

Law No. (4) of 2021
Promulgating the Restorative Justice Law
for Children and their Protection from Maltreatment*

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain

Having reviewed the Constitution,

Legislative Decree No. (18) of 1973 with respect to Public Meetings, Processions and Assemblies, as amended,

Penal Code promulgated by Legislative Decree No. (15) of 1976, as amended,

Legislative Decree No. (17) of 1976 with respect to Juveniles, as amended,

Legislative Decree No. (26) of 1986 with respect to Procedures before Sharia Courts, as amended,

Legislative Decree No. (16) of 1991 with respect to the accession of the State of Bahrain to the United Nations Convention on the Rights of the Child adopted by the General Assembly in November 1989,

Legislative Decree No. (25) of 1998 with respect to Private Educational and Training Institutions,

Legislative Decree No. (8) of 2000 ratifying the amendment of Paragraph (2) of Article (43) of the United Nations Convention on the Rights of the Child adopted by the General Assembly in November 1989,

Military Justice Law promulgated by Legislative Decree No. (34) of 2002, as amended,

The Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002, as amended,

The Code of Criminal Procedure issued by Legislative Decree No. (46) of 2002, as amended,

Law No. (27) of 2005 with respect to Education,

Law No. (74) of 2006 with respect to the Care, Rehabilitation and Employment of People with Disabilities, as amended,

Law No. (5) of 2007 with respect to Combating Begging and Homelessness,

Child Law promulgated by Law No. (37) of 2012,

* This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail.

Reform and Rehabilitation Institution Law Promulgated by Law No. (18) of 2014,
Law No. (60) of 2014 with respect to Information Technology Crimes,
And Family Law promulgated by Law No (19) of 2017,
And after taking the opinion of the Supreme Judicial Council,

The Shura Council and the Council of Representatives have approved the following law,
which we have ratified and enacted:

Article One

The provisions of the accompanying law shall be applied with respect to the restorative justice for children and their protection from maltreatment. **Article Two**

Without prejudice to the provisions of Article (1) of the Penal Code promulgated by Legislative Decree No. (15) of 1976, the provisions of the accompanying law shall apply to cases which have not been adjudicated and to any proceedings which have not been completed before the date of entry into force thereof.

Article Three

Legislative Decree No. (17) of 1976 with respect to Juveniles shall be repealed. The provisions of Part Seven and Articles (67), (68) and (69) of the Child Law promulgated by Law No. (37) of 2012 shall also be repealed. Any provision contrary to the provisions of the accompanying law shall be repealed.

Article Four

The minister concerned with Justice Affairs, in coordination with the Ministry of the Interior and the Ministry concerned with Social Development Affairs, shall issue the executive regulation of the accompanying law within one year from the day following its publication in the Official Gazette.

Article Five

The Prime Minister and ministers, each within his jurisdiction, shall implement the provisions of this Law which shall come into force in six months following the date of its publication in the Official Gazette.

King of the Kingdom of Bahrain
Hamad bin Isa Al Khalifa

Issued at Riffa Palace on 2nd Rajab 1442 Hijra
Corresponding to: 14th February 2021

The Restorative Justice Law for Children and their Protection from Maltreatment

Part One General Provisions

Article (1)

This Law aims to provide restorative justice for children, and to take care of them and protect them from maltreatment.

The best interests of the child shall take precedence in all rulings, decisions and procedures related to the child, regardless of the authority that issues or implements them.

Article (2)

In the application of the provisions of this Law, a child shall mean every person who did not exceed eighteen years of age, in accordance to the Gregorian calendar, at the time of committing the crime, or when the child was in one of the situations of risk to endangerment stipulated in Article (12) or maltreatment stipulated in Article (40) of this Law.

Proof of the child's age shall be based on a birth certificate, identity card, or any other official document. In the absence of such document, the age shall be determined by the authorities for which a decision is issued by the Minister concerned with Justice Affairs , in agreement with the Minister of Health.

Article (3)

There is no criminal liability for a child who did not exceed fifteen years of age, in accordance to the Gregorian calendar, at the time of committing the crime, and the provisions laid down herein shall apply.

Article (4)

Taking into account the provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002, courts called "Restorative Justice Courts for the Child" shall be established in the Kingdom of Bahrain to adjudicate criminal cases arising from crimes committed by children over the age of fifteen years, in accordance to the Gregorian calendar, at the time of commission of a crime.

The Restorative Justice Courts for the Child are composed of:

- 1- The Higher Restorative Justice Court for the Child.
- 2- The Lower Restorative Justice Court for the Child.

The establishment and determination of the premises of the Restorative Justice Courts for the Child shall be by a decision of the Minister concerned with Justice Affairs after the approval of the Supreme Judicial Council.

Article (5)

The Higher Restorative Justice Court for the Child shall be composed of three judges, and assisted by two of the experts stipulated for in Article (8) of this Law who shall be appointed by the Court, from which among those experts at least one shall be a woman, provided that their attendance at the trial sessions is mandatory.

The Higher Restorative Justice Court for the Child shall be competent to adjudicate felonies, crimes and other matters of which the Higher Criminal Court is competent in. Appeals against its rulings may be lodged with the Supreme Criminal Court of Appeal. It shall be a requirement for the validity of the trials of the Supreme Criminal Court of Appeal in adjudicating the appeals, the presence of two experts from the experts stipulated for in Article (8) of this Law who shall be appointed by the Court, from which among those experts at least one shall be a woman and they have not previously attended the hearings of the trial at which the appealed judgment was rendered. The provisions of the Criminal Procedure Code shall apply regarding the dates and procedures for appeal.

Article (6)

The Lower Restorative Justice Court for the Child shall be composed of a single judge, and assisted by one of the experts stipulated for in Article (8) of this Law, who shall be appointed by the Court, provided that the expert's attendance at the trial sessions is mandatory.

The court may convene in one of the social welfare institutions or the hospital in which the concerned child is placed if the interest of the child so requires.

The Lower Restorative Justice Court for the Child will be competent to adjudicate misdemeanors and offenses and in other matters pertaining to the lower court. Appeals may be lodged against its rulings with the Higher Restorative Justice Court for the Child. The provisions of the Criminal Procedure Code shall apply with respect to the dates and procedures for the appeal.

