



# **Alternative report to the Committee on the Rights of the Child**

On the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

## **Bahrain**

## **2018**

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## Contents

<b>1. Introduction.....</b>	<b>3</b>
<b>2. Summary of basic information .....</b>	<b>3</b>
<b>3. General measures of implementation .....</b>	<b>4</b>
Voluntary military recruitment .....	4
Application of anti-terrorism legislation to children.....	5
<b>4. Prevention .....</b>	<b>5</b>
Military schools.....	5
<b>5. Prohibition and related matters.....</b>	<b>6</b>
Criminalisation of unlawful military recruitment of children.....	6
<b>6. Protection, Recovery and Reintegration .....</b>	<b>6</b>
Armed conflict in Yemen.....	6
<b>7. International assistance and cooperation .....</b>	<b>8</b>
Arms transfers.....	8

## 1. Introduction

Child Soldiers International submits the following report in advance of the Committee on the Rights of the Child's ('the Committee') consideration of Bahrain's combined fourth, fifth and sixth reports under the Convention on the Rights of the Child, which also incorporates the State party's obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). The report focuses on the minimum age for voluntary military recruitment; military schools; arms transfers; and the State party's participation in the Saudi-led "coalition to restore legitimacy in Yemen."

## 2. Summary of basic information<sup>1</sup>

### State armed forces

- Total size of state armed forces: 11,000
- Armed forces listed in 2017 by the UN for child recruitment and use: No
- Reports of state armed forces using children in hostilities: No
- Minimum conscription age: No conscription
- Minimum voluntary enlistment age: 18 according to binding OPAC declaration

### Non-state armed groups

- Reports of non-state armed groups using children in hostilities: No

### Ratification of treaties or endorsements of international standards related to child recruitment and use

- Optional Protocol on the involvement of children in armed conflict (OPAC):  
Acceded 21/09/2004
- Convention on the Rights of the Child: Acceded 13/02/1992
- Paris Commitments and Principles: No action taken
- Rome Statute of the International Criminal Court: Signed 11/12/2000
- The 1949 Geneva Convention IV and Additional Protocols I and II:  
Ratified 30/11/1971; 30/10/1986; 30/10/1986
- ILO Convention 182: Ratified 23/03/2001
- Safe Schools Declaration: No action taken

### Relevant national laws and policies

- Is unlawful recruitment of children criminalised? Unknown

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<sup>1</sup> This information is published in Child Soldiers International's World Index, an online database of laws, policies and practices related to the recruitment and use of children by state armed forces and non-state armed groups globally. For more information on the World Index and to review source documents, please visit: <https://childsoldiersworldindex.org/>

- Is there legislation to restrict the transfer of arms and other forms of military assistance to states which use children in hostilities and/or support non-state armed groups which use children in hostilities? Unknown
- Do state armed forces have guidelines on how to approach child soldiers during deployment? No
- Is the use of children to participate in hostilities criminalised? Unknown
- Has the state transferred arms in 2016 to states which use children in hostilities and/or support non-state armed groups which use children in hostilities? No

#### International tribunals and inquiries involving possible child recruitment and use

- Group of Eminent Experts on Yemen,<sup>2</sup> ongoing.

### **3. General measures of implementation**

#### **Voluntary military recruitment**

The State party acceded to OPAC in 2004, but has yet to submit an initial report or provide comprehensive information on its implementation in a combined report.

The minimum age for voluntary enlistment into the state armed forces is unclear. According to the State party's binding declaration submitted on its accession to OPAC, it is 18 years. However, according to the State party's initial report under the Convention on the Rights of the Child (CRC):

“... Legislative Decree No. 23 of 1979 regulating enlistment by individuals in the Bahraini Defence Force stipulates that recruits into the ranks must not be under 17 or over 35 years of age, except in the case of non-commissioned officers, technicians and specialized personnel who can be recruited from the age of 15 (as cadets) to the age of 40. It should be noted that there is no compulsory military service in the State of Bahrain.”

The State party's subsequent reports do not clarify the current minimum voluntary recruitment age in national law.

#### **Recommendations**

The State party should:

- Submit an initial report on implementation of OPAC without delay;
- Explicitly establish 18 years as the minimum age for all forms of military enlistment in law and practice without exception;
- Ensure that the minimum age for any form of participation in hostilities is explicitly set in law at 18 years or above, without exception;

#### **Questions**

- What is the minimum enlistment age currently applicable in law and practice?

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<sup>2</sup> Established pursuant to UN Human Rights Council resolution A/HRC/RES/36/31, 29 September 2017, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/36/31](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/36/31)

- If the minimum enlistment age is below 18, please provide figures for the number of children enlisted annually.

