

Objective criminal protection of the child's right to physical integrity of the Bahraini Legislative Resurgence

A Comparative Study

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Abstract

This research deals with the study of objective criminal protection of the child's right to physical integrity, and this study aimed to shed light on Bahraini legislation and comparison and the extent of its provision to protect the child from abuse of his right to physical integrity, and this study relied on a descriptive comparative approach that facilitates the assimilation of information for everyone who reads it.

The study concluded: All legislations assigned the child special protection for his right to physical integrity, which is stipulated in many international conventions. Children are the true wealth and the first nucleus for building the future.

Keywords: Child, objective protection, Physical Harm, Disciplinary Harm, the victim.

INTRODUCTION

Ever since human families were founded on marriage, their hopes and dreams were set on the birth of their first child, as children are the real wealth and the pillar for building the future. In fact, families assume a crucial role in terms of social development. As such, a society does not grow nor does it develop unless with the contribution of its children: Characteristics of a society lie upon the upbringing of children. Accordingly, raising children well would certainly result in the establishment of a good society.

Children experienced injustice as well as fairness through the different periods of history. If truth be told, the status of children in Ancient Times was below the level of full citizens whereas they were deprived of their right to life. As such, some of them were victims of

infanticide. In fact, history even witnessed girls being buried alive during the Antiquity era,

In light of the teachings of Islamic Sharia on children and the belief of the international community in the importance of the role assumed by children in terms of community building, demands have risen revindicating granting care to childhood. As such, attention was drawn to children at the international level with the ratification of the Geneva Declaration of the Rights of the Child (1924) and the ratification of the United Nations Convention on the Rights of the Child (1989), considered to be a turning point convention on childhood affairs, as rights of the child became amongst the international humanitarian rights that shall not be ignored.

In sum, it was necessary for us to conduct a study on the children criminal justice in light of the Bahraini legislative, especially due to the

violation and exploitation-related dangers that are constantly threatening the children.

In fact, psychological and physical violence exerted against children are regarded as one of the most dangerous and critical problems that are faced by societies, namely since the protection granted to the physical and psychological safety of children is the same as the one granted to human beings in general. Nonetheless, many criminal legislations have responded to the calls of the relevant stakeholders involved in children affairs and calling for granting special protection to children, at the level of criminal legal systems, as such protection eventually impacts its upbringing and behavior.

In accordance with the aforementioned, this research would be divided into two ambits summarized by the substantive criminal protection of children from physical harm and abuse and the protection of children from psychological abuse and harm.

1. Substantive Criminal Protection of Children from Physical Harm and Abuse

Throughout the years, calls of the international community revindicating the acknowledgement of protection children against any violations have risen. The turning point, in this respect, was the declaration of the 1979 as the Year of the Child, thus taking the first steps toward promulgating the United National Convention on the Rights of the Child, being a convention based upon ten principles that set the framework of protecting children, including the principle of protecting children from physical harm. This convention is binding to all member states, thus binding them to stipulate related provisions in terms of their local legislations in order to secure granting special protection to children at the level of their physical safety and security. However, some of the legislations have also listed some reasons that would permit harming a child, thus exempting such cases from sanctions for harm, including harming a child by his guardians.

1.1 Substantive Criminal Protection of Children Against Ordinary Harm

Protecting the right to the safety and security of the body would require incriminating all the forms of transgression to the physical safety of the human body. In fact, the criminal legislations have incriminated any act that would involve assaulting the safety of the human body, whether such acts were intentional or not.

As such, ordinary physical harm would be defined as crimes of beating or wounding that would be perpetrated without a disciplinary intent, whereby the perpetrator of such act would often be someone who does not enjoy any authority on the child, thus being someone other than the parents of the child or the school where the child is enrolled. This form of physical harm is similar to the harm committed against adults. Accordingly, is special protection granted, in this case, pursuant to the relevant criminal legislations? In order to be able to address this question, it is necessary to identify the stance of the Bahraini legislations and compared legislations in this respect.

In fact, ordinary physical harm of the child is defined as “Any act that would harm the body of a child, that is exerted by the family of the child or any other person within society, that has a negative impact on the ability of the child and his positive interaction with his surrounding environment and society, and that would lead to his inability to assume normal attitudes towards himself, namely in terms of acceptance, thing that would eventually lead him to feel dissatisfied with his family, educational, and social life.” (Barakat, *Childhood Magazine*, Issue No. 9, pp.8).

