



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-ninth session

### SUMMARY RECORD OF THE 770th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 28 January 2002, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Bahrain (continued) (CRC/C/11/Add.24; CRC/C/Q/BAH/1 (list of issues); written replies of Bahrain (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Bahrain resumed places at the Committee table.
2. Ms. AL-DOSSARY (Bahrain) said that the Child Protection Committee of the Ministry of Health continued to receive complaints concerning child abuse cases, but that the National Committee on Childhood, established in 1999, could begin also taking on that responsibility. The Chairman of the Child Protection Committee was also a member of the National Committee on Childhood. The first stage of implementation of the Convention in Bahrain had been completed with the incorporation of modules on the Convention into school curricula and teachers were to be given appropriate training.
3. Ms. KARP asked whether children had the right to be heard in judicial proceedings, for instance, with regard to decisions concerning the custody of a child whose parents divorced.
4. Mr. AL-SHEDDI said he would appreciate more precise details of the activities provided for in the first stage of the plan of action for implementation of the Convention.
5. Ms. AL-DOSSARY (Bahrain) said that the first stage consisted mainly of training activities, designed for parents, teachers and medical staff assigned to schools, but which would also affect many people outside those categories.
6. Ms. TIGERSTEDT-TÄHTELÄ felt that the authorities would do well to undertake a process of legislative reform, because certain aspects of domestic law needed updating.
7. Ms. AL-DOSSARY (Bahrain) said that the process of harmonizing the legislation with the Convention was already under way. Moreover, a children's parliament, consisting of representatives aged between 8 and 18 years, had been created and had already produced an entirely independent television series of 13 episodes dealing with children's interests and concerns. Other initiatives had also been taken through the Cultural Centre for Children.
8. Mr. AL-FAIHANI (Bahrain) said that torture was completely prohibited in Bahrain, which was party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, and had withdrawn its reservation concerning article 20. Allegations of torture were dealt with by the competent national authorities, in full compliance with the law. Bahrainis were entitled to use all existing legal remedies and, for example, lodge complaints with human rights institutions, with the police or directly with the courts, in accordance with article 132 of the Code of Criminal Procedure. All allegations of torture were taken seriously, especially those concerning children.

9. The CHAIRPERSON, speaking in his capacity as Committee member, said the Committee was aware that the situation in the country had improved since 1999, but remained concerned about the information received concerning alleged acts of torture perpetrated at least until the end of 2000. He asked for further details of how the authorities were currently dealing with cases in which children had been tortured between the years 1996 and 1998 and whether children could seek assistance from the appropriate services without legal proceedings having been instituted.
10. Mr. AL-FAIHANI (Bahrain) said that the allegations of torture had all been examined under Procedure 1503 by the Working Group on Communications of the Sub-Commission on the Promotion and Protection of Human Rights, which had dismissed them as unfounded. Furthermore, in October 2001, at the Government's invitation, the Working Group on Arbitrary Detention had visited the country under fully satisfactory conditions.
11. Mr. DERBASS (Bahrain) said that, pursuant to a decree issued in 2000, children deprived of a family environment received social security benefits and were placed in homes or with foster families if their extended family were unable to look after them. There were currently about 30 children under the age of 4 years living at a home which had been established in 1980, and approximately 80 children had been placed with foster families which received government support. Social workers paid regular visits to those families to ensure that the child's best interests were fully taken into account. Over 1,500 disabled children, including both Bahraini and foreign citizens, were living at specialized centres.
12. The CHAIRPERSON, speaking in his capacity as Committee member, asked whether in Bahrain a non-Bahraini family could adopt a child born out of wedlock. He wanted to know, more generally, whether children born out of wedlock were brought up by their mothers and whether the father was nonetheless required to support his child.
13. Mr. DERBASS (Bahrain) confirmed that children born out of wedlock were usually brought up by their mother. If the father was a foreign citizen, his family was encouraged to adopt the child.
14. The CHAIRPERSON, speaking in his capacity as Committee member, enquired whether, in the context of the implementation of the Code of School Discipline by the Ministry of Education, teachers were given special training, notably in new disciplinary measures to be used in classes. He would also like to know what was the current status of bidoon or stateless children.
15. Ms. KARP asked whether children suffering from trauma due to ill-treatment, particularly sexual abuse, were looked after by specially trained staff.
16. Ms. AL-DOSSARY (Bahrain) said that, following the conference on child abuse held in Bahrain in October 2001, the authorities had decided to organize training sessions on the subject.
17. Mr. Shaikh AL-KHALIFA (Bahrain) said that the conference had also led to the opening of an enquiry into child abuse in Bahrain, undertaken by the Centre for Science and Research, which should be completed over the next four months.

