

Bahrain

National Child Protection Legislation

National Legislation

- **Age of Child – Under 18 years**
[Law No. \(37\) for the year 2012 promulgating the Child Act](#)
Art. 4
In this Law, the child means any person who has not attained the age of eighteen full calendar years, subject to the special laws governing persons under that age.

- **Age of Consent – 14 years**
[Penal Code](#)
Chap. 2 – Rape and Sexual Assault
Art. 344
Life imprisonment shall be the penalty for any person who assaults a woman without her consent.

The penalty shall be a death sentence or life imprisonment if the victim is less than sixteen years of age.

The non-consent of the victim shall be presumed if she is less than fourteen years of age.

Art. 345
A prison sentence for a period not exceeding 20 years shall be the punishment for any person who has sexual intercourse with a female who is more than fourteen years but has not reached the age of sixteen years, with her consent.

A prison sentence of no more than 10 years shall be the sentence for any person who has sexual intercourse with a female who is more than sixteen years but less than twenty-one years, with her consent.

- **Age of Marriage – 16 years**
[Law No. 19 of 2017 \(Unified Family Law\)](#)
Art. 20
A girl under the age of sixteen years shall not marry unless authorized by the Shari'a Court after ascertaining the suitability of the marriage.

- **Age of Criminal Responsibility – 15 years**
[Penal Code](#)
Art. 32
A person, who is not more than 15 years of age at the time of committing an act constituting a crime, shall not be held liable. In this case, he shall be subject to the provisions of the Juveniles Law.

- **Extraterritoriality**

[Penal Code](#)

Art. 5

This Law shall apply to every offence committed within the jurisdiction of the State of Bahrain. The offence shall be deemed to have been committed within its jurisdiction if the act complained of constitutes it or if its results were attributed to the said offence or if the intent could be deduced from it. In every case, the Law shall apply to every person participating in the crime or if his involvement in the crime occurred when he was abroad whether as a perpetrator or abettor.

Art. 6

The Provisions of this Law shall be applicable to each citizen or alien who has committed outside the State of Bahrain an act, which renders him a perpetrator of or accomplice to any of the offences affecting internal or external state security which are provided for in Chapters I and II of Part I, or to the offence of forging official seals and insignias or forging currencies and banknotes referred to in Articles 257, 262 and 263.

Art. 7

This Law applies to offences committed abroad by civil servants or persons charged with public duties whether in the exercise of their duties or in their private capacity.

- **Dual Criminality**

[Penal Code](#)

Art. 8

Every citizen, whilst abroad, who commits an act that renders him an offender or guilty partner according to this Law shall be punished in pursuance of its provisions when he returns to the State of Bahrain even though he is punishable under the law of the country in which he has committed the offences. This principle of law shall be operative even if the citizen has acquired or lost his nationality after committing the offence.

Art. 9

This Law shall apply to every foreigner in Bahrain who may have committed an offence abroad even though such crime is not covered under Articles 6, 7 and 8 of this Law and where application for extradition has so far not been made.

Art. 10

Without prejudice to the provisions regarding crimes set forth in Article 6, no criminal proceedings may commence against any person who has already been acquitted by foreign law courts on a criminal charge or has been finally convicted and punished or if the offence has been barred by time.

- **Mandatory reporting requirements**

[Law No. \(37\) for the year 2012 promulgating the Child Act](#)

Art. 43

A center called the Child Protection Center is established in the Ministry of Human Rights and Social Development. Its organizational structure includes branch offices of the Ministries of Justice, Interior, Health and Education.

Art. 46

Anyone who has received information about a child's exposure to any of the cases of ill-treatment should report this to any of the parties provided for in the following articles and provide them with any information he may have in this regard.

Art. 47

Cases of child abuse may be reported to any of the following:

- 1) The Child Protection Center provided for in Article (43) of this law;
- 2) Public Prosecution;
- 3) Police Stations;
- 4) The authorities responsible for the Ministries of Justice, Interior, Health and Education.

The parties provided for in clauses (2), (3) and (4) in case of notification of any cases of ill-treatment shall notify the Child Protection Center of all the facts reported.

