

#اضمن حقك

المؤسسة الوطنية لحقوق الإنسان
National Institution *for* Human Rights



**Law No (26) of 2014
on the Establishment of
the National Institution *for* Human Rights
with amendments**



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**Law No (26) of 2014
on the Establishment of
the National Institution for Human Rights
with amendments**

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

After reviewing the Constitution,

And Treaties and Conventions on human rights to which the Kingdom of Bahrain acceded or ratified,

And Royal Order No. 46 of 2009 on the Establishment of the National Institution for Human Rights amended by the Royal Order No. 28 of 2012;

And taking into account the Paris Principles on National Institutions to protect and promote human rights, adopted by the General Assembly of the United Nations resolution 48/134 of 20 December 1993;

The Representative Council and the Shura Council have decided on the following law and we have approved and promulgated it:

Definitions

Article 1

In application of the provisions of this law, the following words and phrases shall have the meaning set out next to them, unless the provision states otherwise:

- (a) **Institution:** The National Institution for Human Rights.
- (b) **Council of Commissioners:** The Council of Commissioners of the Institution.
- (c) **Chairperson:** The Chairperson (he/she) of the Council of Commissioners of the Institution.
- (d) **Vice Chairperson:** The Vice Chairperson (he/she) of the Council of Commissioners of the Institution.



- (e) **Member:** A member of the Council of Commissioners of the Institution.
- (f) **Members:** The members of the Council of Commissioners of the Institution.
- (g) **Committees:** The standing and *ad-hoc* committees of the Institution.
- (h) **Secretary General:** The Secretary General of the Institution.
- (i) **Full-time member:** A member who works full-time to fulfill his/her mandate in the Institution and is not committed to work in other profession while performing membership tasks.
- (j) **Part-time member:** A member who is fulfilling his/her mandate in the Institution besides performing a work in any other profession.

Establishment of the Institution

Article 2

An independent Institution is established named "The National Institution for Human Right" responsible for promoting and protecting human rights, and consolidating its values and contributing to securing its practice. It shall be located in the city of Manama. The building shall be accessible for persons with disabilities.

The Institution shall have independent legal personality, as well as financial and administrative independence, and shall carry out its duties freely, neutrality and independently.



The Formation of the Council of Commissioners

Article 3

- (a) The Institution shall have a Council of Commissioners composed of eleven members, including the Chairperson and the Vice Chairperson. They shall be known for their competence and integrity.
- (b) Members of the Council of Commissioners shall be selected from advisory firms, academic organizations, civil society organizations, unions, social, economic and professional institutions, human rights defenders, provided that woman and minorities are adequately represented. Members may be selected from members of the legislative authorities. They shall not form a majority in the Council of Commissioners, and they can participate in the discussion as non- voting members.
- (c) A Royal Order shall be issued to determine the mechanisms, procedures and the selection process of members of the Council of Commissioners.

Membership

Article 4

Individual appointed members of the Council of Commissioners shall fulfill the following conditions:

- (a) Holding Bahraini nationality.
- (b) Not under the age of thirty years.
- (c) Having familiarity and interest in Human Rights issues.
- (d) Being of good conduct and reputation.
- (e) Have not been convicted of a criminal punishment, or freedom restraining penalty in a crime related to moral baseness or dishonesty, unless (he/she) has been rehabilitated.



The Appointment of the Council of Commissioners and the Representation of the Institution

Article 5

- a) Members of the Council of Commissioners shall be appointed by Royal Order for a period of four years, renewable for similar terms. Appointments shall take place after consultation with relevant bodies of civil society and various other organizations. The Royal Order shall identify the full-time and part-time members. The members shall practice their work in their personal capacity.
- b) The Council of Commissioners shall convene its first meeting under the chairmanship of the most senior member to elect a Chairperson and vice Chairperson from amongst them. They shall be full-time members, for a similar period of their appointment. The position shall be elected by a relative majority of members present. If no one achieves a relative majority, the selection shall be done by casting lots. If the number of the candidates is not in excess of the number required, election will be declared by acclamation.
- c) The Chairperson of the Council of Commissioners shall represent the institution to the judiciary, and in its relationships with others. The Chairperson may delegate some of (his/her) function to other members. The Vice Chairperson shall replace the Chairperson to undertake all (his/her) duties during (his/her) absence or any matter that prevent (him/her) from attending.



