

Child Abduction – Bahrain

Disclaimer: Any information contained in these pages relating to the legal system in Bahrain is provided for general information only. Independent legal advice should be sought in Bahrain for specific information relating to individual cases.

Further information may be found on GOV.UK pages. Link is here:
<https://www.gov.uk/government/publications/international-parental-child-abduction/international-parental-child-abduction>

Parental Child Abduction

The abduction of a child from the UK to Bahrain is NOT a crime in Bahrain unless there is a Bahrain court order regarding custody of the child or travel restrictions. Parental child abduction is, however, a criminal offence in Bahrain if a parent or grandparent removes a child from the person who is entitled to custody.

Bahrain has not signed the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The Hague Convention seeks to return children abducted or retained overseas by a parent to their country of habitual residence, for the courts of that country to decide on matters of residence and contact.

There is no agreed international system in place to return children from Bahrain to the UK. Therefore, parental child abduction cases from the UK to Bahrain are often difficult to resolve. Neither the British government nor the British Embassy can force the abducting parent or the Bahraini government to return a child to the UK. There is no extradition treaty in force between the UK and Bahrain.

Custody Issues

Sharia courts have jurisdiction over custody cases involving parents who are Muslim.

In July 2017, following the approval of the Shura Council, the Kingdom has ratified a unified family law (Family Law No. 19 of 2017) that abolished the Sunni-Shia divide and consolidated the two rules. The new law is notably more female-oriented and repeals the Sunni section of the previous family law which was passed by the Parliament in 2009. Sunni and Shia women are afforded an improved legal status.

A Sunni mother has priority in custody of her children until a son reaches fifteen of age, and until a daughter is married and her marriage is consummated. Once a son reaches fifteen or a daughter reaches seventeen years of age and is not married, each is given the option of being under the care of either the mother or father.

A Shia mother has priority in custody of her children until a son or daughter reaches seven years of age, after which custody reverts to the father. Once a son reaches fifteen or a daughter reaches nine years of age, each is given the option of being under the care of either the mother or father. If the mother remarries, custody of the children

reverts to the father, unless a judge determines that it is in the interest of the child for her or him to remain in the custody of the mother.

. However, if the judge will seek the assistance of specialist and experts in psychological and social matters when determining the custody to serve the best interest of the child.

. A Sunni women who remarries may lose custody of their children unless the court decides otherwise for the interest of the child.

A Shia woman who remarries, shall have her right to custody rescinded unless the court decides otherwise.

Appeals on the outcome of custody cases are possible and usually take approximately four months. In cases where both parents are non-Muslims then civil law will apply. If the father is Muslim, the children will be considered Muslims, even if the mother is of another religion. A non-Muslim mother may find it more difficult to obtain custody in Bahrain.

The parent who does not have custody is entitled to contact with the child if they have a court order. A foreign custody order issued from a Gulf Cooperation Council (GCC) country may be enforced in a Bahraini Court. However, if the court order was issued outside a GCC country e.g. the UK then the foreign custody order will only be used as evidence in the local court. Custody orders and judgements of foreign courts are not enforceable in Bahrain if they contravene its domestic laws.

N.B. This section constitutes general information on the Bahraini system. For detailed information and advice on how the law may apply to the circumstances of individual cases, independent legal advice should be sought in Bahrain.

Travel

A wife does not need her husband's permission to leave the country and neither does a child need his paternal authority to leave the country. In cases where parents are divorced or separated, then the parent who has custody will need the permission of the other parent to remove the child from Bahrain and a special application has to be made to the courts. This rule also applies to holidays. It is possible, for either parent to apply via the Bahraini courts to have a travel ban put on the child leaving the country i.e. if there is an ongoing custody dispute or if they fear that the other parent intends to abduct the child overseas. If there is a travel ban in place, a parent will be stopped at the airport and prevented from leaving the country with the child. Dual nationality is recognised in Bahrain.

Mediation

Mediation is an option when parents are not able to reach an amicable agreement between themselves about their children's futures, but do not wish to take court action. A neutral party, or mediator, can assist in enabling parents to form a mutually acceptable decision on custody and contact with their children.

The British embassy in Manama annually helps raise money for the Bahrain Children and Mothers Welfare Society (CMW), a local charitable organisation that provides services to families in need (N.B. not suitable for mono-British nationals as they can only provide services to Bahraini nationals). For more information about CMW please call 00 (973) 1768 9909.

Reunite is the leading UK charity specialising in international parental child abduction. The services range from offering practical impartial advice and mediation to providing a helpful support network aimed at those who have had their child abducted. For more information about Reunite and their services, visit Reunite's website www.reunite.org or call 0116 2556 234