Art. 50

The Child Protection Center is the central body that assesses, accommodates and monitors the abused child and coordinates the services provided to him/her and his/her family by the concerned authorities. The Center undertakes all the tasks and powers necessary to protect the child from ill-treatment, including:

- 1) Taking all immediate and urgent measures to protect the child from abuse;
- ...
- 4) Providing alternative care outside the family for children who are subjected to immediate and temporary ill-treatment if the child's life is at risk or if the child is sexually assaulted by the parents or caretaker.
- 5) Taking all necessary measures to rehabilitate the abuse child and his family to ensure that his family returns to a normal condition, including psychological treatment and rehabilitation, educational course, development of social skills and self-protection skills of the child and treatment of addiction of parents or caretakers.
- 6) Providing a hotline to receive cases or complaints of ill-treatment.

- **Statute of Limitations**

[Criminal Procedure Code](#)

Art. 9

Criminal proceedings may only be instituted on the basis of an oral or written complaint from the victim or his or her special agent to the Public Prosecutor or to a judicial officer in the following offenses:

- A. Adultery stipulated in Article 316 of the Penal Code;
- B. Refrain from extraditing the minor provided for in Article 318 of the Penal Code;
- C. A blasphemous act with a female in Article 35 of the Penal Code;

- D. The libel and slander in Articles 364, 365, 366 of the Penal Code;
- E. Other offenses provided by law.

The complaint shall not be accepted after three months from the date of the victim's knowledge of the crime and its perpetrator unless the law provides otherwise.

■ **Obligations of Educational Institutions**

[Private Educational and Training Institutions Law](#)

(Decree Law No. 14 of 1985 Concerning Private Educational Institutions)

Art. 5

A license applicant for a special educational or training institution must:

1. If he is a natural person:
 - (A) He must not be less than 25 years of age.
 - (B) The person shall be of good standing and shall not be subject to final judgments in a felony or misdemeanor contrary to honor, honesty or public morals unless he has been rehabilitated.

...

Art. 11

The educational or training institution shall have a director responsible for all technical, administrative and financial works according to the following conditions:

1. To have the appropriate qualifications and experience as determined by a decision of the Minister.
2. To be fully qualified and of good conduct and has not been issued final judgments in a felony or misdemeanor against honor, honesty or public morals.

...

Art. 12

The private educational or training institution shall have a teaching or staff, provided that the following conditions are met by whoever is employed as a teacher or instructor therein:

1. To have the appropriate qualifications and experience as determined by a decision of the Minister.
2. To be fully qualified, reputed for good conduct, and has not been sentenced to final judgments in a felony or misdemeanor contrary to honor, honesty or public morals.
3. The Ministry must have approved his employment, and such approval should be renewed once every two years for non-Bahrainis.

■ **Prohibition to hold certain positions**

[Penal Code](#)

Art. 49

The penalty for a serious crime shall be capital punishment or imprisonment and civil disqualification for a period of at least 3 years and no more than 15 years.

Art. 53

Civil disqualification means depriving a convicted person of all or part of the following rights and benefits:

- The right to hold a public office or service.
- The right to be a voter or a candidate for public councils.
- The right to be a voter or a candidate for professional or trade associations.
- The capacity to be a board member of a joint stock company or a manager thereof.
- The capacity to be an expert.
- The capacity to be a managing-editor or publisher of a newspaper.
- The capacity to administer a school or an academic institute.
- The right to carry national foreign decorations.

▪ **Employment Law**

[Law No. \(36\) for the year 2012 issuing the labor law in the civil sector](#)

Art. 107

An employer may terminate the contract of employment without notice or compensation in any of the following instances:

...

7. If the worker has been finally sentenced for a crime or misdemeanour involving dishonour, dishonesty or public morals.

...

▪ **Private Fostering**

No information found.

▪ **Criminal Law – Defamation**

[Penal Code](#)

Art. 364

A punishment of imprisonment for a term of no more than 2 years or a fine of no more than BD 200 shall be inflicted upon any person who by any method of publication accuses another of having committed a certain occurrence rendering him liable for penalty or subject to contempt.

The punishment shall be imprisonment and a fine, or either penalty, if libel is committed against a public servant during or because of or by reason of discharging his duties, or if such libel affects one's honor or puts families into disrepute or if it is understood to be intended for attaining an illegal purpose.

If libel takes place by way of publishing any newspaper or publication, this shall be considered as an aggravating circumstance.