While tackling the physical harm to which the child may fall victim, it would be necessary to ask the following question: Is special protection granted, in this case, pursuant to the relevant criminal legislations? In order to be able to address this question, it is necessary to identify the stance of the Bahraini legislations and compared legislations in this respect. Looking further into the matter would lead us to notice that while some legislations granted children special protection from ordinary physical harm along with granting them the criminal protection usually granted to adults in terms of

abuse of assaults, some other legislations did not grant any special protection to children in this respect. Rather, such legislations addressed physical harm in accordance with the general rules and regulations related to human beings in general.

Prior to examining the stance of the Bahraini legislations and compared legislations in this respect, it is necessary for us to note the attention attached by international conventions to protecting children from any physical harm. In fact, the ninth principle of the Declaration of the Rights of the Child, adopted back in 1958, stipulated that children should enjoy protection against any form of neglect, cruelty, or exploitation. Furthermore, the nineteenth article of the Convention on the Rights of the Child, adopted in 1989, stipulated binding all the signatory member states to protect children against any form of physical violence or abuse (Taha, pp. 84).

First Orientation – Legislations Granting Special Criminal Protection

This orientation constitutes a minority among other legislations. It includes the French legislations that imposed severe sentences on cases involving victimized children who are no more than fifteen years of age, in comparison to the crimes of beating and wounding adults, pursuant to the Article No. 312 of the French Penal Code, amended on February 02, 1981, Pursuant to this amendment, any person, regardless of his capacity, who assaults a child who is less than fifteen years of age, shall be sentenced to no less than three months and no more than three years of incarceration and a fine amounting to no less than 500 Francs and no more than 20,000 francs, in the event such assault did not result in any bodily harm or disability which effects last more than eight days, whereas in the event such assault resulted in any bodily harm or disability which effects last more than eight days, the assailant shall be sentenced to no less than two years and no more than five years of incarceration along with a fine amounting to no less than 15,000 and no more than 100,000 Francs. On another hand, the French legislation stipulated a sentence of twenty years of incarceration to be

administered to any person who brutally tortures a child who is less than fifteen years of age, with such sentence being as severe as thirty years of incarceration in the event such happenstance resulted in a permanent disability or in the event its frequency was regular (Kamel, pp. 85).

Among other legislations that granted special protection to children against physical abuse and harm crimes, one may note the Algerian legislations that stipulated, pursuant to the Article No. 269 of the Penal Code, the following: “Any person who intentionally wounded or beat a minor whose no more than sixteen year of age, or who intentionally abstained from providing them with food or care, thus exposing the health of the child to danger, or who intentionally commits any other act of violence or assault, with the exception of minor or light harm, shall be sentenced to one to five years of incarceration, along with a fine amounting to DA 500 to 5,000.”

Second Orientation – Legislations that do not Grant Special Protection:

This orientation represents the majority of the criminal legislations in force, including the Bahraini and Egyptian legislations. For instance, in terms of the Egyptian legislations, children are granted the same protection that is granted to adults without however, drawing any distinction between both categories, as the provisions stipulated by Articles No. 238 to 240 of the Penal Code are enforced in case the victim of assault or wounding was a child or adult (Aqeedah, pp. 86).

On the other hand, the Bahraini legislation did not grant any special protection to children from crimes of physical harms to which they may fall victims. Rather, they apply the general rules and regulations governing the crimes of assaults, as stipulated by the Articles No. 336 to 343 of the Penal Code, in this respect.

These stipulations may be summarized as follows:

1. Assault by any means, resulting in a disease or inability to assume personal tasks for more than twenty days, thus impacting the

ability of the victim to use his body parts, in the event the victim was not able to move their arm, or not able to walk, or move their neck, or unable to talk: The perpetrator of such a crime would be sentenced to incarceration or the settlement of a fine, with such sentence being prone to leniency, and thus a reduced sentence of no more than a year of incarceration or a fine amounting to no more than one hundred Dinars, in the event such act did not result any of the aforementioned levels of seriousness. Nonetheless, in the event such act resulted in a permanent disability, the perpetrator would be sentenced to no more than five years of incarceration, or no more than ten years of incarceration in the event such act met the presence of one of the factors leading to imposing a more severe sentence.

