



Rights of the  
Child

in Bahrain

OPERATING THE **SOS-TORTURE** NETWORK





# Rights of the Child in Bahrain



**The aim of OMCT country reports  
are to prevent torture**

**In its reports on children's rights, OMCT aims to analyse national law in terms of the international commitments that a government has made. For example, in some countries families are not informed when their child is detained and this removes a precious safeguard against abuse. The absence of such safeguards facilitates situations where the torture of children can and does occur.**

**In other words, the reports aim to point out where, often unknowingly, legislation facilitates grave abuses against children.**

**The legal analysis is supported, where possible, by urgent appeals on the torture of children documented by OMCT. These urgent appeals (OMCT intervenes almost daily on such cases) are the foundation of all our work.**

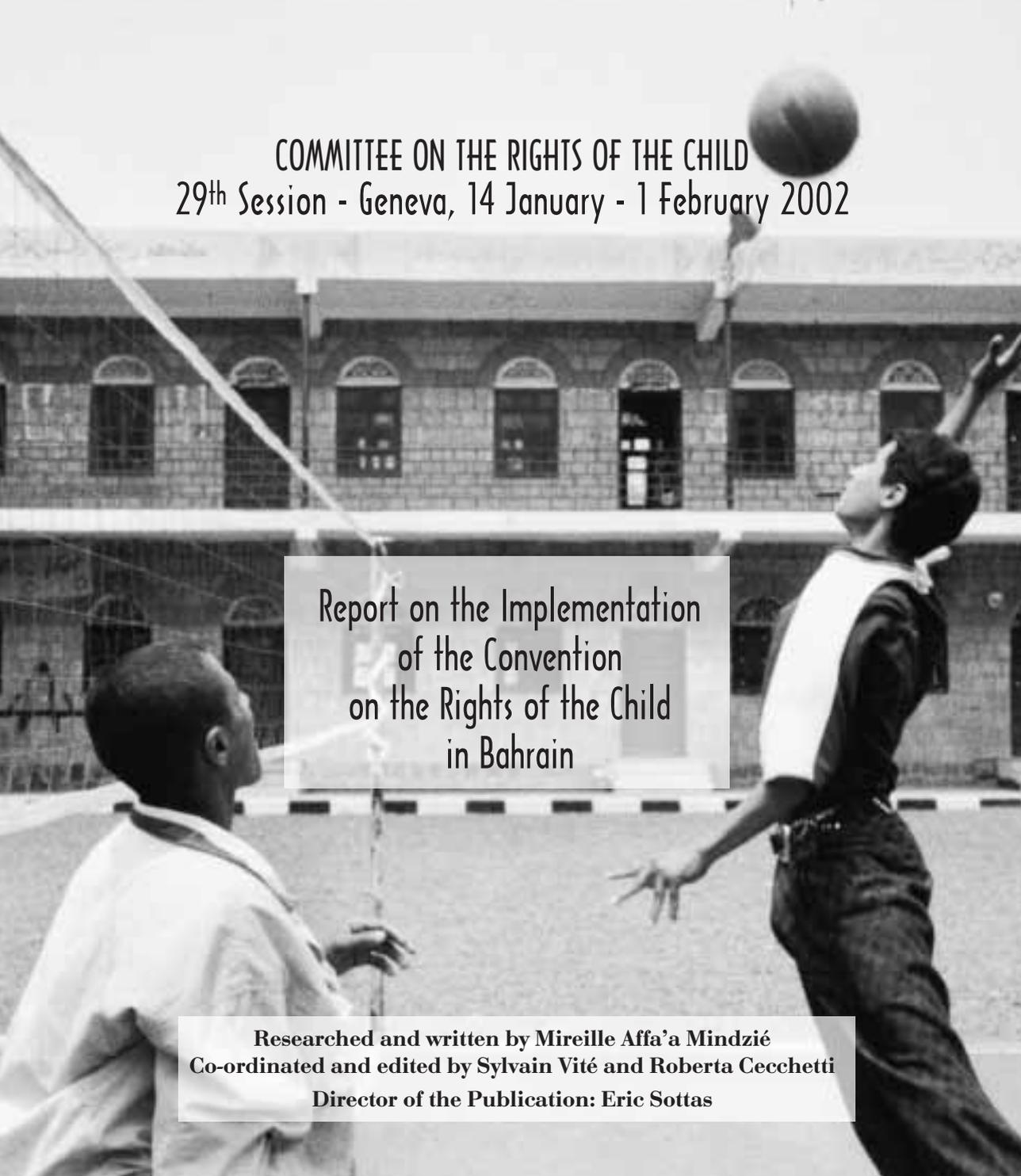
**The reports are not legal semantics for their own sake, but represent, in addition to the urgent actions, another side of our strategy to end torture. The reports include meaningful and feasible recommendations for legal reform aimed at reducing the incidence of child torture.**

**The reports are presented to the United Nations Committee on the Rights of the Child who use them to analyse how well a country is fulfilling its international commitments with regards to children. Their recommendations on the issue of torture, drawing from OMCT's reports, send a strong message from the international community on the need for action to end the torture of children.**

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COMMITTEE ON THE RIGHTS OF THE CHILD  
29<sup>th</sup> Session - Geneva, 14 January - 1 February 2002

Report on the Implementation  
of the Convention  
on the Rights of the Child  
in Bahrain

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# I - Preliminary Observations

Bahrain has been ruled since the late 18th century by the extended Sunni family Al Khalifa. Independent since August 1971, Bahrain acceded to the UN on 21 September 1971. After the adoption of its Constitution on 6 December 1973, which confirmed the Amir as hereditary ruler, Bahrain experienced a brief two years parliamentary life. In fact, on 26 August 1975, after the National Assembly refused to approve a law that would have allowed arbitrary arrest and imprisonment for undefined “acts” or “statements” that could be interpreted to threaten state security, an Amiri Act No 14 was issued dissolving the National Assembly. Subsequently, Amiri Act No 4/1975 suspended Article 65 of the Constitution and other articles relevant to the organisation of parliamentary life. These two Acts constituted a violation of the Constitution which led to the many years unrest Bahrain experienced until 1999.

Bahrain acceded to the Convention on the Rights of the Child (hereafter the Convention) under an Amiri Decree No 16 of 1991 and the Convention entered into

force on 14 March 1992. Bahrain also ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in March 1998, initially with a reservation to Article 20. However, this reservation was withdrawn as was announced by Bahrain’s delegation at the Sub-Commission on the Promotion and Protection of Human Rights in Geneva in August 1999. The State of Bahrain is also party to the International Convention on the Elimination of all Forms of Racial Discrimination since 27 March 1990.

Article 37 of the Bahraini Constitution stipulates that: “A treaty shall have the force of a law after it has been signed, ratified and published in the Official Gazette”.

OMCT welcomes the fact that the Convention was effectively published in the Official Gazette on 4 September 1991 and could then be invoked before the national courts. However, OMCT would like to know if the Convention has ever been invoked before the national courts.

Bahrain endorsed the World Declaration and the Plan of Action adopted by the World Summit of Children in 1990. It prepared a National Plan for Children in accordance with the principles set in those instruments. Bahrain is a member of the League of Arab States and adopted the Arab Plan for Children. The State of Bahrain is also a member of the Gulf Co-operation Council and of the Organisation of the Islamic Conference. A National Committee on Childhood was established by a Cabinet Decision of 1999.

Since 1994, human rights in Bahrain had begun to raise the concern of the international community, before a notable evolution in 1999.

### **1.1 Human Rights in Bahrain Prior to 1999**

Since 1994 Bahrain has experienced many years of unrest due to riots opposing principally the Shi'a community to the ruling Sunni family. The unrest started in December 1994 when thousands of people

demonstrated and called for the restoration of the National Assembly, dissolved in 1975, as well as for respect for the Constitution, sections of which had also been suspended.

During the unrest, gross human rights violations took place. These included the arbitrary detention of thousands of people, including children and women, without charge or trial, systematic use of torture against detainees, the killing of civilians during demonstrations, grossly unfair trials before the State Security Court and the forcible exile of a number of alleged dissidents.

During its 1997 session, the former UN Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a resolution expressing its concern about allegations of human rights abuses in Bahrain<sup>1</sup>. In its resolution, the Sub-Commission noted "a serious deterioration of the human rights situation in Bahrain including discrimination against the indigenous Shi'a population, extrajudiciary killings, persistent use of torture in Bahraini prisons as well as the abuse of women and children who are detained, and arbitrary detention without access of detainees to legal advice".

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1 - E/CN.4/Sub.2/1997/50, Resolution 1997/2 of 21 August 1997.

In September 1997 the European Parliament passed a resolution on human rights abuses in Bahrain, calling on the government to release political prisoners, to open negotiations with the opposition with a view to scheduling democratic elections and to allow monitoring of human rights conditions by international and local organisations. The resolution also requested that the fifteen member states “refrain from supplying arms or security support” to Bahrain and “take initiatives in order to obtain similar restraint at the international level until democratic conditions have been restored.”<sup>2</sup>

The political repression also induced the forcible exile policy of opposition activists or critics of the government and their families.

According to Article 17 (c) of the Bahraini Constitution: “No citizen shall be deported from Bahrain, nor shall he be denied re-entry.”

However, during the many years of unrest, the Bahraini government used forcible exile as a punitive measure against suspected non-violent opposition activists or critics of the government. Until the beginning of the 1990s, former political detainees and some-

times even entire families were rounded up, stripped of their Bahraini passports or identity documents and forced to board boats bound for Iran, without having any knowledge of that country or any family or relatives there. In recent years, forcible exile has been imposed exclusively upon Bahraini nationals attempting to return to their country after many years spent abroad in voluntary exile or for educational purposes. The Committee for the Defense of Human Rights in Bahrain still recorded 25 cases of forced exile of Bahraini citizens during 1999.

The case of Khadija Ahmad Gharib Al-Qassab with her four children was quoted.<sup>3</sup> This family had been prevented from entering Bahrain because of the father’s alleged activities for an unauthorised Bahraini Islamist group. On 9 April 2000 Mrs Ahmad Gharib Al-Qassab and her children attempted to return to Bahrain for the first time since 1985. At the airport they were held for four days during which she was interrogated and then sent back to Denmark. She was asked questions about her husband who had been living in exile since the early 1980s. When she arrived at the airport her mother, brothers and sisters, all living in Bahrain,

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2 - European Parliament Urgency Resolution Under Rule 47 of the Rules of Procedure, (Ref: SEANRC-97B4-077.97en).

3 - Amnesty international, Human rights developments and Amnesty International’s continuing concerns, Bahrain, November 2000.

waited for hours but were not allowed to see her and her children. Only very recently was she finally allowed to re-enter the country.

During numerous years OMCT has also reported grave violations of human rights in Bahrain. However, it is undeniable that measures have been taken in recent months that seem to have improved the human rights situation in Bahrain<sup>4</sup>.

## 1.2 Evolution of the Political Situation Since 1999

The Amir of Bahrain, Sheikh Hamad bin 'Issa Al Khalifa, acceded to power in March 1999 following the death of his father. The Amir has publicly stated his commitment to the respect of human rights. Since then the

Bahraini government has taken a number of positive legislative and practical steps in the human rights field. These steps include the national referendum in February 2001,<sup>5</sup> the release of hundreds of political prisoners and detainees, the majority of whom had been detained without charge or trial for a number of years, the setting up of a human rights unit within the Majlis Al-Shura (Consultative Council), the amnesty for all prisoners in detention for crimes affecting national security, the allowance of a greater margin of freedom of expression as well as giving women the right to vote and stand as candidates in the up-coming local elections for the first time. On 5 February 2001, in addition of the release of 316 political prisoners and detainees held in connection with the civil unrest of the 1990s, the Amir told 108 Bahraini nationals living in forced exile that they could go back to Bahrain. Other Bahrainis living in forced exile and who were not included in the amnesty were also invited back to Bahrain. On 18 February, the Amir issued a decree abolishing the "Decree Law on State Security Measures", which had been in force since October 1974. In another decree signed the same day, the Amir abolished the authority of the Supreme Civil Court of Appeal (in its capacity as a State Security Court) to consider offences relating

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4 - Intervention by the World Organisation Against Torture (OMCT), 57th session of the Commission on Human Rights, April 2001.

5 - Read <http://www.tunisieinfo.com>, Nota bene, Noura Borsali, «Bahrain: petit pays deviendra grand». The Charter project provides for the restoration of the dissolved parliament which members would be elected, the separation of the three powers: executive, legislative and judicial, equality between men and women and the transformation of Bahrain into a kingdom. This project, subjected to referendum, met a great success on later 14 and 15 February, reaching participation rates of 82% and a massive approbation massive of 98.4%. All Bahrainis aged over 20 years were allowed to vote including women for the first time.

to internal and external state security. The Bahraini government has also promised to grant nationality to around 10 000 bidoon or stateless inhabitants.

Despite recent changes, there are still allegations of human rights violations in Bahrain. These include the use of incommunicado detention, which often facilitates

torture or ill-treatment of prisoners and administrative detention. Although the situation with regard to forced exile seems to have seriously improved, OMCT would like to have information concerning the return and the resettlement of children and their families coming from forcible exile, in conformity with the rights set forth in the Convention.

## II. General Observations

Bahrain has often stated its commitment to the protection of children's rights and welfare within the social and religious framework of its traditional society. The report of the State demonstrates the political will of Bahrain to implement the Convention's provisions related to education, health or social welfare.

However, with regard to protection against discrimination, female genital mutilation, child labour, sexual exploitation of children and family rights, OMCT would like to express its concern.

### 2.1 Non-discrimination

OMCT believes that discrimination is one of the causes of torture and welcomes the fact that the principle of non-discrimination is foreseen in Article 18 of the Bahraini Constitution.

Nevertheless, OMCT is concerned about the fact that the Bahraini Constitution does not prevent children from discrimination based on the grounds of race, colour, property, disability, birth or his or her parent's or legal guardian's political opinion.

Furthermore, OMCT recalls that the Convention is applicable to any child under

the jurisdiction of the State, regardless of his or her sex, language, or origin. OMCT is particularly concerned about discrimination against children in vulnerable situations such as girls, children belonging to indigenous groups and foreign children.

### **2.1.1 Discrimination Against the Girl Child**

In Bahrain, Shari'a governs the social status of children, which is shaped by tradition and religion to a greater extent than by civil law. As reported, public discussion of child abuse is rare and the preference of the authorities has always been to leave such matters within the purview of the family or religious groups.

Although Article 7 of the Civil Code of 1970 stipulates that a person under 18 years has the right to institute civil proceedings in accordance with the conditions laid in the Code, there is no precision concerning the minimum age of marriage in the State's report.

As an issue of personal statute, marriage is, for the majority of Bahraini, under Shari'a rules.

In 1993, it was reported that half of the girls in Bahrain were married by the age of 15.<sup>6</sup> According to the statistics compiled by the Central Statistical Bureau for 1998, the State report indicates that the proportion of 15-19 married girls decreased to 29.5%.

Furthermore, as common in Arab States, forced marriage is imposed on very young children, especially on girls.<sup>7</sup> In devout Muslim families from Bahrain it is normal to marry off a daughter once she has menstruated.<sup>8</sup> Forced marriage may involve coercion, mental abuse, emotional blackmail and intense family or social pressure. Forced marriage and precocious pregnancies also impede education and health of the girl. In the most extreme cases, it may also involve physical violence, abuse, abduction, detention, and murder of the girl concerned.

OMCT regrets that the State report does not specify the civil status of girls in Bahrain, especially with respect to the minimum age of marriage. Nor does it mention the age of sexual consent.

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6 - New internationalist magazine on-line, Issue 240, February 1993, Girls-The Facts.

7 - Arabicnews.com, Regional Culture, «Forced marriage and international human rights norms», 12/3/2001.

8 - New internationalist, Issue 240, February 1993, Girls and girlhood.

OMCT is also concerned about the fact that children could be married even by force and that girls could then be subjected to discrimination.

OMCT would like Bahrain to enact legislation setting the minimum age of marriage for girls and for boys without discrimination and ensure that this age be the same as for boys and girls.

OMCT would also like the Bahraini government to define an appropriate age of sexual consent, in conformity with the child's rights to physical and mental dignity and integrity.

OMCT considers the forced marriage of girls as an interference with the physical and mental integrity of the child.

OMCT urges Bahrain to end discrimination against girls, to expressly prohibit the marriage of girls before 18 and to penalise forced marriage by law.

### **2.1.2 Discrimination Against Children of Shi'a and Bidoon Communities**

Discrimination in Bahrain has for a long time affected members of Shi'a community.

Bahrain's population is overwhelmingly Muslim and belongs to the Shi'a and Sunni branches of Islam with Shi'a constituting more than two-thirds of the indigenous population.

Members of the Shi'a community have been subjected to marginalisation, unemployment and hard living due to discrimination during a long time. Their recruitment in university, civil services and army has been restricted. It is reported that educational, social, and municipal services in most Shi'a neighbourhoods, particularly in rural villages, are inferior to those found in Sunni urban communities.