Art. 365

A punishment of imprisonment for a period of no more than 2 years and a fine of no more than BD 100, or either penalty, shall be inflicted against any person who slanders another by any

method of publication so as to affect his honor or integrity without making a specific accusation against him.

The penalty shall be imprisonment for a period of no more than two years and a fine of no more than BD 100, or either penalty, if the act of slander is committed against a public servant during, by reason of or on the grounds of discharging his duties, or if such slander affects one's honor or puts families into disrepute or if it is understood to be intended for attaining an illegal purpose.

If the slander takes place by way of publishing in any newspaper or publication, this shall be considered as an aggravating circumstance.

Art. 366

A prison sentence for a period not exceeding 6 months or a fine not exceeding BD 50 shall be inflicted if the libel or slander is committed through the telephone or without provocation against the victim and in the presence of a third party.

The penalty shall be a fine not exceeding BD 50 if the libel or slander is committed without provocation against the victim and in the presence of a third party.

If libel or slander is committed in the cases mentioned in the above two paragraphs against a public servant during, by reason of or on account of discharging his duties, or if such libel or slander affects one's honor or puts families into disrepute or if it is understood to be intended for attaining an illegal purpose, this shall be regarded as an aggravating circumstance.

Art. 367

There shall be no crime if a perpetrator proves the truth of the accusation where such accusation is made against a public servant or an officer entrusted with a public service and where the occurrence is connected with the relevant office or service.

In such case, slander may also be proved if it is made by the perpetrator and is related to the libel occurrence.

No proof shall be entertained if the incident took place more than 10 years ago or if the crime has lapsed one of the legal grounds or if the judgement passed in respect thereof has lapsed.

Art. 368

There is no crime where the litigants' verbal or written defense before the law courts or investigation authorities includes libel or slander to the extent of the right of defense.

Art. 370

A prison sentence for a period not exceeding 6 months and a fine not exceeding BD 50, or either penalty, shall be inflicted upon any person who publishes by any method of publication news, photographs or comments relating to individuals' private or family lives, even though they are true, should the publication thereof be offensive thereto.

Sexual Offenses Against Children

Penal Code

Immorality and Prostitution

Art. 324

Every person who entices a male or a female to commit acts of immorality or prostitution or assists in such acts in any manner whatsoever shall be liable for a prison sentence.

If the victim is less than 18 years of age, the punishment shall be a prison sentence for a term not exceeding 5 years.

Art. 325

Every person who forces a male or a female to commit acts of immorality or prostitution by way of coercion, threat or deceit shall be liable for imprisonment for a period of no less than 2 years and no more than 7 years.

If the victim is less than 18 years of age, the punishment shall be a prison sentence for a period not exceeding 3 years and no more than 10 years.

Art. 326

A prison sentence for no more than 5 years shall be the penalty for:

Every person, whether a male or a female, who totally or partly relies in his livelihood on what he/she earns from engaging in prostitution or immorality.

Every person who totally or partly relies in his livelihood on what others earn from engaging in prostitution or immorality through his influence or authority thereupon or by encouraging them to indulge in prostitution or immorality, whether this is achieved by obtaining his funds with his consent and without consideration or by obtaining such funds as a tribute in consideration of providing protection or in consideration of not causing any harm thereto.

Every person who protects another engaged in immorality or prostitution in consideration of a benefit of whatever kind.

Art. 328

Every person who establishes or runs premises for purposes of immorality or prostitution, or assists in any manner in the establishment or running thereof, shall be liable for a prison sentence of no less than 2 years and no more than 5 years.

A court judgement shall be passed for the closure of the premises and confiscation of whatever may be found therein such as properties and furniture without prejudice to the rights of bona fide third parties.

For the purpose of this Article, premises used for acts of immorality or prostitution are such premises that are normally used for indulgence of other persons in acts of prostitution or immorality.

Art. 329

Every person who solicits another in a public place to do acts of immorality or prostitution shall be liable for imprisonment for a period not exceeding two years.

Every notice containing an invitation implying a temptation to indulge in immorality or prostitution or attracting attention thereto, shall be considered soliciting.

Rape and Sexual Assault

Art. 344

Life imprisonment shall be the penalty for any person who assaults a woman without her consent.