18. Mr. Khalid AL-KHALIFA (Bahrain) said that his Government provided monthly financial assistance to widows and orphans. Contrary to a widespread belief, the State of Bahrain was relatively short of financial resources, and should be considered as a developing country, in need of financial support from the international community.

19. Mr. Turki Bin Rashid AL-KHALIFA (Bahrain) said that forced or early marriage did not exist in his country, since all marriages involving minors aged under 18 years needed the approval of a family court, which based its decision on two criteria: physical and mental maturity and the consent of both persons.

20. Mr. Shaikh AL-KHALIFA (Bahrain) said that, in the past, the Government had issued some 50,000 passports to the bidoon and, since 2001, when the Emir had requested the Minister of the Interior to resolve the question of the bidoon, a further 10,000 had received a passport, so none could any more claim to be stateless.

21. New legislation had freed women from the obligation to obtain their husband's consent before they could hold a passport.

22. As for discipline in schools, one teacher had been punished for grievous bodily harm to a pupil. The Ministry of Education now made sure that the Code of School Discipline was observed and that no pupil was subjected to physical reprisals by teachers.

23. Ms. AL-DOSSARY (Bahrain) said that insults were also forbidden and that the Ministry of Education had punished teachers who had subjected pupils to verbal aggression.

24. The CHAIRPERSON, speaking in his capacity as Committee member, asked what criteria (e.g. age or sex) the courts applied when awarding the custody of children in a divorce case and whether the children's views were taken into consideration.

25. Ms. TIGERSTEDT-TÄHTELÄ asked whether, when custody was awarded to the father, the child could remain in contact with his or her mother and visit her at will.

26. Mr. BU HAMOOD (Bahrain) said that criminal proceedings were instituted in case of physical or sexual abuse of children, whoever the perpetrator might be.

27. Wives were no longer obliged to obtain their husband's consent when they applied for a passport. In fact, in a recent case, the court had ruled that a married woman was free to apply for a passport and to travel.

28. The Nationality Act provided that children of unknown parentage or children of unknown paternity born to a Bahraini mother had Bahraini nationality. In keeping with the Emir's recommendations, a child born to a Bahraini mother and a foreign father usually resident in Bahrain could obtain Bahraini nationality.

29. As for equality between Bahrainis and aliens, article 18 of the Constitution stipulated that all citizens were equal in dignity before the law. Sharia, which was the main source of the law, embodied the principle of equality between all individuals. While general legal provisions did

not treat nationals and aliens any differently, they were not absolutely equal in practice. In its relations with foreign nationals, Bahrain applied the principle of reciprocity as far as the right to nationality, to ownership of property and to residence in the country was concerned.

30. Two possible arrangements applied to the custody of children after a divorce, depending on whether their parents were Shias or Sunnis. According to Shiite tradition, boys stayed with their mother until they were 2 and girls until they were 7, at which point the father took custody of them. Girls could choose with whom they wished to live as from the age of 9 and boys as from the age of 15. Among Sunnis, girls stayed with their mother until they married and boys until they reached the age of 14 or 15. The custody of Shia or Sunni children alike reverted to the mother if their father died or became insane. In the event of any kind of moral impediment or incapacity on the part of either parent, courts awarded custody to the other parent. In practice, courts took account of the child's opinion only if the father or mother expressly requested that they should.