In addition, during the period of unrest, most of the victims of human rights violations were Shi'a Muslims, including children. Shi'a schools were occupied by riots police forces and some children were arrested, beaten or even killed.<sup>9</sup>

9 - Observatoire international des prisons, «Rapport d'observation sur les conditions de détention des mineurs dans 51 pays, Enfants en prison, Bahreïn», 1998. The report mentions the example of Hamid Qasim, 17, wounded outside his occupied school by rubber bullets and who was finally killed.

For example, in the month of Muharram, from 17 April to 26 May 1998, during which members of Shi'a community commemorate the Krabla slaughter, security forces assaulted people many times during the ceremony and the procession, using firearms, tears gas and bludgeons. On that occasion, they arrested many people among whom was *Abdulla Al-Bari*, 15.<sup>10</sup>

Within the Shi'a community, bidoon also suffer discrimination in Bahrain.

Bidoon is a stateless group of approximately 9 000 to 15 000 persons, mostly Shi'a of Persian-origin but also including some Christians. Before recent improvements, they enjoyed less than full citizenship under the 1963 Citizenship Act. Without citizenship these individuals could hardly buy land, start a business or obtain government loans. Approximately 3% of the bidoon do not have passports and cannot obtain them readily, although they may be given travel documents as Bahraini residents. Bidoon also face significant social and economic obstacles, including difficulties finding employment.

All those conditions jeopardise the possibility of Bidoon families of raising to their children in accordance with the child's best interests principle, a right set forth in Article 3 of the Convention and which the Committee considers as one of the fundamental principles permitting implementation of the rights of the child. They also interfere with the child's rights to a nationality and protection of its identity set out in Articles 7 and 8 of the Convention.

OMCT welcomes the fact that prisoners and detainees related to anti-government activities, including Shi'a political prisoners and detainees, have been released.

OMCT also takes note that the Amir, in his National day speech on 16 December 1999, admitted for the first time the problem of non-citizenship and promised to grant citizenship to those who deserve it. The 2001 National Action Charter establishes religious equality of Sunni and Shia Muslims, thereby ending Shia restrictions for military, security forces and senior positions in politically sensitive government departments.

However, OMCT would like the Bahraini government to give information about the

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10 - Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités Cinquantième session, Exposé écrit présenté par la Fédération internationale des ligues des droits de l'homme, E/CN.4/Sub.2/1998/NGO/23, 8 mars 1998.

concrete measures taken to remove family, civil, economic and social consequences of the policy of discrimination against Shi'a and Bidoon communities on the implementation of children's rights.

### **2.1.3 Discrimination Against Foreign Children**

According to 1997 statistic, foreigners residing in Bahrain accounted for 38,8% of the 600 000 inhabitants. This high percentage results from strong need for workforce. Foreign workers principally come from India, Pakistan, Bangladesh and from the Philippines.

OMCT notes that although Article 18 of the Constitution recognises equal human dignity to every person, equality before the law is granted only to citizens. This restriction seems to foster discrimination against non Bahraini residents, including children.

Furthermore, some rights set forth in the Bahrain Constitution such as the right to social security (Article 5(b)), the right to education and culture (Article 7) or the right to health care (Article 8(a)), are granted only

to Bahraini citizens. It is reported that "although the initial national health policy was to provide health care services to all residents, citizens and non-citizens, free-of charge, a charge has been introduced lately for expatriates, who must now pay upon each visit to a physician, at primary health care centres and for deliveries at hospitals."<sup>11</sup>

According to Article 2 (1) of the Convention, the rights set forth are to be respected and ensured by States Parties "to each child within their jurisdiction without discrimination", being a citizen or not.

OMCT would like to know how foreign children are protected against discrimination and then prevented from abuses.

## **2.2 Female Genital Mutilation**

The report of Bahrain makes no mention of measures adopted to combat the practice of female genital mutilation. Although no data is available concerning female genital mutilation of girls in Bahrain, the State is

mentioned among those where this dangerous practice and grave abuse of girls' rights to mental and physical integrity occurs.<sup>12</sup>

OMCT would recommend to Bahrain to collect and publish reliable and complete data on the practice of female genital mutilation.

OMCT would also call on the Bahraini government to expressly prohibit female genital mutilation. At the same time, it should engage in information and awareness campaigns concerning the serious consequences of that practice on the physical and mental health of girls and women affected.

## 2.3 Sexual Exploitation

The Penal Code contains a chapter entitled "Debauchery and Prostitution". This chapter protects individuals, including children, from prostitution and all forms of sexual exploitation.

The Code prescribes a penalty of detention for anyone who:

- In any way incites or helps a male or female to commit an act of debauchery or prostitution
- Induces a male or female to commit an act of prostitution through coercion, threat or deception
- Protects a person engaged in debauchery or prostitution
- Establishes or manages, or in any way assists in the establishment or management of, premises for debauchery or prostitution

Article 70 of the Penal Code stipulates that the youthful age of an accused person over 15 but under 18 years of age is a mitigating circumstance with regard to the penalty.

On the other hand, Articles 344 et. seq. of the Penal Code state that the youthful age of the victim in offences involving rape or indecent acts is regarded as an aggravating circumstance that warrants a more severe penalty for the offender.

It has been reported that some foreign workers are recruited for employment on the basis of fraudulent contracts and then forced

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12 - Mohamed Ahmed A, Gadir El imam, «Female Genital Mutilation», 2000. See also Infomundi Information and Documentation Service about Third World issues created by Medicus Mundi, «Female Genital Mutilation», Dossier June 1996 or <http://www.medmedia.org/review/numero3/en/art2.htm>, Edvige Bilotti, «The practice of female genital mutilation».

into domestic servitude or sexual exploitation.<sup>13</sup>

The authorities actively enforce the laws against prostitution, including child prostitution, procuring, and pimping. Violators are dealt with harshly and can be imprisoned, or, in the case of a non-citizen, deported.

In some cases, authorities reportedly return children arrested for prostitution to their families rather than prosecute them, especially for first offences.

OMCT would like the Bahrain government to give more information concerning child

victims of sexual exploitation, especially foreign working girls, the most vulnerable of the potential victims. OMCT would recommend Bahrain to collect data on child victims of sexual exploitation and to explain measures adopted in order to prevent foreign working girls from sexual abuses.

OMCT considers children involved in prostitution to be victims of sexual exploitation who ought not be regarded as criminals.

OMCT urges Bahrain not to prosecute any child arrested for prostitution, but to take all necessary measures to guarantee his or her physical and psychological rehabilitation.

### III. Definition of the Child

Concerning majority age, Article 2 of the Bahraini Nationality Act of 1986 stipulates that any person who has not reached the age of 18 Gregorian years must be regarded as a minor, in conformity with Article 1 of the Convention.

The same definition of the child is set forth in Articles 7 and 8 of the Civil Code, which stipulate that a person under 18 years of age

has the right to institute civil proceedings in accordance with the conditions laid down in the Code, but that civil proceedings cannot be brought in respect to an infraction committed by a person under 18 years of age.

Article 13 of the Guardianship of Property Act of 1986 sets the age of majority at 21 Gregorian years.

According to Article 44 of the Guardianship of Property Act, on reaching

the age of 16, a child may be authorised to enter into a contract of employment.

## IV. Protection Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

### 4.1 Prohibition of Torture

Bahrain's Constitution clearly prohibits the use of torture.

Its Article 19 (d) states that "No person shall be subjected to physical or mental torture, enticement or degrading treatment, and the law shall provide the penalty for these acts.<sup>14</sup> Any statement or confession shall be null and void if it is proved to have been made under duress or enticement or degrading treatment or threat thereof."

These provisions notwithstanding, the use of torture against detainees has been widespread, particularly during the civil unrest of 1994 to 1997. A number of detainees, including children, died in custody in circumstances suggesting that their deaths were caused by torture or that torture was a contributing factor. Incidents of

torture have decreased since Bahrain ratified the Convention against Torture in March 1998. Nevertheless allegations of torture and ill-treatment have occasionally been reported since then.

### 4.2 Methods and Practice of Torture

Different methods of torture have been counted. The common methods of torture include for example: beating and boxing the victim at the moment of arrest, especially at the sensitive and soft parts of the body such as the head, sex organs and the stomach; beating on the back and on the soles of the feet (*falaqa*) with electric cables or electrified whips, sticks and plastic tubes; exposure to electric shocks especially at the sensitive parts of the body; severe suspen-

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14 - See *infra* par. 4.4.

sion by the limbs, victims being blindfolded and forced to stand for hours with their hands tied behind their back; pulling out finger nails, pulling out hair from sensitive parts of the body, deprivation from sleep and toilet use; forced nakedness and threat of rape to both males and females and sexual assaults (especially against teenagers).<sup>15</sup>

Methods of torture also include imprisonment in the toilet, sometimes naked, while being used by mates; solitary imprisonment and incommunicado detention for months and deprivation of family visits, medical treatment and family supplies.<sup>16</sup>

Even if the Ministry of the Interior published a manual for prisoners, it should be mentioned that shackles could be used as a form of punishment (“cuffing the hands and legs in fetters for a period of up to one month”). Prisoners could also be “handcuffed and leg-cuffed in iron fetters” in certain situations, including if they are on death row for people sentenced to capital punishment, or if they have attempted or are planning to escape.<sup>17</sup>

In his 1997 report, the UN Special Rapporteur on torture mentioned that agents

of the Security and Intelligence Service (SIS) and those of Criminal Investigations Department (CID) usually used torture during cross-examination.

Torture was used to force detainees to make confessions.

Reportedly, torture was also used to force detainees to sign declarations renouncing their political affiliation and any anti-governmental activities in the future. Torture was also a means to punish detainees and to intimidate members of political opposition.<sup>18</sup>

Concerning children, a large number of juveniles, who were arrested on suspicion of writing anti-government graffiti, were detained for hours or days and reportedly subjected to various forms of torture or ill-treatment and then released. Some children were also arrested and submitted to torture while they were demonstrating. That was the case of *Jassim Al-Hawwaj*, 15, arrested in November 1996 and released after becoming deaf on the left ear. The case of *Ali*

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15 - OMCT, *The Hidden Crimes, Children: Torture, Summary Executions, Disappearances, 1995-1998*, Compilation by Yalile Rovira-Figueroa, 1999, p. 39.

16 - The Committee For The Defense of Human Rights in Bahrain: Bahrain, *The Annual Report on Human Rights For 1999*, Issued in March 2000.

17 - *Prisoner's Guide to Rights and Obligations*, 1997, p. 36.

18 - *Torture, Report of the Special Rapporteur (E/CN.4/1997/7, Section III; E/CN.4/1997/7 Add.1, par. 10-16.*

*Taher*, 17, has also been reported. During a peaceful demonstration in Sitra in 1996, he was wounded by police bullets and arrested. Three days later, his family was informed of his death and he was buried by the police in an anonymous grave.<sup>19</sup>

Before 1999, the UN Special Rapporteur on torture sent numerous communications to the Bahraini government raising cases of allegations of torture, including of juveniles.<sup>20</sup> Most of the people were arrested for political reasons and held incommunicado. Those cases concerned:

- *Ali Abd Al Hussain Al Saffi*, 16, reportedly arrested on 26 April 1998 and detained at Al-Qal'a. He would have been forced to stand for two days without sleeping.
- *Ali Ahmed Jasem*, 17, would have been arrested on 26 April 1998 and detained at Al-Qal'a. He also would have been forced to stand during two days and would have been beaten with pipes by three policemen.
- *Abdullah Ali Al Bari*, 15, would have been arrested on 26 April 1998 and detained at Al-Qal'a. He would have been sub-

jected to sexual abuses and beaten on the ears.

- *Hassan Muslim Ibrahim*, 13, would have been arrested in June 1998, detained at Dry Dock police station and released three days after. He would have been tortured by SIS officers and would suffer psychological trauma, not only because of the torture inflicted, but also because of forcibly watching his brother and other detainees being tortured.
- *Mahmood Mattok Ali*, 14, would have been arrested in June 1998 and detained during three days at Dry Dock police station. Because of torture he was inflicted by SIS officers, he would be seriously injured.
- *Seyed Fasal Seyed Adnan*, 13, would have been arrested in June 1998 and released from Dry Dock police station where he spent three days. He would have been severely tortured by the SIS.
- *Shaker Muslim Ibrahim*, 16, would have been arrested in June 1998, detained at the Dry Dock police station and released three days later. He had also been harshly tortured.

19 - Observatoire international des prisons, Rapport d'observation sur les conditions de détention des mineurs dans 51 pays, Bahreïn, 1998, p. 60.

20 - E/CN.4/1999/61, 12 January 1999, Report of the Special Rapporteur, Sir Nigel Rodley, par. 68 and 69.

- *Sayed Abdul Sahra'a Al-Seyed Said Al-Seyed Salman*, 16, would have been arrested at his home on 3 June 1998, detained at Al-Qal'a and released some days later. He would have been tortured by the SIS and deprived of food for two days.

- *Mahmood Ali Abdulla Mohammed*, 17, would have been arrested on 7 June 1998 and would be detained at Al-Qal'a.

- *Hussain Assan Ali*, 17, also would have been arrested on 7 June 1998 and was detained at Al-Qal'a. He would have been exposed to torture by SIS officers.

In addition, the Special Rapporteur addressed on November 1998 an urgent appeal in favour of many persons, including children.<sup>21</sup> Notable cases included:

- *Sayed Hussain Seyed Ali Seyed Saeed*, 16, and *Sadiq Abas Dagaq*, 15, who would have been arrested on 5 October 1998 and would be detained by SIS at Al-Qal'a police station.

- *Jasmin Jaffar*, 16, *Hussian Majeed*, 16, *Jalal Hassan*, 16, *Sayed Fadhil Seyed Ahmed*, 17, *Sayed Alawi Seyed Ahmed*, *Hassan Ali Khalaf*, 16, would have been ar-

rested on 6 October 1998 and detained by the SIS at Al-Qal'a.

- *Mohammed Isa Abdulla*, 16, would have been arrested in August 1998 and would be detained by the SIS at Al-Qal'a.

- The five sons of Haj Abdul Rasool Ibrahim, including *Maitham*, 17, who would have been arrested in August 1998 and *Abduall*, 17, who would have been arrested two years before and would be detained by the SIS at Budayi'a centre.

- Three brothers, *Salah Jassim Mohammed*, 17, included, would have been arrested in August 1998 and would be detained by the SIS at Al-Qal'a.

- *Ali Al Mulla Al Abas*, 17, would have been arrested on 15 August 1998 and would be detained by the SIS in a police station near Salman Harbour.

On 18 November 1998, the Special Rapporteur addressed an urgent appeal concerning some children<sup>22</sup>.

- *Sadiq Abdula Yousif*, 12, and another 12 year-old boy would have been arrested at Duraz in October 1998. They would be

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21 - E/CN.4/1999/61, par. 71.

22 - E/CN.4/1999/61, Par. 73.

detained at Al Budaya centre. Both of them would have been severely beaten at the time of their arrest.

- *Ayman Ali Ahmad Abdul Rasul* and *Imran Abdul Rasul Ali Abdul Rasul* both 14 years old and *Amar Abdul Rasul Ali Abdul Rasul*, 13, would have been arrested on 13 October 1998 at Ikir.

- *Abdul Nabi*, 17, and *Abdul Khaliq Jassim Mohammed Youssif*, 14, would have been arrested on 10 October 1998 at Ikir. At that time, the place of their detention was unknown.

- Two other children, *Hamid Ali Yousif* and *Ismael Sayed Ali Seyed Hashim*, both aged of 17 would have been arrested on October 1998 in the region of Qadam and detained at Al Budaya centre where they would have been tortured and ill-treated before being released.

- The same day, the Special Rapporteur addressed another urgent appeal concerning *Muhammad Ali Muhammad Al-Ikri*, 17. Released in September 1995 after being condemned in July of the same year for throwing a Molotov cocktail against the po-

lice, he would have been once again arrested at his mother's house in Al-Qadam village in November 1998. People did not know the reasons of his arrest and the place where he was. He was apparently in incommunicado detention at Al-Khamis centre, in the south west of Manama. Subsequently, it was reported this boy had been detained at the Al-Qal'a police station in Manama. He was allegedly beaten so severely by SIS officers that he was hospitalised and subsequently released. He was later reportedly arrested and SIS officers allegedly threatened to torture him until he would no longer be able to walk or talk. According to the information received, he was reportedly transferred to the Al-Khamis detention centre, where he received his first visitor.<sup>23</sup>

- The UN Special Rapporteur also mentioned the case of *Hussain Mohammed Al Mula*, 16, from Sanad. He was reportedly arrested on 22 November 1998 and detained at the Al-Qal'a police station in Manama. He has allegedly been severely tortured by SIS officers. As a result of the torture, he was reportedly transferred to the hospital of Manama where one of his hands was amputated. After 12 days in the hospital he was reportedly re-arrested and held in incommunicado detention.<sup>24</sup>

23 - E/CN.4/2000/9, 2 February 2000, Civil and political rights including the question of torture and detention, Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 1999/32, par. 82.

24 - Ibid., par. 81.

- *Zakaria Habib Mater*, 17, was allegedly detained by the SIS from 17 February to 1 April 1998 at a farm near his home in Ikir. He was reportedly dragged to a palm tree, to which he was bound. He was reportedly blindfolded and taken to a detention centre where he was held in a toilet for 10 days and subsequently placed in solitary confinement for 34 days, continuously blindfolded.<sup>25</sup>

Despite March 1999 changes, there have still been reports about incidents of torture in Bahrain, even against children.

