



المؤسسة الوطنية لحقوق الإنسان
National Institution *for* Human Rights



Parallel Report

submitted by

**The National Institution for Human Rights
in the Kingdom of Bahrain**

Regarding:

**Measures taken by the Kingdom of Bahrain to implement the provisions of the
Optional Protocol to the Convention on the Rights of the Child the sale of children,
child prostitution and child pornography (OPSC)**

To

the Committee on the Rights of the Child (CRC)

**Palais des Nations
Geneva**

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Introduction

1. The NIHR submits its parallel report on the national report of Bahrain on the measures taken by the Kingdom to implement and enforce the provisions of the Optional Protocol to the Convention on the Rights of the Child relating to the Sale of Children, Child Prostitution and Child Pornography (OPSC) which the Kingdom of Bahrain joined under Law No. (19) of 2004, pursuant to its competence contained in its establishment Law No. (26) of 2014 and amended by Decree-Law No. (20) of 2016.¹

2. The NIHR appreciates the efforts made by the Kingdom in submitting its report on the measures it has taken to implement the provisions of the OPSC, believing in the importance and effectiveness of this international mechanism towards everything that would enhance and protect human rights at the national level, and the fulfillment of their international obligations arising from the ratification or accession to the core international human rights instruments.

3. The NIHR submits its parallel report based on the national report under discussion before the CRC contained in Document No. (CRC/C/OPSC/BHR/1), and the concluding observations of the Committee contained in Document No. (CRC/C/BHR/CO/2-3), and the guidelines on the reports that the state parties are required to submit to the Committee contained in document No. (CRC/C/OPSC/2) as a methodology for writing this report, dealing with the most prominent rights approved by the OP annexed to it, which the NIHR believes that it has cast a shadow over the practical reality and touched the reality of children's rights during the past years, leading to presenting a number of recommendations that it deems appropriate to advance the reality of children's rights in the Kingdom of Bahrain.

First: General guidelines

1. Report preparation process

1.1 The NIHR commends the existing cooperation between various government agencies and civil society institutions (CSI) in order to consolidate the principle of partnership in the preparation of this report, and the participation of stakeholders in expressing their opinions and observations, as the Child National Committee (the author of the national report) was aware of the NIHR's observations on more than occasion during the preparation of this report.

1.2 The NIHR hopes that the participation of CSIs working in the field of human rights, and the field of children rights in particular, will be more effective in preparing the national report, through the report-preparing body managing national consultations, similar to the

¹ To view Law No. (26) of 2014 establishing the NIHR, amended by Decree-Law No. (20) of 2016:
https://www.nihr.org.bh/EN/MediaHandler/GenericHandler/2022/002_NIHR_Law_amend.pdf



consultations that take place during the preparation of the national report submitted to the UPR.

2. The legal status of the Optional Protocol

2.1 According to Article (37) of the Constitution of Bahrain, as soon as the Kingdom joined the OPSC under Law No. (19) of 2004, the Protocol became part of national law issued by the legislative authority (House of Representatives and Shura Council), and is applicable to all².

Second: General implementation measures and preventive measures

3. The relevant legislative texts

3.1 In its national system, Bahrain has issued a number of legislations that guarantee the rights of the child and achieve his best interests, especially with regard to protection from the Sale of Children, Child Prostitution and Child Pornography; Through the issuance of the Children's Law under Law No. (37) of 2012, the Law of Restorative Justice for Children and Protection of Children from Abuse under Law No. (4) of 2021, Law No. (1) of 2008 regarding combating trafficking in persons, and Law No. (17) of 2017 Concerning protection from domestic violence, in addition to the Kingdom's accession by virtue of Decree-Law No. (16) of 1991 to the United Nations Convention on the Rights of the Child, as well as what the Penal Code included and criminalized for those acts against children, which are mostly legislations referred to in the national report in a clear and detailed way.³

4. OP dissemination and training efforts

4.1 NIHR commends the efforts made by the Supreme Judicial Council, the Public Prosecution, Ministries and Government agencies, and the Institute of Judicial and Legal Studies at the advanced level regarding the promotion and consolidation of the concepts of international human rights law and international humanitarian law, and related international agreements, protocols, principles, rules and declarations, which has a remarkable impact on raising the level of law enforcement agencies in dealing with issues related to children's rights.