31. Mr. AL-SHEDDI observed that only 30 per cent of the under-6s attended the privately run preschool educational establishments and asked if the State party intended to open new crèches and nursery schools and to subsidize private establishments or to give financial assistance to parents who wished to enrol their children in such establishments. He wished to know if schooling was legally compulsory and whether foreign children could go to State schools. He suggested that the State party should accede to the Convention against Discrimination in Education.

32. He also wished to know what progress had been made in applying Ministry of Education programmes for the integration of children with disabilities and what measures had been adopted by the Ministry of Labour and Social Affairs to protect severely disabled children.

33. Ms. AL-THANI, noting that most of the 11 centres for disabled children were located in large towns, asked what proportion of children with disabilities were educated at State or private schools because they were unable to attend those centres. She welcomed the measures taken to combat hereditary anaemia and asked if information and awareness-raising campaigns had been conducted to warn the population about the health risks inherent in marriages between blood relations. Lastly, she enquired about measures in favour of nursing mothers, especially when they had returned to work.

34. Ms. CHUTIKUL asked whether the texts and pictures used in textbooks and other teaching aids were completely free from gender bias and whether, in vocational training, any disciplines or subjects were the exclusive preserve of girls or boys. Lastly, she would like to receive more detailed information about action to help children with learning difficulties and behavioural problems at school.

35. Mr. CITARELLA asked whether the State party intended to adopt legislation making school not only free, but also compulsory, at least at primary level, and for foreign children as well.

36. He deplored the absence of an age limit for criminal responsibility and was astonished that mental illness or disability leading to complete or partial loss of the faculty of judgement or

choice was included in the list of factors conducive to juvenile delinquency. He wished to know how long children could be detained in non-institutional care on the orders of the Juvenile Section of the Women's Police.

37. Ms. OUEDRAOGO had been surprised to learn from the brochures about care in day nurseries and centres for disabled children that the first condition they had to meet in order to be eligible for enrolment in those establishments was to be of Bahraini nationality. She therefore wondered what day-care system and what facilities for the disabled were available for foreign children.

38. Moreover, she believed that, although the sexual exploitation of minors was illegal, it existed nonetheless and that prostitution was an offence. The criminalization of victims was always a subject of deep concern to the Committee. In that context, information about measures taken in respect of the perpetrators and victims of sexual exploitation would be welcome.

39. Generally speaking, she commended the State party's efforts in the fields of health and education, but regretted that the report said nothing about dental treatment for children or about juvenile obesity and diabetes.

40. In addition, she wished to know whether, as planned, programmes had been launched to associate men in family planning campaigns and whether an iodine deficiency survey had been conducted and, if it had, what the findings were.

41. It would also be useful to know whether schools attended by foreign children taught the same curricula as State schools and whether school curricula also covered environmental protection, reproductive health and sexually transmissible diseases, especially HIV/AIDS. Even though the incidence of that disease was fairly low in the Arab world, it was essential that all States should discharge their duty to provide information. They should also look into the reasons why children dropped out of school, even if the percentage of pupils who did so was fairly low.

42. Lastly, information about assistance for refugees, especially the youngest among them, would be helpful.

43. Ms. SARDENBERG wished to have more information about the role played by the Public Authority for Youth and Sport and about the specific measures taken to give effect to the legal ban on corporal punishment. Did early and forced marriages still take place and, if so, were there any plans to make them a criminal offence? Had the results of the academic decentralization process carried out in the 1990s been evaluated, and had that process been accompanied by greater involvement of pupils in decision taking?

