Dec-2013

Lessons Gleaned from the Political Participation of Children in Bahrain Uprising

Hae Won Jeong

Lessons Gleaned from the Political Participation of Children in Bahrain Uprising

By Hae Won Jeong[1]

Abstract

Reflecting the tension between state sovereignty and human rights, this paper discusses the moral and ethical implications of the political participation and detention of Bahraini children against the backdrop of sectarian geopolitics. Drawing methodological insights from postmodernism, this paper argues that reading of Bahraini children as political subjects are objectified and reified with truth claims, which ascribes them a minoritized status based on age and sect. This paper is interdisciplinary in its approach and is three-pronged: First, it begins by providing a contextual analysis of sectarian politics and dichotomous discourses of national sovereignty and human rights. Secondly, this paper juxtaposes competing definitions of violence in reference to child psychology and human rights literature. Thirdly, this paper looks at dialectics of natural rights from a postmodern anti-humanist lens by examining inter-subjective discursive formations ascribed to the legitimacy of children's participation in civil disobedience, and concludes with a few thoughts on the implications of the protracted political deadlock on children's rights.

Key Words: Identity Politics, Child Rights, Bahrain

Introduction

The uprising in Bahrain since February 14th of 2011 has been primarily framed in a polemic rhetoric due to demographic imbalance and geopolitical tensions with Iran that drove the sectarian rift. Shi'a protests are galvanised around issues of socioeconomic grievances, structural inequality, and political marginalisation (Kinninmont, 2012; Jones, 2007). Major outbreaks of social unrest dates back to the 1920s with political grievances aired against lack of follow-through on delivering constitutional reform of an elected unicameral parliament (Ulrichsen, 2012; Downs, 2012). In response to heavy-handed clampdown on protests, the Feburary 14th revolution has been rebranded as the Tamarod movement, which is modelled after the Egyptian grassroots movement in 2013. Sectarianism plays an imperative role in fuelling tension in domestic politics with major geopolitical repercussions, due to a combination of factors including the historic claim of Bahrain being Iran's 14th province and the sizable presence of the Persian community in Bahrain (Belfer, 2011). For that reason, the pro-democracy uprising rallied across predominantly Shi'a areas has been framed as the 'Shi'a struggle' by hypostatising Iranian threat. Black-and-white perceptions of sectarian politics provide the pretext for government clampdown on anti-government protests that alienates the Shi'a majority all the while barring efforts to achieve national unity. While the sectarian framing of the political crisis in Bahrain renders questioning legitimacy on all sides, political participation of minor children merits further attention; this is

---

[1] PhD Candidate, Department of Politics and International Studies, School of Oriental and African Studies, University of London.

poignant given the impact of youth bulge[2] and the rise of children's participation in illegal protests and detention.

While the investigation led by the Bahrain Independent Commission of Inquiry (BICI) in 2011 was commended for detailed documentation of gross human violations, it nevertheless has drawn criticisms due to lack of accountability (Kinninmont, 2012). Bahraini politics is at the crossroads as of writing amid the suspension of national dialogue that commenced since 2011. Against the backdrop of sectarian geopolitics, this paper examines the moral and ethical implications of participation rights of Bahraini children in illegal gatherings from a postmodernist lens. Noting the escalation in violent exchanges between the riot police and children and the rise in detention and casualty rates of Bahraini children, I highlight the inherent tension between natural rights and participation rights delineated in the child psychology and human rights literature. In this paper I contend that Bahraini minors are deprived of their political agency and ascribed a minoritized status based on age and sect due to their exposure to violence as they are caught between competing political agendas sought by two opposing camps.

The Tension between State Sovereignty and Human Rights

Despite the prevalence of political participation of minors in Bahrain, participation rights of children is seldom under the limelight, and when it is, it is usually reported through human rights NGOs, or other unofficial channels such as blogs and social networking sites. With the exception of the BICI report that sheds some light on the mistreatment, abduction, and kidnapping of children participating in anti-government protests, official statistics on the participation and detention rate of children is virtually non-existent.

Notwithstanding the dearth of research, it is highlighted in the BICI report (2011) that protesters under the age of 18, and in some cases, under the age of 15, were detained for participating in demonstrations in Shia predominant villages of Sitra, Sanabis, Karbabad, Karzakan, Issa Town and Hamad Town, and were subject to harsh treatments. In August 2010, Bahrain Centre for Human Rights found that 76 children were arrested including a ten-year-old child during political unrest. Likewise in the same year, children comprise 21 percent of the total of 355 cases of detentions.

Considering that there are no official statistics that are up-to-date, since the advent of the Arab Spring, credibility of the source may be questioned. Nevertheless, the sheer scale of the imprisonment of children captured in 2010 tellingly reflects the prevalence of political participation of minors in Bahrain. Amnesty International (2013)[3] reported that ten year prison sentence was ordered to two 16-year-old Bahraini boys, Jehad Sadeq 'Aziz Salman and Ebrahim Ahmed Radi al-Moqdad for allegedly 'intending to murder policemen' and undermining public security. It is suspected that ever since the heightening of the political tension in 2011, there are many cases similar to these that are underreported.

---

[2] Bahrain has a youth bulge rate of 38%. Hvistendahl, Mara. "Young and Restless Can Be a Volatile Mix." *Science Magazine*. AAAS, 29 July 2011.
[3] Shabazz, Tariq. "Bahrain: Child Protesters given 10 Years in Prison." Web log post.Amnesty International UK/Blogs: Children's Human Rights Network. Amnesty International, 04 Oct. 2013. Web. <http://www2.amnesty.org.uk/blogs/childrens-human-rights-network/bahrain-child-protesters-given-10-years-prison>.