4.2 The national report included an extensive statement of the parties concerned with the implementation of the provisions of the OPSC, and the efforts and activities they carried out in this regard, while providing an explanation of the national plans and strategies aimed at achieving optimal implementation of its provisions. In this regard, it commends the clear and

² Article (37) of the Constitution of the Kingdom of Bahrain stipulates that "...a treaty shall have the force of law after its conclusion, ratification and publication in the Official Gazette."

³ To view the national legislation issued in the Kingdom of Bahrain, please review the official website of the Authority for Legislation and Legal Opinion: <https://www.legalaffairs.gov.bh/>



tangible efforts made by the CSIs, as they have taken upon themselves the promotion and protection of the rights of this group through a set of effective programmes, initiatives and activities that have a tangible resonance at the societal level.

4.3 The NIHR appreciates the efforts exerted in issuing the National Human Rights Plan for the years (2022-2026)⁴, of which the NIHR contributed by sending a draft plan, through which it supports the efforts of the competent ministry in speeding up work on it and issuing it⁵, as well as the NIHR's participation in the national consultations that preceded it with stakeholders and national partners, and to contribute to expressing observations and opinions on them, the NIHR hopes that this plan will serve as a road map towards spreading the culture of human rights among all, especially in the field of child rights.

4.4 Since the NIHR did not monitor any cases of the sale of children or their exploitation in prostitution or pornography, therefore the priority regarding this group was to raise awareness of their rights as stipulated in the Convention on the Rights of the Child, to which the Kingdom of Bahrain joined under Decree-Law No. (16) of 1991 to the Convention of Nations United on the Rights of the Child.

4.5 The NIHR was keen to detail its efforts and activities in the field of promoting and protecting human rights in general and child rights in particular in its annual reports from 2013 to 2022, all of which are available and published on the NIHR's website in both Arabic and English⁶.

4.6 In cooperation with the UN treaty bodies, NIHR submitted its parallel report from the fourth to sixth periodic national report on the progress made in implementing the Convention on the Rights of the Child⁷, in which the institution dealt with its efforts and activities related to the rights of the child, and concluded a number of related recommendations.

⁴ To view the National Human Rights Plan for the years (2022-2026), please review the official website of the Ministry of Foreign Affairs: <https://www.mofa.gov.bh/>

⁵ To view the NIHR's proposal regarding the National Human Rights Plan, please see the official website of the Institution at the following link:
<https://www.nihr.org.bh/MediaHandler/GenericHandler/Consultative/2019/Gov/PDF/03.pdf>

⁶ <https://www.nihr.org.bh/EN/eLibrary/?category=65>

⁷ To view the parallel report of the National Institution for Human Rights on the national periodic report from the fourth to the sixth on the progress made in implementing the Convention on the Rights of the Child, please see the official website of the institution at the following link:
<https://www.nihr.org.bh/EN/About/Reports/R1>



5. The National Institution for Human Rights (NIHR)⁸

5.1 Since there was an urgent need to deal responsibly with human rights issues and set policies related to the promotion, development and protection of human rights in the Kingdom of Bahrain, Law No. (26) of 2014 was issued to establish the NIHR.