Conflicts of Interest

Article (5 bis)

With the exception of the rights and benefits allocated to a member of the Council of Commissioners in this law, the member is prohibited from receiving any financial fee for performing any service or work - as a member - for the benefit of the institution.

Council of Commissioners Meetings

Article 6

- a) The Council of Commissioners shall meet at least once every three months, on the basis of an invitation from the Chairperson. The Chairperson may, or on the basis of a request from a majority of the Members, call an exceptional meeting of the Council of Commissioners at any time.
- b) Taking into account the provision of clause (b) of Article (3) of this Law, The Council of Commissioners meeting shall be considered valid if attended by the majority of its members, provided the Chairperson or Vice Chairperson is present. The resolutions of the Council of Commissioners shall be passed by the majority votes of members present, and in case of a tie, the Chairperson of the meeting shall have a casting vote.
- c) The Council of Commissioners may invite to attend its meeting anyone from whose opinion or experience it may benefit in relation to a topic proposed for a research or discussion, without giving them the right to vote.



Standing Committees

Article 7

- a) The Council of Commissioners shall form standing Committees from its members to undertake the institution functions. It may form *ad-hoc* Committees, if necessary.
- b) The permanent Committees meet once every month at least. A member of the Council of Commissioners shall undertake the chairmanship of each Committee and such Committee may seek the assistance of experts upon discussing any of the topics entrusted thereto without having a right to vote.
- c) The Committees shall meet after being called to do so by their respective head. The Chairperson may also invite any of the Committees to convene to discuss an issue (he/she) deems important. (he/she) shall chair the meeting of Committees (he/she) attends. (he/she) may also entrust one of the members to research or investigate a certain subject.

Rules of Procedures

Article 8

The Council of Commissioners shall promulgate Rules of Procedure to regulate and govern its meeting and the Committees and their competencies as well as other issues related to the affairs of the members. The Rules of Procedure shall be promulgated on the basis of a resolution of the chairperson after the approval of a majority of the Members.



Immunity

Article 9

A Member of the Council of Commissioners may not hold accountable for (his/her) opinion and ideas on issues that fall within the competence of the Institution. A member may not be questioned without the consent of the Chairperson, and it must be done in the presence of the representative of the Council of Commissioners.

The Institution headquarter may not be searched except after obtaining a judicial order and in the presence of a representative of the Public Prosecution. The Chairperson must be notified of this and a representative for the Chairperson must be invited to be present during the search.

In all cases, any process that contravenes this will be considered null and void.□

Termination of Membership

Article 10

First, Members of the Council of Commissioners may not be displaced; their membership will terminate only in cases and in accordance with the procedures set forth in this Article.

Second: Membership of the Council of Commissioners shall come to an end in any of the following circumstances:

- a) In case of death or disability preventing the performance of the Member's functions.
- b) Resignation.
- c) If the member no longer fulfill one of the conditions provided for in subparagraphs (a) or (e) of article 4 of this law.



Third: Membership may be brought to termination before the end of its term by a Royal Order promulgated pursuant to a request from the Council of Commissioners passed by a two-third majority in the following circumstances:

- a) If (he/she) has contravened the provisions of this law or the regulations and decisions promulgated in implementation thereof.
- b) If (he/she) takes actions conflicting with the goals of the Institution, or if (his/her) action is intended to hinder its tasks and specialism.
- c) If (he/she) repeatedly fails to attend five meetings of the Council of Commissioners or the Committees without an excuse acceptable to the Chairperson despite the fact that (he/she) has been notified of it in writing in accordance with the rules of procedures.
- d) If the Member no longer fulfills the condition provided for in subparagraph (d) of Article 4 of this law.