- The UN Special Rapporteur on torture advised the Bahraini government that he had received information on numerous individual cases, including women and children. *Hussain Mahdi*, *Mohammed Khaleel* and *Abbas Mansoor*, three 17 years old juveniles from Sind, were reportedly surrounded by three SIS jeeps, severely beaten and kicked by SIS officers and subsequently taken to the Al-Qal'a police station in Manama on 15 September 1999.<sup>26</sup>

- In May 2000, the UN Special Rapporteur on torture sent an urgent appeal on behalf of *Ammar Ali Mansoor Al-Shehabi*, 15, *Isa Mahdi Abdul Nabi*, 17, and *Sadiq Abdulla Qassim*, 14. On April 2000, a group

of security forces would have attacked three houses in Duraz. The three children were reportedly detained at that time. On April 20 2000, they were allegedly dragged by the security forces to Duraz and were forced to paint slogans while being filmed. They are currently detained by the Criminal Intelligence Directorate.<sup>27</sup>

- On 20 June 2000, the Special Rapporteur sent an urgent appeal on behalf of three 13 year old boys, *Abdulla Saeed Jasim Azbeel*, *Seyyed Jaffer Seyyed Hussain*, and *Mahmood Mansoor Al-Asmakh*, reportedly detained in Iskan Jedhafs on 25 May 2000, during dawn raids carried out by the security forces. They would have been taken to Adleya detention centre. *Ali Makki*, a 13 years old boy, who had reportedly been summoned by the security police on the same day, was also arrested. *Mohammed Jawad Makki*, a 14 years old boy from the same area, was reportedly using crutches as result of the ill-treatment he was allegedly subjected to.<sup>28</sup>

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25 - Ibid., par. 86.

26 - Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 2000/43, E/CN.4/2001/66, 25 January 2001, par. 117.

27 - E/CN.4/2001/66, 25 January 2001, par. 131.

28 - E/CN.4/2001/66, 25 January 2001, par. 133.

### 4.3 Sanctions of Torture

Article 4.1 of the Convention against Torture stipulates that “Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.”

According to Article 12 of the Convention against Torture, “Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”

Article 208 of the Bahraini Penal Code states that: “Imprisonment shall be the penalty imposed on every public official who uses torture, force or threat, either personally or through a third party, against an accused person, witness or expert to force him to confess to having committed a crime or to give statements or information in respect thereof. The penalty shall be life imprisonment should the use of torture or force lead to death.”

In June 1999, officials from the Bahraini Ministry of the Interior reported that the Public Prosecutor’s Office was responsible for conducting investigations into allegations of torture and deaths in custody.<sup>29</sup>

The officials from the same Ministry also reported that a general procedure for the processing of complaints against the police was set forth in the Public Security Ordinance of 1982. This Ordinance includes Chapter IV entitled “Disciplinary Actions and Trials”. This chapter deals with the various disciplinary measures that members of the Public Security Forces would face if they infringe, for example, upon the rules contained in the Ordinance, the directives issued by the Director-General of the Public Security, or the crimes prescribed in the Code of Criminal Procedure. This chapter also discusses how investigations into these infringements are conducted and by whom.<sup>30</sup>

However, OMCT notes that there is no reference to any procedure enabling victims of torture or other human rights violations to lodge complaints against members of the Public Security alleged to have committed those violations or how to seek redress.

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29 - Amnesty international, Bahrain, Human rights developments and Amnesty International’s continuing concerns, November 2000.

30 - Ibid.

Therefore, the sanction of acts of torture from SIS and judiciary police officers is still an issue.

In addition, the Prisoner's Guide to Rights and Obligations of 1997 does not provide advice to prisoners on how to lodge a complaint regarding their treatment or other issues nor does it give any information relating to access to legal counsel whilst in detention.

In June 1999, officials from the Ministry of the Interior admitted that law enforcement officials against whom allegations of torture existed, had not been prosecuted despite the provisions of Article 208 of the Penal Code, Article 75 of the Code of Criminal Procedure and the obligations under the Convention against Torture.<sup>31</sup>

This statement was also made by the UN Special Rapporteur on torture. In his

January 1999 report, the Special Rapporteur noted that SIS officers and judiciary police would torture in complete impunity. There was no example of officers who had been sued for torture or other mistreatments. Before the former State Security Court, although the accused often maintained that they made confessions under torture, the Court never set up impartial inquiries on those issue, unless the accused presented evident marks of injuries. In fact, victims of torture were in general tried a long time after their wounds have healed.<sup>32</sup>

OMCT is concerned about the impunity of torture in Bahrain and would like Bahrain to enforce the national provisions criminalising torture by prosecuting those responsible for acts of torture and by giving victims proper reparation.

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31 - Ibid.

32 - E/CN.4/1999/61, 12 January 1999, Report submitted by the Special Rapporteur, Sir Nigel S. Rodley, par. 65.

# V. Children in Conflict with the Law

## 5.1 Age of Penal Responsibility

Article 32 of the Bahraini Penal Code states that a person under 15 years of age cannot be held responsible for the commission of an act constituting an offence, being liable solely to the measures provided for in the Juveniles Act.

Concerning testimony, Article 125.4 of the Code of Criminal Procedure of 1966 provides for the impossibility of a court to convict a defendant on the basis of the testimony of a juvenile unless the latter's testimony is corroborated by independent evidence furnishing substantive proof.

Article 65 of the Law of Evidence in Civil and Commercial Matters promulgated in Legislative Decree No 14 of 1996 stipulates that a person under 15 years of age is not competent to testify although his statement may be heard, as presumptive evidence, without administration of the oath.

The Bahraini Juveniles Act, promulgated in Legislative Decree No 17 of 1976, defines

a juvenile as a person who is under the age of 15 Gregorian years at the time when she/he commits an offence or is found to be in a situation that exposes her/him to the risk of delinquency.

Measures that can be taken against delinquent juveniles may include placement in a government-run or private social welfare institution or in a specialised hospital. Juveniles can also enjoy alternative sanctions such as a reprimand, a delivery into the custody of a parent or guardian, an enrollment for vocational training, a fulfilment of specific obligations or a judicial probation, all ordered by a Juveniles Court.

First, OMCT notes that there is no minimum age for child responsibility in Bahrain. This means that every child under 15 could be held in the Juvenile Welfare Centre or tried by the Juveniles Court.

OMCT also remarks that the protection granted to young delinquents excludes children over 15 but under 18 whose protection

is set forth by the Decree No 15 of 1976 incorporated in Article 70 and following of the Penal Code.

Thirdly, OMCT is concerned about the number of situations in which a child can be considered a delinquent. Some of those instances should involve measures of protection than be criminalised.

According to the State report, the situations that include a risk of delinquency include frequentation of delinquents, suspected delinquents or persons renowned for their bad conduct; engagement in, or assisting persons engaged in, acts associated with prostitution, vice, moral corruption, gambling or narcotic drugs, etc.; lack of a legitimate livelihood or reliable provider; or affliction by a mental disease or infirmity entailing total or partial loss of discretion or choice and endangering the safety of the afflicted person or others.

OMCT urges Bahrain, in conformity to Article 40.3 (a) of the Convention, to establish a minimum age below which children shall be presumed not to have the capacity to infringe the penal law. This age of criminal responsibility shall not be fixed at too low an age level, bearing in mind the

facts of emotional, mental and intellectual maturity of the child.

OMCT would also like Bahrain to ensure that all children in conflict with the law, including delinquents over 15 but under 18 be treated in conformity with Articles 37 and 40 of the Convention and in taking into account the United Nations rules and guidelines relating to juvenile justice, namely the Beijing Rules, the Riyadh Guidelines and the Rules for the Protection of Juveniles Deprived of their Liberty, the rules of which the Committee has indicated provide relevant detailed standards for implementation of the rights of children in conflict with the law.<sup>33</sup>

In conformity with Article 5 of the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),<sup>34</sup> Bahraini delinquency prevention policies should avoid criminalising and penalising children for behaviours that do not cause serious damage to their development or harm to others.

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33 - Report on the tenth session, October-November 1995, CRC/C/46, par. 214.

34 - Adopted and proclaimed by General Assembly resolution 45/112 of 14 December 1990.

## 5.2 Deprivation of Liberty

OMCT reported that from 1995 to 1998, the number of daily detentions concerned around 60 children.<sup>35</sup> In fact, before recent improvements, there were reportedly numerous arrests and detentions of juveniles in connection with the political unrest. These children were generally released without charges after several days of detention. Children charged with security offences received the same treatment as adult prisoners, namely incommunicado detention and trial before the State Security Court. As OMCT reported, the apparent absence of basic legal safeguards left children constantly vulnerable to arbitrary arrests, ill-treatment, unfair proceedings against them, use of torture, sexual assault, detention and imprisonment in various police stations and prisons, etc.<sup>36</sup>

### 5.2.1 Police Custody

According to the State report, in police stations juveniles are dealt with by a police-woman trained in psychology, social

research, juvenile and child welfare and moral and social counselling.

OMCT regrets that the report gives no more information relating to children during police custody, especially concerning the length of custody. In fact, most cases of torture are likely to occur during police custody.

According to Observatoire international des prisons, a substantial number of children were detained and tortured in Bahraini police stations during custody. The cases of *Saeed Abdul Rasool Al-Eskafi*, 16, and *Hussain Qambar*, 18, who died during their examinations have already been mentioned.<sup>37</sup>

Even after the 1999 improvements, children's rights abuses by the police have been reported. For example, during the second week of August 2000, seven boys aged between 12 and 17, including *Mahmoud Hassan*, *Taleb 'Ali Al-Asfar* and *Hamza 'Ali Al-Asfar*, were arrested in the village of Al-Daih and reportedly transferred to Al-Khamis police station for interrogation, where they were at risk of torture or ill-treatment since they were held incommunicado. Families of detained juveniles were

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35 - OMCT, *The Hidden Crimes, Children: Torture, Summary Executions, Disappearances, 1995-1998*, Compilation by Yalile Rovira-Figueroa, 1999, p. 40.

36 - Ibid.

37 - See par. 4.3.

reportedly not notified until a few days after arrests have taken place<sup>38</sup>.

OMCT recalls that the Human Rights Committee, in its General Comment on Article 7 of the International Covenant on Civil and Political Rights notes that prolonged solitary confinement of the detained or imprisoned person may amount to torture.<sup>39</sup> Thus, placing a child in isolation or solitary confinement raises an issue under Article 37.1 of the Convention. This conclusion also appears in Article 67 of the UN Rules for the Protection of Juveniles Deprived of their Liberty, which prohibits all disciplinary measures constituting cruel, inhuman or degrading treatment, including “placement in a dark cell, closed or solitary confinement”.

OMCT expresses its deep concern about the fact that children’s rights during custody seem often abused in Bahrain. Children are held incommunicado and have no contact with their families, nor do they receive other assistance.

OMCT would call on the Bahraini government to ensure that rights of children during police custody be enforced. Sanction of the authors, rehabilitation of victims and

reparation given to families should be envisaged.

### **5.2.2 Pre and Pending Trial Detention**

OMCT welcomes the fact that Article 24 of the Bahraini Juveniles Act prohibits the placement of a juvenile in preventive detention. If the circumstances of the case require his placement in protective custody, the court may order delivery of the juvenile into the custody of one of his parents or a legal or testamentary guardian or, if any of them is unfit to undertake his proper upbringing, into the custody of a competent member of his family.

However, OMCT notes that the State report gives no information about the preventive detention of children over 15 but under 18, namely the length of pre-trial detention.

OMCT regrets that the State report provides no information regarding pending trial detention and would like the Bahraini government to ensure that all children be protected during pre-trial detention.

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38 - 38 Amnesty international, Human rights developments and Amnesty International’s continuing concerns, Bahrain, November 2000.

39 - Human Rights Committee, General Comment 20, HRI/GEN/1/Rev.2, p. 31.

OMCT would call on the State of Bahrain to specify the conditions and the length of pending trial detention for all children without discrimination.

OMCT would recommend Bahrain to ensure that all children in conflict with the law, including delinquents over 15 but under 18, be treated in conformity with Articles 37 and 40 of the Convention and in taking into account the United Nations rules and guidelines relating to juvenile justice, namely the Beijing Rules, the Riyadh Guidelines and the Rules for the Protection of Juveniles Deprived of their Liberty.

### 5.2.3 Detention with Adults

Unfortunately, the State report provides no information regarding the national regulation of the separation of children from adult detainees.

However, it has been reported that children are regularly held in adult detention facilities in Bahrain.<sup>40</sup>

The Observatoire international des prisons reported that convicted children could be placed in correctional institutions called *islahiyya*. However, many children are detained in adults prisons such as Al-Qal'a in Manama. Conditions of detention in adults prisons are reportedly difficult<sup>41</sup> and furthermore, those institutions are overcrowded.

OMCT recalls that the majority of the detainees have to remain standing because of insufficient space in the cells or to give priority to victims of torture or persons who have been injured or wounded.<sup>42</sup>

Detention with adults could interfere with the physical and mental integrity of children. For that reason, OMCT would recommend the Bahraini government respect Article 37 (c), which requires children deprived of their liberty to be separated from adult detainees.

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40 - Human Rights Watch, World Report 2001, Children's rights.

41 - Observatoire international des prisons, Enfants en prison, Rapport d'observation sur les conditions de détention des mineurs dans 51 pays, 1998, p. 63.

42 - Case BHR 100195 and Child Concern, OMCT, The Hidden Crimes, Children: Torture, Summary Executions, Disappearances, 1995-1998, Compilation by Yalile Rovira-Figueroa, 1999, p. 48.

#### 5.2.4 Arbitrary Arrests and Administrative Detentions

According to Article 20 (c) of Bahrain's Constitution, "An accused person shall be presumed innocent until proved guilty in a legal trial in which the necessary guarantees for the exercise of his right of defence in all the stages of investigation and trial are ensured in accordance with the law."

In fact, until the abrogation of the October 1974 Decree-Law on State Security Measures which allowed for administrative detention without charge or trial up to three years, many arbitrary arrests and detentions could be noted in Bahrain.<sup>43</sup> Entire families, including children, were arrested during police raids.

Numerous children were arrested and held incommunicado before being brought before the Juveniles Court. Children were arrested following school sit-in strikes, after clashes between security forces and demonstrators, for example when youngsters and children reportedly threw stones at shops and traffic lights, for incitement to government hatred, for having taken part to peaceful demonstrations or having painted graffiti.

Children were also arrested as hostages to induce members of their families to surrender to the security police.

This was the case of *Hussein Ali Madan*, 14, from the village of Deir, who was detained with his father on 8 March 1996 until his brother, Abbas, turned himself in to the police the following day.<sup>44</sup>

Between 1995 and 1998, OMCT issued numerous urgent appeals relating to arbitrary arrests and detentions of children in Bahrain.<sup>45</sup>

Besides OMCT appeals, some other examples of arbitrary arrests and detentions were reported. For example, *Taha Aman*, 9, arrested on 4 May 1996, after security forces dispersed a demonstration in the village of Karraneh using tear gas and rubber bullets, *Al-Sayyed Majed Al-Sayyed Hassan*, 8, arrested from the village of Barbar and held for

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43 - Amnesty international, Human rights developments and Amnesty International's continuing concerns, Bahrain, November 2000: «The Decree Law on State Security Measures empowered the Minister of the Interior to detain individuals without charge or trial for up to three years. Detainees held under this provision were only permitted to submit a *tadhallum* (petition) to the High Court of Appeal three months after the issuing of their arrest warrant, and thereafter, six months after every decision rejecting the petition, thus denying the defendants the right to a prompt review of their detention before a court of law.»

44 - Amnesty international, Bahrain, Women and Children Subject to Increasing Abuse, «Death in custody, arbitrary arrests and unfair trials of children», July 1996.

45 - See Appendix.

several days for alleged insolence to police during demonstrations or *Salman Abdullah Salman*, 12, from the village of Sitra, arrested during a school demonstration expressing solidarity with the detainees in November 1995.<sup>46</sup>

In its 1997 report, the UN Working Group on arbitrary detentions recounted decisions concerning arrested persons in Bahrain.<sup>47</sup>

The decision No 21 dealt with the arrest in November 1995 of pupils during a demonstration related to the death sentence of a detainee. According to a reliable source not denied by the government, children, including *Hassan Ali Fadhel* and *Issa Saleh Issa*, both aged 12, and *Ahmad Abdulla Fadhel*, 13, were among the persons arrested or detained. It was further reported that those persons were taken by the police to an unknown place. The authorities were refused to reveal the names of the detainees and the place of their detention. Those persons also were denied contact with their families. The Working Group declared those detentions arbitrary.

In its decision No 22, the Working Group also declared arbitrary the detention of persons arrested in October 1995 during a demonstration of support related to a hunger strike staged in protest against the Government by a member of the dissolved Parliament and six former detainees. Children were allegedly among the persons arrested and detained.<sup>48</sup>

On 10 November 1998, the UN Special Rapporteur on Torture and the President-Rapporteur of the Working Group on arbitrary detention had addressed an urgent appeal concerning police raids since 2 November 1998 against the population of Daih village.<sup>49</sup> According to information received, these raids took place in many houses and many persons were arrested, including two children, *Yousif Al Sa'af*, 15, and *Mohammed Ali Al-Ekri*, also 15.