2. Assault to the bodily integrity of the person through the use of a weapon, stick, or any other mean, by one person or more forming a gang of no less than five members, with such gang agreeing upon assaulting and harming people: The perpetrator of such crime would each be sentenced to incarceration or the settlement of a fine.

In accordance with the aforementioned, it becomes clear that the Bahraini legislations did not grant any special protection to children against ordinary harm, thing that would incite us to urge the legislators to grant such protection to children who are less than eighteen years of age in particular.

Wisdom in Granting Special Protection

The grounds for stipulating special provisions and administering more severe sentences in the event of assault by beating or wounding a child are based upon the physical weakness of the child, thing that would make the task easier for any person intending to harm a child. Accordingly, the legislation that stipulated administering a more severe sentence in this respect considered such step to be deterrent for anyone who would want to harm a child, with such sentence being equivalent to the physical force needed for an adult to defend himself and resist the perpetrator of such act.

Moreover, the legislations that granted such special protection to children against harming crimes, such as the French legislations, among others, shall be praised, as such legislations regarded a victimized child as a ground for administering a more severe sentence. However, the situation would be better in the event that such legislations decided upon raising the age set for the protected cases of children to eighteen years old, as such age is considered to be the age of majority in terms of many legislations.

1.2 Children Disciplinary Harm

Disciplinary harm may be defining as any beating or wounding of a child, when perpetrated by the parents of this child or any other person who is assigned authority over this child, including the teacher or employer, in order to discipline the child, educate him, and ensure his good upbringing.

Nonetheless, disciplinary acts often are acts sanctioned by law, including beating and locking a child up. However, such acts are allowed and are not considered as crimes, nor are they sanctioned by Sharia, among other positive laws, in the event such acts aimed at correcting the behavior of children, discipline them, and hinder their delinquency. And whereas disciplining a child would most certainly achieve the best interest of the family, regarded as the pillar of the society, the right to discipline a child is exclusively granted in the case of children who are less than eighteen years of age, pursuant to the fourth article of the Bahraini Child Law, thus identifying the parties who are entitled to practice such rights, such as the parents, guardian, and persons assuming similar roles.

However, such right has been disputed at the level of legislations, as some of these incriminate harming a child, even for disciplinary purposes, whereas some others imposed severe punishments in this case, while other legislations acknowledge the right of parents and persons assuming similar roles to discipline their children in accordance with specific terms and conditions in this respect. Accordingly, this section of the research paper

shall tackle the legislations that incriminate harming a child, even for disciplinary purposes, as well as the grounds for such incrimination, and the legislations that acknowledge the right of parents and persons assuming similar roles to discipline their children.

First Orientation: Incriminating Harming a Child, even for Disciplinary Purposes

International conventions have granted particular attention to incriminating harming a child, even for disciplinary purposes. In fact, the seventh article of the International Covenant on Civil and Political Rights, issued by the United Kingdom in 1966, has stipulated the incrimination of harming a child by his parents or any other person assuming any role within the family (Al-Sharq Al-Awsat Newspaper, Issue of 14/12/1994, pp. 23).

Among many legislations that regard harming a child by his parents or supervisors as subject to the ordinary harm rules and regulations, one may note the Egyptian legislations that incriminated any physical harm which children may fall victims of when they are school students, pursuant to the provisions stipulated by the Article No. 21 of the Law No. 210 of 1953, that stipulated the following: "Punishments are strictly forbidden. The Minister of Education shall be the competent authority in terms of determining the types of punishments that may be administered and the entities competent in terms of signing and administering such punishments." (Abu Khatwah, pp. 32). The Saudi legislations also incriminated such harm whereby the Saudi Ministry of Education promulgated, in 1418 H, a resolution stipulating hindering beating the students of all educational stages (Al-Sharq Al-Awsat Newspaper, Bajir, Issue No. 6521, pp. 24). German legislations have also revindicated incriminating beating children by their parents or any person with assigned authority over them. Nonetheless, the German parliament and government have rejected such attempt as well as the many attempts led by the German Green Party and humanitarian organizations toward promulgating a new law incriminating the beating of children (Al-Sharq Al-Awsat Newspaper, Issue No. 6191, pp. 23).