In all circumstances, if the position of one of the Members is vacant for any of the preceding reasons, another member shall take over (his/her) place in accordance with the provisions of this law and the new member shall complete the term of (his/her) predecessor.

Members Remuneration

Article 11

The remuneration of the Chairperson, Vice Chairperson, full-time and part-time Members shall be set by Royal Order.



Institution Competencies

Article 12

In pursuing its goals, the Institution is free to comment on any question related to human rights, and to take any human rights issues, as it sees fit. It has the following competencies:

- (a) To participate in the production and implementation of a national plan for the promotion and protection of Human Rights in the Kingdom.
- (b) To Study legislation and regulations enforced in the Kingdom which come under the human rights areas together with recommending amendments it deems fit in this respect particularly those consistent with such legislations and the Kingdom's international obligations in the human rights field. The Institution shall be empowered to recommend issuing new legislation related to human rights.
- (c) To study the conformity of legislation and organization of regional and international treaties related to human right, submit proposals and recommendations to concerned authorities in any matter that re-inforces and protect human rights, support and develop to a better level including recommendations to join regional and international conventions and treaties concerned with human rights.
- (d) To submit parallel reports, and participate in the drafting and discussion of the reports which the Kingdom is obliged to periodically submit for the implementation of regional and international conventions concerning human rights together with notifying about such reports in the proper media means.
- (e) To monitor violation of human rights, conduct the necessary investigation, draw the attention of the competent authorities and provide them with proposals on initiatives to put an end to such violations and, where necessary, to express an opinion on the reactions and positions of the competent authorities.



- (f) To receive, examine and research complaints related to human rights and refer them, if necessary, to the relevant authorities with effective follow-up, or enlightening those concerned with most-follow procedures and help them to implement them, or asset in the settlement with relevant authorities.
- (g) To perform announced and unannounced field visits, to monitor human rights situation in Correction institutions, detention centers, labor calls gathering, health and education centers, or any other public place in which it is suspected that human rights violations are taking place.
- (h) To cooperate with competence authorities concerned with cultural, media and educational affairs, to submit proposals and recommendations in any matter in order to spread, propagate and strengthen a culture of awareness and respect for human rights.
- (i) To cooperate with national bodies and regional and international organizations, as well as relevant institutions in other countries that work for the promotion and protection of human rights.
- (j) Holding meetings and joint activities, cooperation, coordination and consultation with civil society and non-governmental organizations and various other groups and human rights defenders, and communicate directly with the claims of exposure to any form of abuse, and to report back to the Council of Commissioners.
- (k) To host conferences and to organize training and educational events in the field of human rights and conduct related research and studies.
- (l) To participate in national and international forums, as well as in meetings of regional and international bodies concerned with human rights issues.
- (m) To issue newsletters, printed material, data and special reports, and upload them on the Institution website. It is entitled to directly approach the public opinion or through the any of the media.



Study Issues Referred to the Institution

Article 13

The King and any Constitutional State Authorities may refer to the Institution any issues they see fit and which come within its competency for its consideration and opinion.

Request for Information

Article 14

- (a) The Institution may request any information, reports or documents which it considers necessary for the attainment of its goals or the performance of its functions from the ministries and relevant bodies in the Kingdom. These ministries and bodies shall cooperate with the Institution in the pursuit of its tasks and facilitate the conduct of its competency and provide it with what it requests, and to prepare the responses and comments on the recommendations contained in the reports of the institution, in this regard in accordance with the relevant laws and regulations.
- (b) The Institution may inform the competent authorities in case the ministries and bodies fail to cooperate and provide the Institution with the requested information, reports and documents or prevent it from examining them, so that the competent authorities take the necessary steps in accordance with the law.

