



# Convention on the Rights of the Child

Distr.: General  
9 October 2024

Original: English

## Committee on the Rights of the Child

### Concluding observations on the report submitted by Bahrain under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict\*

#### I. Introduction

1. The Committee considered the report of Bahrain<sup>1</sup> at its 2820th and 2821st meetings,<sup>2</sup> held on 27 and 28 August 2024, and adopted the present concluding observations at its 2846th meeting, held on 13 September 2024.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues.<sup>3</sup> The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined fourth to sixth periodic reports submitted by the State party under the Convention,<sup>4</sup> adopted on 1 February 2019, and on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography,<sup>5</sup> adopted on 13 September 2024.

#### II. General observations

##### Positive aspects

4. The Committee notes with appreciation that the Optional Protocol is considered to form part of domestic law and may be invoked before the courts; that all military recruitment in the State party is strictly voluntary, neither forced nor coerced; that strict procedures are in place for the verification of the age of applicants; and that there are no military schools or voluntary organizations that prepare children for potential military careers or provide weapons training.
5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:
  - (a) The adoption of the international crimes act of 2018;

\* Adopted by the Committee at its ninety-seventh session (26 August–13 September 2024).

<sup>1</sup> [CRC/C/OPAC/BHR/1](#).

<sup>2</sup> See [CRC/C/SR.2820](#) and [CRC/C/SR.2821](#)

<sup>3</sup> [CRC/C/OPAC/BHR/RQ/1](#).

<sup>4</sup> [CRC/C/BHR/CO/4-6](#).

<sup>5</sup> [CRC/C/OPSC/BHR/CO/1](#).



- (b) The adoption of Act No. 4 of 2021, on restorative justice for children and their protection from abuse;
- (c) The reconstituting of the National Committee for Childhood by decision No. 9 of 2023;
- (d) The creation of the position of commissioner for the rights of the child within the National Institution for Human Rights and the appointment of a member of the Board of Commissioners to this post;
- (e) The establishment of a national committee for international humanitarian law.

### III. General measures of implementation

#### A. Legislation

- 6. The Committee welcomes the fact that the international crimes act of 2018 stipulates that the involvement of children in hostilities is a war crime and specifically criminalizes any recruitment of persons under the age of 18 into the armed forces or their enlistment to participate actively in hostilities as part of or in connection with an international or non-international armed conflict.
- 7. **The Committee recommends that the State party strictly monitor any cases that come to light to ensure that they are duly prosecuted under the international crimes act.**
- 8. The Committee notes that the minimum recruitment age established in law for all military and paramilitary forces and at all times, including in states of emergency, is 18 years of age. However, it also understands that the minimum age is among the criteria that may, under certain circumstances, be waived in individual cases, although there is no indication that this provision has been used in practice.
- 9. **The Committee recommends that the State party amend the relevant articles so as to preclude departure from the minimum age requirement under any circumstances.**

#### B. Dissemination and awareness-raising

- 10. The Committee recognizes the State party's efforts to make the principles and provisions of the Optional Protocol widely known to members of the armed forces, the media and specialists. However, it regrets that because these efforts are not targeted at all stakeholders, the principles and provisions are not sufficiently known to children, civil society and the general public.
- 11. **The Committee recommends that the State party:**
  - (a) **Strengthen its efforts to make the provisions of the Optional Protocol widely known to the members of the armed forces, relevant professionals, civil society and the public at large, in particular children and their families, through, inter alia, school curricula and long-term campaigns, involving the media in particular, to raise awareness of the harmful effects of all the offences referred to in the Optional Protocol and preventive measures to combat them;**
  - (b) **Ensure that the Isa Royal Military College and the Royal Police Academy strengthen their cooperation with the National Institution for Human Rights for the promotion of human rights, in particular children's rights, and the provisions of the Optional Protocol.**

#### C. Training

- 12. The Committee regrets that specific training on children's rights and on the provisions of the Optional Protocol is mostly limited to the military, the police, security personnel and justice professionals.

13. **The Committee recommends that the State party include the Optional Protocol systematically in the training of all relevant professional groups, in particular the armed forces, members of international peacekeeping forces, law enforcement and immigration officers, social workers, medical professionals, psychologists, teachers, media professionals and local officials, and that peace education is made an integral part of the human rights education provided to these groups.**

#### **D. Data**

14. The Committee regrets the lack of data collection on all aspects of the Optional Protocol in the State party.

15. **The Committee recommends that the State party establish a mechanism for the comprehensive monitoring of all aspects of the Optional Protocol and for the collection of relevant data disaggregated by, inter alia, sex, age, nationality and ethnic origin.**

#### **Right to life, survival and development**

16. The Committee notes the measures reported by the State party regarding the identification of military targets in the armed conflict in Yemen, the work done by the special investigation mechanism of the Coalition to Support Legitimacy in Yemen and the signing of the memorandum of understanding between the Coalition and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict to strengthen the protection of children affected by the armed conflict in Yemen. However, it notes that, whatever the formal rules of engagement adopted, in the heat of armed conflict, at least, isolated breaches of international humanitarian law and violations of international human rights law will occur. In particular, with reference to paragraph 209 of the report of the Secretary-General on children and armed conflict,<sup>6</sup> the Committee is seriously concerned about allegations of grave violations, including the killing and maiming of children in Yemen, attributed to the Coalition to Support Legitimacy in Yemen, and about the outcome of investigations into these cases.

