



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

BAHRAIN

BRIEFING FOR THE HUMAN RIGHTS COUNCIL

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

This briefing describes the gaps in prohibition in Bahrain – and indicates the difficulty in obtaining reliable information on the issue – despite recommendations by the Committee on the Rights of the Child.

We hope the Review will highlight the importance of Bahrain responding to treaty body recommendations and strongly recommend that Bahrain introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home.

I: Legality of corporal punishment in Bahrain

The home

Corporal punishment is lawful in the **home**.

Children have limited protection from violence under the Penal Code (1976). A new law on child protection was due to be passed in 2007.

Schools and other settings

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.

In the **penal system**, we have been unable to establish the legality of corporal punishment as a sentence for crime or as a “disciplinary” measure in penal institutions. Article 19 of the Constitution (2002) states: “(d) No person shall be subjected to physical or mental torture, or enducement, or undignified treatment . . .” Under article 32 of the Penal Code, young persons under the age of 15 years can be subject only to the measures in the Juveniles Act (1976), which do not include corporal punishment (article 6). Article 70 of the Penal Code states that being aged 15-18 years is a mitigating circumstance warranting adjusted sentences: we have been unable to ascertain whether these include corporal punishment or whether children are subject to the sentence of corporal punishment under Shari’a law. The Constitution states that Shari’a is “a principal source for legislation” (article 2).

We have no information on corporal punishment of children in **alternative care settings**.

II: Recommendations by human rights treaty monitoring bodies

In 2002, the **Committee on the Rights of the Child** examined the state party’s initial report and recommended that the state party “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” and “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. . .” (CRC/C/15/Add.175, para. 38).