Amnesty International (2013)[4] and Bahrain Youth Society for Human Rights (2012)[5], among many others, have condemned the mistreatment of children, especially cases where children and youth were held in the same detention centres as adult prisoners and being subject to unfair trials in criminal court. In addition, as of September 2013, Amnesty International stated that children are charged with criminal offenses under the penal code and anti-terrorism law. The participation of children in protests, mostly in the form of hurling Molotov cocktails and burning tyres are executed to demand political reform and release of political prisoners from detention. Albeit the legitimate concerns of the ill treatment of children and youth under the pro-democracy agenda, the increasing exposure of Bahraini children to violence is regarded problematic as they are often perceived as proxy participants of the broader political uprising since 2011. The unintended repercussions of this ordeal entail robbing children of their agency and rights to protection while the detention and casualty rates are on the rise. For this reason, children and youth participants in anti-government protests, much like their adult counterparts, are perceived as security threats.

Accordingly, child rights to participation in Bahrain should be situated in the broader political context due to the sectarian framing of the conflict. The intractable political crisis concentrated in the Shi'a predominant areas suggests that Shi'a protestors are perceived as posing serious threats to the national security. In addition to the revocation of the citizenship of 31 Bahraini activists under the stipulation of article 10 of the citizenship law in 2012, Maclean and Webb (2013) found that eight Bahraini nationals were found guilty for being involved in terrorist cell charges with alleged links to Iran, Iraq, and Lebanon[6]. Escalating tension is evidenced by the violent clashes between the security force and protestors culminating in rising casualties on both sides and the incarceration of activists notably, children and youth. The use of petrol bombs, Molotov cocktails, and tire burning by protesters and the concomitant firing of tear gas canisters by the security force are some illustrative examples.

The political impasse against the backdrop of intensifying violence inexorably invokes the question of security dilemma in a country where the Sunni monarchy rules the Shi'a majority. Bahrain emerges as the sectarian battleground with the Shi'a protesters staging a protest against the incumbent regime. The political interests at stake for the Shi'a opposition are at odds with national security interests and are mirrored on the civil unrest at the national scale. Throughout the progression of the uprising, the pearl roundabout, the graffiti strewn across the walls and public properties, and black flags and veneration of Shi'a imams and saints that bear symbolic significance of Shi'a solidarity (Nasr, 2007). These developments corroborate the postulation that Bahraini upheaval is a microcosm of the broader geopolitical spectre of the Shi'a uprising. Nasr posit that the traditional parameters of defining nation-state is increasingly destabilised as he conceives of a transnational Shi'a movement that transcends the Westphalian notion of nation-state emanating from territorial sovereignty. In fact, readers are compelled to rethink the conventional notions of nationalism, sovereignty, and human rights as McLeod (2010), Longva

---

[4] "In Harm's Way – Bahraini Children Jailed in Adult Prisons." Online posting. Amnesty International. N.p., 31 May 2013. Web. <http://www.amnesty.org/en/news/harm-s-way-bahraini-children-jailed-adult-prisons-2013-05-31>.

[5] "Bahrain: Trialing Children with Political Charges and Fears of Abuse." Web log post. *Bahrain Youth Society for Human Rights*. BYSHR, 30 Aug. 2012. Web. <http://byshr.org/?p=1157>.

[6] Maclean, William, and Jason Webb. "Bahrain Says Arrests Eight on "terror-related" Charges." Online posting. Reuters. N.p., 17 Feb. 2013. Web. <http://www.reuters.com/article/2013/02/17/us-bahrain-arrest-idUSBRE91G0A320130217>.

(1997), and Anderson (1983) insinuate that the imperialist root of nation-state and citizenship are social constructs.

The Westphalian notion of sovereignty frequently referenced in the international human rights literature underlying the legal normative approach has been challenged in the post-Westphalian international order (Krasner, 1995). These claims are germane given the ushering of neoliberalism since the 1970s highlighted in the political economy literature that offsets the traditional realist premises of Westphalian territorial sovereignty (Falk, 2002; Krasner, 2001). The assumption of liberal democratic theorists and cosmopolitan theorists suggesting that the locus of sovereignty and decision-making has moved away from national governments (Held, 1997; Dryzek, 2006), is reflected on the resolution passed by the European parliament on September 12, 2013 that urged the Bahraini government to honour human rights, including the rights of the juveniles, and the fundamental rights to freedom of expression. Nonetheless, cosmopolitanism remains a radical assumption in view of the transitional democracies or other non-democratic political systems today.

Cohen (2008) asserts that "sovereign equality and human rights are two distinct but interrelated legal principles of the same, dualistic international system and both are needed to construct a more just version of that system (p. 579)". Yet in comparison to humanitarian rights law, human rights law carries less of an imperative. In fact, the inception of the human rights treaties and conventions in the aftermath of the Second World War was not intended for political commitment but as "soft-law" documents that are purely aspirational and justiciable" (Cole, 2009, p. 565).

While Bahrain is a party to UN Convention on the Rights of the Child, it follows that there are legal loopholes act as an impediment as enshrining human rights in Arab constitutions are merely regarded as a routine or decorative procedure (al-Nasser, 1989 as cited in Hassassian, 2000 in eds. Butchenson, Davis, and Hassassian, 2000). It is legal recognition of children's rights, as opposed to soft law, that leaves an important legacy as it gives legitimacy to children's rights and hence agency (Freeman, 2011 as cited in Flekkøy and Kaufman, 1997). Noting the gap between implementation and enforcement, cosmopolitan theorists Beitz (2005) and Putzel (2005) are more precautionary in their approaches: cosmopolitanism appears a far-fetched idea at the moment due to the lack of appetite for the international community to recognize civil and political rights.

As such, the opposition coalition is bolstered through transnational networks of political Islam. This is a throwback of the sectarian-based loyalties in the 1980s and the broad appeal of Ayatollah Khomeini (Gause, 1994). Thus the expansion of transnational networks could be a boon or bane contingent on state legitimacy: in a state with weak legitimacy, cohesive transnational religious networks erode regime legitimacy (Beitz, 1999).

Inevitably, contending visions exist between the state and the opposition movement regarding state-policing: on the one hand, it is legitimized for maintaining order and discipline and on the other hand, it is de-legitimized against the opposition efforts to push for political reforms. Fundamentally when state legitimacy is brought into question, those challenging state authority are no longer under the protection of the security apparatus, but are viewed as sources of threat.