On another hand, other legislations consider the physical harm of children by their parents or any person with assigned authority over them as grounds for administering a more severe sentence. An example of such legislations would be the French legislations that stipulated, pursuant to the Article No. 312 of the Penal Code, amended in accordance with the Law No. 82 of 1981, the administration of a more severe sentence in the event the physical harm of the child was caused by the perpetrator, being the father, mother, or any relative, or any person with assigned authority over the child, with such sentence thus being multiplied as to reach the maximum term of incarceration, thus reaching ten years of imprisonment, rather than ranging from two to five years. Such sentence would be administered in the event such happenstance resulted in a disease, illness, or disability for more than eight days, whereas the sentence would stipulate permanent hard labor in the event such happenstance resulted in a permanent disability or unintentional killing, while it would stipulate, as a replacement of permanent penal labor, an incarceration of ten to twenty years, in the event the harm was inflicted by a normal person, for purposes other than disciplinary ones (Cairo, (R), R,I,D,P,P, pp. 670).

Grounds for Incriminating Physical Harm of Children, even for Disciplinary Purposes

Incriminating the physical harm of children is greatly based upon beating students while learning. Accordingly, advocates of such orientation justify such revindication with the fact that the educational and pedagogical process may not be successful when violence or the threat of it is happening, further stating that teachers resorting to beating and harming their students will be hated by the latter, along with hating schools and teachers overall, as beating is none but the policy adopted by losers, whether at home or at school, and it most certainly results in disrupting the good functioning of the mind, causing emotional problems, eradicating childhood innocence, and spreading hatred and enmity among future generations.

Furthermore, advocates of this orientation also argued that beating children insults the dignity of human beings as a whole, as it contradicts with the respect that must be granted to the human-self, and would cause aversion to physical pain at a general level (Al Shawi, pp. 39 – 73).

Second Orientation: Allowing Physical Harm of Children for Disciplinary Purposes

In terms of this orientation, disciplining a child is in general formed of acts that are usually sanctioned by the law, such as beating, wounding, or locking a child up. However, such acts, regardless of being considered as crimes, are not sanctioned by the law in this case, as they are regarded as necessary, pursuant to the Islamic Sharia and some positive laws. As such, disciplining a child by his guardians is not regarded as a right, but also a duty in this respect.

Grounds for Granting the Right to Discipline Children

Grounds for granting the right to discipline children are based upon ensuring their good upbringing, and require granting such right to competent individuals, especially since these persons are liable for the behavior of the younglings, as it is widely known that such responsibility involves granting its holder the required authority that would enable them to ensure the good upbringing of their children, thus enjoying the power that would enable them to practice such right to discipline.

In accordance with the general rules adopted in this respect, beating would be considered as a sanctioned crime. However, Sharia and legislations have both exempted some of the disciplinary acts from these general rules and regulations in order to ensure disciplining children, namely since a society does not grow nor does it develop unless with the contribution of its children: Characteristics of a society lie upon the upbringing of children. Accordingly, raising children well would certainly result in the establishment of a good society.

Furthermore, the right to discipline children was supported by many legislations, a fact

mainly highlighted by the opinions of Muslim Scholars who are competent in matters of education, since they supported administering corporal punishments to children, in accordance with specific terms and regulations to be observed in this respect (Al Sadhan, Al Amen Magazine, Issue No. 43). This step was further supported by some psychologists who stated the following: “Experts in child psychology agree that corporal punishment shall not be allowed but it is, nonetheless, one of the most successful means that would sometimes discipline a child.” (Al Istanbuli, pp. 410).

Accordingly, the right to discipline a child has been legitimately stipulated by the Noble Quran: {O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded } (Noble Quran, Surah Al-Tahrim, 60:6). Moreover, the Way of the Prophet (May Peace Be Upon Him), Omar bin Shuaib narrated that the Messenger of Allah (ﷺ) said: {Command your children to pray when they become seven years old, and beat them for it (prayer) when they become ten years old; and arrange their beds (to sleep) separately. } (Al Mahlawi, pp. 166).

Legislations Allowing Physical Harm of Children for Disciplinary Purposes

Islamic Sharia

Islamic Sharia recognized the right of parents and those assigned with educational or supervision authority over the children to discipline their children, even though beating. Furthermore, Islamic jurisprudence went as far as considering disciplining children not only a right, but a duty as well (Hosni, pp. 170). This right, in terms of Islamic Sharia, is based upon the following Noble Quranic Verse: {O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded } (Noble Quran, Surah Al-Tahrim,

60:6). Moreover, the Messenger of Allah (ﷺ) incites the father to discipline his son: {That a man should discipline his son is better for him than to have given a Sa' in charity. Al Munziri, pp. 87).