Article (7)

A committee called the "Judicial Committee for Childhood" shall be established by decision of the minister concerned with Justice Affairs, to look into cases of child endangerment or maltreatment referred to it by the Specialized Prosecution for the Child.

The Committee shall be formed under the chairmanship of a judge of the Lower Restorative Justice Court for the Child and one members of the Specialized Prosecution

for the Child who shall be nominated by the Supreme Judicial Council, and one of the experts stipulated for in Article (8) of this Law, of which the committee appoints from among those experts.

The committee may convene in the social welfare institution or the hospital in which the concerned child is placed if the interest of the child so requires.

Appeals against the committee's decisions may be lodged with the Higher Restorative Justice Court for the Child, and the provisions of the Criminal Procedure Code shall apply with respect to the dates and procedures for the appeal.

Article (8)

The work experience for the Restorative Justice Courts for the Child and the Judicial Committee for Childhood shall be carried out by a number of specialized experts in the social and psychological fields, of which their appointment and determination of their work system shall be issued by a decision of the minister concerned with Justice Affairs, in agreement with the minister concerned with social development affairs.

Prior to the commencement of their work, the experts shall take the oath before the Minister concerned with Justice Affairs to perform their duties and all that is entrusted to them with integrity, honesty and impartiality.

The experts examine the status of children brought before the Restorative Justice Court for the Child and the Judicial Committee for Childhood and report on the outcome of their work to the Restorative Justice Courts for the Child and the Committee as set out in Article (74) of this Law, as well as the other tasks assigned to them under this Law or through the Restorative Justice Courts for the Child and the Judicial Committee for Childhood.

Article (9)

The rules and procedures followed before the Higher Criminal Court shall be followed by the Higher Restorative Justice Court for the Child, while rules and procedures established in the articles of misdemeanors shall be followed by the Lower Restorative Justice Court for the Child, without prejudice to the procedural rules stipulated for in this Law.

The Supreme Judicial Council establishes a system which sets out the dates of convening the meetings of the Judicial Committee for Childhood and the mechanism for its decision-making. In the absence of a provision in this system, the Committee shall follow the rules and procedures followed before the Lower Restorative Justice Court for the Child.

The works of the Public Prosecution before the Restorative Justice Courts for the Child and the Judicial Committee for Childhood shall be carried out by a Specialized Prosecution for the Child that shall be formed by a decision issued by the Attorney General and shall be composed of members of the Public Prosecution, and assisted by a sufficient number of experts in the social, psychological and other fields.

Part Two
The Restorative Justice for Children

Article (10)

The child shall be guaranteed all the rights and guarantees established in the Criminal Procedure Code at all stages of criminal proceedings and during the execution of the sentence.

A child has the right to benefit from the exemption or attenuating excuses from punishment provided for by the Penal Code promulgated by Legislative Decree No. (15) of 1976, or by any other law, as well as those established by this Law.

Article (11)

If the act constituting the crime is committed by a child under the influence of a mental or psychological disorder or any other disorder that deprives the child of the consciousness of their acts and diminishes their exercise of will-power, the competent Restorative Justice Court for the Child or the Judicial Committee for Childhood shall, according to the circumstances, order the placement of the child in a specialized hospital appropriate to the age and state of health of the child for their examination. The same measures shall be taken for the child who suffers from a mental or psychological disorder or any other disorder during the investigation and trial stages, and in both cases, the proceedings shall be suspended until the examination of the child is completed.

If the child who has been sentenced to a freedom-depriving sanction suffers from being of unsound mind, psychological or mental disorder, or any other disease that deprives the child of consciousness of acts and diminishes their exercise of will-power, the execution of the sanction shall be postponed until the child is recovered, the child shall be admitted to a specialized hospital appropriate to their the age and health condition. The time spent in this hospital shall be deducted from the sentence imposed.

In all cases, the competent Restorative Justice Court for the Child or the Judicial Committee for Childhood shall, according to the circumstances, follow up on the status of the child in accordance with the methods provided for in Articles (79) and (80) of this Law.

Article (12)

A child is considered at subject to endangerment if found in any of the following situations:

- 1- If the child is under the age of fifteen years of age, in accordance to the Gregorian calendar, and commits an act that constitutes a felony or a misdemeanor.

- 2- If the child is a beggar or homeless, in the sense set out in Articles (1) and (2) of Law No. (5) for 2007 with respect to Combatting Begging and Homelessness
- 3- If the child is in contact with perverse persons or suspects, or if they are known for their bad conduct.
- 4- If the child suffers from a physical, mental or psychological disorder in a way that affects the child's ability to perceive or choose, such that the child poses a threat to the safety of others or to their own safety.
- 5- If the child was found participating in a demonstration, march, gathering, or political sit-in, the controls stipulated in Legislative Decree No. (18) of 1973 with respect to Public Meetings, Processions and Assemblies were not observed in holding any of them.
- 6- If the child has no legitimate means of subsistence and no reliable provider.
- 7- If the child is truant from schools or institutes of education or training.
- 8- If the child does not have a place of residence or is usually sleeping on the streets or in other places not intended for residence or lodging.
- 9- If the child commits acts related to prostitution, debauchery, immorality, gambling, narcotics, or such acts, or serves those who are involved in such acts.
- 10- If the child is ill-behaved, defiant of the authority of their natural or testamentary guardian, and in such a case no action shall be taken against the child, even if it is an evidence-gathering procedure, may be taken except on the basis of a complaint by one of his parents or testamentary guardian, as the case may be.

Article (13)

If the child is found in a situation of endangerment mentioned in Article (12) of this Law, the Judicial Committee for Childhood may impose on them one of the measures stipulated in Articles (14) to (26) of this Law.

Article (14)

The Restorative Justice Court for the Child and the Judicial Committee for Childhood may reprimand the child, reproach their actions, and warn them not to revert to such conduct again. The child shall be reprimanded in public or private hearing by the Court, or by the Committee in the presence of their natural or testamentary guardian, and the person affected by the child's actions, if any.