Whether it be consolidating a Bahraini model of Shiism or simply introducing a sectarian-neutral pro-democracy initiative, political conundrum in Bahrain is framed in antagonistic terms that necessarily pit the incumbent regime against the opposition coalition. The security dilemma exemplified above encapsulates the deep-seated mistrust between both parties.

The political stalemate in Bahrain resonates with Newman (in eds. Green, 2002, p. 78-9) in retorting that "greater threat may come from their own state itself, rather than from an external adversary".

The opposition movement is thus rooted on an informal support base. The decision of the deputy chairman of the elected chamber to meet with Sheikh Isa to convince the boycotters to vote in the next election by bypassing formal politics implies that Shiite clerics occupy an influential position in the opposition movement (Freedom House, 2011; Nasr, 2006). Media spotlight has been shed on the influence of Bahraini Shiite clerics Ayatollah Shiekh Isa Al Qassim and Sheikh Isa Qassim and high-profile human rights activists, Abdulhadi Al Khawaja and Nabeel Rajab for fomenting dissent.

Branding of internal dissenters as 'terrorists' and 'foreign agents' by virtue of disloyalty tacitly assumes mutual exclusivity between national and political security—the latter of which connotes civil and political rights. The identity-based framing of the political crisis that inevitably sets itself up against the inculcation of the security narrative officially promoted by the state, inextricably invokes questions of state sovereignty and loyalty. The tension between the two makes it susceptible for Bahraini children in Shiite neighbourhoods to become easy targets during times of political unrest. Bahraini Shiite children often acting on behalf of the adults in their neighbourhood as proxy political participants are often misconstrued as enjoying widespread impunity. Right to Education Project (2001), cites the legal minimum age for criminal responsibility for children as follows:

- Article 32 of the Bahrain Penal Code of 1976 stipulates that a person under 15 years of age cannot be held responsible for the commission of an act constituting an offence, being liable solely to the measures provided for in the Juveniles Act.
- Article 101 of the Penal Code further stipulates that the provisions concerning permissibility, causation and impediments to responsibility, as contained in chapter II concerning criminal responsibility, also apply to minor infractions of the law.

While detention, abduction, and torture of children elicit negative public responses, political participation of minors are not taken seriously due to their legal age. Exposure to violent protest recruits the hit-and-run tactic -- including vandalism of public properties, burning tyres, blocking roads, and hurling Molotov cocktails, just to name a few, and is seen as an easy way out for adults who often wish to engage in civil disobedience but are often reluctant to do it themselves. By recruiting children and youth, the adult protesters enjoy anonymity and impunity themselves while putting children's life at risk and jeopardising security.

What compounds the problem is the antagonism between minor children in the opposition and foreign mercenaries of the Sunni sect that mirrors the broader domestic political crisis. The Guardian reveals that the use of force among riot police foments hostility due to the recruitment of mercenaries of the Sunni sect as riot police as a means to offset demographic imbalance[7]. Yet beyond the grand sectarian narrative, the issue is rather complicated contrary to the common presuppositions, as branding the conflict 'sectarian' does not do justice to any party involved. The umbrella of human rights subsumes the notion that there is an inherent tension between natural rights and rights to resistance. Hobbesian notion of natural rights assumes that

---

[7] Black, Ian. "Bahrain Security Forces Accused of Deliberately Recruiting Foreign Nationals." *The Guardian*. Guardian News and Media, 17 Feb. 2011. Web. 30 Oct. 2013.

individuals have a right to self-preservation. In *Leviathan*, Hobbes (1961) identifies rights of non-incrimination, enjoyment of the means of life, resistance, and self-defence, among many others, as inalienable rights. However, rights to resistance and self-defence are incompatible in light of the civil unrest in Bahrain. Neither the minor perpetrators and the legal guardians nor the riot police and the government is vindicated as Bahraini children are culpable of undermining public security while riot police are equally criticised for their heavy-handed clampdown and use of force, especially with the use of teargas canisters, shotgun pellets and petrol bombs[8]. Given the disagreements over what constitutes human rights violation and civil disobedience, what follows is an overview of the conceptual parameters of youth resistance and legitimation of violence.

The involvement of minors in civil disobedience and Sunni foreign riot police in the uprising sparks tension and feeds the vicious cycle of violence and counter-violence as conflicting claims are made regarding self-defence and human rights transgressions. The death of Qassim Habib, an eight-year-old boy killed by a tear gas canister fired by the riot police, is a case-in-point (ADHRB, 2013). Furthermore, media coverage has the unintended effect of bolstering the opposition cause by giving them exposure to media publicity. For instance, Al Jazeera's coverage of the imprisonment of an 11-year-old boy, Ali Hassan detained in adult prison drew widespread international criticism[9].

Hollander and Einwohner (2004) suggest that resistance is predicated upon principles of recognition and intent. They identify seven typologies of resistance grounded on mode of resistance; scale of resistance; level of coordination; targets of resistance; direction or goals of resistance; political action; and identity-based resistance. Upon considering the conflict in Bahrain, the intent and legitimization of the mode(s) of resistance are disputable. Mode of violence in the Bahraini uprising is inextricably interlinked with the debate on violence. According to Virginia Held (1997), violence is defined as "predictable, coercive, and sudden infliction of injury or harming persons (p. 187)." While it is usually not the preferred method, it is widely acknowledged that violence is inflicted as a last resort as the means to achieve political aims (Sharp, 1993; Held, 1997). Gene Sharp (2002), a political scientist and an advocate of non-violence, sympathises with the frustration of the protesters given the lack of freedom of speech yet at the same time maintain that resorting to violence induces a vicious cycle whereby repressive regimes have an upper hand in stifling the opposition coalition with increasingly repressive measures.