Positive Laws and Legislations

The recognition of the right of the father, tutor, and employer to discipline younglings by Islamic Sharia had a huge impact on most Arab legislations in terms of adopting such orientation. As such, the Egyptian legislations, pursuant to the Article No. 60 of the Penal Code, stipulates the following: "The provisions stipulated by the Penal Code do not apply to every act committed in good faith pursuant to the teachings of Sharia." Accordingly, this legal text allows or restrict the freedom of children by parents, guardians, or assigned persons in the absence of the father, as long as the act itself aims at disciplining a child (Mustafa, pp. 176). The Emirati legislations stipulated, pursuant to the Article No. 53/1 of the Penal Code, the following: "The right of fathers or persons assuming similar roles may be practiced, in terms of disciplining children and minors, within the scope of what has been stipulated at the legal or Sharia level." The aforementioned text allows fathers, parents, or assigned persons to discipline children in light of the teachings of the Islamic Sharia and the legal stipulations in this respect (Abu Khatwah, 1989). Furthermore, the Article No. 29 of the Kuwaiti Penal Code stipulated the following: "No act shall be regarded as a crime when such act takes place in execution of the right to discipline a child, by any authorized person in this respect, given this person abides by the set terms and regulations, and given he proceeds to do so in good faith." The aforementioned text allows the authorized person to practice their right to discipline a child, with such right being granted to fathers, as for them to exercise it over their children (Al Shannawi, pp. 312). The Bahraini legislations stipulate, pursuant to the Article No. 16 of the Penal Code, promulgated pursuant to the Law No. 15 of 1976, the following: "No act shall be regarded as a crime when such act takes place in execution of the right to discipline a child pursuant to what has

been established by the custom or the law in this respect."

On another hand, western legislations have also allowed the right to use violence for disciplinary purposes, such as the Canadian, German, and Swedish legislations.

Terms and Conditions of Allowing the Practice of the Right to Discipline

1. Meeting the Description

This condition requires meeting two aspects, namely the subject being disciplined, being the children who is less than eighteen years of age, pursuant to the fourth article of the Bahraini Penal Code, whereby most legislations have set the ranging age between seven and eighteen years old. Whereas we believe that the Bahraini legislations must first set the start age at which children may be disciplined, being seven years old and above, given any child who is younger than seven years old should not be disciplined, especially that they are too young for being able to grasp an understanding of their behavior and thus understand its consequences, and given their mental abilities development is not yet complete. As such, the persons responsible for the upbringing of younglings shall educate the child and guide him without, however, resorting to beating, even if they had the right to resort to beating, as beating a child at this age would be considered as a useless form of torture and harm.

The second aspect to be met in this respect shall be represented by the person authorized to discipline the child, being the parent, guardian, or tutor, whereby the parent may be the father legally defined as any person who are authorized to assume the role of guardian over a child, thus being authorized to discipline a child, with such persons including the grandfather and the uncle, while the father shall be considered as the inherent holder of such right in this respect, as he is the head of the family, and whereby the guardian assumes such position in the event of the absence of the father, with the possibility for this guardian to be the mother, or a third party, whereas the mother assumes such position in the event of

the absence of the father (Ibn Abedeen, pp. 557).

As for the tutor of the child, including the teacher at school or employer of the child, they shall be entitled to practice such right whenever permitted by the father or the guardian, as the child, in this case, would be considered as entrusted to the custody of the tutor, whenever the father is absent, regardless of the fact that the positive Egyptian law does not recognize the right to discipline for schools or public educational establishments and without, however, revoking the right of the employer, teaching the child a profession, to discipline the child who is learning, at non-governmental establishments (Ibn Abedeen, pp. 293).

2. Occurrence of a Happenstance Requiring Disciplining

The right to discipline a child may not emanate unless the child has willingly committed an act that would contradict with the requirements of a good behavior or unless the child failed to fulfill all his educational obligations (Aqeedah, pp. 282).

3. Gradual Discipline in Line with Limits

Physical harm, regardless of the fact that it is allowed pursuant to Islamic Sharia and positive laws, remains undesirable and must not be resorted to unless for absolute necessity, with such necessity being assessed and evaluated, and such practice being conducted within certain limits, being thus preceded by teaching the youngling the bases of a correct behavior as well as guiding him toward the obligations he must fulfill and what he must do in order to fulfill such obligations. In the event that the child failed to fulfill such obligations, he must be corrected without, however, hurting or insulting him. Nonetheless, in the event that the child kept on repeating the same mistake over and over, his guardian must move to condemn such behavior and warn him of resorting to beating, being simple beating that does not involve any severe action that would most certainly result in breaking one of the bones of the child or injuring his skin, and given such beating is not exerted over dangerous locations of the body of the child, such as his head, face,

heart, and takes the age of the child, his health, and physical strength into account.