Article (15)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may hand over the child to the natural or testamentary guardian. If the child cannot be handed over to them or in case of absence for any reason or inability to raise the child, the Court or the Committee shall hand over the child to a member of their family. If this is not available, the child shall be handed over to a trusted person who undertakes to raise the child well or to a reliable family who undertakes to do so. In this case the Restorative Justice Court for the Child or the Judicial Committee for Childhood shall assign one of

the experts stipulated in Article (8) to follow up the conditions of the child while they are in the care of the trusted person or family to whomever the child is handed over, and to submit periodic reports to the authority that assigned the expert in accordance with the decision issued specifying the experts' work system.

Article (16)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may order the child to apologize to the victim or to any person who has been adversely affected by their acts. The child's apology shall take place in a public or private hearing of the Court or the Committee, in the presence of the natural or testamentary guardian and, if any, the person affected by the actions committed by the child.

Article (17)

The Judicial Committee for Childhood may decide to place the child under the supervision of an adult from the relatives of the child or other trusted persons. The child has the right to choose such person, and the Committee approves that person when he or she is fit for the task. The Committee may assign that person if the child is unable to make the choice. In all cases, that person shall not be one who poses a risk of endangerment to the child, in which case the Judicial Committee for Childhood shall assign one of the experts provided for in Article (8) to follow up on the conditions of the child, in the care of the entrusted person whom the child has been placed under their supervision, and to submit periodic reports to the authority that assigned them according to the decision issued to specify their work system.

Article (18)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may impose judicial probation on the child in cases where this is necessary, by placing the child in their natural environment under the direction and supervision of the competent authority of the Ministry of the Interior, taking into account the controls established by the Court or the Committee, and the period of judicial probation shall not exceed three years.

If the child fails the probation, the case shall be brought before the Court or the Committee to take such other measures as it deems appropriate in accordance with Articles (14) to (26) of this Law.

Article (19)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may enroll the child in one of the training and rehabilitation programs, or national educational programs that ensure the child preparation and rehabilitation for return and reintegration into society as a good citizen, by entrusting the child to one of the governmental or private social welfare institutions specialized in children's affairs. The ruling for this measure shall be for a period of not less than three months and not more than three years, in a manner that does not hinder the child's regular education.

Article (20)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may prohibit the child from frequenting certain places or premises. The Child may also be obliged to attend certain times before certain persons or authorities or to attend certain counseling meetings. Such measures shall be imposed for a period of no less than six months and no more than three years. The child's natural or testamentary guardian shall inform the Court or Committee of the extent of the child's commitment to this, on the dates specified by the Court or Committee.

Article (21)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may place the child in a specialized hospital in case of suffering from any disorder which requires hospitalization for the period determined by the hospital in which the child is being treated and according to the condition of the child's health.

Article (22)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may place the child in a social welfare institution or societies of the ministry concerned with Social Development or these institutions approved by the Court or the Committee. In case of disability, the child shall be placed in a suitable rehabilitation center. The Court and the Committee should consider that the placement of such institutions, societies or centers is the last available option and should be for the shortest possible period of time.

In all cases, the duration of the child's stay must not exceed ten years for felonies, five years for misdemeanors and three years in the event of exposure to endangerment and maltreatment.

Article (23)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may require the child to participate in some voluntary activities, where the child has the right to choose the activity of interest to participate in, and the Committee may choose the activity if the child is unable to choose, and in both cases the activity shall be commensurate with the age of the child.

Article (24)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may assign a child over the age of fifteen, in accordance to the Gregorian Calendar, to carry out some unpaid work for the public benefit for a period of no more than one year, with their consent, at a public legal person or a volunteer civil society institution of public benefit which is selected by the Court or the Committee provided that this does not harm the child's health or psychology.

Article (25)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may decide to compel the child to remain for a period of no less than two hours and not more than twelve hours per day in a specific geographical area from which the child is prohibited to leave. Such measures shall not be implemented in any way contrary to the religious beliefs of the child and what these beliefs impose on them and may not adversely affect their educational or professional obligations. The child may also be required not to leave their home and to remain at home under the supervision of their natural or testamentary guardian for a certain period of time. The child's natural or testamentary guardian shall inform the Court or the Committee of the extent of the child's compliance with the aforementioned decision, within the time limits set by the Court or the Committee.

Article (26)

The Restorative Justice Court for the Child or the Judicial Committee for Childhood may add electronic surveillance to the measures provided for in Articles (18) to (25). House arrest at home may be accompanied by electronic surveillance of the child in accordance with the regulations stipulated by the Executive Regulation of this Law or the decisions issued in implementation thereof. The child's natural or testamentary guardian shall inform the Court or the Committee of the extent to which the child complies with the aforementioned decision, within the time limits set by the Court or the Committee.

Article (27)

The Child Protection Center stipulated in Article (33) of this Law - in coordination with the competent Restorative Justice Court for the Child or the Judicial Committee for Childhood - undertakes the task of following up the affairs of children who are enrolled in training and rehabilitation programs or national educational programs or placed in voluntary activities or those charged with some work for the public benefit in accordance with the provisions of Articles (19), (21), (22), (23) and (24) of this Law.

Article (28)

The measures provided for in Articles (14) to (26) of this Law shall expire with the expiration of their term or the child reaching the age of twenty-one.

However, the competent Restorative Justice Court for the Child or the Judicial Committee for Childhood may, depending on the case and after perusal of the reports submitted to it in accordance with Article (79) of this Law or at the request of the Specialized Prosecution for the Child or the Child's natural or testamentary guardian, order the termination, amendment or replacement of any measure provided for in Articles (16) to (26) of this Law, and if such request is rejected, it may not be renewed until at least three months have passed from the date of rejection, and the ruling or decision in this regard is irrefutable.

In criminal matters, the Higher Restorative Justice Court for the Child may, at the request of the Specialized Prosecution for the Child and after taking the expert's opinion, place the convicted child under judicial probation for a period not exceeding two years.

Article (29)

Only the measures provided for in Articles (14), (15), (16), (17), (18), (21), (22) and (23) of this Law shall be imposed on a child who has not yet reached the age of fifteen years, in accordance to the Gregorian calendar. If the child is under the age of seven, they shall be sentenced only to the measures of hand over and placement in one of the specialized hospitals provided for in Articles (15) and (21) of the same Law.