Despite the 1999 changes, incidents of arbitrary arrest and detention are reported in Bahrain and the practice includes children as well. From January to August 2000, some urgent appeals related to arrested or detained children under the 1974 Decree-Law were issued. All these cases were part of the ongoing political unrest and the widespread popular movement calling for

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46 - Amnesty international, Bahrain, Women and Children Subject to Increasing Abuse, «Death in custody, arbitrary arrests and unfair trials of children», July 1996.

47 - E/CN.4/1997/4/Add.1, Decision No 21.

48 - E/CN.4/1997/4/Add.1, Decision No 22.

49 - E/CN.4/1999/61, par. 72.

political reforms and the restoration of democracy.<sup>50</sup>

Furthermore, it has been reported that on 27 July 2000, a number of children, including *Al-Sayyid Mahmoud Al-Sayyid 'Alawi Al-Sayyid Ibrahim* and *Al-Sayyid Jawwad Al-Sayyid Hassan*, both aged 16, were arrested in Abu Saiba' on suspicion of writing anti-government graffiti. They were held without charge for several days during which they were reportedly ill-treated before being released.<sup>51</sup>

### 5.2.5 Alternatives to Detention

According to Article 6 of the Bahraini Juveniles Act, measures that can be taken against juveniles may include placement in a government-run or private social welfare institution or in a specialised hospital.

However, it is specified in the Juveniles Act of 1976 that a child cannot be separated from his or her parents and placed in a juvenile social welfare institution unless found to be in a situation that exposes him or her to the risk of delinquency or endangers his or her health, security, morals or upbringing.

The Juveniles Act does not prescribe penalties for juvenile delinquents or potential delinquents and does not specify the period of their confinement in social welfare institutions in order to avoid such confinement being regarded as a form of penalty. However, according to the State report, the juveniles remain in the institutions or the Juvenile Welfare Centre for a period of not more than one year until their conduct improves.

The Juvenile Welfare Centre was established in 1973. This Centre deals with institutional care of juvenile delinquents or potential delinquents. The Centre accommodates boys and girls under 15 whose conduct cannot be reformed or rectified while they are in their natural environment. The Centre operates on the basis of a "family system" in which juveniles are placed in the various families in accordance with their age and the extent of their delinquency.

In addition to accommodating juveniles, the Centre's services include the monitoring of potential delinquents through contact with their families and their social environment.

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50 - See *infra*, appendix.

51 - Amnesty international, Bahrain, November 2000.

In addition, a Juvenile Welfare Unit exists at the Ministry of Labour and Social Affairs. This Unit is responsible, with the Juvenile Section of the Women's Police at the Ministry of Interior, of non-institutional care of juveniles exposed to delinquency. It may do so without applying to the Juveniles Court unless so required.

The Juvenile Welfare Unit assumes responsibility for the juvenile's welfare after the court has ordered an appropriate measure other than a confinement order. These measures are limited to:

- a reprimand
- a delivery into the custody of a parent or guardian
- an enrolment for vocational training
- a fulfilment of specific obligations
- a judicial probation

Social workers from the Women's Police Department monitor juvenile delinquents and potential delinquents at their homes and schools and attempt to provide them and their families with the assistance needed to

prevent their relapse into delinquency.

According to Article 12 of the Juveniles Act, the sociologists of the Welfare Unit are required to submit a comprehensive report on improvement in the juvenile's behaviour to the juvenile judge every six months.

OMCT regrets that children over 15 but under 18 do not have any alternatives to detention in Bahrain.

OMCT would call on Bahrain to adopt measures in order to ensure that every child alleged as, accused of, or recognised as having infringed upon the penal law enjoys alternatives to detention.

## **5.3 Procedure**

### **5.3.1 Children's Courts**

Ordinance No 5 of 1976 established a Juveniles Court. Juveniles cases can be adjudicated only by the Juveniles Court. The juvenile judge works in collaboration with female social workers from the Women's Police Department at the Ministry of Interior.

In practice, it has been reported that at least 60 defendants were tried and convicted by the Juveniles Court in 1995 on charges which included arson attacks on public property, rioting, participation in illegal gatherings and incitement of hatred towards the government.<sup>52</sup>

OMCT is concerned about the fact that procedures before the Juveniles Court allegedly are an issue. No verification is made on the truth of testimonies. Confessions on which the judge renders are obtained under torture and counsels affirm that severity of the Juveniles Court's sentences is not justified.<sup>53</sup>

In consideration of the definition given by the Juveniles Act, OMCT is also concerned about the fact that the Juveniles Court is not competent for matters concerning children over 15 but under 18. The latter are under the jurisdiction of civil courts, which are competent to hear civil and criminal cases.

Furthermore, children were also under the jurisdiction of the 1974 State Security Court and it has been reported that some of them were convicted, after being denied their rights to assistance.<sup>54</sup>

OMCT regrets that children over 15 but under 18 are not under the jurisdiction of the Juveniles Court.

OMCT would call on the State of Bahrain to ensure that all children enjoy the rights set forth in the Convention and in the UN rules and guidelines relating to juvenile justice. Namely, Bahrain shall guarantee that every child in conflict with the law be tried by a competent, independent and impartial authority or judicial, taking into account his or her age or situation.

OMCT would also call on Bahrain to ensure that all children illegally convicted under the former system and by the former State Security Court be discharged and be given proper reparation.

### 5.3.2 Sanctions

Juveniles Act No 17 of 1976 makes no provision for capital punishment or life imprisonment as penalties for juveniles who commit crimes.

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52 - Amnesty international, Bahrain, Women and Children Subject to Increasing Abuse, «Death in custody, arbitrary arrests and unfair trials of children», July 1996.

53 - Observatoire international des prisons, Enfants en prison, Rapport d'observation sur les conditions de détention des mineurs dans 51 pays, 1998, p. 64.

54 - Ibid.

OMCT welcomes the fact that Bahrain prohibits capital punishment and life imprisonment for juveniles.

Unfortunately, the report gives no information regarding the maximum length of detention a child could be sentenced to.

However, as reported by the Observatoire international des prisons, before the State Security Court, a number of juveniles were sentenced to 10 years of detention.<sup>55</sup> On appeal, several of these sentences were reduced to two or three years. For example, *Muhammad Ali Muhammad Al-Ikri*, 14, was charged in July 1995 with throwing a petrol bomb at a policeman and sentenced to 10 years imprisonment. His sentence was overturned on appeal and he was released in September 1995, but he allegedly remained under police supervision and was forbidden from travelling abroad. A number of defendants were also acquitted.<sup>56</sup>

Concerning children over 15 but under 18, Article 70 of the Penal Code states that judgements handed down against them must take into account their young age, which

constitutes a mitigating circumstance that warrants reduction of the penalty by at least two degrees.

According to Article 71 of the Penal Code, if a mitigating circumstance is established in a case involving an offence punishable by the death penalty, the penalty must be reduced to imprisonment or detention for a period of no less than one year and, if the offence is punishable by imprisonment for life or for a fixed term, it must be reduced to the penalty for a misdemeanour, unless otherwise specified in the Code.

OMCT recommends the Bahraini government to expressly limit the length of imprisonment for children and especially for children between 15 and 18 convicted for offences involving the death penalty.

### **5.3.3 Right of Petition and Access to Legal Assistance**

Article 32 of the Bahraini Juveniles Act of 1976 stipulates that the juvenile must be informed of every measure or judgement concerning him or her and notification thereof must also be given to one of the juvenile's

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55 - Ibid.

56 - Amnesty international, Bahrain, Women and Children Subject to Increasing Abuse, «Death in custody, arbitrary arrests and unfair trials of children», July 1996.

parents, her/his guardian or the person responsible for her/him, who have the right to institute appeal proceedings, in the juvenile's interests and in the legally prescribed manner. Subsequently, the decision handed down by the juvenile judge must be notified to one of the juvenile's parents, her/his guardian or the person responsible for him, who have the right to institute appeal proceedings, in the juvenile's interests, against that decision in the legally prescribed manner. However, Article 32 excludes the right to institute an appeal against judgements which do not involve a reprimand or order delivery of the juvenile into the custody of a parent or guardian.

In practice, it has been reported that during the unrest, children detained following massive arrests were deprived of legal assistance. In 1996, although the numbers of detainees changed daily, it was believed that at any one time, about 60 children may have been held without access to legal assistance or family.<sup>57</sup> They were held incommunicado and denied their counsels visits. The cases of *Ali Jaffer Mohammed Ali*, 16, *Ammar Mohammed Ali*, 16, *Hassan Mohammed Ali*, 16, *Maythem Omram Hussain*, 16, *Sayed Adnan Sayed Jalal*, 17, *Ebrahim Nasr*, 13, *Jaffer Saleh Al-Ghasrah*, 17 or *Mohsen*

*Khalil Al-Qmaish*, 15, have been mentioned.<sup>58</sup>

Before the former State Security Court, the absence of vital safeguards for fair trial in proceedings such as the right to have a fair and public hearing, the defendants' right to have adequate time and facilities to communicate with lawyers of their own, their right not be compelled to testify against themselves or to confess guilt and their right to have their conviction and sentence being reviewed by a higher tribunal have been mentioned.

The Observatoire international des prisons reported that there was not enough counsels for all defendants. Furthermore, the Court could base its conviction only on written depositions and intelligence service testimonies. That helped it render its decision more quickly and the rights of defendants were not guaranteed. It has been reported that on 16 May 1995, a child, amongst 29 other persons, had been convicted by the Court. The rules of the arrest, the detention and the examination were not respected. The confessions on which the Court had founded

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57 - Amnesty international, Bahrain, Women and Children Subject to Increasing Abuse, «Death in custody, arbitrary arrests and unfair trials of children», July 1996.

58 - Observatoire international des prisons, Enfants en prison, Rapport d'observation sur les conditions de détention des mineurs dans 51 pays, Bahreïn, 1998, p. 64.

its conviction had been obtained under torture.<sup>59</sup>

OMCT would call on Bahrain to ensure that the right for every child deprived of his or her liberty to prompt access to legal and other appropriate assistance and the right to challenge the legality of the deprivation of her/his liberty before a court or other competent, independent and impartial authority be guaranteed.

OMCT would also recommend the Bahraini government to ensure that all children convicted during the unrest period, in violation of their rights to vital safeguards for fair trial in proceedings, are released according to the Amir amnesty and that they are restored and be given proper reparation.

### 5.3.4 Medical Examination

Article 13 of the Bahraini Juveniles Act states that for a convicted juvenile confined in a specialised institution in order to receive the care that her/his situation requires,

the court reviews the progress made in the juvenile's treatment at periodic intervals of not more than one year, during which it examines her/his medical reports, and may order her/his release if it finds that her/his situation so permits.

Unfortunately, the State report gives no detailed information relating to the medical examination of children immediately after their admission in specialised institutions. Nor does the State report mention medical examination concerning children over 15 but under 18.

In practice, Observatoire international des prisons reported that the authorities generally deny medical assistance to detainees. Children detained at Al-Qal'a centre do not receive the medical assistance they need. This was the case of *Ali Jaffer Mohammed Ali*, *Ammar Mohammed Ali*, *Hassan Mohammed Ali*, *Maythem Omran Hussain*, all aged of 16, *Sayed Adnan Sayed Jalal*, *Jaffer Saleh Al-Ghasrah*, 17, *Mohsen Khalil Al-Qmaish*, 15 and *Ebrahim Nasr*, 13. It has also been mentioned that medical assistance had been refused to a two months-old baby, *Ammar*, arrested with his mother in October 1996.<sup>60</sup>

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59 - Ibid.

60 - Observatoire international des prisons, *Enfants en prison, Rapport d'observation sur les conditions de détention des mineurs dans 51 pays*, 1998, p. 63.

Furthermore, according to Observatoire international des prisons several children died following torture and sexual abuses, and post-mortem medical analysis were all denied.<sup>61</sup>

OMCT recommends the Committee to ask Bahrain if every child admitted in detention is systematically examined by a physician immediately after his or her admission in the centre.

## VI. Conclusions and Recommendations

Despite remarkable improvements, human rights violations continue to take place in Bahrain. As far as children are concerned, OMCT is deeply concerned about discrimination against girls, children belonging to Shi'a, Bidoon or foreign communities, female genital mutilation, child labour and sexual exploitation. OMCT is also concerned about the degree of risk that children face of torture and other cruel, inhuman and degrading treatment or punishment while in detention. OMCT believes that a number of safeguards, both legal and practical, must be implemented in order to guarantee the respect of children's rights as enshrined in the Convention.

### **Regarding discrimination, OMCT recommends that the Committee on the Rights of the Child:**

urge the Bahraini government to:

- end discrimination against girls;
- determine the minimum age of marriage without discrimination and ensure that this age be the same for boys and girls;
- penalise child forced marriage by legislative provisions;
- give information about the concrete measures taken to remove family, civil, economic and social consequences of the policy discrimination against Shi'a and Bidoon communities on the implementation of children's rights;

- reinforce the unconditional right of all Bahrainis living abroad to return to their country;
- give information concerning the return and the resettlement of children and their families coming from forcible exile, in conformity with the rights set forth in the Convention;
- prevent foreign children from discrimination and from abuses by ensuring that national provisions be applied to every child and not only to Bahraini children.

**Regarding female genital mutilation, OMCT recommends that the Committee on the Rights of the Child:**

urge the Bahraini government to:

- collect reliable and complete data on the practice of female genital mutilation;
- expressly prohibit female genital mutilation;
- develop information and awareness campaigns on the elimination of the practice of female genital mutilation.

**Regarding sexual abuses and sexual exploitation of children, OMCT recommends that the Committee on the Rights of the Child:**

urge the Bahraini government to:

- collect reliable and complete data on sexual violence against children in the country;
- ensure that perpetrators of child sexual abuses be brought to justice and properly sentenced;
- ensure that all children arrested for prostitution not be prosecuted but rather be entitled to measures to promote their physical and psychological recovery and social reintegration.

**Regarding torture and other cruel, inhuman or degrading treatment or punishment, OMCT recommends that the Committee on the Rights of the Child:**

urge the Bahraini government to:

- respond to allegations of torture and

other cruel, inhuman or degrading treatment or punishment of children in Bahrain;

- set up an independent body to undertake prompt, thorough and impartial investigations into all allegations of torture and ill-treatment, including cases of death in custody, in order to identify those responsible and ensure that prosecutors and judges diligently investigate all allegations of torture on children;
- bring to justice anyone responsible for committing acts of torture and other serious human rights violations on children and apply the penal, civil and/or administrative sanctions provided by law;
- ensure that children victims of torture obtain redress and have an enforceable right to fair and adequate compensation;
- ensure that children victims of torture be entitled to measures to promote their physical and psychological recovery and social reintegration in an environment which foster their health, self-respect and dignity.

**Regarding Children in conflict with the law, OMCT recommends that the Committee on the Rights of the Child:**

urge the Bahraini government to:

- set a minimum age below which no child can be held responsible for committing crime;
- ensure that every child in conflict with the law be treated in conformity with Articles 37 and 40 of the Convention and in taking into account the United Nations rules and guidelines relating to juvenile justice;
- strictly define the possible grounds of arrest which might affect children in order to ensure that the deprivation of liberty be a measure of last resort for all children;
- ensure that rights of children during police custody be enforced;
- ensure that all children illegally convicted under the former system and by the former State Security Court be discharged and be given proper reparation;

- ensure that every child arrested be rapidly brought before an impartial and competent tribunal and that his or her procedural rights be guarantee at all times;
- ensure that judges are provided with relevant training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, in particular the Convention on the Rights of the Child and the UN rules and guidelines relating to juvenile justice;
- ensure that all children under any form of detention have the right to notify their next of kin of their situation;
- ensure that the right for every child deprived of his or her liberty to a prompt access to legal and other appropriate assistance be guaranteed;
- ensure that every child have the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority;
- take all necessary measures to guarantee the physical and psychological integrity of all children victims of arbitrary arrest and detention;
- specify the conditions and the length of pre-trial and pending trial detention for all children without discrimination;
- ensure that all children in conflict with the law stay in detention for the shortest possible period of time;
- ensure that detained children are kept separately from adults, unless it is in their best interests not to do so;
- ensure that every child admitted in detention be systematically examined by a physician immediately after his or her admission in a centre;
- ensure that independent and qualified medical personnel be required to carry out regular examinations of child detainees;
- set up and implement a criminal policy aimed at promoting the reinsertion of children accused or recognise as having infringed penal law.