17. **The Committee urges the State party:**

(a) **To prioritize the protection of children in all military operations in Yemen and to take concrete and firm precautionary measures to avoid all deaths and injuries of children;**

(b) **To ensure, acting within the Joint Incident Assessment Team, that any and all allegations of grave violations are thoroughly and impartially examined and that, if the allegations are substantiated, the perpetrators are duly punished;**

(c) **To ensure that child victims of attacks, incursions and air strikes, and their families, are always provided with redress and compensation.**

### **IV. Prohibition and related matters**

#### **A. Criminal legislation and regulations in force**

18. The Committee is seriously concerned that article 11 of the international crimes act of 2018 allows the invocation of superior orders as justification, potentially enabling impunity for perpetrators, which would be contrary to the best interests of the child.

19. **The Committee urges the State party to amend article 11 of the international crimes act of 2018 in order to ensure that superior orders cannot be invoked under any circumstances or conditions or serve as a justification for violating the rights and best interests of the child.**

<sup>6</sup> [A/77/895-S/2023/363](#).

20. The Committee is concerned that a child aged between 15 and 18 may be tried before the military judiciary if the offence falls within its jurisdiction in accordance with the provisions of the code of military justice promulgated by Decree-Law No. 34 of 2002, although it notes the information that in practice such cases are referred to the civilian courts.

21. **The Committee recommends that the State party amend the relevant provisions in order to stipulate that all offences allegedly committed by persons under 18 years of age be tried in civilian courts, even in situations that would otherwise fall within the jurisdiction of the military courts.**

## **B. Extraterritorial jurisdiction**

22. The Committee regrets the lack of legislation on extraterritorial jurisdiction over all offences covered by the Optional Protocol.

23. **The Committee recommends that the State party establish and exercise extraterritorial jurisdiction over all acts prohibited under the Optional Protocol, including the conscription or enlistment of children into armed forces or non-State armed groups, or the active use of children in hostilities, when the alleged offender is a Bahraini national or a person who has his or her habitual residence in the State party, or when the victim is a Bahraini child.**

## **V. Protection, recovery and reintegration**

### **Measures adopted to protect the rights of child victims**

24. While noting that, so far, no children within the State party have been identified as victims of involvement in armed conflict elsewhere, and welcoming the efforts of the State party to raise awareness within the police, the media and the judicial system about child victims and psychosocial support, the Committee is, however, concerned that no specific measures have been reported regarding identifying persons who may, as children, have been recruited or used in hostilities in other countries.

25. **The Committee recommends that the State party:**

(a) **Provide systematic training to all professionals working with or for children, in particular immigration personnel, law enforcement officers, judges, prosecutors, social workers and medical professionals, on the early identification of children who enter the State party from abroad, in particular those arriving from places where they may have been recruited or used in hostilities;**

(b) **Take all measures necessary, including the careful assessment of the situation of children who may have been recruited or used in hostilities abroad, the reinforcement of the legal advisory services available to them and the provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance, to ensure that such children are provided with physical and psychological recovery services and have access to rehabilitation and reintegration programmes;**

(c) **Seek technical assistance from the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund (UNICEF) for the implementation of these recommendations.**

## **VI. International assistance and cooperation**

### **International cooperation**

26. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it**

explore increased cooperation with UNICEF and other United Nations entities for the implementation of the Optional Protocol.

27. The Committee encourages the State party to accelerate its internal consultations towards ratification of the Rome Statute of the International Criminal Court.

#### **Arms exports and military assistance**

28. The Committee notes Decree-Law No. 16 of 1976, on explosives, weapons and ammunition. It is concerned, however, that the State party lacks legislation specifically prohibiting the trade, export and transit of arms, including small arms and light weapons, and the provision of military assistance to countries where children are known to be, or may potentially be, unlawfully recruited or used in armed conflicts or hostilities by the recipient State's armed forces. It is also concerned that the State party has not acceded to the Arms Trade Treaty.

29. The Committee recommends that the State party:

(a) Adopt legislation to prevent the sale or smuggling, export and transfer of arms, including small arms and light weapons, and the provision of other forms of military assistance when the final destination is a country in which children are known to be, or may potentially be, unlawfully recruited or used in hostilities by armed forces or a country that provides direct or indirect support to armed groups that recruit children or use them in hostilities;

(b) Consider ratifying the Arms Trade Treaty, which regulates the international trade in conventional weapons and prohibits States from exporting conventional weapons to countries when they know those weapons will be used in the commission of genocide, crimes against humanity or war crimes.

## **VII. Implementation and reporting**

### **A. Follow-up and dissemination**

30. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Ministry of Defence, the Ministry of the Interior, the Ministry of Justice, Islamic Affairs and Religious Endowments, the Ministry of Education, the National Assembly, the Constitutional Court and regional authorities for appropriate consideration and further action.

31. The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and raise awareness of the Optional Protocol and the implementation and monitoring thereof.

### **B. Next periodic report**

32. In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.