While the principles of sudden infliction of injury or harm are well taken, aggressions, depending on the context, muddy the principles of predictability and coercion, especially when justified as acts of 'self-defence'. This is acute in light of the government's response to the aftermath of the protester-riot police clashes[10]. Far be it from an autonomous power struggle targeting an individual, principles of recognition and intent fall within contentious grey areas when taking into account the scale of the conflict, actors involved, and conflicting political interests. Inevitably, identity-based political resistance in Bahrain is predisposed to biased thinking that exaggerates the in-group versus out-group distinction.

---

8 "Bloodshed Triggers UK Rethink over Arms to Bahrain: Four Dead as Riot Police Launch Brutal Crackdown on Peaceful Protesters." *Mail Online*. N.p., 18 Feb. 2011. Web. 30 Oct. 2013.
9 "Bahrain Child to be 'monitored' at Home - Middle East - Al Jazeera English." *Al Jazeera English*. Al Jazeera English, 05 July 2012. Web. 30 Oct. 2013.
10 "Teenage Boy Killed in Clash with Police in Bahrain." *BBC News*. BBC, 18 Aug. 2012. Web. 30 Oct. 2013

It can be surmised that the lack of consensus on the precise working definitions of violence and resistance, let alone the absence of a legally binding normative framework for arbitrating social justice suggests that the aforementioned notions of security, sectarian identity, and national identity are relativistic, multifaceted and socially constructed. In other words, 'truth claims' are contingent upon the eyes of the beholder.

Children Rights to Protection and Participation

Participation rights of minors stoke up debate on their agency and political consciousness as children are physically and mentally in the formative stages of life. The term youth is often used interchangeably with adolescence, a concept referring to those in semi-dependent condition "that has evolved in its biological, psychological, and social implications, but with its most consequential evolution occurred in adult perceptions of the norms and behaviour of young people" (Chudacoff in eds. Fass, 2004, p. 15). Political participation of youth that in the form of aggression with subversive intent are viewed unfavourably since the norms and behaviours of young people in the mainstream sociology literature has traditionally been defined in terms of deviant subcultures or class-based resistance (Bucholtz, 2002).

Because the concept of youth or adolescence alone already conjures up the idea of deviance, Bahraini youth and children's agency is undermined, as they are to some extent perceived as unruly mobs for employing and defending tactical violence in 'illegal gatherings'. This is in stark contrast to the depiction of women's participation in the Bahraini uprising that is cast in a positive light as a liberating and empowering experience in Karolak's article published in 2012. The political identity of Bahraini child protesters is stigmatised on two counts: for presumed prematurity of participation and the marginalisation of the Shiites on the political domain. Rising casualty and incarceration rate of minor protesters in Bahrain imply that political participation of children needs to be taken seriously and that human rights and citizenship education is critical for cultivating political consciousness and recognizing the rights to participation from an early age.

Children, despite their physical and mental immaturity, are distinct from infants in the sense that they are capable of becoming agents for political change as they acquire rights in successive stages (Griffin, 2002). If political participation of children is not justified, it risks discrediting the agency of children. Recognition of rights is a precondition to agency, which gives them the authority to become decision-makers. Instead, "children are the objects of concern, not subjects in their own right. They are not represented: their views were not sought or known (Freeman, 2011, p.8 as cited in Flekkøy and Kaufman, 1997)". This is acute given the claims that children in Bahrain are exploited as proxy agents of the legal guardians and/or the broader Shi'a community members. It is assumed that children are gullible and vulnerable as they have not reached the physical, social, and mental maturity to make conscious decisions. Therefore in light of the political unrest in Bahrain, there are apparent advantages for encouraging children to engage in civil disobedience for easily courting publicity.

A re-visitation of Held's definition of violence above highlights the principle of 'coercion' fuelling the speculation that youth and children are coerced by the guardians to burn tires, block roads with tree trunks, and throw Molotov cocktails to embolden the opposition cause. In response, Bahrain's Ministry of Human Rights and Social Development officially released a statement urging the guardians to advise children to refrain from participating in violent protests. Seeing the eruption of violent protests, it is important to consider the legal age limits as a

measuring rod for defining childhood. Flekkøy and Kaufman (1997) highlight the utility of setting a legal age limit, namely for the sake of child protection and prosecution of criminal offense and voting. In particular, they contend that age marker is appropriate for determining rights by "setting upper limits for special entitlements and protection and the lower limits for attribution of responsibility (p. 14)". To reiterate, in Bahrain's case, the legal age for punishment is 15.

Albeit a soft treaty, articles 5, 12, and 13 of the United Nations Convention on the Rights of the Child provide an insightful look at how family and community members can support children by directing and guiding child rights enshrined in the convention. While it is accentuated that direction and guidance fundamentally differ from determination and control in the sense that a child physically mature and capable of decision-making should be granted the right to fully exercise his or her rights, articles thirteen and fifteen invite disagreement. Article fifteen states that rights of the child to freedom of assembly should be honoured. Nevertheless, while the first clauses of both articles admit that a child is entitled to freedom of expression, the latter clause effectively annuls the preceding statute by relenting to 'mitigating' circumstances whereby it is subject to the restriction of "(a) for respect of the rights or reputations of others; or (b) for the protection of national security or of public order, or of public health or morals" (Flekkøy and Kaufman, 1997, p. 33).

Even whilst Bahrain is a signatory of the UN convention of the rights of the child that advocates for child rights to freedom of speech, assemblage, and participation, Bahrain's accession to the convention is futile given that it is a soft law that is subordinate to the national constitution that de facto trumps alternative forms of legislation. Therefore, in order for the ratified treaties to have the desired effect, Neumayer (2005) maintains that it has to be supported with democracy and a resilient civil society. When reflecting on this statement, political reform is necessary to mitigate the participation of children in violent protests.

Interestingly, children's rights embed a competing set of rights and values. Roger Hart, for instance, expounds on a generic notion of child rights that entails rights to free time and play, particularly for children in industrialised countries. He also goes on to point out that "it is unrealistic to expect them to suddenly become responsible, participating adult citizens at the age of 16, 18, 21 without prior exposure to the skills and responsibilities involved" (1992: p. 5). In Bahrain, this calls for an implementation of age-appropriate pedagogy that encourages inter-subjective dialogue and builds upon the initiative for increasing awareness on human rights and citizenship rights. Accordingly, Hart's reasoning posits that both parties have failed to recognise child's rights: while the convention for the rights of the child is useful for establishing ground rules and meeting the bare minimum for honouring child rights, the treatment of legal guardians, community and family members is ambivalent in child rights treaties.