# VII. Appendix

## Some of OMCT Cases on arbitrary arrests and detentions and on torture and other forms of ill-treatment of children in Bahrain from 1995 to 2000

### 1. OMCT Cases in 1995

**1.1** On 10 January 1995, Antenna International, a member of OMCT network, was gravely concerned about the fact that apparently, an unspecified number of children and adolescents were being detained in various police stations and prisons in Bahrain. Some of them had suffered injury or were wounded during the repressive action which the police carried out against peaceful demonstrators. The situation of some of the minors was giving rise to particular concern, as for instance that of *Akeel Mohammed Shareef*, 15, who, according to information received, was in a particularly critical situation.<sup>62</sup>

**1.2** On 8 August 1995, Antenna International expressed its grave concern over the numerous cases of gross violations against children as a result of violence per-

petrated by security forces, either during demonstrations or after being taken into custody.

According to the information received by OMCT, on 29 May 1995, *Saeed Abdul Rasool Al-Eskafi*, 16, a first year secondary school student from Sanabis village, was arbitrarily arrested by State Security forces. He was detained on suspicion of having sprayed anti-government graffiti on walls near his home. It was alleged that he was interrogated and tortured to death by the SIS. *Saeed Abdul Rasool Al-Eskafi* died on 6 July 1995. His body was found at Sanabis' cemetery.<sup>63</sup> Reportedly, some marks on his body were consistent with injuries caused by striking or pressing the end of a tubular object against the skin.<sup>64</sup>

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62 - Case BHR 100195 and Child Concern in OMCT, *The Hidden Crimes, Children: Torture, Summary Executions, Disappearances*, OMCT cases from 1995-1998, 1999, p. 47-48.

63 - Case BHR 080895, *Child Concern in OMCT, The Hidden Crimes, Children: Torture, Summary Executions, Disappearances*, OMCT cases from 1995-1998, p. 48-49.

64 - Amnesty International, *Bahrain, Women and Children Subject to Increasing Abuse*, «Death in custody, arbitrary arrests and unfair trials of children», July 1996.

According to information received, *Hussain Qambar*, 18, also died during in-terrogation on 4 January 1995.

Antenna International also reported that on 25 March 1995 at 3.30 p.m., *Hamid Qasim*, 17, was hit by a rubber bullet outside the Duraz Intermediate School, then shot again at point blank range as he was lying on the ground and dragged into the school which had been occupied by the riot police. The following morning his mutilated body was delivered to his family, with several fingers cut off and severe wounds to the top of his head, the side of his face and underneath his chin. Of the five young men who saw *Hamid Qasim* being attacked by the police, three were arrested a few weeks later and one, *Nidal Habib Al-Nashabah*, was allegedly killed by the police on the same day. The fifth witness had escaped abroad.<sup>65</sup>

**1.3** On 13 December 1995, the Bahrain Human Rights Organisation (BHRO), a member of the OMCT network, expressed its grave concern over the great number of people arbitrarily detained during November 1995 in Bahrain.<sup>66</sup>

Amongst those detained for supporting a hunger strike staged in protest against the Government were many children: *Hassan Ali Fadhel*, 12, *Issa Saleh Issa*, 12, *Ahmad Abdulla Fadhel*, 13, all arrested on 15 November. *Sadeq Abdulla Ebrahim*, 14, *Jaffar Ahmad Yaquob*, 15, *Abbas Jawad Sahran*, 15, *Jamil A. Hassa Mattar*, 15, *Abdul-Hamid J. Sahran*, 15, *Abbas Abdulla Sahran*, 16, *Habib Hussain Yousif*, 17 and *Ali Abdulla Mattar*, 18, were all arrested on 30 November 1995.

The BHRO expressed its grave concern for these children as they were reportedly exposed to torture and sexual assault whilst in prison.

Anti-riot police had taken a number of other measures against children. On 12 November 1995, a bus taking children to school was attacked and the children beaten with batons.

On 28 November 1995, 200 pupils of the Al-Jabria secondary school were arrested. The students refused to enter the school in a protest against the death sentence authorised against another political prisoner Issa Qamba, 27. The children were taken away in 5 buses to an unknown destination.

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65 - Ibid.

66 - Case BHR 131295, Child Concern in OMCT, The Hidden Crimes, p. 49-50.

It was believed that these acts were an attempt to intimidate the local population.

## 2. OMCT Cases in 1996

**2.1** On 24 January 1996, the BHRO expressed its grave concern over the use of excessive force to break up peaceful demonstrations on the part of the Bahrain Security Police.<sup>67</sup>

It was reported that in November 1995, the Bahraini Ministry of the Interior announced that any gathering of more than five people would result in the imprisonment or fining of the persons concerned. Following this decision, since the beginning of January 1996, about forty people, among whom children aged between seven and eighteen, were arrested while demonstrating in protest against the authorities.

Three children (aged 7 and 8) were eventually released on bail but three other minors remained in jail: *Abbas Al-Sayed Hashim*, 17, *Dhela Ahmad Al-Ghurbal*, 17, and *Yasser Ahmad Al-Mutaghawi*, 16.

Moreover, the BHRO reported that eight citizens were injured by the police. Among those, *Yaqoub*, 17, was severely wounded.

Subsequently, the BHRO indicated that *Salman Abdullah Salman*, 12, *Jaffar Ibrahim Abu-Edrees*, 14 and *Hussain Ali Muhsin*, 17, were also in detention.

**2.2** In a following case of 27 February 1996, the BHRO expressed its grave concern over a continuing wave of massive arbitrary arrests and detentions including a substantial number of minors in Bahrain.<sup>68</sup>

OMCT was informed that 253 persons including 42 minors were arrested between 1 January and 26 February 1996. While three children (between the ages of 7 and 8) had been released on bail, all the other minors (aged 11 to 18) were apparently still being detained. Since the information did not indicate the age of every detained, the number of minors might even be higher.

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67 - Case BHR 240196 and Follow up, in OMCT, *The Hidden Crimes*, p. 50-51.

68 - Case BHR 270296 and Child Concern, in OMCT, *The Hidden Crimes*, p. 52.

**2.3** On 1 April 1996, the BHRO expressed its grave concern over the great number of arbitrary detentions in Bahrain and the potential exposure of prisoners to torture.<sup>69</sup>

BHRO expressed its particular concern over the high number of children among the detained. The following were some of the available names of children arrested and detained between 22 and 27 March 1996: *Nadia Issa Ali Hassan*, 16, *Khadija Ahmed Ali*, 16, *Khatoon Sa'ed*, 16, *Massoma Sayyed-Jaffar*, 15, *Zainab Sayyed-Falah*, 16, *Kaltham Sayyed-Adnan*, 16, *Kholood Jawad Ali*, 16, *Fadhel Ali Juma*, 17, *Sadique Solayman Al-Setry*, 17, *Hussain Abdul-Wahab Al-Khayyat*, 15, *Jaffer Yahya*, 17, *Sadig Ahmed Kadhem*, 16, *Abdulla Issa Khamees*, 13, *Abbas Ahmed*, 15, *Hussain Hassan*, 15 and *Jaffer Ali Mohammed*, 15.

**2.4** On 7 May 1996, the BHRO expressed its grave concern about the arrest, in the first week of May 1996, of 450 citizens. Among

them were children as: *Fadhel Abbas Ibrahim Mosa*, 16, *Hussain Ali Hussain Mohammed Abdul-Rasool*, 15, from Bani Jamra, *Jabir Hassan*, 16, from Sanabis, *Khalil Ibrahim Abdulla Issa*, 15, *Mahfoodh Abbas*, 16, from Karranah, *Shehab Bader Mohammed*, 15, from Dair.

It was the fact that the children were being held in centres of detention with adults which implied an additional risk for the physical and psychological integrity of the children.<sup>70</sup>

**2.5** On 16 July 1996, OMCT made an urgent appeal for a child, *Mahdi Ali Moussa*, 17, who was arrested on 7 June 1996, with his brothers *Mohammed Ali Moussa* and *Hussain Ali Moussa*, in Bani Jamrah.

Due to the situation in Bahrain, OMCT feared that the above mentioned detainees were at a high risk of torture.<sup>71</sup>

**2.6** On 23 September 1996, the BHRO expressed its grave concerns over the presumed arbitrary detention of 66 persons by

69 - Case BHR 010496 and Child Concern in OMCT, The Hidden Crimes, p. 52-53.

70 - Case BHR 070596 and Child Concern, in OMCT, The Hidden Crimes, p. 54.

71 - Case BHR 160796 and Child Concern in OMCT, The Hidden Crimes, p. 55.

the SIS.<sup>72</sup> The detainees, who included children, were held incommunicado and had been denied the right to receive any visits. It was feared that they might be subjected to torture while in detention. The names of the children were:

*Ali Jaffer Mohammed Ali*, 16, from Rani Jamra district and arrested on 18 August 1996, *Ammar Mohammed Ali*, 16 from Maqabah district and arrested on 6 August 1996, *Hassan Mohammed Ali*, 16, from Al-Karwarah district and arrested during September 1996, *Maythem Omram Hussain*, 16, from Bani Jamra district and arrested on 14 July 1996, *Mohammed Majeed Al Zaki*, 16, from Maqabah district and arrested on 6 August 1996, *Sayed Adnan Sayed Jalal*, 17, from Karzakkan district and arrested during September 1996.

*Ammar*, a two months old baby, was arrested with his mother, Mrs Nour Alhoda Alqtan, from Shakhoura district on 31 August 1996.

**2.7** On 10 October 1996, the BHRO expressed grave concern over further arbitrary arrests and the risk of torture in late months, which had involved a number of minors.

With some of the previous mentioned children were also arrested: *Ebrahim Nasser*, 13; *Jaffer Saleh Al-Gasrah*, 17; and *Mohsen Khalil Al-Qmaish*, 15.

The detainees were held incommunicado and denied access to families, lawyers and medical attention.

Due to the current situation in Bahrain, OMCT feared that all detainees, including the children, run the risk of being tortured.

There was also grave concern over the disfunctioning of the judicial system, including the widespread use of torture to extract confessions, the persistence of illegal detentions, the lack of counsel for the defence, allegations that members of the judiciary were appointed by the royal family. All these factors constituted grave breaches of several international standards.<sup>73</sup>

**2.8** On 28 October 1996, the Bahrain Human Rights Organisation (BHRO), a member of OMCT network, expressed grave concern about a series of violations

72 - Case BHR 230996 and Child Concern in OMCT, The Hidden Crimes, p. 56.

73 - Case BHR 101096, Child Concern in OMCT, The Hidden Crimes, p. 57.

perpetrated against children. According to the information received, on 22 October 1996, in Hammad Town, security police broke violently into the house of Mahdi Sayd Khalaf, 22, in order to arrest him. They detained his brother, *Mohammed Sayed Khalaf*, 15 years old. *Mohammed Sayed Khalaf* was detained and allegedly ill-treated for several hours. He was finally released in exchange of his brother Mahdi Sayed Khalaf, who was at that time being held incommunicado and faced the risk of being tortured.<sup>74</sup>

The same day, OMCT was informed about the fact during the month of October 1996, the security forces had detained several people including the following twenty minors:

*Mahmoud Ahmed Dheif, Ahmed Ali Abdul Shahid, Hashim S. Taj S. Hasshim, Ali S. Mahfoudh S. Mohammed*, all 15 years of age; *Mohammed S. Yousif S. Abdul Wahab, Hassan Abdallah Mohammed Hussain, Morthada Abdul Nabi Shaif, Hussain S. Ahmed S. Hassan*, all four 16. Detained on October 24 1996, in Al-Marck.

*Majeed Abdallah and Adel Hassan*, both 17 years of age. Detained on 3 and 11 October in Deih.

*Issa Mohammed*, 13; *Hussain Abdul Aziz*, 14; *Sadeq Jaffer, Ahmed Abbas*, and *Ahmed Abdul Nabi Al-Sari*, all three 15, and *Hassan Ma'touq*, 16. Detained on 15 October, in Alqurayyah.

*Hussain Al-Sarah*, 13. Detained on 11 October, in Bani Jamrah.

*Basheir Abdallah Fadhel*, 11 and *Hussain Mohammed Ali*, 14. Detained on 17 October in Sar.

OMCT was gravely concerned about the frequent practice of minor's detention in Bahrain.

OMCT also feared for the integrity of the minors and all people in detention, particularly the risk of torture and ill-treatment they incurred.<sup>75</sup>

**2.9** On 4 November 1996, OMCT had been informed, by reliable source, of the arrest, on 1 November 1996, of 4 children:

74 - Case BHR 281096.1, Child Concern in OMCT, The Hidden Crimes, Children: Torture, Summary Executions, Disappearances, OMCT cases from 1995-1998, 1999, p. 57-58.

75 - Case BHR 281096.2, Child Concern in OMCT, The Hidden Crimes, p. 57-58.

*Mansoor Al-Qattan*, 17, *Fadheil Ahmad Muhsin*, 15, *Jalil Naser*, 17 and *Abbas Hassan Saif*, 17.

According to information received, some ten thousand people turned up at Friday prayer in Duraz grand mosque chanting pro-democracy slogans and calling for the restoration of parliament, the reversal of death sentences and the release of political prisoners and jailed leaders. These arrests took place during a demonstration commemorating the first anniversary of the 10 day hunger strike by Sheikh Al-Jamri and his colleagues.

According to the same information, *Jassim Al-Hawwaj*, 15, had been detained for two days in the past week and released after suffering deafness in his left ear as a result of torture.

*Ishraq Habib*, a 16 year old girl - arrested in mid-October from her parents' home in Mahooz, a district of the capital, Manama, was alleged to be undergoing ill-treatment and torture at the hands of the security forces.

OMCT expressed its grave concern for the frequent arrests of minors in Bahrain and for the physical and psychological integrity of

these children, more particularly for the high risk of torture and other cruel, inhuman or degrading treatment they may be subjected to.<sup>76</sup>

**2.10** On 21 November 1996, reliable sources alerted OMCT of several cases of human rights violations in Bahrain, one of which included children.

Among the latest repressive measures taken by the government against the population were attacks mounted by the security forces in residential areas on the dawn of 11 November 1996, when houses and car windows were smashed and front gardens ransacked in Duraz. These were allegedly part of the collective punishment programme undertaken by the authorities to repress the general unrest among the population. Within the same climate of systematic human rights violations, it appeared that the ruling Al-Khalifa family was participating in court hearings and passing sentences based on unclear evidence or confessions extracted under torture.

Dawn raids in Sitra, which according to the information occurred on 19 November,

resulted in the arrest of several people including three minors: *Abdul Hassan Al-Nakal*, 17, *Hassan Mulla Jaffar*, 17, *Khalil Ali Naser*, 16.

There were grave fears about the physical and psychological integrity of these minors, in particular given precious cases of torture and ill-treatment of minors in detention in Bahrain.<sup>77</sup>

**2.11** On 19 December 1996, BHRO expressed its grave concern about a continuing wave of massive arbitrary arrest and detention in Bahrain. Among the detainees were the following children:

*Yasser Abdallah Khalil*, 12, from Samahij, arrested on 25 November 1996; *Jaffer Ali Hassan*, 16, from Arad, arrested on 05 December 1996; *Mohammed Hassan Elias*, 12, from Samahij, arrested on 25 November 1996 and *Mohammed Hassan Kharfoush*, 11, from Samahij too, arrested on 25 November 1996.

The detainees were held incommunicado. Given the circumstances of their arrest and the great number of similar cases over that year, there were grave fears about their physical and psychological integrity. The information suggested that the main reasons behind the arrests would appear to be aimed at discouraging people from demonstrating against the current authorities. Such activities had been a part of popular movement and disturbances started on December 1994 calling for democratic reforms and the release of detainees.<sup>78</sup>

### 3. OMCT Cases in 1997

**3.1** On 3 March 1997, the BHRO expressed its grave concern over a wave of arrests at the end of February 1997, including the arrest of more than 60 children (the exact numbers were at that time unknown). The events lead to serious concerns for the physical and psychological integrity of the children.<sup>79</sup>

According to the information received, the security forces raided many areas. The names identified so far were:

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77 - Case BHR 211196 and Child Concern in OMCT, *The Hidden Crimes*, p. 59-60.

78 - Case BHR 191296, *Child Concern in OMCT, The Hidden Crimes*, p. 61-62.

79 - Case BHR 030397, *Child Concern in OMCT, The Hidden Crimes*, p. 66-67.

Children identified from Duraz were *Seyed Jalal Hadi*, 12, *Hussain Ali Salman*, 12, *Mohammed Thabet Abdulla*, 13, *Mohammed Hussain Ed*, 14, *Hussain Al-Molla*, 16.

From Jannosan, the following children were arrested: *Hussain Ali Abdul Aziz*, 15, *Ali Hassan Jawad*, 16, *Khalaf Ahmad*, 16.

From Karranah: *Hussain Saeed*, 16, *Hussain Alawi I-Khabbaz*, 15, *Mohammed Hassan Habib*, 16 and his brother *Taha*, 15.

From Adhari: *Seyed Hadi Jaffer*, 15, *Abdul-Ghani Seyed Ali*, 9, *Mohammed Ali Salman*, 11, *Hassan Ali Salman*, 15.

From Karzakkhan: *Jaffer Abd Ali Hatem*, 16.

From Jed Hafs: *Mohammed Abdul Fattah Khamis*, 15 and his brother *Ammar*, 13, *Habib Mirza Juma*, 15 and his brother *Qassim*, *Mahmood Abdulla Al-Qaffas*, 16, *Mohammed Sakher*, 16.