Secretariat General

Article 15

The administrative body of the Institution shall consist of a General Secretariat which shall act as its executive organ and a sufficient number of consultants, experts, researchers and others shall be in the General Secretariat. They shall be appointed by resolution of the Chairperson on the basis of a request from the Secretary- General.



Secretary General

Article 16

The Secretary General shall be appointed by resolution of the Chairperson on the basis of the agreement of a majority of the Members. The appointment shall be for a period of four years and eligible for renewal similar terms. The candidate shall be an individual's known for competence, integrity and independence who have obtains at least a bachelor's degree or equivalent and who has relevant experience, in addition to fulfilling the conditions required of Member under Article 4 of this law.

Responsibilities of the Secretary General

Article 17

The Secretary General shall supervise and oversee the affairs of the General Secretariat. (he/she) shall be directly responsible to the Chairperson for the performance of these duties, which shall include:

- (a) General supervision over the General Secretariat, the affairs of the employees and financial and administrative matters in accordance with this law and the rules and regulations promulgated in implementation of it.
- (b) Attendance at meetings of the Council of Commissioners, without having the right to vote, and the implementation of its decisions, as well as the drafting of periodic reports every three months which incorporate the activities of the Institution and the work of the General Secretariat, including which work has been completed according to plans and programs.
- (c) Attendance at meetings of Committees, following up on their work and giving them the requisite support to pursue their specialisms, without having the right to vote.

The Secretary General may delegate, in writing, some of (his/her) tasks and responsibilities to employees in the General Secretariat.



Executive Regulations

Article 18

The Institution shall have Executive Regulations promulgated by a resolution of the Chairperson on the basis of the agreement of a majority of the Members. It shall include, in particular, the organizational structure of the Secretariat General and it shall regulate the affairs of its employees, according to the related laws and regulations in force in the Kingdom.

The Institution shall also have a regulation to regulate its accounting and financial affairs.

Confidentiality of the information

Article 19

The Council of Commissioners Members and those working in the General Secretariat shall maintain the confidentiality information, reports and documents they receive or see in the course of their work unless otherwise ordered by the Public Prosecution or a competent court. This provision shall continue to apply even after the end of the membership or service.

The Institution Financial Resources

Article 20

The Institution shall have sufficient financial resources to enable it to promote its aims and tasks assigned to it in the best possible way, and these resources shall consist of:

- (a) Financial resources allocated to the Institution in a separate ledger on the general state budget that is issued by law; and
- (b) Donation and aid that are unconditional and compatible with the objectives of the NIHR that the Council of Commissioners decides to accept in accordance with the laws and regulations in force in the Kingdom.



The Institution shall manage and control its financial resources with complete independence. Its financial accounts shall subject to the supervision of the National Audit Office.

Annual Report

Article 21

The Council of Commissioners shall produce an annual report on the efforts, activities and work streams of the Institution. It shall include a section explaining the level of progress on the human rights situation in the Kingdom, as well as any observations and comments within its competency, identifying any obstacles to the Institutions performance and the solutions adopted to circumvent them. The Council of Commissioners shall present the report to the King, the Prime Minister, the Presentative Council, and the Shura Council. The report shall be presented to the public in parallel.

Article 22

Royal Order No. 46 of 2009 for the Establishment of the National Institution for Human Rights, as amended by Royal Order No. 28 of 2012, shall be cancelled, as well as all provision conflicting with the provisions of this law.

Article 23

The Prime Minister and the Ministers, within their competence, shall implement this law, which shall come into force on the day following its publication in the Official Gazette.

King of the Kingdom of Bahrain
Hamad bin Isa Al Khalifa

Prime Minister
Khalifa bin Salman Al Khalifa,

*Issued at Riffa Palace,
On: 26 Ramadan, 1435 Hijra,
Corresponding to: 24 July 2014*