Although Freeman (2011 as cited in Flekkøy and Kaufman, 1997) assumes that critics of children's rights are purportedly defenders of parental rights, it is dubious that that is always the case especially when dealing with abusive parents. Despite the Lockean premise that presume that parents are vanguards of children's welfare, validating their primary responsibility of raising them into rational beings, there exists an ethical dilemma regarding the exercise of parents' authority over children without consent (Purdy, 1992). A case in point is when some parents put their child's life at risk in return for political gains by enforcing coercive mechanisms. In such instances, child's rights to safety is subordinate to political gains as children involuntarily become a political agent. The problem in the case of Bahrain is that it is not entirely clear how children are recruited to vandalize public properties, if not done voluntarily. What is more is that

the UN convention is a soft treaty that does not give weight to any particular article or a clause, making it difficult to prioritise one article over another should circumstances arise that necessitates preponderance. As is the case elsewhere, the problem is that there is no consistency in applying children rights convention in Bahrain.

While rights to free time and play are highly encouraged for children in industrialised countries, UNICEF International Child Development Centre report does not specify the benchmark and ignores socioeconomic disparity. 'Industrialised country' alone is not a reliable benchmark. Bahraini Shias, with the exception of the privileged few, protest against structural inequality that permeates economic and political discrimination. Moreover, what constitutes an infringement on child rights is open to debate due to existing cultural, economic, and political nuances that are easily ignored. Children's rights are established on the Eurocentric notion of universal childhood is widely criticized as it is recognized that "UN convention on the rights of the child is contextualised in dominant western concepts. The convention refers to a universal, free-standing, individual child; a child who is on a particular developmental trajectory" (Mayall, 2011, p. 432).

In view of the controversy, Abraham Maslow's hierarchy-of-needs theory provides a culturally sensitive and neutral approach in terms of identifying basic human needs. Maslow (1943) cites five motivational needs in his hierarchy-of-needs theory that bifurcates into deficiency and growth needs. According to Maslow's model, basic needs at the lower hierarchy of the pyramid that include physiological needs and safety is superior to growth needs, such as social needs, esteem needs, and self-actualisation in the upper-half of the pyramid.

In the case of Bahrain, children's entitlement to rights to free speech is relegated to the backburner as the government's heavy-handed clampdown on children protesters is justified on the grounds of defending vested interests in national security. The conditional clause appended to article fifteen in the constitution constrains formal political participation. Regardless of the moral and ethical controversies, the bottom line is that both parties are guilty for depriving children of their rights in view of article three of the convention that states, "The best interests of the child must be a top priority in all actions concerning children". Article three is contentious for its ambiguous wording on dictating what is 'best' for children.

Article five, part two of the national constitution provides a glimpse into the government's stance on child rights:

> The family is the cornerstone of society and its strength lies in religion, morality, and patriotism. The law shall preserve its legal integrity and strengthen its bonds and values, and shall protect motherhood and childhood within the family. The law shall also protect the young and defend them against exploitation and moral, physical, and spiritual neglect. The state shall take particular care of the physical, mental, and moral growth of the youth (Bahrain eGovernment Portal, 2001).

While the constitution formally recognises the imperative for moral, mental, and spiritual rights and rights to safety, to date, there has not been an implementation of social and/or educational policy to follow through the avowed pledges. The constitutional clause above does not clearly establish a working definition of childhood and motherhood that can potentially be implemented.

Given the nebulousness, the agency of youth close to the borderline age of adulthood is not fully recognized and the extent to which the UN treaty or the national constitution speaks for

the interest of children. In any case, children's rights to participation cannot be respected without ensuring safety.

In light of Bahrain's uprising, the dominant controversy is centred around the tension between the rights to safety and freedom of expression. Restraint of free speech demonstrated from the ban on public demonstrations and the Shi'a community's widespread engagement with civil disobedience in effect pushes children to resort to violence to assert their rights. The problem stems from the fact that civil and political rights, regardless of age, are not clearly recognised as legitimate rights by all stakeholders involved. This is demonstrated by ambiguous wording of the exceptional clauses stipulated in the UN treaty and the national constitution and the criticisms surrounding the long-awaited Arab Human Rights Charter endorsed by the Arab League for not living up to expectations.

Given the lack of consensus on what constitutes a right, perhaps it would be useful to clarify the distinction between positive and negative rights[11]. Erman (2005) points out that a government has the responsibility to protect the interests of the citizens while minimising direct state interference in respecting the rights to freedom of speech and religion. In the process, gauging the tolerable degree of state intervention is difficult. In Bahrain, protection of civil and political rights is commonly understood in terms of negative rights. Yet civil and political rights specific to children is hardly ever discussed nor recognised. Supporting the statement that "political ideologies are forming in adolescence when personal values, world views, and political attributions appear to be highly concordant" (Flanagan and Tucker, 1999 as cited in Flanagan, 2008), promotion of children's civic engagement through human rights education and other informal channels must be taken seriously.

Considering that political participation has been studied within the confines of the institutional framework, Bamyeh advises that it should be studied from "surveying the subject in question, not the concept itself". However, studying the subject in question has a strong bearing on subjectivity. Efforts to gain recognition for civil and political rights by children are both justified and un-justified on sectarian and violent grounds. Contrary to the misconception that playing the sectarian card benefits the government, I argue that it harms the political interests of contending parties, in addition to jeopardising national unity. The predominantly Shi'a movement of the uprising works against the opposition coalition by risking delegitimising the pro-democracy agenda; conversely, heavy-handed crackdown by the mercenaries of the Sunni sect entrenches existing sectarian discrimination.