On 21 February, the security forces attacked the house of Hussain Mohammed Ali Draboh in Sitra ransacked its contents, and smashed the doors and windows. They also

arrested his sons, *Mohammed Amin* and *Hani*, 10 years old.

These arrests appeared to be part of an ongoing campaign on the part of the authorities to clamp down on political dissent and calls for democracy. The campaign would appear to target children with the aim of intimidating the families of those arrested. This use of torture against such arrested children, in Bahrain would appear to be systematic. These acts and many others had allegedly been co-ordinated by the former British SAS serviceman, Ian Henderson.

**3.2** On 17 April 1997, BHRO expressed its grave concern over a continuing wave of massive arbitrary arrest and detention including minors.

According to the information received, the detainees were allegedly picked up arbitrarily without warrant or court order. Apparently the main reason behind the arrests was to discourage anti-regime activities such as painting of graffiti, distribution of pamphlets and participation in demonstrations.

The detainees were held incommunicado.

35 children had been arrested. It was feared that these children be subjected to torture.<sup>80</sup>

**3.3** On 16 May 1997, the International Secretariat of OMCT had been informed by a reliable source about the detention of the following adolescents: *Nader Ibrahim Ahmad*, 17, his brother *Faisal*, 16; *Hassan Hamad Mansoor*, 17 and his brother *Basim*, 16; *Moshin Ahmad Ali*, 16 and *Seyed Mohammed Abbas*, 16. These adolescents had spent one year in administrative detention and suffered ill-treatment and torture. The six adolescents were all from Jabalat-Habshi, 5 kilometers to the west of the capital Manama. Hassan and Basim are the sons of Ahmad Mansoor, an opposition figure, who himself was arrested a year ago. He was one of the known campaigners for the Popular Petition of 1994.

According to the information received, on 26 April 1997, the six adolescents were brought to trial for a first session of the State Security Court, presided by Khalifa bin Rashid Al-Khalifa, a member of the ruling family. A second session was held on 10 May 1997.<sup>81</sup>

**3.4** On 20 June 1997, BHRO expressed its grave concern for the physical and psychological integrity of many arrested persons detained in a new wave of arrests against civilians and protesters calling for political reforms. During the arrest, the BHRO had documented the arrests of nine children:

*Ebrahim Ahmad Dani*, 13, from Bilad Alqadim, arrested on 10 June 1997; *Yousif Hassan Al-Shakouri*, 13, from Al-Dayh, arrested in middle of May 1997; *Mohammed Ali Hassan*, 14, from A'ali, arrested in the beginning of May 1997; *Yassen Jaffer Abdul Kareem*, 16, from Sahlat, arrested in the beginning of May 1997; *Ahmed S. Hassan Al-Yousif*, 17, from Manama, arrested in mid May 1997 and *Taleb Ali Hassan*, 17, from A'ali, arrested at the beginning of May 1997.

Apparently the main reason behind the arrest was to discourage anti-regime activities such as painting of graffiti, distribution of pamphlets, passing information about the disturbances to the outside world, and participation in demonstrations or gatherings.

Out of several thousands detained in connection with the disturbances since December 1994, only a few hundred had ever been brought to trial. They were tried

80 - Case BHR 170497 and Child Concern in OMCT, The Hidden Crimes, p. 65-66.

81 - Case BHR 1605697, Child Concern in OMCT, The Hidden Crimes, p. 67.

in the State Security Court which held sessions in camera, and it would appear without respect for basic procedural safeguards. It would further appear that confessions made under torture were admissible as evidence.

Given the circumstances of the arrests, detention and the concerns over their trial, there was grave concern for the physical and psychological integrity of the children.<sup>82</sup>

**3.5** On 30 July 1997, OMCT had been informed by reliable sources about the injury of five children during the two attacks by security forces on Sitra, one during 4-11 July and the other one during 28-29 July 1997.

A 5 years old boy, *Mohammed Abdul Adhim*, was injured during the ransacking and siege of Wadyan (Sitra island) between 4 and 11 July. He was shot by the security forces and was in the hospital due to a bullet wound. *Ali Abdul Nabi Abdul Wahab*, 17, was also hit by a rubber bullet. He was then arrested and publicly beaten by the army.

A 3 year old boy, *Mustapha Abdulla*, was and injured during the second attack. He

was hit by a cluster-bullet that exploded in his body spreading sharp particles. The same types of bullets had also injured his two sisters: *Amal Abdul Jabbar* and *Narjis Abdul Jabbar*. When the two girls went to Sitra Medical Centre, they were refused treatment.<sup>83</sup>

**3.6** On 22 December 1997, the BHRO expressed its grave concern over a further wave of arrests. During the last five months, at least 145 minors were allegedly arrested by the security forces and were being held incommunicado, mostly without valid charges.

According to the information received, some of those arrested were allegedly rounded up during street demonstrations or gatherings by a special security formed mainly of recruits from other countries. More generally however, the security forces entered villages and neighbourhoods, often in the aftermath of street demonstrations, seeking to arrest persons individually or en masse. These arrests generally took the form of house raids around or just after midnight.

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82 - Case BHR 200697 and Child Concern in OMCT, *The Hidden Crimes*, p. 62-63.

83 - Case BHR 300797, *Child Concern in OMCT, The Hidden Crimes*, p. 64.

Most of those detained were allegedly severely beaten when they were arrested; they were punched, kicked, and hit with gun butts while they were taken handcuffed and blindfolded. In most cases the security forces ransacked the house, damaged its contents and insulted or beat any resident showing signs of discontent.

The main reason behind these arrests seemed to be to discourage anti-regime activities such as participation in demonstrations or gatherings, painting graffiti and distributing pamphlets.<sup>84</sup>

#### **4. OMCT Cases in 1998**

**4.1** On 19 January 1998, the BHRO, expressed its grave concern over the threat to the physical and psychological integrity of at least 22 minors following a new wave of arrests.

During the month of December 1997, at least 22 minors had been allegedly arrested by the security forces and were being held incommunicado, mostly without valid charges.

According to the information received, some of those arrested were allegedly rounded up during street demonstrations or gatherings by a security force formed mainly of recruits from other countries. These arrests took the form of raids around or after midnight.

Most of the detained were allegedly severely beaten when they were arrested: they were punched, kicked, and hit with gun butts while they were taken handcuffed and blindfolded. In most cases the security forces ransacked the house, damaged its contents, and insulted or beat any resident showing signs of discontent. People were arrested as hostages until the wanted persons gave themselves up.

The main reason behind these arrests seemed to be to discourage anti-regime activities such as participation in demonstrations or gatherings, painting graffiti and distributing pamphlets.

Few of the detainees had access to their families, lawyers, and doctors. Many still had not been brought to trial. There was concern that these minors will not receive fair procedural treatment.<sup>85</sup>

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84 - Case BHR 221297 and Child Concern in OMCT, *The Hidden Crimes*, p. 63-64.

85 - Case BHR 190198, *Child Concern*, and BHR 290198, *Child Concern in OMCT, The Hidden Crimes*, p. 74.

**4.2** On 4 March 1998, the BHRO had expressed its grave concern over the allegedly arbitrary detention of *Yaser*, 17, a son of Mr Abdul Hussain Ahmed Kadhem. According to information received, *Yaser* was allegedly detained several times: the first time that he was arrested was on 6 March 1995. He was allegedly being detained in the Hooth al Jaf (a temporary detention centre) without charge, where it was believed that he was subjected to torture and ill-treatment by SIS officers.

OMCT feared for *Yaser*'s physical and psychological integrity.<sup>86</sup>

**4.3** On 13 March 1998, the BHRO had expressed its grave concern for the physical and psychological integrity of at least 50 minors, allegedly detained in further waves of arrests during the months of January and February.

According to the information, all of these minors were detained incommunicado, mostly without valid charges.

The information suggested that the minors had been arrested during street demon-

strations or from their homes and that the arrests were carried out using violence including beaten, causing damage to property and provoking fear amongst other residents.

The reason behind these arrests appeared to be to discourage anti-regime activities such as participation in demonstrations or gatherings, painting graffiti, burning tyres, and distributing pamphlets.

Given the circumstances of their arrest and the consistent pattern and number of grave violations of human rights in Bahrain, there were grave fears for the security of these minors.

A great number of persons arrested within the context of ant-regime activities had not been brought to trial. Should they gain access to a trial, there were serious concerns over their procedural rights.<sup>87</sup>

**4.4** On 03 July 1998, OMCT had been informed by the BHRO of the allegedly arbitrary detentions of approximately 70 minors, aged between 7 and 17 years of age, from March to June 1998.

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86 - Case BHR 040398, Child Concern in OMCT, *The Hidden Crimes*, p. 72-73.

87 - Case BHR 130398, Child Concern in OMCT, *The Hidden Crimes*, p. 73.

They had reportedly been severely beaten at the time of their arrest and it was feared that their physical and psychological integrity was at great risk considering that detainees, in general, were held incommunicado for long periods of time. Furthermore, it was believed there were other similar cases which had not been documented.

The BHRO recalled that, since 1994, the human rights situation in Bahrain had been characterised by persistent human rights violations, triggered by the outbreak of mass protests calling for the release of detainees and democratic reforms, carried out in the form of arbitrary detentions, extra-judicial executions, the use of torture and inhuman conditions of detention, against women, children and men.<sup>88</sup>

**4.5** On 06 November 1998, OMCT had been informed by the BHRO of the allegedly arbitrary detention of a group of citizens, including women and children, in the attack and ransack of a house in Daih village, to the west of Manama capital. According to the information received, the security forces

launched attacks against the residents of Daih village, which started on November 2 1998, and continued on the two followings nights. Groups of security forces conducted the attacks destroying furniture, walls and ceilings, and arresting the young men and women of the families.

According to the information, Mr. Mahdi Al-Bazaz' house had been under siege for three days. It was believed that Mr. Al-Bazaz' 16 years son, *Isa*, had been taken as a hostage.

Dozens of additional houses were attacked and several persons had been arrested, including *Yousif Al-Sa'af*, 15, *Haitham Ali Al-Sheikh*, 18 and *Mohammed Ali Al-Ekri*, 15.<sup>89</sup>

**4.6** On 10 November 1998, OMCT was informed by the BHRO of acts of arbitrary detention and torture of several minors in Bahrain during the month of October.

According to the BHRO, nine minors were arbitrarily arrested, some of them were subjected to torture and seven were at that time held in detention in numerous facilities centres in Bahrain:

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88 - Case BHR 030798, Child Concern in OMCT, The Hidden Crimes, p. 68.

89 - Case BHR 061198 and Child Concern in OMCT, The Hidden Crimes, p. 69.

*Sadiq Abdula Yousif*, 12, and the son of Mahdi Abd Alnabi Al Marzuq (his name was unknown), also 12, were arrested in Duraz in October 1998 and were held in the Budaya Centre. According to the information, the minors were severely beaten at the moment of the detention and OMCT feared for their physical and psychological integrity while in detention.

*Ayman Ali Ahmad Abdul Rasul* and *Imran Abdul Rasul Ali Abdul Rasul*, both 14, and *Ama'r Abdul Rasul Ali Abdul Rasul*, 13, were arrested on October 13 1998 in Ikir.

*Mohammed Abdul Mohsin Jassim Abdul Nabi*, 17 and *Abdul Khaliq Jassim Mohammed Yousif*, 14, were arrested on October 10 1998 in Ikir.

*Hamid Ali Yousif* and *Ismael Sayed Ali Seyed Hashim*, both 17, were arrested on October 9 1998 in the area of Qadam and taken to the Al-Budaya Centre. According to information received, the minors were released after being torture.

Given the circumstances of their arrest and the great number of grave violations of human rights in Bahrain, there were grave fears for the security of the minors.<sup>90</sup>

**4.7** On 14 December 1998, OMCT had been informed by the BRHO of concern for the physical and psychological integrity of at least 93 minors allegedly arrested in further waves of arrests during the last five months.

According to BHRO, most of the detainees were allegedly arrested during street gatherings or from their homes and were violently removed by special security forces, causing damages to property and producing a climate of fear amongst other residents.

The report stated that between 2 and 5 November 1998, the Security forces attacked the village of Daih, arresting persons and destroying houses and property.

According to the information, the methods of arrest included the detention of two or more members of the same family or the arrest of a person to force one of his or her family members to hand himself or herself in.<sup>91</sup>

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90 - Case BHR 101198, Child Concern in OMCT, The Hidden Crimes, p. 70-71.

91 - Case BHR 141298 and Child Concern in OMCT, The Hidden Crimes, p. 71.

## 5. OMCT Cases in 1999

**5.1** On 12 January 1999, the International Secretariat of OMCT was informed by the BHRO of the concern for the physical and psychological integrity of at least 33 minors between the ages of 13 and 17, allegedly arrested in further waves of arrests and house-raids in several places of Bahrain during the last two months. Some of the detainees were feared to have been subjected to torture. These arrests were part of an ongoing campaign of intimidation including arbitrary detention and torture.

Given the social and political atmosphere, the governments disregard for the rule of law and the great number of grave violations of human rights in Bahrain, there were grave fears for the security and the physical and psychological integrity of the minors.

Moreover, most of the children arrested still had not been brought to trial. The International Secretariat of OMCT expressed further fears over their access to a fair trial.<sup>92</sup>

**5.2** On 8 February 1999, The International Secretariat of OMCT had been

informed by the BHRO of the concern for the physical and psychological integrity of 18 persons held in detention in Bahrain. According to the BHRO, during the first week of January 1999, these persons, including two children, *Seyed Jaffer Sharaf*, 16, and *Jalal Mahmood Sharaf*, 16, were arrested during a wave of arrests of people from Tobli.

Given the circumstances of their arrest and great number of grave violations of human rights in Bahrain, there were fears for the security of the minors.

These persons were detained under the 1974 State Security Law. Article 1 provided for the administrative detention without charge or trial for up to three years. The Security Measures in Bahrain violated many international human rights binding provisions which have become international customary law, such as those laid down in the International Covenant on Civil and Political Rights, particularly Articles 7, 9 and 10.

Out of several thousands detained in connection with the disturbances since they began in December 1994, only a few hundred had ever been brought to trial. They were held incommunicado, a condition that fa-

cilitates the use of torture. They were tried in State Security Court which held videotaped sessions, with no respect for basic procedural safeguards. It appeared that confessions made under torture were admissible as evidence.<sup>93</sup>

**5.3** On 8 March 1999, the International Secretariat of OMCT had been informed by the BHRO of the concern for the physical and psychological integrity of at least 54 people from Bahrain. Among them, 19 minors between the ages of 12 and 17, were allegedly arrested in further waves of arrests and house-raids in several areas of Bahrain during the month of February 1999. It was feared that some of the detainees might have been subjected to torture. These arrests were part of an ongoing campaign of intimidation that included arbitrary detentions and torture.

Among the detainees, *Abbas Ali Marhoon*, 13, was arrested on 11 February 1999 in Nuweidrat. He was severely beaten in public before being taken away by the security forces. His whereabouts remained unknown. The whereabouts of another three other minors: *Abdul Shahid Jaffer Al-Mulla*, *Ahmad*

*Mahdi Habib* and *Ahmad Mahdi Marhoon*, all 14, arrested on the 11<sup>th</sup> of February 1999, in Nuweidrat, also remained unknown.

The names of the other fifteen minors at that time detained were as follows:

1. *Isa Mula Mansoor Al Utaibi*, 16, from Daih;
2. *Abdul Ghani Ahmad Al Zaimur*, 16, from Daih;
3. *Ali Ahmad Al.Zaimur*, 15, from Daih;
4. *Seyed Hassan Shubbar Sharaf*, 15, from Tobli;
5. *Seyed Isa Ismail*, 15, from Tobli;
6. *Ibrahim Abdulla Ahmad Abbas*, 16, from Tobli;
7. *Seyed Jaffer Mohammed Hashim*, 17, from Tobli;
8. *Seyed Kamil Kadhim Ibrahim*, 15, from Abu Saiba'a;
9. *Jaffar Abd Ali*, 12, from Daih;

10. *Hussain Jaffer Jassim*, 12, from Daih;
11. *Mahmood Hassan Abdul Wahab*, 16;
12. *Hussain Mahdi Saleh*, 17, from Duraz;
13. *Ahmad Abdul Nabi Abdul Karim*, 17, from Duraz;
14. *Ahmad Abd Ali Al-Madani*, 17, from Duraz;
15. *Mohammed Abdulla Al-Yoser*, 17, from Duraz.<sup>94</sup>

**5.4** On 14 October 1999, the International Secretariat of OMCT had been informed by the BHRO of the concern for the physical and psychological integrity of 2 allegedly arbitrarily arrested minors.

According to BHRO, *Mohsin Majid Al-alawi*, 16, from Qadam, was arrested with his two brothers on 2 October 1999 and released after being severely beaten for a day.

In another case, *Hamid Ali Yousif Yahya*, 17, from Qadam, was also arrested on 2 October 1999, and, according to the reports, was allegedly tortured. He was apparently held in detention at the Budaya Police Station.

They were allegedly arrested during street demonstrations or from their homes by special security forces using violence including beating, causing damage to property and provoking fear amongst other residents.

Apparently, the main reason behind the arrests was to discourage anti-regime activities such as participation in demonstrations or gatherings, painting graffiti, and distributing pamphlets.