Article (30)

The following rules apply to the sanctions inflicted on a child who exceeded fifteen years and did not exceed eighteen years of age, in accordance with the Gregorian calendar, at the time of committing the crime:

If the crime is a capital crime, the sanction is reduced to temporary imprisonment or detention for at least one year, if its sanction is life imprisonment or temporary imprisonment, it is reduced to a misdemeanor.

If the crime constitutes a misdemeanor and the sanction has a special minimum sanction, the judge shall not be bound by it in assessing the sentence. If the sentence is imprisonment and a fine together, the judge shall impose only one of those two sanctions, and if the sentence is not specifically limited to a minimum, the judge may impose a fine instead.

If there is a punitive extenuating circumstance in the misdemeanor, the provisions of the previous paragraph shall apply, and the court may, instead of passing a custodial sanction or a fine, sentence the child to one of the measures stipulated for in Articles (16), (18), (19), (20), (21), (22), (23), (24), (25), (26) of this Law.

If a child who has exceeded fifteen years of age, in accordance to the Gregorian calendar, has been sentenced to a custodial sanction, the competent Restorative Justice Court for the Child shall monitor the progress made by the child based on a report submitted to the court from the Reform and Rehabilitation Center in which the child is placed immediately after the expiration of half of the sentence, in order to decide the continuation of the punishment or replacing it with one of the measures stipulated for in the articles referred to in the third paragraph of this Article.

Article (31)

Only the sanctions and measures provided for in this Law may be imposed on the child, except ruling or ordering the closure of the premises used in committing the crime and to order the confiscation of the items seized with the convicted child, which they may have obtained from the crime, used them in committing it, or received them as a wage for committing it, or intended to be used in a crime, or their manufacture, possession, use, or dealing in them would be a crime even if they are not owned by the child.

All the above without prejudice to the rights of a bona fide third party, towards the child or towards their natural or testamentary guardian, resulted from the child's commission of the crime.

Article (32)

Children may not be placed, detained, or imprisoned together with other adults in one place. The placement, custody, detention, or imprisonment of children shall be carried out in accordance with the age, sex, type of crime and duration of the sentence.

Part Three Protecting the Child from Maltreatment

Article (33)

A center called the "Child Protection Center" shall be established at the ministry concerned with social development, which includes in its organizational structure branch offices of the ministry concerned with justice affairs, the Ministries of Interior, Health, and Education.

Article (34)

The Child Protection Center shall have a board of directors to be formed every three years by a decision of the concerned minister with social development affairs. The Board shall consist of a competent president and members representing the following ministries and entities:

- 1- Ministry of Justice.
- 2- Ministry of Interior.
- 3- Ministry of Health.
- 4- Ministry of Education.
- 5- Ministry of Social Development.
- 6- The Supreme Council for Women.
- 7- The Information Affairs Authority.
- 8- Two members from civil society organizations concerned with childhood, selected by the minister concerned with social development affairs.

The Board of Directors assumes the following duties and powers:

- 1- Develop and supervise the implementation of plans and programs to protect children from abuse.
- 2- Coordinate with all relevant official and private entities on the protection of children from abuse.
- 3- Supervise the activity and work of the Center.
- 4- Provide advice to various entities involved in the protection of children from abuse.
- 5- Develop and supervise the implementation of plans for studies and research on the phenomenon of child abuse.
- 6- Establish an internal regulation to regulate the work of the Center, the dates of the meetings of the Board of Directors and its mechanism for taking decisions and recommendations.

Article (35)

The Chairman of the Board of Directors of the Child Protection Center shall draw up the Center's policy on the protection and well-being of children from maltreatment and oversee the Center's workflow and activities.

Article (36)

The Child Protection Center undertakes the following tasks:

- 1- Develop and supervise the implementation of plans and programs to protect children from maltreatment.
- 2- Coordinate with all relevant official and private entities on the protection of children from maltreatment.
- 3- Provide advice to various entities involved in the protection of children from maltreatment.
- 4- Develop and supervise the implementation of plans for studies and research on the phenomenon of child maltreatment.
- 5- Any other tasks stipulated for in this Law or its Executive Regulations.

Article (37)

The Child Protection Center shall be the central authority responsible for assessing, accommodating and following up the affairs of children exposed to maltreatment and coordinating the services provided to them and their families by the relevant authorities, and for such purposes, the Child Protection Center, has the following competences:

- 1- Take all immediate and urgent measures to protect children from maltreatment.
- 2- Study cases of maltreatment of children from the health, psychological, social, economic, and legal aspects, and take appropriate measures for them.
- 3- Periodically follow-up cases of children who have been maltreated in case they are handed over to their natural or testamentary guardian.
- 4- Provide alternative care outside the family for abused children, on an urgent and temporary basis, if the child's life is threatened or if the child is sexually assaulted by their natural or testamentary guardian or caretaker.
- 5- Take all necessary measures to rehabilitate the maltreated child and their family in order to ensure that they return to the family in a normal status, including treatment, psychological rehabilitation, educational and training courses, development of social skills, self-protection skills, and treatment of addiction by the parent or caregiver.
- 6- Provide a hotline to receive cases or complaints related to child maltreatment.

Article (38)

At the beginning of each financial year, the Chairperson of the Child Protection Center shall prepare an annual report on the activity of the Center during the preceding financial year, which shall include the identification of obstacles facing the Center and proposed solutions for it. The report shall be presented to the Board of Directors by the Chairperson of the Center two months before the beginning of the financial year for discussion and

approval. Once the report has been approved by the Board, the Chairperson shall submit it to the minister concerned with social development affairs, with the observations of the Board, to take the necessary action.

Article (39)

The Child Protection Center shall prepare a special register of cases of maltreatment of children, which shall be confidential and shall not be disclosed or accessed except with the permission of the Specialized Prosecution for the Child or the Judicial Committee for the Childhood, or one of the Restorative Justice Courts for the Child or any competent court, as the case may be.

Article (40)

In the application of the provisions of this Law, maltreatment shall mean any act or omission which may result in direct or indirect harm to the child which prevents the child's proper, safe and healthy upbringing and development, resulting to physical, psychological or sexual abuse, neglect or economic exploitation.

Physical ill-treatment means any act that results in the intentional physical ill-treatment of the child. Psychological ill-treatment means any act that may harm the child's psychological and health development.