44. Ms. KARP asked the delegation to explain why the percentage of girls in full-time education was higher than that of boys. Turning to the subject of the juvenile justice system, she wished to know whether the astonishingly small number of 18-year-old minors who had been arrested by the police and punished, which was quoted in the report, covered all offences or only serious crimes. It seemed that the Ordinance of 1976 governing the juvenile justice system referred only to minors under the age of 15. She therefore wondered whether over-15s were guaranteed the right to the free services of assigned counsel and to the periodic review of their placement and whether minors aged between 15 and 18 were treated in the same way and with

the same scale of penalties as adults. The actual wording of the Ordinance ought to be clarified, since the term “threats to the community” would seem to refer to victims, namely young people who begged, engaged in prostitution or dropped out of school. It was to be hoped that, despite that apparent confusion, young people who experienced difficulty in fitting into society were not treated in the same way as those who had actually committed an offence. Were there special detention centres for the latter where they could be separated from adults and were there any alternative sentences to imprisonment?

45. Ms. TIGERSTEDT-TÄHTELÄ asked, with regard to problems connected with traditions, whether the delegation could confirm that men guilty of murder to vindicate their honour were considered to have acted in extenuating circumstances and were liable to less severe penalties and, if that were true, whether it could provide details.

46. Further, she wished to know whether the vocational training offered by large companies was exclusively aimed at men, or whether women had a chance to train in areas other than cookery and childcare.

The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.

47. Mr. Shaikh AL-KHALIFA (Bahrain) stated that the Public Authority for Youth and Sport coordinated the various schemes launched to promote sport and the various youth programmes, especially those aimed at awareness-raising and cultural development. The authority had a department specifically concerned with facilities catering for the needs of young people.

48. Minors in trouble with the law could be held in custody at a police station for no more than 48 hours. There they were questioned by a specially trained policewoman before being brought before a court, if necessary. The under-15s were generally placed in children’s homes run by women, where children in difficulty were assured of a roof over their heads, access to educational facilities, and adequate nutrition, in establishments of a good standard. Those centres were located throughout the country. The very rare cases of juvenile delinquency in the over-15 age group were not, in fact, covered by the Ordinance of 1976 on juvenile justice. Young people over the age of 15 also benefited from the free services of assigned counsel and a periodic placement review.

49. There was no specific law on honour crimes, which were investigated in the same way as other criminal cases.

50. Mr. BU HAMOOD (Bahrain) added that, under article 70 of the 1976 Penal Code, the fact of being aged between 15 and 18 at the time an offence was committed constituted an extenuating circumstance. Even though no specific scale of penalties existed for young people over the age of 15, the courts had a wide margin of discretion for taking the tender age of the accused into account. That was generally done by imposing a fine or a suspended sentence rather than imprisonment. The lengthy process of bringing domestic law into line with the Convention, which was far from complete, should make it possible to correct the Penal Code’s shortcomings in respect of the 15-18 age group.

51. Mr. CITARELLA asked for more information about the sentencing of minors, including those with mental disabilities. He supposed that minors between the ages of 15 and 18 who were convicted of serious offences, not to say crimes, received heavier sentences than a mere fine and that the legal vacuum in that area must have repercussions on society.

52. Mr. Shaikh AL-KHALIFA (Bahrain) stated that the legislature intended in due course to clarify the situation of minors in the 15-18 age group who were in trouble with the law. The reason why that had not been done earlier was probably that it had not been deemed a priority in a society where there had been only one recorded case of homicide in the previous three years.

53. Mr. BU HAMOOD (Bahrain) said that 15-year-olds in trouble with the law were usually regarded as victims rather than culprits and that emphasis was laid on deterrence. Thus when young people, usually from a humble background, began to show signs of antisocial behaviour, the police could draw up a report on them, pass it to the juvenile court and warn parents of the risks of their child turning into a delinquent. The general idea that minors must be treated as victims also applied to prostitution. It was the procurers, clients and accomplices of under-age prostitutes who were criminally responsible, not the minors themselves.