The penalty shall be a death sentence or life imprisonment if the victim is less than sixteen years of age.

The non-consent of the victim shall be presumed if she is less than fourteen years of age.

Art. 345

A prison sentence for a period not exceeding twenty years shall be the punishment for any person who has sexual intercourse with a female who is more than fourteen years but has not reached the age of sixteen years, with her consent.

A prison sentence of no more than 10 years shall be the sentence for any person who has sexual intercourse with a female who is more than sixteen years but less than twenty one years, with her consent.

Art. 346

A prison sentence for a period not exceeding ten years shall be the punishment for any person who assaults another against his will.

The punishment shall be a prison sentence if the victim is less than sixteen years.

The non-consent of the victim shall be presumed if he is less than fourteen years.

Art. 347

A prison sentence shall be the punishment for anyone who assaults a person who is more than fourteen years but less than twenty one years, with his/her consent.

Art. 348

The following shall be aggravating circumstances in the crimes provided for in the preceding Articles of this Chapter:

1. If the perpetrator is one of the victim's close relatives or those responsible for bringing him/her up, guardianship or having authority over him/her, or one of his/her servants or working with one of the aforesaid persons.
2. If the perpetrator is one of the public servants or officers entrusted with a public service, clergymen, medical practitioners or their assistants and has abused his office, position or trust in him.

If the crime is jointly committed by two persons or more who cooperated in overpowering the victim or took turns in committing the same act against the victim.

If the victim sustains a venereal disease as a result of committing the crime.

If the victim becomes pregnant or suffers loss of virginity by reason of the crime.

Art. 349

The punishment shall be a death sentence if the crimes set forth in Article 344 result in the victim's death.

The punishment shall be a death sentence or life imprisonment if the crimes set forth in Articles 315 and 346 of this Law result in the victim's death.

Art. 350

A prison sentence for a period not exceeding one year or a fine not exceeding BD 100 shall be the penalty for any person who commits in public an indecent act.

Any person who commits an act of indecency with a female shall be liable for the same punishment, even though such act is not committed in public.

Art. 351

A prison sentence of no more than 3 months or a fine not exceeding BD 20 shall be the penalty for any person who commits an indecent act, by words or deeds, in a public road or in a place frequented by others.

If the said act is committed by telephone, the same punishment shall be applicable.

Art. 352

The perpetrator shall be presumed to be aware of the victim's real age in the crimes set forth in the preceding Articles, unless he proves that he was not able to know the actual age of the victim.

Art. 355

A punishment of imprisonment for a term not exceeding 2 years and a fine not exceeding BD 200, or either penalty, shall be inflicted upon any person who prints, imports, exports, owns, possesses, carries or displays with the intent of exploiting, distributing or showing any publications, drawings, pictures, films, symbols or such other items if they violate public morals.

The same penalty shall be applicable to any person who promotes any of the aforesaid items or assists in obtaining them.

Art. 356

The penalties provided for in the preceding Article shall be inflicted upon any person who makes a public utterance, screams loudly or delivers a speech that is opposed to public morals or induces others to commit acts of immorality or publishes advertisements or messages to this effect, whatever may be the wording thereof.

[Law No. \(37\) for the year 2012 promulgating the Child Act](#)

Art. 39

It is prohibited to publish, display, or circulate print, visual, audiovisual, or child-generated visual or audio works that are sexually provocative or encouraging crime and moral delinquency.

Art. 42

The State shall ensure the protection of the child in cases of ill-treatment or neglect.

Art. 44

In the application of this provisions of this Act, any act or omission which leads to direct or indirect harm to the child which prevents his or her proper and healthy development, including physical, psychological, sexual, neglect or economic exploitation, shall be considered ill-treatment.

...

Sexual abuse means any act intended to expose the child to any sexual activity, including showing, initiating, or exposing the child to watch, use, or distribute pornographic films or images in any form....

Art. 45

Notwithstanding the provisions of Article 9 of the Code of Criminal Procedure, a criminal complaint relating to a child's physical or sexual abuse is not required to make an oral or written complaint to the Public Prosecution or to one of the judicial officers. In any case, child treatment if the child is physically or sexually abused by the parents or his/her caregivers, the Public Prosecution shall appoint the child's legal representative.

