



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

BAHRAIN – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, penal institutions, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

Yes – article 16 of the Penal Code states that “nothing is an offence which is done in exercise of a right justified by law or custom” and laws against violence and abuse are not interpreted as prohibiting corporal punishment of children. The near universal acceptance of corporal punishment in childrearing necessitates a clear statement in law that all forms of corporal punishment and other cruel and degrading treatment are unacceptable, however light, whatever the relationship between the child and adult, and whatever the setting, together with repeal of all legal defences for its use.

Other legislative measures necessary

Penal institutions – Explicit prohibition should be enacted of corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law.

Alternative care – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. 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 (1976) are not interpreted as prohibiting corporal punishment in childrearing. As at May 2011, a Child Rights and Education Bill was in the final stages of promulgation and a Law on the Family, Law on Civil Society and Law on Personal Status were under discussion.

Schools

Corporal punishment is prohibited in schools under the Code of School Discipline, promulgated by the Ministry of Education in Ordinance No. 549/168-1/1992. We have been unable to ascertain whether prohibition is confirmed in the Education Act (2005). The Child Rights and Education Bill would prohibit physical violence and humiliating or degrading treatment in schools.

Penal system

Corporal punishment is unlawful as a sentence for crime. Under article 32 of the Penal Code, young persons under the age of 15 can be subject only to the measures in the Juveniles Act (1976), which do not include corporal punishment (article 6). Persons over 15 are tried as adults and sentenced under the Penal Code, article 70 of which states that being aged 15-18 years is a mitigating circumstance warranting adjusted sentences. There is no provision for judicial corporal punishment in the Code. 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.

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions.

Alternative care

Corporal punishment is lawful in alternative care settings under article 16 of the Penal Code (see above).

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(17 June 2011, CRC/C/BHR/CO/2-3 Advance Unedited Version, Concluding observations on second/third report paras. 44, 45 and 46)

“The Committee remains concerned that little or no action has been taken, or is planned for, prohibiting corporal punishment in all settings, including the home.

“The Committee urges the State party to ensure the prohibition of corporal punishment in all settings, including in the home. The Committee further strongly recommends that the State party conduct awareness-raising programmes to ensure that alternative forms of discipline are used, in a manner consistent with the dignity of the child, drawing the State party’s attention to general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and general comment No.13 (2011) on the right of the child to freedom from all forms of violence, and to seek assistance from religious and community leaders in this respect.

“With reference to the United Nations Study on Violence against Children (A/61/299), the Committee recommends that the State party:

a) take all necessary measures for the implementation of the recommendations contained in the report of the independent expert for the United Nations study on Violence against Children while taking into account the outcome and recommendations of the regional consultation for the Middle East and North Africa held in 2005, paying particular attention to gender:

(i) Prohibit all forms of violence against children in all settings, including all corporal punishment....”

Committee on the Rights of the Child

(7 February 2002, CRC/C/15/Add.175, Concluding observations on initial report, paras. 37 and 38)

“The Committee welcomes information ... that the Bahrain Institute for Science has been commissioned to undertake a national study on child abuse. Nevertheless, it is concerned that there is insufficient awareness of the ill-treatment of children within the family, as well as domestic violence and its impact on children.

“The Committee recommends that the State party:

a) ensure that the study is comprehensive, assesses the nature and extent of ill-treatment and abuse of children, as well as domestic violence, and that it is used to design policies and programmes to address this issue;

b) take legislative measures to prohibit all forms of violence, including corporal punishment and sexual abuse of children in the family, schools and in other institutions;

c) carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment....”

Universal Periodic Review

Bahrain was examined under the Universal Periodic Review process in 2008. No recommendations were made concerning corporal punishment of children.

Report prepared by the Global Initiative to End All Corporal Punishment of Children

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