These cases were part of the ongoing political unrest and the widespread popular movement calling for political reforms and the restoration of democracy.

These minors were arrested under the 1974 State Security Law which allowed for the detention of a person without charge or trial for up to three years and set up a special court system, “the State Security Court”, a procedure which fell short of International standards for a fair trial.<sup>95</sup>

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94 - Case BHR 080399.CC, Child Concern.

95 - Case BHR 141099.CC, Child Concern.

**5.5** On 19 November 1999, the International Secretariat of OMCT was informed by the BHRO of the arrest of 26 persons, 11 of which were confirmed as children. The age of 5 of these detainees was unconfirmed. OMCT was gravely concerned for the physical and psychological integrity of these detainees.

1. *Seyed Hashim Kadhem*, 16, from Malekya, arrested on Mid-October;
2. *Seyed Ahmad Al-Jaway*, 16, from Malekya, arrested on Mid-October;
3. *Jaffer Ibrahim*, 16, from Malekya, arrested on Mid-October;
4. *Seyed Jalal Mahmood Sharaf*, 17, from Tobli, arrested on October 14, at his home around 8 p.m.;
5. *Seyed Isa Ali Ismail*, 17, from Tobli, arrested on October 14, at his home around 8 p.m.;
6. *Abdul Amir Isa Abdulla*, 17, from Karzakan, arrested on October 14;
7. *Mohammed Jasim Abdul Rasool*, 17, from Karzakan, arrested on October 14;

8. *Monir Ahmad Ali Al-Sheikh*, 17, from Karzakan, arrested on October 14;
9. *Abbas Hassan Juma Al-Shakhori*, 15, from Karzakan, arrested on October 14;
10. *Mohammed Hassan Ashoor* (teenager), from Karzakan, arrested on October 14;
11. *Ali Ahmad Abdulla Al-Tobaji*, 17, from Sitra, arrested on Mid-October.

These cases were part of the ongoing political unrest and the widespread popular movement calling for political reforms and the restoration of democracy.

These persons were arrested under the 1974 State Security Law which allows for the detention of a person without charge or trial for up to three years and sets up a special court system “the State Security Court”, a procedure which fell short of International standards for a fair trial.<sup>96</sup>

**5.6** On 24 November 1999, the International Secretariat of OMCT was informed by reliable sources of the arrest of 13 persons, including 3 confirmed as children, on 22 November 1999, in Hamad town. The age of 7 of these detainees was unconfirmed:

1. *Shakir Salman Al Ali*, 17;
2. *Radhi Al Ali*, 17;
3. *Mohammad Abbas Al Sabe'*, 17.

Three people were arrested from Karrana a few days earlier, including 2 children.

1. *Isa Abdulla Isa Makki*, 10;
2. *Sayyed Jaffar Sayyed Jaber Alawi*, 15.

These cases were part of the ongoing political unrest and the widespread popular movement calling for political reforms and the restoration of democracy.

These persons were arrested under the 1974 State Security Law which allows for the detention of a person without charge or trial for up to three years and sets up a special court system, "the State Security Court",

a procedure which fell short of International standards for a fair trial.

OMCT was gravely concerned for the physical and psychological integrity of these detainees.<sup>97</sup>

**5.7** On 9 December 1999, the International Secretariat of OMCT had been informed by reliable resources of the continuing intimidation and harassment of Bahraini citizens, including two children, *Sayed Shubair Sayed Maki* and *Younis Hassan Al Sheik* who had been repeatedly summoned and had suffered ill-treatment from the Bahraini police.

According to the information, on 28 November 1999, security forces ransacked the houses of Haj Isa Mohammed, Haj Baqir Mohammed and Seyed Juma Seyed Majid. At midnight the security forces, accompanied by police dogs, which were let loose, entered the houses with the families of these men inside.

On Saturday 1 December, the three above-mentioned persons were summoned to a police station. On 2 December they received

a summons, which included male family members as well as children, to report to the police station again. According to the information received, they were threatened, harassed and beaten up. Later that same day, they received a summons to report again to the police station on 6 December. The two children, *Sayed Shubair Sayed Maki* and *Younis Hassan Al Sheik* were also included in this summons.

They were all released but were expected to report to the police station again following any further summons.<sup>98</sup>

**5.8** On 23 December 1999, the International Secretariat of OMCT had been informed by a number of sources of the arrest of four children as part of several waves of arrests during November and December:

1. *Hussain Abu Maden*, 17, arrested on November 13;
2. *Abbas Mohammed Abbas Al Zaki*, 16, from Abu Seb'a area, arrested on December 12;

3. *Sayed Nazar Sayed Maki*, 16, from Abu Seb'a area, arrested on December 12;

4. *Ali Abdula Said*, 16, arrested on November 25.

These cases were part of the ongoing political unrest and the widespread popular movement calling for political reforms and the restoration of democracy.

These persons were arrested under the 1974 State Security Law which allowed for the detention of a person without charge or trial for up to three years and set up a special court system, "the State Security Court", a procedure which fell short of International standards for a fair trial.<sup>99</sup>

## **6. OMCT Cases in 2000**

**6.1** On 10 January 2000, the International Secretariat of OMCT was informed by reliable sources of the arrest, detention and ill-treatment of a number of children during the month of December 1999.

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98 - Case BHR 091299.CC, Child Concern.

99 - Case BHR 231299.CC, Child Concern.

According to the information received, on 15 December, *Hussein Isa Atiyah*, 14, from Abu Sayb'a, was arrested as he stood outside his parents' house early evening that day. According to reports, he was viciously beaten before his release the following day. Also on 15 December, *Mohammed Khalil Ebrahim Mohammed*, 17, from Sanad, was arrested, and his parents' house contents were vandalised by security forces. His mother was also arrested when she attempted to inquire about the reasons for which her son was being arrested. On 20 December, *Sayed Murtada Sayed Jaffar Sayed Salman*, 14, from Shakhora, was snatched from his parents' house late at night and tortured for a day and a half. He had previously been arrested 6 months before without charges or trial.<sup>100</sup>

**6.2** On 9 February 2000, according to the information received from the BHRO, three children were arrested, one of which was allegedly tortured.

According to the information received, on 2 January 2000, security forces attacked the village of Daih and arrested two 13 years old boys, *Hamza Ali Hassan, Al-Asghar* and *Ali Abdulla Saad*. The former was released after reportedly being tortured while the other remained in detention. In this latter case, *Saad* was allegedly brought by security forces to Daih Village and video-taped next to graffiti. In another case, *Seyyed Ahmad Saeed Marzooq*, 17, was snatched on January 31, from a bed in a neighbouring house where he had been hiding for 2 months.

The International Secretariat was gravely concerned for the physical and psychological integrity of those three children.<sup>101</sup>

**6.3** On 16 March 2000, the International Secretariat of OMCT received information from the BHRO regarding the arrest and arbitrary detention of a number of children in February and March 2000.

According to the information received, the children included *Hassan Salman Al Laith*, 16, *Ali Ahmed Jaffar Al Laith*, 16, *Mohammed Hassan Maki*, 16, *Jaffar Mohammed Abdul Rasul*, 17 (all were

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100 - OMCT Appeals, 10/1/2000: Bahrain: arrest and detention and torture of children in month of December, Children's Rights Programme Case BHR 100100.CC.

101 - OMCT Appeals, 9/2/2000: Bahrain: arrest and torture of children, Children's Rights Programme, Case BHR 090200.CC Child Concern.

arrested on 10 March from Dar Kulaib area), *Hussain Ali Hassan Al Affia*, 16 (arrested on 10 March from Shahrakkan area), *Khadem Abdula Ali*, 14, *Hussain Ahmed Abas*, 14 and *Hussain Ali*, 14 (the latter three were arrested on 7 March from Dair Area. They were threatened and intimidated then released on the same day. They had been arrested twice before and were accused of writing pro-democracy slogan). On 20 February, one citizen, *Ali Mansoor*, 17, from Abo-Saiba, was snatched from his house.<sup>102</sup>

**6.4** On 11 April 2000, the International Secretariat of OMCT was informed by the BHRO of the arrest and detention of a number of children following a wave of arrests in Bahrain.

According to the information received, on 22 March 2000, security forces attacked Karzakkan and arbitrarily detained six persons including a 17 years old boy, *Mohammed Baqir Al-Meraj*.

It was further reported that between 22-24 March, the following were detained during dawn raids conducted against the residents

of Bori: *Seyyed Hashim Adnan Yousif*, 15, *Hassan Abdulla Ibrahim*, 15, *Abbas Ahmad Isa*, 16, *Yousif Ali Mohammed Al-Aali*, 16, *Mohammed Ali Salman*, 17. Also, in another wave of arrests on Bori, *Mohammed Al-Hujairi*, 17 and *Mohammed Habib*, 16 were detained.<sup>103</sup>

**6.5** On 23 May 2000, the International Secretariat of OMCT was informed by the BHRO of the detention of three children.

On 24 April 2000, at 2 am, a large group of security forces attacked three houses in Duraz and detained three children. *Ammar Ali Mansoor Al-Shehabi*, 15, *Isa Mahdi Abdul Nabi*, 17 and *Sadiq Abdulla Qassim*, 14. On 30 April 2000, at 8 am, it was reported that the 3 children were dragged by the security forces to Duraz and were forced to paint slogans while being filmed by them. At that time, they were detained by the Criminal Intelligence Directorate (CID).<sup>104</sup>

102 - OMCT Appeals, 16/3/2000: Bahrain: arbitrary arrests and detention of children in February and March 2000, Children's Rights Programme, Case BHR 160300.CC.

103 - OMCT Appeals, 11/4/2000: Bahrain: arrest and detention of children during March 2000, Children's Rights Programme, Case BHR 110400.CC Child Concern.

104 - OMCT Appeals, 23/5/2000: Bahrain: 3 children detained, Children's Rights Programme, BHR 230500.CC Child Concern.

**6.6** On 16 June 2000, the International Secretariat of OMCT was informed by the BHRO of the detention of 5 children and the torture in detention of one child.

According to the information received, on 25 May 2000, during dawn raids, security forces attacked Iskan-Jedhafs and detained *Abdulla Saeed Jasim Azbeel*, 13, *Seyyed Jaffer Seyyed Hussain*, 13 and *Mahmood Mansoor Al-Asmakh*, 13. It was reported that they were taken to Adleya detention centre. On the same day, it was reported that the security police summoned *Ali Makki*, 13. Also, earlier, it was noted that *Mosa Jaffer Al-Sheikh*, a child, was detained and had only been released when his family paid an arbitrary fine. According to BHRO, *Mohammed Jawad Makki*, 14, from the same area, had been detained and tortured. He was released and at that time, he was using crutches because of the torture he was subjected to.<sup>105</sup>

**6.7** On 18 July 2000, The International Secretariat of OMCT received information

from the BHRO, regarding the arrest and arbitrary detention of two children in June and July 2000.

According to the information received, at the beginning of July 2000, security forces attacked several houses in Bilad Al-Qadim and arrested a number of citizens, releasing them a couple of days later. *Alsayed Jabir Alsayed Ibrahim*, 17, was among those arrested. Also, it was reported that on 21 June, a child, *Mosa Jaafar Al-Shaikh* from Daih was arrested and kept in jail for four days, allegedly tortured severely and then released.

Also in June 2000, a number of young people were sentenced, following their arrest as children three to four years ago. The following persons were sentenced: *Tahir Abbas Hussain Mahffodh*, 18 years old (sentenced to 7 years imprisonment), *Ali Alshaikh Mosa Hassan Al-Oraibi*, 18 (7 years) for allegedly intentionally setting fire to a building in Tubil on January 19 1997. In addition, *Nabil Abdul Nabi Al-Saffar*, 19, *Jawad Salamn Isa*, 19, *Ammar Isa*, 18, *Mohammed Badr Alshaikh*, 18, *Naji Ahmed Salamn*, 18, *Sadiq Ali Al-Shofa*, 18, *Hamid Ali Ibrahim*, 18, *Alsayed Jaafar*, 18 were all sentenced to 5 years imprisonment. Those defendants were

105 - OMCT Appeals, 16/6/2000: Bahrain: 5 children detained, and young boy tortured, Children's Rights Programme, Case BHR 160600.CC Child Concern.

under the age of 18 at the time of arrest, but they were treated in the same manners as the others, in contradiction with the Convention on the Rights of the Child.<sup>106</sup>

**6.8** On 10 August 2000, The International Secretariat of OMCT was informed by the BHRO that the detention and torturing of citizens continued on a regular basis despite all the claims by the Bahrain authorities.

In the first week of August, the following teenagers were arrested in Daih: *Ahmed Abdulla Al-Khair*, 16, *Hussain Ali Rustom*, 17, *Ali Eid Saeed*, 15, *Mohammed Hassan*, 13, *Mahmood Hassan*, 15, *Talib Ali Al-Asfer*, 13, *Hamza Ali Al-Asfer*, 12. These citizens were transferred to Al-Khamis for interrogation and they were reportedly under high risk of torture. According to the information received, police stations had been empowered to detain and ill-treat citizens,

including minors, in a vastly decentralised structure that was aimed at diluting responsibility for torturing citizens.<sup>107</sup>

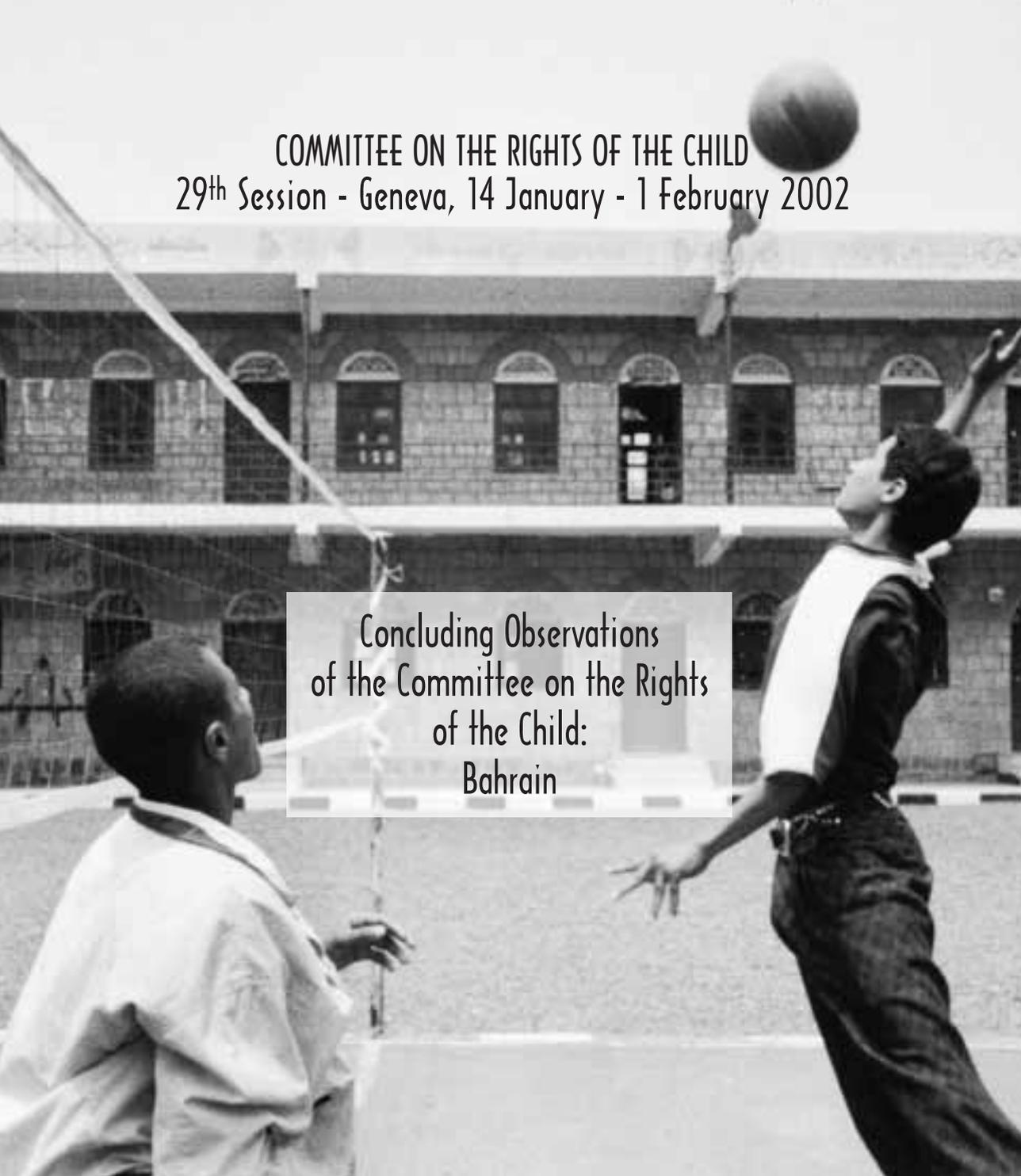
It was reported that this policy followed the government's decision to divide the country into 5 regions and appoint high security officers as governors of these regions. For example, Abdul-Azia Atteyatollah Al-Khalifa, appointed as the governor of Manama, the capital, was the head of a special committee formed in 1995 to deal with the then ongoing unrest and was allegedly responsible for the torture and death of many citizens between 1995-1997. Abdul-Rahman bin-Saqher Al-Khalifa, appointed as governor for the Northern region, was reported responsible for the torture of detainees and prisoners when he was at the investigation department. Both governors were members of Al-Khalifa ruling family. It is worth noting that the Capital and Northern regions of Bahrain are the most populated, and include most areas and villages witnessing unrest and arrests.

