. (27) of 2005 with respect to Education include the right of the child to enjoy the highest attainable standards of education from the earliest stages. Article (8) imposes penalties and fines on the father or the guardian of the child if he/she fails to enroll the child of compulsory school age in primary school. This Article states **“the father of the child, or the guardian, shall be punishable with a fine not exceeding one hundred dinars, if the child who has reached the age of compulsory education fails to attend school or does not attend school for ten consecutive or separate days during the academic year without an acceptable excuse. In both cases, the criminal case would be initiated only upon the request of the Ministry and after notifying the violator by registered mail with acknowledgement of receipt.”**
- 7.2 The Ministry of Education has observed cases of irregular school attendance by students of compulsory age, and has analyzed and

followed-up such cases to find the underlying causes in an attempt to bring those students back to formal education.

7.3 In practice, the right to education is a free and compulsory right at the primary school level, along with free preparatory and secondary education in public schools. In this regard, the NIHR submitted a proposal to amend some provisions of Law No. (27) of 2005 on Education, to extend compulsory education age to include secondary education.⁹

7.4 The Ministry of Education, in collaboration with the Ministry of the Interior, represented by the reform and rehabilitation centers, as of the beginning of each academic year, takes the necessary measures to enable the inmates and the detainees to register and complete their enrollment in the various educational stages according to the applicable registration and enrollment methods. The Ministry of Education dispatches committees to reform and rehabilitation centers to enable those imprisoned or detained to sit for examinations on the scheduled dates. In addition, the Ministry coordinates with the universities to enable the enrolled inmates or detainees to take the examinations in accordance with the applicable regulations.

7.5 Recommendations:

- a. **Review the content of the curricula on citizenship by the competent bodies to include topics that advance culture and actual practice based on promoting respect for human rights and the rights of the child and to present such curricula that children may comprehend.**
- b. **Develop the education system for all academic stages within juvenile centers or reform and rehabilitation centers and detention for those under 18 years of age. In addition, make education compulsory in coordination with the Ministry of Education, to be in line with the relevant international and regional standards and the best practices in this regard.**
- c. **Give more attention and care to the educational services provided to persons with disabilities to enable them to pursue and continue all the stages of their education (elementary, preparatory, and secondary) in full, and to treat them equally like their other peers without disabilities.**

⁹ For further information on the proposal to amend some provisions of Law No. (27) of 2005 on Education, please refer to the Third Annual Report of the National Institution for Human Rights, 2015, by visiting the NIHR website: www.nihr.org.bh

8. Special Protection Measures: Articles 22, 30, 38, 39, 40, 37 (b-d), 32, and 36 of the Convention

- 8.1 The Government has conducted national consultations with public and private bodies, civil society organizations, and the competent authorities on the draft law on juveniles (**Reformation Justice for Children and Protection against Abuse**). The new law draft adopts the interests of the child and prioritizes it above all other considerations. It introduces unconventional measures that take into consideration not to separate the child from his or her family environment; and, in addition to criminal accountability, it addresses the protection of the child from abuse.
- 8.2 The NIHR followed up on the session of Council of Ministers on 10 April 2017, during which the draft law on Reformation Justice for children and Protection against Abuse was considered to replace the current law on Juveniles. According to the new draft law, courts of reform justice for the child will be established to be competent to adjudicate in offences, that criminal courts have jurisdiction over, committed by children between 15 and 18 years of age.
- 8.3 Article (33) of Law No. (18) of 2014 promulgating the Law on Reform and Rehabilitation Corporation, and Articles (37) and (38) of its Executive Regulation No. (131) of 2014, provide for special attention to the child accompanying his/her mother who is imprisoned or detained in custody at the Reform and Rehabilitation Corporation. The child remains with his mother in the center, whether he was born in the center or outside it before the mother was detained, until the child reaches the age of two or three years. If the child reaches the specified age, or if the mother of the child does not want to keep the child with her despite not reaching the specified age, the child is then given to his/her father or to the person who has custody of him/her legally or under the Shari'a Law. If the child does not have a sponsor, he/she will be placed in a child care center, and the mother will be informed of the child's place of residence and will be able to see him/her.
- 8.4 The law also indicated that the administration of the center should facilitate the visit of the child, who is under the age of 12, to see his/her mother who is imprisoned or remanded in custody, at her request, by bringing the child to the center once a week. The visitation shall take place in a private place away from the designated visiting area. The head of the center, or his/her representative, may authorize the visit to take place in private. This visit shall not be prevented for any reason connected to the behavior of the mother inside the center; however, it may be prevented for reasons of health. If the child is older than 12 years of age, the mother's visits are carried out according to the general rules and regulations of the visit.

8.5 Recommendations:

- a. Expedite the promulgation of the draft law concerning juveniles (Reformation Justice for children and Protection against Abuse), with the need to consider the juvenile as a person under the age of 18 years, in line with the provisions of the Child Law No. (37) of 2012 and the Convention on the Rights of the Child.
- b. Pay more attention to the training of judges specializing in the field of reformation justice for children, as well as the continuous and comprehensive training of law enforcement personnel who work with this group, with a view to enhancing their knowledge and technical capacities in the best interests of the child in all circumstances.
- c. To strengthen the reform justice courts for children with specialized staff in psychology, sociology, as well as childhood specialists, as an important adjunct to juvenile judges in their legal and judicial field.
- d. Pay more attention, and social, psychological, and health care to the services provided to children accompanying their mothers who are imprisoned or remanded in custody in the Reform and Rehabilitation Corporation, provided that the quality of the services offered to the child does not in any way affect the behavior of the mother in the Corporation.

* * *

Attachments

- Law No. (26) of 2014 establishing the National Institution for Human Rights, as amended by Decree-Law No. (20) of 2016.
- Coloring book on The Rights of the Child.
- Child Flayer: The Universal Declaration of Human Rights.