5.2 In order to achieve its objectives and to reach the desired results for the promotion and protection of human rights, the NIHR has a number of specializations that can be summarized as follows:

- Receiving complaints related to human rights, studying and researching them, and referring what it considers to be referred to the competent authorities with effective follow-up, or informing those concerned of the procedures that must be followed and assisting them in taking them, or assisting in settling them with the concerned authorities.
- Monitoring cases of human rights violations, conducting the necessary investigation, and conducting field visits in accordance with the procedures followed to monitor human rights conditions in any place suspected of being the subject of human rights violations.
- Studying the legislation and systems in force in the Kingdom related to human rights and recommending the amendments it deems appropriate, and examining the appropriateness of legislative and regulatory texts in regional and international treaties concerned with human rights issues.
- Issuing pamphlets, publications, statements and special reports, and displaying them on its own website, and it may address public opinion directly or through any of the media.
- Holding conferences, organizing seminars and educational and training courses in the field of human rights, and conducting research and studies in this regard.
- Cooperate with national bodies, regional and international organizations, and bodies specialized in cultural, information and education affairs.
- Participate in the development and implementation of a national plan for the promotion and protection of human rights at the level of the Kingdom.
- Submitting parallel reports, and contributing to drafting and discussing reports that the Kingdom undertakes to submit periodically and expressing observations on them, in implementation of regional and international agreements on human rights.

⁸ For more detailed information about the National Institution for Human Rights in the Kingdom of Bahrain, the efforts and activities undertaken by it, its organizational structure and terms of reference for the work of its permanent quality committees, please review the official website of the institution at the following link: <https://www.nihr.org.bh/>



5.3 NIHR shall consist of (11) members, including the Chairperson and Vice-chair, who are recognized for competence and integrity, and shall be selected from among advisory and academic bodies, civil society organizations, trade unions, social, economic and professional bodies, and personalities concerned with human rights issues, and appropriate representation of women and minorities has been taken into consideration. The institution carries out its functions stipulated in the law of its establishment through its three standing committees: The General Rights and Freedoms Committee, the Detention & Facilities Visitation Committee, and the Complaints, Monitoring and Follow-up Committee.

5.4 On August 2016, the NIHR obtained accreditation status (B) from the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions. Based on those recommendations, the necessary amendments were made to the law, and Decree-Law No. (20) of 2016 was issued amending some provisions of Law No. (26) of 2014 establishing the National Institution for Human Rights, to be consistent with the Paris Principles related to the work of national human rights institutions.

5.5 NIHR is currently taking the necessary procedures to request its reclassification by the SCA in light of the amendments contained in its law, and the efforts and activities made by it in the field of promoting and protecting human rights in the Kingdom of Bahrain, hoping to obtain an accreditation classification of category (A) during the next stage.

5.6 Recently NIHR has allocated Dr. Hooreya Hasan as a Child Rights Commissioner within the composition of the Council of Commissioners. Her roles and competences are as follows:

- Knowledge of the international conventions and national legislation related to children's rights.
- Considered an independent ambassador for children's rights, ensuring that their views and interests are heard, and giving a voice to all children.
- Understands the issues facing children, the policy environment, ensuring that the best interests of the child are the primary consideration.
- Work to establish partnerships with government agencies, civil society institutions, and regional and international non-governmental organizations related to children's rights.
- Communicating with broad and diverse audiences and has the skill to challenge and influence
- The Children's Commissioner will represent the views of children and young people and will have the desire, passion, empathy and belief in the cause of children's rights.
- Investigate any matter related to children's rights, including the adequacy of complaints and advocacy services for children.
- Conduct and follow up assessments of the impact of children's rights on new policies and legislation affecting children



Third: Prohibition and related issues

6. The national report referred clearly and unequivocally to the criminal provisions in force regarding the prohibition of the sale of children and their exploitation in prostitution and pornography, explaining the deterrent penalties for these crimes, the statute of limitations for them, and the legal responsibility of legal persons, all of which are provisions expressly stipulated in the Penal Code promulgated by Decree-Law No. (15) of 1976 and its amendments.

7. At the time the committee prepared the national report, the Law on Promulgating the Restorative Justice Law for Children and their Protection from Maltreatment (Law No. (4) of 2021) had not yet become binding and published in the Official Gazette⁹, which is why the NIHR decided to present the legal texts related to the subject of the Optional Protocol (OPSC) as annex.