Sexual abuse means the exposure of the child to any sexual activity, including exposure to nudity, harassment, or penetration (vulvar or anal), or the exposure of the child to watch, use, produce or distribute pornographic films or pictures in any way.

Neglect means the failure of the parents or care provider to do what is necessary to preserve the child's life and safety.

If the physical ill-treatment or sexual abuse of the child is committed by the child's natural or testamentary guardian, the Public Prosecution shall appoint a person who legally represents the child.

Article (41)

The exploitation of children in various forms of organized and non-organized crimes, including the instigation of ideas of intolerance and hatred, and incitement to acts of violence and intimidation, is prohibited.

Article (42)

It is prohibited to lure and exploit a child through the Internet or other information networks, and other modern means of communication, in matters contrary to public morals and order or not commensurate with the child's age.

Article (43)

If the doctor finds upon examining a child that he has been exposed to any of the cases of maltreatment and that their discharge from the hospital endangers the child's life and safety, the doctor shall not hand him over to his natural or testamentary guardian, and shall report the matter immediately to the director of the hospital in which the doctor works so that the director informs the Child Protection Center or the Specialized Prosecution for the Child to take the necessary action, and if the doctor discovers the child's condition in his private clinic, the doctor shall report the incident.

Article (44)

Anyone who comes to knowledge that a child is facing one of the situations of endangerment mentioned in clauses (1) to (9) of Article (12) of this Law or one of the maltreatment cases mentioned in Article (40) thereof shall immediately notify any of the authorities stipulated for in Article (45) of this Law, and to provide them with any information they may have in this regard.

Article (45)

Reports and complaints regarding cases of child exposure to risk of endangerment or maltreatment shall be submitted to any of the following authorities:

- 1- Child Protection Center stipulated for in Article (33) of this Law.
- 2- Public Prosecution
- 3- Police station.
- 4- The authorities in charge at the ministry concerned with justice affairs and the Ministries of Interior, Health and Education.

The authorities stipulated for in clauses (2) to (4) of the first paragraph of this Article - in case they are notified of any cases of risk of endangerment or maltreatment of the child - shall notify the Child Protection Center of all the incidents that have been reported.

It is prohibited to disclose the identity of a child who has been exposed to a risk of endangerment or maltreatment or the identity of the person who abused the child when using the information to publish analysis, statistics or official reports. It is also prohibited to reveal the identity of the person who reported any cases of child abuse except in cases prescribed by the Law.

Article (46)

If the Child Protection Center receives a report or complaint about any case of risk of endangerment or maltreatment of the child, it shall do the following:

- 1- Summon the child, their natural or testamentary guardian and listen to their statements regarding the subject of the report or complaint, to verify the seriousness of the matter, provided that this takes place inside the Center and not in another place, and in cases where the child is unable to appear at the Center, a staff member of the center may travel to hear the child's statements at their place of residence.
- 2- Conduct a medical examination for the child to find out if the child suffers from any physical or psychological disorder, sexually transmitted disease, or any other disease resulting from exposure to risk of endangerment or maltreatment.

If the Center finds that the report or complaint is valid and that the child has been exposed to risk of endangerment or maltreatment, it shall take the following:

- 1- Taking one or more of the measures mentioned in Article (48) of this Law, if it is assessed that such measures would put an end to the child's exposure to risk of endangerment or maltreatment.

- 2- Request the Specialized Prosecution for the Child - if it deems it necessary - to warn the child's natural or testamentary guardian in writing, in order to put an end to the reasons for the child's exposure to risk of endangerment or maltreatment, or to dispose of the matter in the manner it deems fit.

The natural or testamentary guardian of the child may object to the warning before the Judicial Committee for Childhood within ten days from the date of its announcement. In considering this objection and ruling thereon, the procedures established for objection to criminal orders shall be followed, and the decision thereon shall be final.

Article (47)

If a child is found in one of the situations of exposure to risk of endangerment or maltreatment despite the warning issued to their natural or testamentary guardian by the Specialized Prosecution for the Child as mentioned in the second paragraph of Article (46) of this Law, and this has come to the knowledge of the Child Protection Center through a report or complaint, the center shall do the following:

- 1- Inform the Specialized Prosecution for the Child of the matter to take the necessary action.
- 2- Present the child's case to the Judicial Committee for Childhood, which may take one or more of the measures stipulated for in Articles (14) to (23) of this Law regarding the case.

Article (48)

If it is proven to the Child Protection Center that the child has been exposed to a case of maltreatment, after an investigation conducted in accordance with the first paragraph of Article (46) of this Law, it may take any of the following measures and procedures:

- 1- Take the necessary measures to treat any disease which may have been inflicted upon the child as a result of being exposed to risk of endangerment or maltreatment.
- 2- Keep the child in their family environment with their natural or testamentary guardian taking the necessary measures to eliminate the risks of endangerment that the child is exposed to, within specific deadlines and under the supervision of the Center.
- 3- Keep the child in their family environment and regulating the means of social intervention by the relevant authority concerned with providing the necessary social, educational and health services for the child and their family and helping them.
- 4- Keep the child in their family environment while taking the necessary precautions to prevent contact with persons who would pose a threat to their physical or moral health or safety.
- 5- Recommend to the Judicial Committee for Childhood to place the child - until the danger ceases to exist - with a trusted family, a social or educational institution or society, or a health or treatment establishment, in accordance with the procedures prescribed in this Law.

- 6- Refer the matter to the competent Sharia court – if deemed necessary - to consider obligating the child's natural or testamentary guardian to pay for the child's temporary expenses, and the court's decision in this regard shall be enforceable even if it is being challenged.
- 7- Take the necessary urgent measures - in cases of imminent danger to the child - to remove the child from the place where the child is exposed to danger and move them to a safe place, and the Center may seek the assistance of members of the public authority in this regard when necessary.

An imminent danger is every act or omission that threatens the life or physical or psychological well-being of the child in a manner which cannot be eliminated over time.

Article (49)

The custody of a child who is exposed to risk to endangerment or maltreatment may not be transferred without a judgment from the competent court. In emergency cases, the Child Protection Center may - after obtaining permission from the Specialized Prosecution for the Child - transfer the child who is exposed to risk of endangerment or maltreatment in a way that it is impossible for the child to stay with the person who takes charge of the child's custody to a safe place and to provide the child with care, provided that the child's case is brought before the competent court within twenty-four hours to issue its decision regarding the child.