## **Application of anti-terrorism legislation to children**

In recent years, “terrorist” and “violent extremist” groups such as Islamic State have recruited and used children on a large scale. In response, states have detained child victims of unlawful recruitment as national security threats, leading to further violations of their rights. The terms “terrorism” and “violent extremism” lack internationally agreed definitions, leaving them open to a degree of subjective interpretation. National laws provide varying and often vague, overbroad or no definitions of terrorist offenses, and may not explicitly state whether they apply to children.

### **Questions**

- Under anti-terrorism legislation applicable in the State party, what criminal offences are created that may be applicable to children?
- Under anti-terrorism legislation applicable in the State party, are specific limits placed on the sentencing of people who were children at the time an offence was committed?
- Does anti-terrorism legislation applicable in the State party create exceptions to or otherwise conflict with juvenile justice legislation?
- Does anti-terrorism legislation applicable in the State party permit the pre-trial detention of children? If so, what limits are placed on the use of this detention?
- Does anti-terrorism legislation applicable in the State party permit administrative detention of children?

## **4. Prevention**

### **Military schools**

#### **Questions**

Does the State party operate military schools? If so:

- What is the minimum age for enrolment into military schools?
- Are children enrolled in military schools categorised as military personnel under military legislation or other statute and/or can they be mobilised in case of national emergency?
- Are children in military schools subject to military law?
- Do children in military schools have a legal liability to enter military service upon graduation?
- Are children in military schools permitted to leave the institution at will, and is their initial enrolment at the institution conducted on a purely voluntary basis?
- Does the school curriculum comply with the detailed requirements for children’s education laid out in General Comment No.1 on ‘The aims of education’, and CRC articles 28 and 29, including education on human rights and humanitarian principles, and the prohibition of degrading punishments?

- What proportion of the school curriculum is dedicated to military training and activities?
- Do students in military schools who are under the age of 18 years receive weapons training?

## **5. Prohibition and related matters**

### **Criminalisation of unlawful military recruitment of children**

It is unclear whether the State party has explicitly prohibited and criminalised violations of OPAC in national law.

#### **Recommendations**

The State party should:

- Ensure that all forms of military recruitment and use of children in hostilities is criminalised in law without exception, and that perpetrators are prosecuted.

#### **Questions**

- Please provide copies of any relevant existing or draft legislation criminalising violations of OPAC.

## **6. Protection, Recovery and Reintegration**

### **Armed conflict in Yemen**

Bahrain is a member of the “coalition to restore legitimacy in Yemen” led by Saudi Arabia (the Saudi-led coalition). The UNSG’s 2017 annual report on children and armed conflict documented 1,340 child casualties in the conflict in Yemen, over half of which were attributed to the Saudi-led coalition, and 52 incidents of attacks on schools and hospitals, 73 per cent of which were attributed to the Saudi-led coalition.<sup>3</sup>

These violations prompted the UNSG to list the Saudi-led coalition as a party to armed conflict that has killed and maimed children and engaged in attacks on schools and/or hospitals in violation of applicable international law. The UNSG also noted that:

“...grave violations against children continued at unacceptably high levels in 2016. In this regard, I remain deeply concerned about the plight of children in Yemen and strongly request parties to take urgent measures to end violations against children. Furthermore, I urge the coalition, in particular Saudi Arabia as leader of the coalition, to continue to refine and fully implement the preventive and corrective measures put in place in 2016 to protect children, and to deepen its engagement with the United Nations and my Special Representative on this issue. In this regard, I wish to note that at

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<sup>3</sup> Report of the Secretary-General on children and armed conflict, UN Doc. A/72/361–S/2017/821, 24 August 2017, paras 190-93, available at:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2017/821&Lang=E&Area=UNDOC](http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/821&Lang=E&Area=UNDOC)

the time of preparation of the present report, Saudi Arabia has created a child protection unit at the coalition headquarters.”<sup>4</sup>

Human rights organisations continued to document apparently unlawful airstrikes by the Saudi-led coalition in Yemen that killed children during 2017.<sup>5</sup> The Saudi-led coalition has also denied humanitarian access,<sup>6</sup> and may have violated the prohibition under international humanitarian law of using starvation as a method of warfare.<sup>7</sup>

In September 2017, the UN Human Rights Council passed Resolution 36/31 on human rights, technical assistance and capacity-building in Yemen, which requested the High Commissioner to establish a group of eminent international and regional experts with knowledge on human rights law and the context of Yemen for a period of at least one year, renewable as authorised. Among other things, the group of experts was mandated to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014, and, where possible, to identify those responsible.<sup>8</sup>

## Recommendations

As a member of the Saudi-led coalition,<sup>9</sup> the State party should:

- In full cooperation with the office of the Special Representative of the UN Secretary-General on children and armed conflict, take urgent measures to end grave violations of child rights<sup>10</sup> in Yemen committed by the Saudi-led coalition, and commit to implementing an Action Plan with the UN to end grave violations;
- Fully cooperate with the international investigation of the Group of Eminent Experts on Yemen, and ensure that perpetrators of grave violations of child rights are held accountable;

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<sup>4</sup> Op Cit. UN Doc. A/72/361–S/2017/821, Para 200.