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106 - OMCT Appeals, 18/7/2000: Bahrain: arrest and torture of children, Children's Rights Programme, Child Concern, Case BHR 130700.CC.

107 - OMCT Appeals, 10/8/2000: arrest of children in Bahrain, Children's Rights Programme, Child Concern, Case BHR 100800.CC.





COMMITTEE ON THE RIGHTS OF THE CHILD  
29<sup>th</sup> Session - Geneva, 14 January - 1 February 2002

Concluding Observations  
of the Committee on the Rights  
of the Child:  
Bahrain



# CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

1. At its 769th and 770th meetings (see CRC/C/SR. 769 and 770), held on 28 January 2002, the Committee on the Rights of the Child considered the initial report of Bahrain (CRC/C/11/Add.24), which was received on 3 July 2000, and adopted At the 777th meeting, held on 1 February 2002. the following concluding observations.

## A. INTRODUCTION

2. The Committee notes that the structure of the initial State party report was prepared in accordance with the guidelines, although much of the information related to legal provisions or assertions of guarantees without providing information about how rights are actually enjoyed in practice. It notes with appreciation the additional information provided. The written replies were timely but did not sufficiently provide the requested information. The Committee appreciates the attendance of a high-level delegation which contributed to an open and frank dialogue.

## B. POSITIVE ASPECTS

3. The Committee Welcomes:

- the pace of political reform, including the adoption of the National Action Charter, and the preparations for an elected lower house of Parliament for 2004, as well as for the creation of elected municipal councils;
- the establishment of the Consultative Council's Human Rights Committee in October 1999;
- the abolition of the 1974 State Security Law and the State Security Courts in February 2001;
- cooperation with the international community in the field of human rights, including the visit by the Working Group on Arbitrary Detention in October 2001, and visits by international human rights NGOs, as well as efforts to promote and facilitate the work of national NGOs;

- the ratification of ILO Convention no. 111 concerning non-discrimination in employment and occupation, and the establishment of the Supreme Council for Women to assist the government in formulating policy on women's issues;
- that human rights studies are compulsory for law undergraduates at Bahrain University;
- the ratification of ILO Convention no. 182 concerning the worst forms of child labour;
- the establishment of the National Committee on Childhood in 1999 to co-ordinate the implementation of the Convention; and
- excellent health indicators and the high ranking in UNDP's 2001 Human Development Report.

## **C. FACTORS AND DIFFICULTIES IMPEDING THE IMPLEMENTATION OF THE CONVENTION**

4. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that in the State party narrow interpretations of Islamic texts in areas relating to personal status law may impede the enjoyment of some human rights protected under the Convention.

## **D. PRINCIPAL SUBJECTS OF CONCERN AND RECOMMENDATIONS**

### **D.1 General Measures of Implementation**

#### *Legislation*

5. The Committee is concerned that in the case of Muslims the Shari'a Court system which applies Shari'a personal law (marriage, divorce, custody and guardianship, inheritance, maintenance) and criminal law lacks many basic and minimum international safeguards and procedures, including those contained in the Convention, without which the right to a

fair trial or adequate access to the courts can be guaranteed in practice. In particular, that:

- Shari'a remains uncodified and is applied in its classical sense without reference to State legislation; and
- because it is uncodified the system may be subject to arbitrariness, inconsistencies, and lack of uniformity between judgements between different qadis, or judges; between Shi'a and Sunni departments; and disparities with decisions of the secular courts.

6. The Committee recommends that the State party:

- (a) to conduct a comprehensive review of its domestic laws, administrative regulations and procedural rules, including Shari'a, to ensure that they conform to international human rights standards, including the Convention;
- (b) ensure that laws are sufficiently clear and precise, are published, and are accessible to the public.

### *Coordination*

7. The Committee notes that the National Committee on Childhood is entrusted with the task of coordinating government ministries and NGOs in the implementation of the Convention but does not seem to have a clear mandate in this regard. At the same time, it notes that the National Committee monitors the implementation of the Convention and receives and addresses complaints. The Committee is concerned about this combination of tasks and the lack of clarity with respect to its relationship to the Consultative Council's Human Rights Committee.

8. The Committee recommends that the State party:

- (a) establish an effective body for the coordination of the activities of government ministries and NGOs for the implementation of the Convention with a clear mandate and adequate power, a legal framework, and a general secretariat with sufficient human, financial and other resources; and
- (b) complete and implement its comprehensive national plan of action for

children, ensuring that it has been prepared through an open, consultative and participatory process, is human rights-based, and includes the implementation of the Convention.

### *Monitoring Structures*

9. The Committee notes the establishment of the Consultative Council's Human Rights Committee. It also notes the information that the Council's Human Rights Committee continues to receive individual complaints regarding the implementation of children's rights. But the Committee is concerned that the Council's Human Rights Committee:

- does not fully reflect the Paris Principles; and
- does not have a child rights sensitive procedure for dealing with complaints under the Convention.

10. The Committee recommends that the State party:

- (a) ensure the Human Rights Committee fully complies with the Paris Principles relating to the status of

national institutions (General Assembly resolution 48/134);

- (b) strengthen its support of the Human Rights Committee through the provision of adequate human and financial resources, and to explicitly include within its mandate the monitoring and evaluation of the implementation of the Convention.

The Committee should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner, and address them effectively. In this regard, the State party could consider the establishment of a focal point for children within the Human Rights Committee; and

- (c) seek technical assistance from, among others, the Office of the High Commissioner for Human Rights and UNICEF.

### *Data Collection*

11. The Committee welcomes information that the National Committee on Childhood

undertook a survey in 2000 to collect and compile data on the situation of women and children in Bahrain. It further welcomes information that the Central Statistics Organisation jointly with the UN Economic and Social Commission for West Asia have launched the National Gender Statistics Programme aimed at strengthening national capacity to produce, use and disseminate statistics related to gender.

12. The Committee encourages that the State party:

- (a) continue its efforts to establish a data collection system such that disaggregated data is collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. non-nationals, children living in remote areas, children with disabilities, children of economically disadvantaged households, etc.), and this data is used to assess progress and design policies to implement the Convention; and
- (b) seek technical assistance from, among others, UNICEF.

### *Resource Allocation*

13. While noting information provided by the delegation with respect to increased investments in the health and education sectors, the Committee is concerned about the increasing trends towards the privatisation of these sectors, and the potential negative consequences this may have on the enjoyment of economic, social and cultural rights of all children in Bahrain.

14. The Committee recommends that the State party:

- (a) continue and strengthen its efforts to allocate to the maximum extent of available resourcesóhuman and financialóto health, education, culture, and other social services;
- (b) undertake similar efforts to ensure the full implementation of the Convention; and
- (c) to identify the amount and proportion of the State budget spent on children in the public and private sectors in order to evaluate the impact and the quality, as well asóin view of higher feesóthe accessibility of services for children.

### *Cooperation with Civil Society*

15. Noting significant steps to facilitate the establishment of NGOs, including in the field of human rights, the Committee remains concerned that insufficient efforts have been made to systematically involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

16. The Committee recommends that the State party:

- (a) consider a systematic approach to involving civil society, especially children's associations and human rights NGOs, throughout all stages in the implementation of the Convention, including with respect to civil rights and freedoms; and
- (b) ensure that the 1989 Law Governing Societies, Clubs and Organisations of a Cultural, Social or Sports Nature conforms to article 15 of the Convention and other international standards on freedom of association, as a step in strengthening their participation.

### *Training/Dissemination of the Convention*

17. The Committee is concerned that the Convention has not been published in its entirety. In particular, that articles 11, 21, 22, 38, 41-54 have been deleted in the published text. The Committee acknowledges information with respect to efforts, including in the media, to raise awareness of the Convention, but it is concerned that the State party is not undertaking adequate awareness-raising and training activities in a systematic and targeted manner.

19. The Committee recommends that the State party:

- (a) ensure that Convention is published in its entirety, and that it is disseminated as such;
- (b) undertake an on-going programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

- (c) develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel); and
- (d) seek assistance from, among others, the Office of the High Commissioner for Human Rights and UNICEF.

## D.2 Definition of the Child

20. The Committee is concerned that there is no defined minimum age for marriage, and that there are inconsistencies in other areas of Bahraini law with respect to minimum ages.

21. The Committee recommends that the State party:

- (a) continue to review, and accordingly, take steps to amend its legislation so that the minimum-age requirements are gender

neutral, are explicit and ensure that they are enforced by law; and in particular

- (b) establish a minimum age for marriage which is the same for males and females.

## D.3 General Principles

22. The Committee is concerned that the principles of non-discrimination (article 2 of the Convention), best interests of the child (art. 3), survival and development (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children.

23. The Committee recommends that the State party appropriately integrate general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children and apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children. These principles should guide planning and policy-making at every level, as well as actions taken by

social and health welfare institutions, courts of law and administrative authorities.

### *The Right to Non-discrimination*

24. The Committee welcomes the steps being taken to revise legislation to ensure that it is in line with the 2001 National Action Charter, and to draft amendments to the Constitution. However, it remains concerned that the grounds of non-discrimination contained in article 18 of the 1973 Constitution and Chapter 1, section 2 of the National Action Charter do not reflect the grounds of non-discrimination contained in article 2 of the Convention.

25. The Committee encourages the State party to use this occasion to review article 18 of the Constitution, as well as Chapter 1, section 2 of the National Action Charter, concerning non-discrimination, and ensure that these provisions fully reflect all the grounds of non-discrimination contained in article 2 of the Convention.

26. Noting the significant achievements in the status of women in Bahrain, the Committee is nevertheless concerned that discrimination, contrary to article 2 of the

Convention, persists in the State party. In particular, the Committee is concerned about:

- discrimination against females and children born out of wedlock under existing personal status law (e.g. inheritance, custody and guardianship); and
- certain vocational courses at the secondary level are restricted by sex.

27. In accordance with article 2 of the Convention, the Committee recommends that the State party:

- (a) take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life;
- (b) take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family; and
- (c) train members of the legal profession, especially the judiciary, to be gender-

sensitive. Religious leaders should be mobilised to support such efforts.

28. Encouraged by significant developments in this area, the Committee is nevertheless concerned at the disparities in access to social services available in Shi'a communities in comparison to those in largely Sunni areas. It is also concerned about the enjoyment of rights by the bidoon, and non-national children, particularly children with disabilities.

29. The Committee recommends that the State party:

- (a) continue its efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;
- (b) continue to prioritise and target resources and social services for children belonging to the most vulnerable groups; and
- (c) consider ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

30. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment no 1 on article 29(1) of the Convention (aims of education).

#### *Best Interests of the Child*

31. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, such as in matters relating to family law.

32. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.

### *Respect for the Views of the Child*

33. The Committee welcomes information provided concerning the production of a television series for children by children. However, it is concerned that traditional attitudes towards children in society may limit the respect for their views especially within the family and schools; and that children are not systematically heard in court and administrative proceedings in matters that affect them.

34. The Committee recommends that the State party:

- (a) continue to promote and facilitate, including through legislation, within the family, the school, institutions, the courts, and administrative bodies respect for the views of children, and their participation in all matters affecting them in accordance with article 12 of the Convention;
- (b) develop skills-training programmes in community settings for parents, teachers, social workers, and local officials to support children to express their informed views and opinions, and to have them taken into consideration; and

- (c) seek assistance from, among others, UNICEF.

### **D.4 Civil Rights and Freedoms**

#### *Protection from Torture, Inhuman or Degrading Treatment or Punishment*

35. The Committee is encouraged by the efforts made by the State party towards greater openness and accountability with respect to human rights, including the withdrawal of its reservation to article 20 of the Convention Against Torture; and the decision to transfer the public prosecution office from the Ministry of the Interior to the Ministry of Justice. The Committee, however, regrets that no information has been provided in the State party report concerning the serious allegations of torture and arbitrary arrest of persons under 18 referred to in the reports, including the decisions and opinions of the Working Group on Arbitrary Detention (e.g. E/CN.4/1997/ Add.1, E/CN.4/ 1998/ 44/ Add.1); and the reports of the Special Rapporteur on Torture (e.g. E/CN.4/ 1997/7/ Add.1, E/CN.4/1999/61, E/CN.4/2000/9, E/CN.4/2001/66).

36. The Committee strongly recommends that the State party:

- (a) investigate effectively all cases of torture, inhuman and degrading treatment or punishment by police officers or other government officials and bring the perpetrators to justice;
- (b) pay full attention to the victims of these violations and provide them with adequate compensation, recovery and social reintegration; and
- (c) include in its subsequent report information concerning the above recommendations.

## **D. 5 Family Environment and Alternative Care**

### *Violence/Abuse/Neglect/Maltreatment*

37. The Committee welcomes information that a regional conference on child abuse was held in Bahrain in October 2001, and 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.

38. 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;
- (d) establish effective child-sensitive procedures and mechanisms to receive, monitor, and investigate complaints, including intervening where necessary;

- (e) investigate and prosecute instances of ill-treatment, ensuring that the abused child is not victimised in legal proceedings and his/her privacy is protected;
- (f) provide care, recovery and reintegration for victims;
- (g) train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and
- (h) continue to seek assistance from, among others, UNICEF and WHO.

## **D. 6 Health and Welfare**

### *Adolescent Health*

39. The Committee welcomes information that adolescent health education has been proposed to be included in the curricula. Nevertheless, it is concerned at insufficient information available in relation to adolescent health, such as access to reproductive health services, and mental health counselling services.

40. The Committee recommends that the State party:

- (a) formulate adolescent health policies and programmes, including education, with the full participation of adolescents;
- (b) ensure adolescents have access to child-sensitive and confidential counselling services; strengthen efforts in the area of adolescent health education within the educational system; and
- (c) seek assistance from, among others, UNICEF and WHO.

## **D. 7 Education**

### *Education*

41. Noting the information provided that access to basic education is free and almost universal, the Committee is nevertheless concerned that education is still not compulsory, and pre-primary education is available only through private institutions.

42. The Committee recommends that the State party:

(a) expedite the promulgation of the draft law on free and compulsory education; and

(b) take steps to provide free pre-primary education.

43. The Committee welcomes the detailed information provided in the report on the aims of education. And noting the proposal adopted by the National Committee in this regard, the Committee is concerned that human rights education, including the Convention, is not currently part of the curricula.

44. The Committee recommends that the State party, taking into account the Committee's General Comment 1 on the aims of education:

(a) include human rights education, including children's rights, in the curricula, particularly with respect to the development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities; and

(b) seek assistance from, among others, UNICEF and UNESCO.

## **D.8 Special Measures of Protection**

### *Economic Exploitation*

45. The Committee is concerned that the minimum age for admission to employment under article 50 of the 1976 Law (14 years) is less than the age for completion of basic education (15 years). Moreover it is concerned that article 58 of the Law exempts family enterprises.

46. The Committee recommends that the State party:

(a) ratify ILO Convention no. 138 on the minimum age for admission to employment;

(b) implement ILO Recommendations no. 146 (minimum age recommendation) and no. 190 (worst forms of child labour); and

(c) see assistance from, among others, the ILO.

### *Administration of Juvenile Justice*

47. The Committee is concerned that:

- there is no minimum age of criminal responsibility: although article 32 of the 1976 Penal Codes provides that persons under 15 are not criminally responsible, they can nevertheless be subject to sanctions under the 1976 Juvenile Act, such as detention in social welfare centres for up to 10 years for felonies (e.g. article 12 of the 1976 Juvenile Law);
- under article 2 of the 1976 Juvenile Law, persons who commit status offences (e.g. begging, dropping out, misbehaviour, etc.) are subject to legal sanctions;
- under the 1976 Penal Code and 1966 Criminal Procedure Codes persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures), and be subject to the same penalties as adults.

48. The Committee recommends that the State party:

- (a) review and reform all existing legislation to ensure that, with respect to persons under 18 years, the criminal justice system fully integrates into its legislation and practice the provisions of the

Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System;

- (b) establish a minimum age of criminal responsibility in accordance with the principles and provisions of the Convention;
- (c) end the criminalisation of status offences (e.g. dropping out of school, and misbehaviour);
- (d) ensure that the deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorised by the court, and that persons under 18 are not detained with adults;
- (e) ensure that children have access to legal aid and independent and effective complaints mechanisms;
- (f) consider alternative measures to deprivation of liberty, such as probation,

community service or suspended sentences;

- (g) train professionals in the area of rehabilitation and social re-integration of children; and
- (h) seek assistance from, among others, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

## **D.9 Optional Protocols**

49. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

## **D.10 Dissemination of the Reports**

50. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion, and the concluding observations adopted thereon by the Committee following its consideration of the report. Such documents should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organisations.

The World Organisation  
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ISBN 2-88477-015-1