4. Action in Goodwill

Disciplining a child shall be aimed toward educating the child: "The father may beat a child in order to train, discipline, and teach him while he is still young, and thus take the necessary actions toward correcting his behavior." (Hosni, pp. 294, and Aqeedah, pp. 284). In this respect, some legislations have permitted disciplining a child in order to achieve a certain benefit, being disciplining the child, and teaching him good behavior and morals. As such, the person who practices such right must abide solely by achieving this purpose and thus, achieve the sought benefit. However, in the event the person who practices such right aimed at a different target, the situation would be similar to that of a person inflicting revenge on the child or his parents, or would incite the child to commit a forbidden act. In this case, allowing the practice of such right shall be forbidden and the perpetrator must be legally addressed.

Abusing the Right to Discipline

Exercising any human right must be done in light of specific constraints and limits, thus ensuring that the exercise of such rights does not transgress the rights of others or abuse the right to exercise the right itself. In terms of exercising the right to discipline a child, as stipulated by the Islamic Sharia and many other national positive laws and legislations, exercising this right is subject to specific terms and conditions, and going beyond the scope set for exercising such right would be regarded as abusing of such right, thus turning into an illegal act that must be sanctioned by law. In fact, the aforementioned was unanimously agreed upon by all the legislations that granted the right to discipline a child, as they all incriminated abusing of such right, whereby any abuse would be regarded as an ordinary act of beating or wounding to be sanctioned. Examples on the above would include the abuse of the father or the tutor of such right to discipline in the event exercising such right was resorted to without any warning in this respect,

or in the event the beating was brutal, on in the event the child was victim of beating that did not have any disciplinary intent, but was due to inflict revenge on the mother of the child, for instance (hosni, pp. 127).

Conclusion

In light of the deteriorating situation of children in our world, and in light of the international conventions, charters, and declarations in this respect, as well as of the national legislations that reiterate securing granting special care and protection to this innocent category of individuals from the monsters of the jungle where we live, my interest, in terms of this research paper, was greatly focused on responding to the questions tackled at the beginning of the paper.

In accordance with the aforementioned, this research paper has drawn a set of results and recommendations:

1. We expected, in light of the civilization advancement and the numerous calls revindicating the protection of human rights, for the rights of the child to be the luckiest. However, children today are not any happier than the children were in the past. They many even be more miserable, namely due to the many assaults and attacks to which children fall victims, assaults and attacks that, in the past, where nothing but acts that are out of the ordinary, whether such acts were committed at the international level by organized international gangs that exploit children, or at the local level by parents or authorized persons who abuse their children and deprive them from their educational and health right, thus leading them into delinquency or not knowing what to do with their life anymore.

In light of the aforementioned, I would recommend multiplying exerting international efforts in this respect, namely at the international level, thus issuing recommendations separately for each involved country, with such recommendations aimed at granting special protection to children, in order to protect their rights, and adopting severe

legislative policies that would achieve deterrence for the perpetrators.

2. In the Bahraini legislations, the protection of children from the physical integrity is subject to the general rules and regulations that regulate such crime without, however, granting a special criminal protection to children, through promulgating specific provisions in this respect, unlike other compared with legislations that regarded the victimized children as a ground for administering more severe sentences.

In this respect, I would suggest for the Bahraini legislators to regard the victimized children as a ground for administering more severe sentences, thus going hand in hand with the other legislations in this respect.

3. The Bahraini legislations did not prescribe provisions and legal text specifically tackling children, as to protect them from any assault or transgression on their bodily integrity. Rather, such instances were subject to the general rules and regulations adopted in this respect, unlike the compared with regulations that regarded regard the victimized children as a ground for administering more severe sentences. Accordingly, we would suggest for the Bahraini legislators to regard the victimized children as a ground for administering more severe sentences in terms of all criminal offences.

4. The Bahraini legislations, similarly to many other legislations, granted the right to discipline a child to his parents or guardians, and regarded such right as permissible within the scope of disciplining a child and ensure his good upbringing, given such right is exercised in accordance with some specific terms and conditions and given no abuse takes place in this respect.