54. The CHAIRPERSON, speaking in his capacity as Committee member, said he gathered that, with respect to 15-year-olds covered by the Ordinance of 1976, a distinction could be drawn between potential delinquents - in other words, youngsters who had dropped out of school and who had social problems - and actual delinquents who had already committed an offence. It would be useful to know what criteria were used to decide whether or not minors were brought before a court or placed in a centre for minors and whether, within such centres, any distinction was made between the two categories in question.

55. Mr. BU HAMOOD (Bahrain) explained that the Women's Police intervened in situations such as begging, hawking, truancy or lack of parental control, in which minors were exposed to the risk of delinquency. If they had committed an offence, it was once again the Women's Police which decided whether the case should be brought before the courts, or whether it would be better to sort out the problem with the youngster's parents or legal guardian. If the minor had no parents, it was specialists at children's homes, psychiatrists, social workers or teachers who decided whether to refer the matter to the courts.

56. Mr. Shaikh AL-KHALIFA (Bahrain) said that only a juvenile court could sentence a minor to a term of imprisonment. The Women's Police could decide whether to hold the young person in custody. Police detention could last for no more than 24 hours.

57. Ms. AL-DOSSARY (Bahrain) said that her country had introduced free education for all children, irrespective of whether they were Bahrainis. Expatriates' private schools modelled on the educational system of their home country (India, Pakistan, Philippines, United States of America or the United Kingdom) were also open to Bahraini or foreign children, subject to the payment of school fees. While, for cultural and religious reasons, State schools were not co-educational, private schools and universities were.

58. Preschool education had formed the subject of a lively debate in her country. Such establishments were supposed to be set up throughout the country, but the few currently in operation charged school fees.



59. As textbooks were intended for girls and boys alike, the illustrations in them were neutral and free from gender clichés. Moreover no complaints had been received in that connection. Admittedly some courses were exclusively intended for girls (needlework and cookery) while others were reserved for boys (mechanical and electrical engineering). There had been some talk of offering those types of training to pupils of either sex, but attendance at colleges providing that kind of specialized education reflected the actual situation on the labour market.

60. In Bahrain, education was free for all but not yet compulsory. A bill instituting eight years of compulsory schooling was under consideration.

61. The Government was organizing workshops to alert the population to the harmful consequences of marriage between blood relations in an effort to combat hereditary diseases. A bill which was currently being examined would provide for compulsory premarital screening for hereditary and other diseases.

62. Mr. DERBASS (Bahrain) said that the Ministry of Education pursued a policy of integrating children with motor disability in State schools. It consisted in facilitating their access by equipping school buildings with ramps and special lavatories and in introducing remedial courses for children with learning difficulties. The disabled could attend vocational training programmes of their choice according to the nature of their handicap. While some subjects were exclusively reserved for either girls or boys, others, like office information technology, computer science and other forms of administrative training, were co-educational. The Ministry of Health had likewise set up services for the disabled in hospitals, clinics and health centres. In addition, a number of special services for the mentally handicapped had been established by the Ministry of Labour and Social Affairs with the assistance of NGOs and private bodies. The creation of a rehabilitation centre for mentally handicapped children over the age of 3 deserved particular mention.

63. Ms. AL-DOSSARY (Bahrain) added that there were plans for including juvenile health courses in the school curriculum.

64. The abrupt fall in the rate of breastfeeding after one and a half months could be ascribed to the fact that women had only 40 days' paid maternity leave, after which time a mother could request six months' unpaid maternity leave. The question of extending paid maternity leave to six months was under discussion.

65. The Government was decentralizing education, but currently schools were not entirely free to choose textbooks and did not decide on their curriculum. It would take a few years more before a really decentralized system was introduced.

66. Mr. AL-SHEDDI welcomed the fruitful dialogue with the Bahraini delegation and the State party's determination to adopt an approach based on human rights in general and on the rights of the child in particular. He stressed the importance of preschool education and the need to strengthen the National Committee on Childhood.

The meeting rose at 6 p.m.