Inherently the tension between national security and civil and political rights reveals the underlying paradox that adds complexity to grasping what constitute child rights. As a result, human rights and principles of violence and non-violence is a matter of interpretation and subjectivity; it can be safely assumed that there exists no political monolith, and the rift between the rhetoric of national security and children human rights is simply projected as 'truth claims'.

Postmodern Approaches to Political Identity, Subjectivity, and Truth

Flekkøy and Kaufman (1997) and the UN Convention for the Rights of the Child (1989) suggest that rights and responsibilities go hand-in-hand. They argue that rights can only be assured when adults assume responsibility for ensuring children's rights to survival, protection, participation and self-expression. Upon reviewing articles 4, 19, 37 of the Children's protection

---

[11] See also Morreall, John. "The Justifiability of Violent Civil Disobedience." *Canadian Journal of Philosophy* 6.1 (1976) 35-47. Print.

rights embedded in the UN Convention for the Rights of the Child that enshrines protection against all forms of violence, and detention and punishment, it is evident that right to child protection has been grossly violated by all sides.

Bahraini minor protesters are caught between the rhetoric of sectarian geopolitics and the opposition engagement with violent civil disobedience. Regardless of political identities, all parties are perpetrators for relegating child rights on the backburner. Consequently, conflicting claims to universal human rights, namely natural rights and children's rights, perpetuates the dialectics of human rights transgressions under the guise of identity politics. An inter-subjective discursive formation of identity politics and national sovereignty that support the claims and counterclaims against socio-political injustice and existential threat has deepened the political impasse. According to dialectic and totality in Hegelian thought, "the comprehension which became is at the same time again become a unity which must exhibit the movement in itself. But the development of the antithesis contained in it is not a mere dissolution into the moments where it had originated, but these moments have now another form through the fact that they have gone through the unity" (Hegel, 1869, p.369). The dialectic of human rights transgressions is reproduced on the accounts of the thesis and antithesis raised by the inter-group conflict. Yet conflicting accounts of sovereignty, allegiance, and social injustice obscure 'the truth'; hence I contend that no objective truth can be found in the monolith of sectarianism or the pro-democracy movement as they are belied by their respective engagements with violence.

As there is no monolith in unpacking the political crisis, I argue that the locus of power and truth is dictated by one's political views. Amid escalating tensions, children are clearly the victims in the conflict. The protracted political crisis that institutionalizes 'Shi'a uprising' in Bahrain is intimately related to the notion that projects 'power' to be wielded by human subjects according to the structuralist assumption (Kelly, 2012). Since political reform cannot be attained unilaterally, a third way alternative to sectarian branding of political struggle is necessary to create an environment conducive for national dialogue. Insofar as national identity is concerned, a binary opposition is assumed between primordial ethnic attachments and modernism (Sökefeld, 2001). However, primordial attachments themselves are arguably social constructs that are not autonomous of external influence. The case in Bahrain suggests that the disconnect between the official and unofficial discourses of nationalism promoted by the state and the opposition engenders a pluralistic discourses on national identities.

To reconcile the political antagonisms of both parties, it is necessary to liberate the mind from in-group and out-group bias. Foucault advances a non-linear reading of power, truth, and knowledge. Foucauldian anti-humanist approach to human rights upholds the proposition of 'unfinished humanity' that has an anti-essentialist outlook of humanity. In contradistinction to Para's assertion that Foucault's later work signals a radical break from his earlier poststructuralist project of the 1970s, Golder (2010) observes that "what Foucault offers us in these interventions, however, is less a humanist *mea culpa* than an ethic of critical engagement with human rights, with-in and against existing human rights, in the name of an unfinished humanity…it is precisely to the extent that Foucault's anti-humanism remains militant that the promise of his critical engagement with human rights is sustained" (p. 356). In reference to Judith Butler (2004), he goes on to argue that human subjects in the Foucauldian sense are read as "the unfinished result of a political negotiation with and through others" (p. 357). Noting the glaring dissonance between human rights and politics, the incompatibility between the two concepts implies that there are limitations in upholding the notion of universal human rights. With divergent political ideologies driving a chasm between the government and the opposition,

an inter-subjective discursive formation should be propagated in the reading of Bahraini children as political subject.

To that end, the reading of human subject of minor protesters in Bahrain is treated primarily through political lens, as they are perceived in dichotomous terms either as deviant youth or political agents, terrorists or victims. According to Paden (1987), Humanism bifurcates into essentialist and explanatory assumptions; the former refers to unchanging features of a human subject whereas the latter adopts human nature that is bound to reason. Foucault refers to this explanatory form of human cognitive processes as follows: "the entry into objectivity of something that had long remained trapped within beliefs and philosophies was the effect of a change in the fundamental arrangements of knowledge…man is an invention of recent date. And one perhaps nearing its end " (Foucault, 1973, p. 387 as cited in Paden, 1987). Further to this, he points out that Foucault challenges the humanistic notion of a 'deep subject' by surveying "the visible body and the surface rules of discourses and practices" (p.140).

Maintaining the assumption that political identities are filtered through inter-subjective lens, human rights should transcend identity politics and look to educate human rights from a holistic perspective. Human rights should not be aimed at inculcating a narrow political agenda. Instead, it should be promoted as a neutral concept that transcends ethno-religious and national boundaries. While minor protesters in Bahrain are guilty of undermining national security by vandalising public properties, a closer scrutiny of civil disobedience of minors reveals that in reality, the accusation of an 'act of terror' overshadows the involvement of multiple parties. Therefore objectifying the labelling of political subjects as 'terrorists' oversimplifies the complexity of human rights transgressions and negates that upholding human rights entails responsibilities. Tetreault (2000) note that deprivation, rather than identity, should be the yardstick for assessing human rights in any society. Regardless of conflicting discourses, children's right to protection, which is a form of deprivation that is understood as a negative right, has to be met as a precondition in order to advance the positive rights to participation of Bahraini minors. Hence the development of stable political societies and commitment to constitutionalism is a prerequisite to assuring respect for universal human rights since rights to freedom of expression, religious and ethnic equality, and the equality of women are met with deep resistance (Henkin, 1989).