Reference

- [1] The Noble Quran
- [2] IBN ABEDEEN, Hashiat Dar Al Mukhtar Ali Dar Al Mukhtar. Mustafa Al Babi Al Jalabi Printing Press, Second Version, 1916, Volume No. 5

- [3] ABU KHATWAH, Ahmed Shawki. Explaining General Provisions of the United Arab Emirates Penal Code, Al Nahda Al Arabiyah Publishing House, 1989
- [4] AL MAHLAWI, Anis Hasib Al Sayed. Scope of Criminal Protection Granted to Children, Al Kutub Al Qanuniyah Publishing House, 2011
- [5] AL SHAWI, Toufic Penal Sentences in Terms of Arab Legislations. Cairo, 1959
- [6] Al-Sharq Al-Awsat Newspaper. 14/12/1995, 14/1995, Issue No. 6191
- [7] AL SHANNAWI, Samir. General Theory of Crime and Sentence in Terms of the Kuwaiti Penal Code, Second Version, 1992, Volume No. 2
- [8] Kumar, S. (2022). A quest for sustainium (sustainability Premium): review of sustainable bonds. *Academy of Accounting and Financial Studies Journal*, Vol. 26, no.2, pp. 1-18
- [9] Allugunti VR Reddy CKK , Elango NM (2021). Prediction of Diabetes Using Internet of Things (IoT) and Decision Trees: SLDPs, Intelligent Data Engineering and Analytics, 2021.
- [10] Reddy DAB A. Viswanatha, Jayaramaiah D., Prasanth A. (2012). Multi Agent Management System for Next Generation Mobile Networks [MAMS for NGMN], *International Journal of Engineering Research & Technology (IJERT)*, Vol.1
- [11] HUSSEIN, Taha Abdulmenhem Abusing Children: Theory and Addressing the Issue, Dar Al Fikr, Jordan, 2008
- [12] ALMUNZIRI, Abdulazeem Abdul Qai, Exhortation and Intimidation, Mustafa Al Babi Printing Press, Volume No. 21, pp. 87, 1988
- [13] Jordanian Penal Code No. 16 of 1960, Article No. 332
- [14] Bahraini Penal Code
- [15] Lebanese Penal Code No. 430 of 1943, Article No. 551
- [16] Mohammed Abu Al Ula Aqedah, The Victim and his Role in Terms of the Criminal Phenomenon, Volume No. 2, Al Fikr Al Arabi, 1994
- [17] Mohammed Abu Al Ula Aqedah, Indemnification of the Victim of a Crime by the Government – Comparative Study of Modern Legislations and the Islamic Penal Code, Al Nahda Al Arabiah Publishing House, Cairo, 2004
- [18] Mohammed Abu Al Ula Aqedah – Modern Trends of the New French Penal Code – Al Nahda Al Arabiah
- [19] Mahmood Mustafa, Explaining the Penal Code – Public Branch, No. 176, No. 109
- [20] Mahmood Mahdi Al Istanbuli, Dael Al Nabawiyah Al Mohammadiyah, Kuwait, 1407 H
- [21] Mahmood Najib Hosni, Explaining the Private Penal Code: Crimes against Persons, Al Nahda Al Arabiyah Publishing House, 1978
- [22] Mahmood Najib Hosni, Explaining the Public Penal Code, Al Nahda Al Arabiyah Publishing House, 1982
- [23] Mahmood Najib Hosni, Explaining the Private Penal Code, Al Nahda Al Arabiyah Publishing House, Cairo, 1988
- [24] Abdullah Al Sadhan, Corporal Punishment and Opinion of the Muslim Scholars Specialized in Education, Al Amen Magazine, Appendix No. 43, 1416 H
- [25] Mahmood Ahmed Taha, Criminal Protection Granted to the Victimized Children, Naif Arab University for Security Sciences, First Issue, Riyadh, 1420 – 1991
- [26] Wajdi Mohammed Barakat, Interlacing Strategy as an Introduction for Activating the Role of Childcare in Terms of Facing Violence Against Children in Light of Globalization, *Childhood Magazine*, Bahraini society for Child Development, Issue No. 9, 2008
- [27] www.legalaffairs.gov.bh
- [28] Cairo, (R), R.I.D.P., 1969, P670:670