8. The Restorative Justice Law for Children and their Protection from Maltreatment is a quantum leap in the system of public rights and freedoms in the Kingdom of Bahrain, especially in the field of promoting and protecting child rights, as a law that reflects the Kingdom's keenness and seriousness in adopting pioneering best practices in the field of children's rights, and applying what was stated in international instruments on the rights of the child.

9. Complementing the legislative system regarding the recruitment of children, Law No. (1) of 2008 regarding combating trafficking in persons is considered in paragraph (b) of Article (1) that "trafficking in persons is the recruitment, transportation, transfer, harboring or reception of persons without Eighteen years, or those who are in a circumstantial or personal situation in which their consent or freedom of choice cannot be taken into account, as long as this is for the purpose of abusing them, even if the act is not accompanied by any of the means stipulated in the previous paragraph. , which is another guarantee that determines the optimal application of the provisions of the Optional Protocol (OPSC).

10. In this regard, the NIHRn renews its call for a comprehensive review of the provisions of the Combat Trafficking in Persons Law and taking into account the observations that the NIHR referred to the government, to ensure its comprehensiveness and consistency with relevant international and regional instruments, starting from the stage of prevention to treatment, up to the imposition of punishment on the perpetrators.¹⁰

Fourth: Other legal provisions

⁹ To view the Restorative Justice Law for Children and their protection from abuse under Law No. (4) of 2021, see the official website of the Legislation and Legal Opinion Authority at the following link: <https://www.lloc.gov.bh/FullEn/K0421.docx>

¹⁰ To view the observations of the National Institution for Human Rights regarding Law No. (1) of 2008 submitted to the government, please see the official website of the institution at the following link: <https://www.nihr.org.bh/Consultative/2016/Gov>



11. Bahrain has ratified and acceded seven of the core international human rights instruments out of nine, namely: the International Covenant on Civil and Political Rights under Law No. (56) of 2006, and the International Covenant on Economic, Social and Cultural Rights under Law No. (10) of 2007, the International Convention on the Elimination of All Forms of Racial Discrimination by Decree No. (8) of 1990, and the Convention on the Elimination of All Forms of Discrimination against Women by Decree-Law No. (5) of 2002.

12. The Kingdom also acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under Decree-Law No. (4) of 1998, and under Decree-Law No. (16) of 1991 it acceded to the United Nations Convention on the Rights of the Child, and finally the Kingdom ratified The Convention on the Rights of Persons with Disabilities under Law No. (22) of 2011. The Kingdom has not yet ratified or acceded to the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the United Nations on December 18, 1990, and the International Convention for the Protection of All Persons from Enforced Disappearance, Adopted by the United Nations General Assembly on December 20, 2006.

13. NIHR always renews its continuous calls for the importance of the State implementing its relevant international and regional obligations, which is the explicit call that the NIHR made to the government to join the rest of the international instruments and protocols attached to them, in order to complement the international system in the field of human rights.

Concluding recommendations

1. The importance of conducting a comprehensive review of the provisions of Law No. (1) of 2008 regarding Combating Trafficking in Persons, taking into account the observations that the NIHR referred to the government, to ensure its comprehensiveness and consistency with relevant international and regional instruments, starting from the stage of prevention to treatment, up to the imposition of punishment on the perpetrators.

2. NIHR hopes to increase the level of training for members of the judiciary (courts and Public Prosecution), workers in law enforcement agencies, judicial police officers, and workers in social centers and care homes on how to deal with children, and that this be within the agenda emanating from the National Human Rights Plan (2022-2026).

3. The importance of the competent authorities conducting extensive national consultations to study the accession of the Kingdom of Bahrain to the basic international human rights instruments and the optional protocols, which it has not yet joined or ratified, as they are aiming to protect human rights in general and child rights in particular.

4. Calling for the participation of CSIs working in the field of human rights, and child rights in particular, to be more effective in preparing future national reports, through that the competent authority in the report manages national consultations with all relevant partners and stakeholders.