Art. 57

The recruitment and exploitation of children through the Internet and other modern means of communication in matters that are contrary to public morals and public order or are not commensurate with their age, are criminal acts.

Art. 67

Without prejudice to any more severe punishment provided for in any other law, any person who sexually harasses a child by pretending to be naked or showing nudity or is tricked into watching pictures or pornographic films in any form, including the Internet, shall be punishment by imprisonment for a period of not less than six months.

[Law No. 60 of 2014 on Information Technology Crimes](#)

Crimes related to content

Art. 10

1. Without prejudice to any more severe penalty in any other law Shall be punished by imprisonment for a period of not less than one year (1) and by a fine not exceeding ten thousand dinars or by either of the following two penalties:
 - (a) Produce pornographic material for distribution by IT system.
 - (b) Import, sell, offer for sale, use, circulation, transfer, distribution, transmission, dissemination or permitting of pornographic material by IT system.

The penalty shall be imprisonment for a period of not less than two (2) years and a fine not exceeding ten thousand dinars or by either of these two penalties if the child pornography is directed or placed at their disposal.

2. Shall be punished by imprisonment for a period of not less than three (3) months and by a fine not exceeding three thousand dinars or by either of these two penalties:
 - (a) He or she has acquired pornographic material through the IT system.
 - (b) Obtain pornographic material into the IT system or in any IT medium.

The penalty shall be imprisonment for a period of not less than six (6) months and a fine of not less than three thousand dinars or either of these two penalties if the child pornography is directed or placed at their disposal.

3. In the application of the provisions of this article, “child pornography” means the definition of child pornography in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

[Law No. 1 of 2008 on Combating Trafficking in Persons](#)

Art. 1

In the application of the provisions of this Act, trafficking in persons means the recruitment, transfer, transport, harboring or reception of a person for the purpose of abuse by means of coercion, threat or manipulation, abuse of power or position by that person or by any other means whether direct or indirect.

- A) Abuse includes exploitation of that person in prostitution or in any form of sexual exploitation or abuse, forced labor or service, slavery or practices similar to slavery, servitude or removal of organs.
- B) Trafficking in persons shall be considered as recruitment transfer, transport, harboring or reception of persons under the age of 18 years or in a circumstantial or personal situation in which they cannot be satisfied with their consent or freedom of choice, in the preceding paragraph.
- C) The offender’s flag assumes the true age of the victim who has not attained the age of 18 years.

Art. 2

Without prejudice to any more severe penalty provided for in the Penal Code or any other law, a penalty of imprisonment and a fine of not less than 2,000 dinars and not more than 10,000 dinars shall be imposed on anyone who commits the crime of trafficking in persons.

In case of convictions, the offender is obliged to pay the expenses, including the expenses of returning the victim to his country if he is a foreigner. In all cases, the Court shall order the confiscation of funds, baggage, tools, and other items which may have been used or prepared for use in or from the commission of the crime.

Art. 4

Subject to the provisions of Chapter V of Part Three of the Penal Code, an aggravating circumstance in the offense of trafficking in persons is the following:

...

2. If the victim is under 15 years of age, female, or with special needs.

...

- **Female Genital Mutilation (FGM)**

No specific legal provisions exist.

- **Child marriage/forced marriage**

[Law No. 19 of 2017 \(Unified Family Law\)](#)

Art. 20

A girl under the age of sixteen years of age shall not marry unless authorized by the Shari'a Court after ascertaining the suitability of the marriage.

Art. 26

The marriage shall be held in a positive manner by one of the contracting parties and the acceptance of the other, expressing full satisfaction with the specific words of the law, and by referring the letter or writing in case of inability to pronounce, subject to the provisions of Article (27) of this law.

Art. 27

Requirement of acceptance and acceptance:

- a) Be expressly or implicitly in agreement.
- b) To be associated in a single Council, a fact or a judgment.
- c) To be fulfilled, not dependent on condition and not added to the future.

[Penal Code](#)

(Exoneration by marriage for crimes of rape, sexual assault, or immoral acts)

Art. 353

No penalty shall be inflicted against a person who has committed one of the crimes set forth in the preceding Articles if he was subject to a final court judgement before concluding the marriage, such judgement shall be subject to a stay of execution and its penal effects shall cease.