



Global Initiative to
**End All Corporal Punishment
of Children**

BRIEFING ON BAHRAIN FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP – Jul 2013

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The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence. As the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

This briefing describes the legality of corporal punishment of children in Bahrain. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, the recommendations of treaty monitoring bodies, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for Bahrain, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Bahrain, in the concluding observations on the third state party report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

1 The state party's report to CEDAW

1.1 The third state report of Bahrain to CEDAW (21 December 2011, CEDAW/C/BHR/3) includes information concerning violence against women but makes no reference to corporal punishment – violence inflicted on girls and boys in the guise of discipline in childrearing and education.

2 The legality corporal punishment of children in Bahrain

2.1 *Summary*: In Bahrain, corporal punishment is unlawful as a sentence for crime and in schools; it is lawful in the home, penal institutions and alternative care settings.

2.2 *Home (lawful)*: 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 are not interpreted as prohibiting corporal punishment in childrearing. A new Children’s Act was passed by Parliament in 2012: we have yet to see the full text but indications are that it does not prohibit all corporal punishment in childrearing.

2.3 *Schools (unlawful)*: Corporal punishment is prohibited under the Code of School Discipline, promulgated by the Ministry of Education in Ordinance No. 549/168-1/1992. In its draft form the Children’s Bill reportedly included prohibition of physical violence and humiliating or degrading treatment in schools (25 March 2010, CRC/C/BHR/2-3, Second/third state party report to the Committee on the Rights of the Child, para. 199): we have yet to confirm that this provision is included in the Act as adopted.

2.4 *Penal system – sentence for crime (unlawful)*: There is no provision for corporal punishment in criminal law. The Constitution states that Shari’a is “a principal source for legislation” (article 2). We have found no indication that this applies to criminal law and sentencing.

2.5 *Penal system – disciplinary measure in penal institutions (lawful)*: There is no prohibition of corporal punishment.

2.6 *Alternative care settings (lawful)*: Corporal punishment is lawful as for parents.

3 Recommendations by human right treaty monitoring bodies and during the UPR

3.1 *CRC*: The Committee on the Rights of the Child has twice recommended that corporal punishment of children be prohibited in all settings in Bahrain – in its concluding observations on the initial report in 2002 and on the second report in 2011.²

3.2 *UPR*: Bahrain was examined in the second cycle of the Universal Periodic Review in 2012 (session 13). No recommendation was made specifically on corporal punishment, but the Government accepted recommendations to harmonise national laws with international human rights standards.³

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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² 7 February 2002, CRC/C/15/Add.175, Concluding observations on initial report, paras. 37 and 38; 17 June 2011, CRC/C/BHR/CO/2-3 Advance Unedited Version, Concluding observations on second/third report paras. 44, 45 and 46

³ 6 July 2012, A/HRC/21/6, Report of the working group, paras. 115(21), 115(22), 115(23) and 115(29); 13 September 2012, A/HRC/21/6/Add.1, Report of the working group: Addendum, paras. 14 and 22