The Center may request the competent court to issue a ruling transferring custody of the child to a foster family, provided that it is a relative up to the fourth degree, and in the absence of a relative within this degree, the custody shall be transferred to the person deemed eligible by the court.

Article (50)

If the child is at risk of endangerment or maltreatment by a natural or testamentary guardian and in urgent need of protection, the Child Protection Center may request the Specialized Prosecution for the Child to issue a temporary decision to transfer the child to another safe place chosen by the Center, provided that the child's case is brought before the competent court on the first working day to take a decision regarding the child, or to determine the person or authority that may supervise or take care of them on a temporary or permanent basis and the amount of the child's expenses and the person responsible to pay these expenses.

Article (51)

The Child Protection Center monitors the implementation of the measures it takes regarding the reports and complaints submitted to it, as well as the measures it is mandated to follow up on in accordance with this Law, in coordination with the Restorative Justice Courts for the Child, the Judicial Committee for Childhood, or any other relevant authority. The Center has the right to review the measures it takes, and to recommend a

review of the measures that it is mandated to follow up on their implementation, to the extent that they achieve the best interest of the child.

Officials in care centers, institutions, establishments, hospitals and other places where children are placed in accordance with the provisions of this Law shall cooperate with the Center in carrying out its functions described in the first paragraph of this article, and provide it with information on various aspects of the child concerned, and any sudden change in the child's condition or their severe disorder or death or escape.

Article (52)

With the exception to the provisions of Article (9) of the Code of Criminal Procedures, the filing of criminal proceedings for maltreatment of a child does not require the submission of an oral or written complaint to the Public Prosecution or a judicial officer during the time mentioned in the same article.

In all cases, criminal proceedings for maltreatment of the child may not be waived.

Part Four Sanction

Article (53)

Without prejudice to any more severe Sanction provided for in any other law, imprisonment shall be the sanction inflicted on whoever sexually harasses a child by foreplay or showing nudity, or lure the child into watching pornography in any form, including the internet or other information networks.

Article (54)

Whomever imports, produces, prepares, exhibits, prints, promotes, possesses or broadcasts any pornographic acts in which a child participates or related to the sexual exploitation of the child shall be punished by imprisonment for a period of no less than two years and a fine not less than two thousand dinars and not exceeding five thousand dinars. A ruling for confiscation of the tools and devices used in the commission of the crime and the money obtained from it, and the closure of the places where it is committed for a period of no less than six months, all without prejudice to the rights of bona fide third parties.

Without prejudice to any stricter sanction stipulated in any other law, the punishment stipulated in the first paragraph of this Article shall be imposed on anyone who:

- 1- Uses the computer, the internet, or other information networks or animation to prepare, process, save, display, print, publish, or promote pornographic activities or acts related to inciting child prostitution, pornography, defamation, or trafficking in children.
- 2- Uses the computer, the internet, or other information networks or animation to incite children to deviate or to force them to commit a crime or to carry out illegal or immoral activities or actions, even if the crime has not actually taken place.

Article (55)

Without prejudice to any stricter sanction stipulated in any other law, a sanction of imprisonment and a fine of not less than one hundred dinars or one of these two sanctions shall be imposed on whoever is required by law or agreement to take care of a child under eighteen years of age and exposes the child to one of the cases of maltreatment stipulated for in Article (40) of this Law, and such exposure would cause severe physical or psychological harm to the child.

The sanction shall be imprisonment for a period of no less than six months and a fine of no less than two hundred dinars or either of these two sanctions if the child has not reached the age of seven.

If the crime results in the death or permanent disability of the child without the perpetrator's intention to do so, the perpetrator shall be punished with the sanctions prescribed for the crime of physical violence resulting in death or serious permanent impairment, as the case may be.

Anyone who violates the provisions of Articles (41), (42), and (43) of this Law shall be punished by imprisonment for a period of no less than one year and a fine of no more than one thousand dinars, or either of these two sanction.

Article (56)

It is an aggravating circumstance if the crime is committed by an adult against a child under the age of seven.

Article (57)

Whoever incites or forces a child to commit a crime, prepares the child for committing it, assists, or facilitates for committing it in any way - shall be punished by imprisonment for a period of no less than six months.

If the aggravating circumstance referred to in Article (56) of this Law is fulfilled and the perpetrator is one of the ascendants of the child or one of those responsible for the child's upbringing or observation, or the child has been handed over to them according to this Law or the perpetrator has authority over the child, or, is a servant of any of those mentioned above, or if the crime occurs against more than one child, even at different times, the sanction shall not be less than one year imprisonment.

Article (58)

Anyone who exposes a child to a risk referred to in Article (12) of this Law shall be punished by imprisonment for a period of no less than six months and a fine of no less than five hundred dinars and not exceeding one thousand dinars, or by either sanction.

Article (59)

Any person who commits any of the following acts shall be sentenced to imprisonment and a fine exceeding two thousand dinars or by either sanction:

- 1- Give false or misleading information or prepare, while aware, a report contrary to the reality of any situation of endangerment or maltreatment of a child.
- 2- Detain or shelter a child who has been exposed to endangerment or maltreatment with the intention of withholding the protection established for the child under the provisions of this Law.

Article (60)

Any public official who detains or imprisons a child with one or more adults in one place, in violation of Article (32) of this Law, shall be punished by imprisonment for a maximum of three months and a fine of no less than two hundred dinars and not exceeding five hundred dinars, or by either of these two sanctions.

Article (61)

Without prejudice to any more severe punishment stipulated in any other law, a fine of no less than one thousand dinars and not exceeding five thousand dinars shall be imposed on anyone who publishes or broadcasts, in any of the print, audio or visual media or by any modern means of communication, any information, data, graphics or pictures relating to the identity of the child without the authorization of the competent Restorative Justice Courts for the Child or the Specialized Prosecution for the Child or the Judicial Committee for Childhood, as the case may be, if the child is brought before the relevant authorities for children at risk of endangerment or in conflict with the law.