Advocating a holistic approach to human rights education is imperative to closely applying human rights as stipulated in international treaties and conventions. While the scope of the political uprising excludes the debate on citizenship, given the influx of migrant workers and expatriates in Bahrain[12], the scope of human rights education should be broadened by giving due consideration to human rights that cuts across different ethno-religious backgrounds. Despite having recognized the Universal Declaration of Human Rights by all states as universal, the premise of universality that underlies human rights remains contentious due to the underlying positivist assumption of humanism. While the idea of universal human rights has a broad appeal, the actual challenge persists, however, in assuring human rights for all by commanding mutual respect and refraining from discriminatory practices based on ethnicity, religion, and nationality. Inevitably, respecting the rights of someone will end up in violating the rights of another. For that reason, human rights in this respect should be understood as a continual process of reassessment and renegotiation of a political subject.

---

[12] Expatriate labourers amount to 65.7 percent in Bahrain (Ulrichsen, 2011).

Conclusion

The rise in detention and casualty rates of Bahraini children are indicators that minors are victims of the discourse of identity politics, which has become a major impediment to countering the protracted political crisis. While the government is vindicating crackdowns on political protests by virtue of defending national security, the politically marginalized Shiite community and foreign mercenaries are entangled in a complex web of human rights violations. The conflict between the mercenaries and children is a complicated one, as article two of the universal declaration of human rights specifically stipulates that everyone is entitled "to all rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". For this reason, it is important to recognize that all parties involved are both transgressors and victims of human rights. Bearing in mind that political identity of a Bahraini child is far from a stable notion according to the anti-humanist tradition, children's rights to protection, autonomous of externally imposed discursive formation of political identities, should be honoured in line with the premise of Maslow's theory outlined above. The case of Bahrain shows that the reading of a subject in the political unrest hinges upon the surface rules of discourses and practices that is consistent with Paden's idea. Furthermore, it shows that children's rights are subsidiary to advancing a narrow political agenda. Irrespective of political identity, the bottom line is that every adult is responsible for promoting children's rights in Bahrain by agreeing on establishing age-appropriate protocols for political participation of minors while deterring them from engaging in violent civil disobedience.

References

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso Books, 2006. Print.

"Bahrain Child to be 'monitored' at Home - Middle East - Al Jazeera English." *Al Jazeera English*. Al Jazeera English, 05 July 2012. Web. 30 Oct. 2013.

Bahrain. EGovernment Portal. *Constitution of the Kingdom of Bahrain*. N.p., 14 Feb. 2002. Web. <www.bahrain.bh/pubportal/wps/wcm/connect/.../CA9SS7XP.pdf>.

"Bahrain: Trialing Children with Political Charges and Fears of Abuse." Web log post.*Bahrain Youth Society for Human Rights*. BYSHR, 30 Aug. 2012. Web. <http://byshr.org/?p=1157>.

Bassiouni, Mahmoud Cherif, Nigel Rodley, Badria Al-Awadhi, and Mahnoush H. Arsanjani. *Report of the Bahrain Independent Commission of Inquiry*. Rep. N.p.: BICI, 2011. Web. <http://www.bici.org.bh/BICIreportEN.pdf>.

Beitz, Charles R. "Social and Cosmopolitan Liberalism." *International Affairs* 75.3 (1999): 515-29. *Wiley*. Web.

---. "Cosmopolitanism and Global Justice." *The Journal of Ethics* 9.1 (2005): 11-27. Print.

Belfer, Mitchell A. "Iran's Bahraini Ambitions." *The Wall Street Journal* 6 Oct. 2011. Web. 23 June 2013.

Black, Ian. "Bahrain Security Forces Accused of Deliberately Recruiting Foreign Nationals." *The Guardian*. Guardian News and Media, 17 Feb. 2011. Web. 30 Oct. 2013.

"Bloodshed Triggers UK Rethink over Arms to Bahrain: Four Dead as Riot Police Launch Brutal Crackdown on Peaceful Protesters." *Mail Online*. N.p., 18 Feb. 2011. Web. 30 Oct. 2013.

Bucholtz, Mary. "Youth and Cultural Practice." *Annual Review of Anthropology* 31 (2002): 525-52. Print.

Chudacoff, Howard P. *Encyclopedia of Children and Childhood: In History and Society*. Ed. Paula S. Fass. 2003. Print.

Cleveland, William L., and Martin Bunton. *A History of the Modern Middle East*. 5th ed. Boulder: Westview Press, 2013. Print.

Cohen, Jean L. "Rethinking Human Rights, Democracy, and Sovereignty in the Age of Globalization." *Political Theory* 36.4 (2008): 578-606. Print.

Cole, Wade M. "Hard and Soft Commitments to Human Rights Treaties, 1966-2000."*Sociological Forum* 24.3 (2009): 563-88. Web.

Downs, Kevin. "A Theoretical Analysis of the Saudi-Iranian Rivalry in Bahrain." *Journal of Politics & International Studies* 8 (2012): 203-37. Print.

Dryzek, John S. "Transnational Democracy in an Insecure World." *International Political Science Review* 27.2 (2006): 101-19. Print.

Erman, Eva. *Human Rights and Democracy: Discourse Theory and Global Rights Institutions*. Burlington: Ashgate Publishing Company, 2005. Print.

Falk, Richard. "Revisiting Westphalia, Discovering Post-Westphalia." *The Journal of Ethics* 6.4 (2002): 311-52. Print.

Flanagan, C .A. & Tucker, C. J. (1999). Adolescents' explanations for political issues: Concordance with their views of self and society. *Developmental Psychology, 35* (5), 1198-1209.

Flekkøy, Målfrid Grude, and Natalie Hevener Kaufman. *The participation rights of the child rights and responsibilities in family and society*. London: Kingsley, 1997. Print.

Gause, F. Gregory. *Oil Monarchies: Domestic and Security Challenges in the Arab Gulf States*. New York: Council on Foreign Relations, 1994. Print.

