

**National Committee on Childhood National Institution for Human Rights (NIHR)'s
Opinions on the
Draft Law Presented by the Council of Representatives' Committee on Foreign Affairs,
Defense and National Security
To Modify Article (60) of the Law No. (37) of 2012 on the Child
(Executive Summary)**

The original Article:

It shall be prohibited to exploit children in gatherings, marches and demonstrations for a political purpose.

The draft Article:

It shall be prohibited to exploit children in gatherings, marches and demonstrations for a political purpose **or to exploit them in electoral propaganda or any other procedures and stages of elections of all kinds and forms.**

NIHR's recommendations:

The NIHR agrees upon the Draft Law and the modification of the paragraph as follows:

It shall be prohibited to exploit the children in gatherings, marches and demonstrations for a political purpose **or to exploit them in electoral propaganda or any other procedures and stages of elections of all kinds and forms.**

Explanatory Note

General Note:

In consideration of the efforts undertaken by the esteemed Council of Representatives in all matters related to the human rights issue, being the constitutional organization vested in the protection of public rights and freedoms, and in appreciation for the considerations targeted by the Draft Law to modify Article (60) of the Law No. (37) of 2012 on the Child, and upon request of the Council of Representatives' Committee on Women and Children's Affairs, the NIHR hereby refers its opinions on the Draft Law to the esteemed Committee, taking into consideration the relevant provisions of the Constitution as well as international instruments and conventions.

The NIHR's terms of reference, pursuant to the provisions of Article (12) Paragraph (b) of its Establishment Law No. (26) of 2014, stipulate that:

"The NIHR may study legislations and codes applicable in the Kingdom of Bahrain, which are relevant to human rights, and recommend modifications it finds appropriate, especially with regard to conformity of such legislations with Bahrain's international human rights commitments, and may further recommend the issuance of new legislations relevant to human rights".

Therefore, the NIHR's states its opinions on the modification of the mentioned Law, taking into consideration the relevant international human rights standards, detailed as follows:

The original Article:

It shall be prohibited to exploit the children in gatherings, marches and demonstrations for a political purpose.

The draft Article:

It shall be prohibited to exploit the children in gatherings, marches and demonstrations for a political purpose **or to exploit them in electoral propaganda or any other procedures and stages of elections of all kinds and forms.**

NIHR's opinions:

The NIHR believes that the children's rights require special protection, which differ in content and nature from any other rights, since the satisfaction thereof requires the provision of a sound healthy, psychological and social environment. This is a reason to continue to improve the status of children without discrimination, to socialize and educate them in an atmosphere of peace and security, and to divert them from any kinds of exploitation that may place them at risk. The NIHR further stresses the inadmissibility of pushing the children or placing them under political pressure while they are still in the process of the formation of their political awareness, since the protection of children against political exploitation is one of the most authentic elements of protecting their right to survival and development, in order to be able to contribute to the building and upgrading of their community. This fact is emphasized by Article (5) Paragraph (a) of the Constitution of the Kingdom of Bahrain, which states that **"the family is the basis of society, which is founded on religion and ethics, and the law preserves its legal entity, strengthens its ties and values, protects motherhood and childhood thereunder, fosters young people and protects them against exploitation, and prevents their moral, physical and spiritual neglect"**. This is further translated by Article (1) of the Draft Law under modification to agree with the abovementioned constitutional provision.

So, the NIHR agrees upon the modification of Article (60) of the aforementioned Law and believes that such modification is consistent with the international commitments of the Kingdom of Bahrain arising from joining or ratifying the international treaties relevant to the human rights issues, most notably the United Nations Convention on the Rights of the Child, ratified by the General Assembly in November 1989, and joined by the government of the Kingdom of Bahrain in 1991, which has consequently become part of the national legislation pursuant to Article (37) of the Constitution, thus completing the umbrella of the legal protection of children against all aspects of exploitation that may surround them either paid or unpaid.

The NIHR, however, recommends to reconsider Article (69) of the same Draft Law to be consistent with the proposed modification of Article (60) of the Law.