Article (62)

Any person who violates their obligations towards a child that they have received under Article (15) of this Law and thus results in the child committing an offence or falling in a situation of risk of endangerment set forth in Article (12) of this Law shall be punished by a fine of no less than one hundred dinars and not exceeding one thousand dinars.

The sanction shall be imprisonment for a period of no less than three months and not exceeding a year, and a fine of not less than three hundred dinars and not exceeding one thousand dinars, or one of these two sanctions, if the person receiving the child has violated their obligations in a serious breach.

Article (63)

Anyone who hides a child for whom a judgment has been issued to hand them over to a person or authority in accordance with the provisions of this Law or helps the child to escape or assist the child in that shall be punished with imprisonment for a period not exceeding a month and a fine not exceeding two hundred dinars or either of these two sanctions.

Article (64)

A fine not exceeding two hundred dinars shall be imposed on anyone who:

- 1- Violates the provisions of Articles (15), (17), (20), (25), (44), (51 second paragraph) and (80) of this Law.
- 2- Violates the requirements of the warning stipulated in Clause (2) of the second paragraph of Article (46) of this Law.
- 3- Receives a child according to the provisions of this Law and violates the provisions the decision to hand over the child.

Part Five Final Provisions

Article (65)

The provisions on abatement of criminal proceedings by conciliation or reconciliation, as established in the Code of Criminal Procedure or in any other law, shall apply to crimes committed by a child.

Article (66)

At all stages of the investigation and trial, child victims or witnesses shall have the right to be heard, to understand their demands and to be treated in a manner that preserves their dignity and ensures their physical, psychological and moral well-being, and to be protected and be provided with health, social, legal, rehabilitation services and social integration in society, in the light of the United Nations Guidelines on Justice for Child Victims and Witnesses of Crime.

Accused children shall have the same rights mentioned in the first paragraph of this article, in all stages of arrest, investigation, trial and execution, as well as their right to obtain all information about the charges against them, with the assistance of an interpreter whenever needed, in light of the United Nations guidelines on providing Justice for children victims and witnesses of crime.

Article (67)

The child has the right to all forms of legal and judicial assistance, and the child shall have a lawyer in criminal matters to defend them at the trial stage. If the child has no lawyer, the competent court shall assign a lawyer to defend them, in accordance with the rules established in the Criminal Procedure Code.

Article (68)

The child's natural or testamentary guardian - according to the circumstances - shall be notified by the legally established methods of every decision or measure taken against the child. Each of these persons has the right to grievance in the interest of the child against that decision or procedure, or to appeal against it through the methods of appeal prescribed in the laws.

Article (69)

A child who has not exceeded fifteen years of age, in accordance to the Gregorian calendar, may not be held in pre-trial detention, and the Specialized Prosecution for the Child may place the child in a social welfare institution for a period not exceeding one week and bring the child at each request if the circumstances of the case require keeping the child in custody, provided that the period of custody does not exceed one week, unless the competent Restorative Justice Court orders the extension of the period in accordance with the pre-trial detention rules laid down in the Criminal Procedure Code.

Instead of the procedure stipulated in the first paragraph of this Article, it is permissible to order the handover of the child to his natural or testamentary guardian, with an undertaking to bring them at every request.

The pretrial detention of a child who has exceeded the age of fifteen of calendar years may be replaced by one of the measures stipulated for in Articles (20), (21), (22), (25), (26) of this Law.

Article (70)

Execution by physical coercion is not permitted for the convict who has not attained the age of eighteen years of age, in accordance with the Gregorian calendar, at the time of execution.

Article (71)

It is not permissible to attend the child's trial before the Child Restorative Justice Courts, or the Judicial Committee for Childhood except for the child's natural or testamentary guardian, as the case may be, witnesses and lawyers, and whoever is permitted by the court to attend with special permission.

The Court or the Committee may order the removal of the child from the hearing trial after questioning the child or the removal of the child's natural or testamentary guardian if it deems it necessary. Conviction may be imposed only after the child has been informed of the proceedings in his absence.

The child may be exempted from attending the trial by themselves if the child's interest so requires. The attendance of the natural or testamentary guardian on behalf of the child shall be sufficient, in which case the judgment is considered in the presence of the court.

Article (72)

The employees who are authorized by the Minister concerned with Justice Affairs in agreement with the minister concerned with social development affairs -- shall have the capacity of Judicial Investigation Officers - in their respective departments - with regard to crimes committed by children or against them, cases of their exposure to endangerment of maltreatment, and all other crimes stipulated in this Law.

Article (73)

With the exception to the provision of paragraph one of Article (4) of this Law, the Higher Criminal Court shall be competent to hear felony cases in which children over fifteen years of age, in accordance to the Gregorian calendar, at the time of the commission of the crime are accused, when an adult or more participates in the commission of the crime. The Court shall be assisted by two experts provided for in Article (8) of this Law, who shall be appointed by the Court from among those experts, at least one of them shall be a woman.

Before issuing its ruling, the court must examine the circumstances of the child in all respects, with the help of the opinions of experts and others it deems fit, and conduct an independent deliberation of the evidence of the crime attributed to the child and its appropriate punishment.

The Supreme Criminal Court of Appeal is competent to hear appeals against rulings of the Supreme Criminal Court in the cases mentioned in the first paragraph of this article, in accordance with the procedures and times provided for in the Criminal Procedure Code.

Article (74)

The experts provided for in Article (8) of this Law shall create for each child who is brought before the Restorative Justice Courts for the Child or the Judicial Committee for Childhood, a file containing a full report of their educational, psychological, mental, physical and social condition. The competent Restorative Justice Court for the Child or the Committee shall act on the case in accordance with what is stated in this file.

Before adjudicating the case, the court or committee shall discuss the reports mentioned in the first paragraph of this Article with the experts and may order an additional study of the situation of the child in question.

Article (75)

Civil cases involving children are not admissible before the Restorative Justice Courts for the Child.

Article (76)

The sentence or decision rendered against a child by any of the measures provided for in Articles (14) to (26) of this Law shall be enforceable, even if an appeal or complaint is made against it by the child

Article (77)

Rulings and decisions issued by reprimand or hand over in accordance with the provisions of Articles (14) and (15) of this Law may only be appealed for a mistake in the application of the law, for a nullity of the ruling or nullity in the procedures that affected it.