Golder, Ben. "Foucault and the Unfinished Human of Rights." *Law, Culture, and the Humanities* 6.3 (2010): 354-74. Web.

Green, Daniel. *Constructivism and comparative politics*. London: M.E. Sharpe, 2002. Print.

Griffin, James. "Do Children Have Rights?" *The Moral and Political Status of Children*. Ed. David Archard. Oxford: Oxford University Press, 2002. Print.

Hart, R. (1992). Children's Participation from Tokenism to Citizenship. Florence: UNICEF Innocenti Research Centre, as cited in www.freechild.org/ladder.htm

Hassassian, Manuel. "Palestinian Political Culture, Civil Society, and the Conception of Citizenship." Ed. Uri Davis and Manuel Hassassian. *Citizenship and the State in the Middle East: Approaches and Applications*. Ed. Nils A. Butenschon. Syracuse: Syracuse UP, 2000. 246-62. Print.

Hegel, Georg W.F. "Hegel's First Principle." *The Journal of Speculative Philosophy* 3.4 (1869): 344-71. Web.

Held, Virginia. "The Media and Political Violence."*Springer*. 1.2 (1997): 187-202. Web. 23 Jun. 2013.

Henkin, Louis. "The Universality of the Concept of Human Rights." *Annals of the American Academy of Political and Social Science* 506 (1989): 10-16. Web.

Hobbes, Thomas. *Leviathan*. Harmondsworth: Penguin, 1968. Print.

Hollander, Jocelyn A., and Rachel L. Einwohner. "Conceptualizing Resistance." *Sociological Forum*. 19.4 (2004): 533-554. Web. 23 Jun. 2013.

Hvistendahl, Mara. "Young and Restless Can Be a Volatile Mix." *Science Magazine*. AAAS, 29 July 2011.

"In Harm's Way – Bahraini Children Jailed in Adult Prisons." Online posting. Amnesty International. N.p., 31 May 2013. Web. <http://www.amnesty.org/en/news/harm-s-way-bahraini-children-jailed-adult-prisons-2013-05-31>.

Jones, Sandy Russell. "The Battle over Family Law in Bahrain." *Middle East Research and Information Project (MERIP)*. 242 (2007): 33-9. Web. 23 Jun. 2013

Karolak, Magdalena (2012). Bahraini Women in the 21st Century: Disputed Legacy of the Unfinished Revolution. *Journal of International Women's Studies*, 13(5), 5-16. Available at: http://vc.bridgew.edu/jiws/vol13/iss5/3

Kelly, Mark G.E. *The Political Philosophy of Michel Foucault*. 1st ed. N.p.: Routledge, 2010. Print.

Kinninmont, Jane. *Bahrain: Beyond the Impasse*. Rep. London: Chatham House, 2013. Web. 23 June 2013.

Krasner, Stephen D. "Compromising Westphalia." *International Security* 20.3 (1995-6): 115-51. Print.

Longva, Anh Nga. *Walls built on sand: migration, exclusion, and society in Kuwait*. Boulder: Westview Press, 1997. Print.

Maclean, William, and Jason Webb. "Bahrain Says Arrests Eight on "terror-related" Charges." Online posting. *Reuters*. N.p., 17 Feb. 2013. Web.

Maslow, Abraham H. *A Theory of Human Motivation*. N.p.: Tree of Knowledge, 2013. Print.

Mayall, Berry. "The Sociology of Childhood in Relation to Children's Rights." *The International Journal of Children's Rights* 8 (2000): 243-59. Print.

McLeod, John. *Beginning Postcolonialism*. Manchester: Manchester University Press, 2000. Print.

Nasr, Vali. "When the Shiites Rise." *Foreign Affairs* 85.4 (2006): 58-71. Print.

---. *The Shia Revival: How Conflicts within Islam Will Shape the Future*. New York: W.W. Norton & Co., 2007. Print.

Neumayer, Eric. "Do International Human Rights Treaties Improve Respect for Human Rights." *Journal of Conflict Resolution*. 49.6 (2005): 925-953. Print.

Paden, Roger. "Foucault's Anti-Humanism." *Human Studies* 10.1 (1987): 123-41. Web.

Purdy, Laura M. *In Their Best Interest? The Case Against Equal Rights for Children*. Ithaca: Cornell University Press, 1992. Print.

Putzel, James. "Globalization, Liberalization, and Prospects for the State." *International Political Science Review* 26.1 (2005): 5-16. Print.

Right to Education Project. Rep. CRC, 23 July 2001. Web. <http://www.right-to-education.org/country-node/300/country-minimum>.

Shabazz, Tariq. "Bahrain: Child Protesters given 10 Years in Prison." Web log post.*Amnesty International UK/Blogs: Children's Human Rights Network*. Amnesty International, 04 Oct. 2013. Web. <http://www2.amnesty.org.uk/blogs/childrens-human-rights-network/bahrain-child-protesters-given-10-years-prison>.

Sharp, Gene. *From Dictatorship to Democracy*. East Boston: Albert Einstein Institution, 2002. Print.

Sökefeld, Martin. "Reconsidering Identity." *Reconsidering Identity* (2001): 527-44. Print.

"Teenage Boy Killed in Clash with Police in Bahrain." *BBC News*. BBC, 18 Aug. 2012. Web. 30 Oct. 2013

Tétreault, Mary Ann. *Stories of Democracy: Politics and Society in Contemporary Kuwait*. New York: Columbia UP, 2000. Print.

Ulrichsen, Kristian C. *The Transformation of the Gulf : Politics, Economics and the Global Order*. London: Routledge, 2010. Print.

---. *After the Arab Spring: power shift in the Middle East?: Bahrain's aborted revolution*. IDEAS reports - special reports, Kitchen, Nicholas (ed.) SR011. LSE IDEAS, London School of Economics and Political Science, London, UK, 2012. Web.

United Nations Convention on the Rights of the Child. Publication. UNICEF, 1999. Web. <www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention>