



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the report submitted by Bahrain under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography\*

#### I. Introduction

1. The Committee considered the report of Bahrain<sup>1</sup> at its 2820th meeting,<sup>2</sup> held on 27 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 involvement of children in armed conflict,<sup>5</sup> adopted on 13 September 2024.
4. It should be noted that the Committee, in accordance with its 2019 guidelines regarding the implementation of the Optional Protocol,<sup>6</sup> uses the term “sexual exploitation of children in prostitution” instead of the term “child prostitution” and the term “child sexual abuse material” instead of the term “child pornography”.

#### II. General observations

##### Positive aspects

5. The Committee welcomes the fact that the Optional Protocol is considered to form part of domestic law and may be invoked before the Courts.
6. The Committee notes with appreciation the adoption by the State party of the following:
  - (a) Act No. 1 of 2008 on combating trafficking in persons;

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

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

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

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

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

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

<sup>6</sup> [CRC/C/156](#).



- (b) Amendment of Act No. 36 of 2012 promulgating the private sector labour law;
- (c) Act No. 60 of 2014 on information technology crimes;
- (d) Act No. 17 of 2015 concerning protection from domestic violence;
- (e) Act No. 4 of 2021 on restorative justice for children and their protection from abuse;
- (f) National human rights plan, 2022–2026;
- (g) National strategy for childhood, 2023–2027;

7. The Committee commends the reconstitution of the National Committee for Childhood under decision No. 9 of 2023; the operationalization of the unified criminal justice system (*Najem*); and the setting up of the child exploitation investigation team by the Anti-Cybercrime Department of the General Directorate for Combating Corruption and for Economic Security and Cybersecurity.

### III. Data

#### Data collection

8. The Committee takes note of the State party's information on the *Najem* system and the establishment of the unit for the protection of children in cyberspace and of the child exploitation investigation team. It is concerned, however, that the *Najem* does not cover all the offences under the Optional Protocol.

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

- (a) **Continue collecting, analysing, monitoring and using data collected through the *Najem* system, including on the sale of children, sexual exploitation of children in the travel and tourism industry and distribution of child sexual abuse material, and ensure that the *Najem* is linked to the other sources of data collection;**
- (b) **Actively use the information collected for policy decisions, impact assessments and the monitoring of progress on the implementation of the Optional Protocol.**

### IV. General measures of implementation

#### A. Legislation

10. While the Committee notes that the national legislation prohibits most of the offences covered by the Optional Protocol, it is concerned about the absence of legislation explicitly defining and criminalizing all cases of the sale of children, a concept similar but not identical to trafficking in children, and that other manifestations of the sale of children are thus overlooked.

11. **Recalling its 2019 guidelines regarding the implementation of the Optional Protocol, the Committee recommends that the State party:**

- (a) **Ensure that all acts, activities and offences referred to in article 3 and defined in article 2 of the Optional Protocol, including with regard to all forms of online sale and sexual exploitation, are fully covered under its criminal law, including by ensuring appropriate criminal sanctions that take into account their grave nature;**
- (b) **Adopt a legal definition of sexual exploitation of children in prostitution that protects them from being prosecuted as offenders and that increases the minimum sentence for the offence of purchasing sexual services from children, regardless of other criminal provisions.**

**B. Comprehensive policy and strategy**

12. The Committee notes with appreciation the adoption of the national strategy for childhood, 2023–2027, and the increase in budget allocations for its implementation and recommends that the State party ensure that the national strategy includes measures for specifically addressing all issues covered under the Optional Protocol and that adequate human and financial resources are provided for their implementation.

**C. Coordination and evaluation**

13. The Committee welcomes the establishment of a range of new structures, such as the Judicial Committee for Childhood, Child Protection Centre, child exploitation investigation team and the unit for the protection of children in cyberspace, but it is concerned about the level of coordination and collaboration between them.

14. The Committee recommends that the State party ensure effective mechanisms for coordination and cooperation among all State bodies responsible for the implementation of the Optional Protocol, and regulations for the monitoring and evaluation of their work.

**D. Dissemination and awareness-raising**

15. The Committee takes note of the information provided by the State party and recommends that the State party increase the resources allocated to awareness-raising campaigns and develop, in close cooperation with civil society organizations, the media, the private sector, communities and children, awareness-raising programmes, including campaigns, on issues covered by the Optional Protocol.

**E. Cooperation with civil society**

16. The Committee recommends that the State party enhance the cooperation with and the participation of civil society and children in the design, implementation and monitoring of policies, programmes and activities affecting the rights of children under the Optional Protocol.

**F. Training**

17. The Committee notes the information provided by the State party and recommends that the State party strengthen its training activities and ensure that they are mandatory, systematic and multidisciplinary, that they cover all areas under the Optional Protocol, paying particular attention to the connection of the offences under the Optional Protocol to other related offences and areas, and that they are provided to all relevant professionals, specifically those in the newly established structures, and groups working with and for children, including judges, prosecutors, law enforcement officers, judicial police officers, social workers in social centres and care homes, investigators and immigration officials.

**G. Allocation of resources**

18. The Committee is concerned about the lack of information on specific budget allocations and tracking mechanisms to combat the sale of children, child sexual exploitation and child sexual abuse material, including to prevent offences covered under the Optional Protocol, and to care for, rehabilitate and reintegrate children who are victims thereof.

19. The Committee recommends that the State party establish tracking mechanisms and identify the budget allocated to combating the sale of children, child sexual

exploitation and child sexual abuse material, preventing offences covered under the Optional Protocol and providing appropriate care for child victims.

## **V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))**

### **A. Measures adopted to prevent offences prohibited under the Optional Protocol**

20. The Committee is concerned that targeted measures to prevent offences covered under the Optional Protocol, and measures to identify the root causes and extent of such offences, remain limited. It is especially concerned about the absence of information on measures taken to prevent children in disadvantaged and marginalized situations, such as girls who are victims of domestic violence, and migrant, refugee and stateless children, from becoming victims of offences covered under the Optional Protocol.

21. Recalling its 2019 guidelines regarding the implementation of the Optional Protocol, the Committee recommends that the State party:

- (a) Strengthen its efforts to identify children at risk of falling victim to offences under the Optional Protocol, especially girls who are victims of domestic violence, and migrant, refugee and stateless children;
- (b) Take comprehensive measures to address the root causes of children's risk of becoming victims of offences under the Optional Protocol and strengthen its social protection measures and mechanisms targeting children at risk of falling victim to such offences;
- (c) Raise public awareness of child abuse within a circle of trust as a way to prevent it;
- (d) Implement regular criminal record checks on all people who work with children.

### **B. Sexual exploitation of children in travel and tourism**

22. The Committee notes that, as a member of the World Tourism Organization, the State party is to apply the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, but the Committee is concerned about the lack of information on the measures taken to regulate private sector operators in the travel and tourism industry.

23. The Committee recommends that the State party:

- (a) Establish and implement an effective legal framework to protect children from sale and sexual exploitation in travel and tourism;
- (b) Encourage travel agents and tourism agencies to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;
- (c) Undertake awareness-raising campaigns aimed at the tourism industry and the public at large on the prevention of the sale and sexual exploitation of children in the context of travel and tourism;
- (d) Strengthen its international cooperation in combating the sale and sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

### **C. Measures to prevent and address online child sexual exploitation and abuse**

24. The Committee welcomes the establishment of the unit for the protection of children in cyberspace, which deals with online offences against children, but is concerned about the lack of information on measures taken to detect and address online child sexual abuse images and online child sexual exploitation.

25. Recalling its 2019 guidelines regarding the implementation of the Optional Protocol<sup>7</sup> and its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Strengthen its policy to detect, prevent and respond to online child sexual exploitation and abuse through an appropriate legal framework, a dedicated coordination and oversight entity and specific analysis, research and monitoring capabilities;

(b) Strengthen its strategy for preventing online child sexual exploitation and abuse, including through a public education programme to raise awareness and increase knowledge and reporting of online child sexual exploitation and abuse offences, and engage technology companies in blocking and removing online child sexual exploitation and abuse content;

(c) Create awareness-raising programmes for children on the risks related to the use of self-generated sexual images in digital media and information and communications technologies.

## **VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5–7)**

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

26. The Committee notes the information provided by the State party on the criminalization of some offences under the Optional Protocol. However, it is concerned that not all offences under the Optional Protocol are reflected in the criminal legislation of the State party, such as the sale of children, which is not explicitly prohibited in the Criminal Code as a separate crime, as defined under the Optional Protocol, but falls under the definition of trafficking in persons as a “form of ill-treatment and exploitation”.<sup>8</sup>

27. The Committee recommends that the State party:

(a) Define and criminalize the sale of children, in conformity with articles 2 and 3 of the Optional Protocol, and provide for penalties appropriate to the severity of such acts;

(b) Explicitly criminalize offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2 of the Optional Protocol.

### **B. Liability of legal persons**

28. The Committee notes that Act No. 1 of 2008 on combating trafficking in persons and Act No. 60 of 2014 on information technology crimes provide for the liability of legal persons for some offences under the Optional Protocol. It recommends that the State party extend the liability of legal persons to all offences covered under the Optional Protocol and take active measures to enforce its legislation against legal

<sup>7</sup> CRC/C/156.

<sup>8</sup> CRC/C/OPSC/BHR/RQ/1, para. 71.

persons who are either complicit or participate in offences covered under the Optional Protocol.

### **C. Impunity**

29. The Committee, concerned about the lack of information regarding the number of offences under all areas of the Optional Protocol that are duly investigated and the number of perpetrators who are prosecuted and sentenced, recalls its 2019 guidelines regarding the implementation of the Optional Protocol and recommends that the State party:

(a) Take all measures necessary to ensure that all cases of the sale of children, sexual exploitation of children in prostitution and the distribution of child sexual abuse material are investigated effectively and that perpetrators are prosecuted and punished with appropriate sanctions commensurate with the gravity of their crimes;

(b) Provide specialized training for law enforcement officials, prosecutors and judges regarding all the offences under the Optional Protocol, especially those associated with the digital environment, which may be cross-border in nature, including through international cooperation.

## **VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))**

**Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**

30. The Committee notes with concern the need to extend the protection of the rights of child victims and witnesses in criminal proceedings for offences covered by the Optional Protocol, which are different from trafficking in persons.

31. In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State party:

(a) Actively promote the mandatory reporting of all forms of sexual exploitation of children to the competent authorities and ensure that those responsible for identification of child victims, including law enforcement officers, border and immigration authorities, teachers, social workers and medical staff, are trained to identify various forms of violence and refer victims accordingly;

(b) Provide systematic training to police officers, prosecutors and judges on child-friendly interviewing skills;

(c) Ensure that the child-friendly national helplines 992 and 998 are operating 24 hours per day, seven days per week, and make them well-known to all children;

(d) Provide appropriate assistance to victims of the offences under the Optional Protocol for their social reintegration and full social and psychological recovery;

(e) Provide child victims with free legal aid and with the support of child psychologists and social workers and ensure that they have access to appropriate remedies, without discrimination;

(f) Ensure that children who are victims of offences under the Optional Protocol are not subjected to treatment or sanctions for offences related to their situation.

## **VIII. International assistance and cooperation (art. 10)**

32. In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered by the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.

## **IX. Ratification of the Optional Protocol on a communications procedure**

33. The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.

## **X. Implementation and reporting**

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

34. 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 National Committee for Childhood and the relevant ministries for appropriate consideration and further action.

35. 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**

36. In accordance with article 12 (2) of the Optional Protocol, the Committee requests that the State party 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.

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