Article (78)

If a child is sentenced to a criminal sanction on the grounds that the child is over fifteen years of age, in accordance to the Gregorian calendar, and then it is established by official papers that the child has not reached this age at the time of the commission of the crime, the Public Prosecution shall, on its own initiative or upon a request from the convicted child or their legal representative, bring the matter before the Restorative Justice Court for the Child , which issued the sentence for reconsideration.

If an accused is sentenced to a criminal sanction on the grounds that is the child is over the age of eighteen, in accordance to the Gregorian calendar, and then it is established by official papers that the child has not reached this age at the time of the commission of the crime, the Public Prosecution shall, on its own initiative or upon a request from the convicted child or their legal representative, bring the matter before the Restorative Justice Court for the Child , which issued the sentence for reconsideration.

In the previous two cases, the court must suspend the execution of the sentence, and the child may be placed in a social welfare institution in accordance with Article (69) of this Law.

If an accused is convicted as a child and is found to have exceeded eighteen years of age, in accordance to the Gregorian calendar, by the time of the commission of the crime, the Specialized Prosecution for the Child - on its own initiative or upon the request of the victim, if any, or their representative - shall bring the matter to the Restorative Justice Court for the Child , which issued the sentence for reconsideration and adjudicate the case in accordance with the established procedures.

Article (79)

The Chairman of the Restorative Justice Court for the Child shall rule on all disputes and issue decisions and orders relating to the execution of sentences, decisions and orders rendered by the Court, subject to the rules laid down in the Code of Criminal Procedure. The Chairman of the Judicial Committee for Childhood shall have the same jurisdiction with regards to the decisions of the Committee.

A judge or an expert of the Restorative Justice Court for the Child , on the basis of a delegation from the President of the Court, conducts periodic visits to children who are placed by court rulings and decisions in welfare institutions, training or social welfare centers, hospitals and other places to verify the implementation of the Court's judgements and decisions, and reports on their status to the President every six months for necessary action. The expert as a member of the Judicial Committee for Childhood shall carry out the same work in the same manner as regards the decisions of the Committee.

In the light of the reports mentioned in the second paragraph of this Article, the Court or the Committee shall decide what it deems appropriate for the child, taking into account the procedures and controls set forth in this Law and in the Code of Criminal Procedure.

Article (80)

The officials in the houses, institutions, rehabilitation, training and social welfare centers, and hospitals where children are placed based on rulings or orders or decisions by the competent Restorative Justice Court for the Child or the Judicial Committee for Childhood, shall provide the judges or experts responsible for the follow-up of the affairs of such children with all information on the various aspects of the status of the child concerned, so that they may prepare the reports mentioned in Article (79) of this Law.

Officials in the houses, institutions and centers mentioned in the first paragraph of this Article shall inform the court or the committee, as the case may be, of any sudden change in the situation of the child, or their severe disorder, death or escape.

Article (81)

Any measure stipulated for in Articles (14) to (26) of this Law which have not been implemented for a full year from the day of its pronouncement, shall be implemented only by a decision of the Chairman of the competent Restorative Justice Court for the Child or the Chairman of the Judicial Committee for Childhood, at the request of the Specialized Prosecution for the Child and after taking the expert's opinion.

Article (82)

The child is not obligated to pay any fees or expenses for litigation before the Judicial Committee for Childhood and all courts in cases related to the implementation of the provisions of this Law.

Article (83)

The execution of custodial sanctions for children who exceeded fifteen complete calendar years of age shall be at special reform and rehabilitation centers, which shall be regulated by a decision of the Minister of the Interior in agreement with the minister concerned with social development affairs.

If the child reaches the age of twenty-one during the execution of the sentence, the child shall serve the remaining sentence in one of the centers of the Reform and Rehabilitation Institution. However, the sentence issued against the child may continue to be executed in the reform and rehabilitation center provided for in the first paragraph of this Article if there is no risk posed and the remaining period of the sentence does not exceed six months.

Article (84)

An execution file shall be created for every child who has been sentenced to a sanction or a measure, to which the file of the merits of the case is included and all the documents related to the execution, as well as the decisions, orders and judgments issued as regards the execution. This file shall be presented to the Chairman of the competent Restorative Justice Court for the Child or the head of the Judicial Committee for Childhood before

taking any action related to the child, which falls within the jurisdiction of the court or committee under this Law.

The rulings issued against the child shall not be included in their criminal precedence record, except for these which are issued to the authority identified by the Executive Regulation.

Article (85)

The competent authority in the Ministry of the Interior shall have all the powers stipulated by the various laws and this Law for crimes committed by children, in addition to the situations of risks of endangerment that may face them, taking into account the Competencies of the Child Protection Center.

Article (86)

During the execution of any of the sanctions or measures provided for in this Law, children shall have the right to pursue their education at different levels of education, in accordance with the regulations and procedures issued by Reform and Rehabilitation Institutions Law promulgated by Law No. (18) 2014.

Article (87)

With respect to the fourth paragraph of Article (1) of the Penal Code promulgated by Legislative Decree No. (15) of 1976, a judicial committee shall be formed by the Chairman of the Higher Restorative Justice Court for the Child , the judge of the Lower Restorative Justice Court for the Child , the judge of the execution of the sentence, and a member of the public prosecution. This judicial committee shall receive requests for the replacement of sanctions ruled before the entry into force of this Law based on a report from the Reform and Rehabilitation Institute submitted by the public prosecution. A decision shall be issued by the Supreme Judicial Council to organize the work mechanism of the committee and schedule its sessions.

Article (88)

The provisions of this Law shall not prejudice the jurisdiction of the military judiciary over crimes within its jurisdiction in accordance with the provisions of the Military Judicial Law promulgated by Legislative Decree No. (34) of 2002, provided that all procedures, sanctions and measures provided for in this Law are applied by military courts and prosecutions.

Social and psychological experts shall be appointed at military courts and their work shall be organized by a decision issued by the General Commander of the Bahrain Defense Force. Before taking office, they shall take the oath mentioned in the second paragraph of Article (8) of this Law before the Minister of Defense Affairs.

Article (89)

The provisions of the Penal Code and the Code of Criminal Procedure shall apply to matters not covered by this Law.