<sup>5</sup> See for example, Human Rights Watch, Yemen: Coalition Airstrikes Deadly for Children UN Should Create International Inquiry, Return Coalition to ‘List of Shame,’ 12 September 2017, available at: <https://www.hrw.org/news/2017/09/12/yemen-coalition-airstrikes-deadly-children>; see also, a joint letter to the UNSG signed by 44 organizations working to protect the rights of children in armed conflict, including Child Soldiers International., 2 June 2017, available at: <https://www.child-soldiers.org/news/an-open-letter-to-un-secretary-general-antnio-guterres>

<sup>6</sup> Op Cit. UN Doc. A/72/361–S/2017/821, para 198.

<sup>7</sup> Human Rights Watch, Yemen: Coalition Blockade Imperils Civilians UN Should Sanction Senior Saudi Leaders, 7 December 2017, available at: <https://www.hrw.org/news/2017/12/07/yemen-coalition-blockade-imperils-civilians>; see also, Human Rights Watch, Yemen: All Sides Fuel Humanitarian Crisis Coalition Blockade Imperils Civilians; Houthis Hinder Aid, 18 January 2018, available at: <https://www.hrw.org/news/2018/01/18/yemen-all-sides-fuel-humanitarian-crisis>

<sup>8</sup> UN Human Rights Council, Resolution 36/31 on Human rights, technical assistance and capacity-building in Yemen, UN Doc. A/HRC/RES/36/31, 29 September 2017, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/36/L.8](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/L.8)

<sup>9</sup> Permanent Representative of Kingdom of Bahrain to UN in New York participates in the Security Council Open Debate on the Situation in the Middle East, 27 April 2018, available at: <https://www.mofa.gov.bh/Default.aspx?tabid=7824&language=en-US&ItemId=8870>

<sup>10</sup> The six “grave violations” affecting children during war, as defined by resolutions of the UN Security Council, are: Killing and maiming of children; Recruitment or use of children as soldiers; Sexual violence against children; Abduction of children; Attacks against schools or hospitals; Denial of humanitarian access for children. See “the six grave violations,” Office of the Special Representative of the Secretary-General on children and armed conflict, available at: <https://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/>

- Endorse the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, 2007;<sup>11</sup>
- Endorse the Safe Schools Declaration.<sup>12</sup>
- Endorse the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers.<sup>13</sup>

### **Questions**

- What preventive and corrective measures has the State party put in place to protect children and end grave violations of child rights by the Saudi-led coalition or its allies in Yemen?
- What is the mandate of the child protection unit established at the headquarters of the Saudi-led coalition to restore legitimacy in Yemen and what activities has it undertaken?

## **7. International assistance and cooperation**

### **Arms transfers**

#### **Recommendations**

The State party should

- Ratify the Arms Trade Treaty.

#### **Questions**

- Has the State party expressly prohibited in legislation the sale or transfer of arms and other forms of military assistance to states when the final destination is a country in which children are known to be, or may potentially be, unlawfully recruited or used in hostilities by armed forces or armed groups, including a prohibition on arms transfers to states that are known to supply arms to armed groups known to recruit and use child soldiers, or lack adequate control mechanisms to ensure that arms will not be diverted, via illicit trade or other means, to such groups?

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<sup>11</sup> “The Paris commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris principles and guidelines on children associated with armed forces or armed groups ... consolidate global humanitarian knowledge and experience in working to prevent recruitment, protect children, support their release from armed forces or armed groups and reintegrate them into civilian life.” Unicef, Paris principles and Paris commitments, available at:

[https://www.unicef.org/protection/57929\\_58012.html](https://www.unicef.org/protection/57929_58012.html)

<sup>12</sup> “The Safe Schools Declaration ... provides states the opportunity to express broad political support for the protection and continuation of education in armed conflict, and is the instrument for states to endorse and commit to implement the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.” Global Coalition to protect Education from Attack, Safe Schools Declaration Endorsements, available at: <http://www.protectingeducation.org/guidelines/support>

<sup>13</sup> “[t]he Vancouver Principles include political commitments by Member States to enhance the training, planning, and conduct of their own forces as they relate to the recruitment and use of child soldiers.” Prime Minister of Canada, Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, 15 November 2017, available at: <https://pm.gc.ca/eng/news/2017/11/15/vancouver-principles-peacekeeping-and-prevention-recruitment-and-use-child-soldiers>